

## Article 37 CONTRACT EDUCATION

### Definition

- 37.1 “Contract Education” shall mean educational services that are either: (1) provided by the District for remuneration under contracts with businesses or other agencies, or (2) received by the District for remuneration under contracts with businesses or other agencies. These educational services may be offered or received in the form of:
- 37.1.1 Credit and noncredit contract education whether fee based or supported in part or entirely by state apportionment; or
  - 37.1.2 Not-for-credit contract education.

### Credit and Noncredit Contract Instruction

- 37.2 Credit and noncredit contract education as referred to in Section 37.1.1 above when provided by the District for remuneration under contracts with businesses or other agencies shall be referred to as “contract instruction” and shall be governed by this section.
- 37.2.1 All credit or noncredit classes offered to District students as contract instruction shall meet all requirements of regular courses offered for District credit or noncredit including the appropriate curriculum approval process.
  - 37.2.2 Faculty employed by the District to teach credit or noncredit classes must possess minimum qualifications and shall be evaluated by the administrator or designee from the appropriate discipline at least once during the first three quarters, and as otherwise required by law.
  - 37.2.3 The contract instruction program is a district-wide program. Faculty are selected in consultation with the appropriate Division Dean from the college in the appropriate service area. The Division Dean shall inform faculty of the availability of contract instruction classes.
  - 37.2.4 All appropriate provisions of the *Agreement* shall apply to “contract instruction.”
    - 37.2.4.1 During the regular academic year faculty shall be paid according to Article 7, Appendix C, or Article 33, Appendix E, as appropriate. During summer session, faculty shall be paid according to Article 26.12.
    - 37.2.4.2 Faculty teaching contract instruction classes offered for credit shall earn service credit toward reemployment preference per Article 7.1.3.
    - 37.2.4.3 Notwithstanding the above, the provisions of Article 7.12 regarding the offering of assignments according to reemployment preference shall not apply to faculty

teaching contract instruction classes under Article 37.2. In addition, the provisions of Article 26.1 regarding the selection of faculty for summer assignments shall not apply to faculty teaching contract instruction classes.

- 37.2.5 Faculty employees retained to perform contract instruction shall observe all applicable rules and regulations of the business or other agency receiving the services, shall meet periodically with representatives of the business or other agency to seek to tailor the contract instruction services to the agency's particular needs, and shall comply with the reasonable requests of the business or other agency to the extent compliance is consistent with appropriate standards of professional conduct and maintenance of outstanding quality in the services by the faculty employee.
- 37.2.6 A contract or regular faculty employee shall not be assigned to perform contract instruction as a part of their normal load except in unusual circumstances, and then only with the mutual agreement of the faculty employee and the Board after consultation with FA.
- 37.2.7 In consideration of the extra demands associated with contract instruction work (for example, extra preparation and meetings, extra travel, and special performance requirements), each faculty employee who performs such work shall receive additional premium pay of at least five percent of the salary payable for the services rendered based on Appendix C of this *Agreement* (Part-Time Faculty Salary Schedule) and may, upon mutual agreement with the Board, receive additional premium pay up to ten percent of that salary.
- 37.2.8 Ten percent of the net income earned from outgoing contract instruction under this subsection (not to exceed \$15,000 per year) shall be placed in a special fund for the purpose of training/retraining under Article 35. ("Net income earned" from contract instruction is the balance remaining after all direct expenses have been deducted from the gross proceeds of outgoing contract instruction agreements.)

### **Credit and Noncredit Agency Education**

- 37.3 Credit or noncredit contract education as referred to in Section 37.1.1 when received by the District under contract with outside educational services, businesses or agencies shall be referred to as "agency education."
  - 37.3.1 Such contracts to provide educational services to District students may be entered into under the following conditions:
    - 37.3.1.1 The physical facilities, equipment, and support services necessary to provide the services are not available within the District; and
    - 37.3.1.2 There are no qualified faculty, as defined in Article 7.12 of this *Agreement*, within the District available to provide the services to students; or

- 37.3.1.3 The Board and the FA mutually agree in writing to additional criteria or on a case-by-case basis where there are other significant factors which necessitate this type of agency education.
- 37.3.2 For the purpose of implementing this Section, FA shall be given written notice of proposed “agency education” agreements as soon as practical by the District but in no event less than thirty (30) days before such a contract is presented to the Board. The District shall consult with FA regarding the proposed agreement and make available relevant information for the consultation process. (See Appendix M.)
- 37.3.3 All credit or noncredit classes offered to District students as agency education shall meet all requirements of regular courses offered for District credit or noncredit in the regular academic program, including appropriate curriculum approval process.
- 37.3.4 When faculty are retained by the outside agency to teach agency education classes as provided for in Sections 37.3.1.1 and 37.3.1.2 or 37.3.1.3, such faculty shall meet the same minimum qualifications as faculty of the appropriate discipline and be evaluated at least once during the first three quarters of teaching. Such faculty are considered employees of both the District and the contracted agency which is responsible for their salary in accordance with Title V 58058 (b) and shall be compensated in a manner consistent with the policies of the contracted agency. Nothing herein is intended to affect the status of independent contractors.
- 37.3.5 In consideration of the extra administrative demands associated with agency education, the District shall submit to FA an amount which is the equivalent of one percent of the agency education contract, whenever such a contract has been approved by the Board.

#### **Not-for-credit Contract Education**

- 37.4 Not-for-credit contract education as defined in Subsection 37.1.2 shall be governed by this Section of this article only. No other provisions of this *Agreement* shall apply.
  - 37.4.1 Courses offered not-for-credit under Section 37.1.2 are not intended to meet the same objectives and standards as a course in the credit or noncredit curriculum.
    - 37.4.1.1 However, if a “not-for credit” course meets the same objectives and standards as a course in the credit curriculum, the faculty teaching the course shall both meet the minimum qualifications for the discipline and be compensated in the same manner as faculty in the regular non-contract education program (Education Code Section 78022 (d)).
    - 37.4.1.2 The Contract Education Office or an appropriate administrator shall meet with the appropriate subject

matter Division Dean and two full-time faculty members from the division (in the subject matter area when possible) to decide whether a proposed not-for-credit offering does or does not meet the same objectives and standards as a course in the credit or noncredit curriculum.

- 37.4.2 The Board shall have the exclusive right to select those who perform not-for-credit contract education and such individuals shall serve at the pleasure of the Board or as otherwise agreed by contract with the Board.

### **Re-opener**

- 37.5 Either the Board or FA may reopen negotiations on this article at any time by delivering a written request to reopen to the other party.