

Qualifications for Faculty Service In The California Community Colleges:

MINIMUM QUALIFICATIONS, PLACEMENT OF COURSES WITHIN DISCIPLINES,
AND FACULTY SERVICE AREAS

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Abstract

The Education Code and Title 5 Regulations clearly lay out the requirements for faculty members hired to teach courses and perform other services in the California Community Colleges. Since passage of the Community College Reform Act (AB 1725) in 1988, faculty have had the primary role in determining who is hired to their ranks and specifically which courses each faculty is qualified to teach. This paper explains the various roles faculty play in this area. It outlines the duties of the statewide Academic Senate in determining minimum qualifications for faculty in disciplines and support services expressed in the Disciplines List. It also explains two important responsibilities of local academic senates: (1) developing policies and practices for determining equivalencies when applicants do not possess the exact minimum qualifications for hire specified by the Disciplines List, and (2) placing each course the college offers (except for not-for-credit) in a discipline. Finally, it explains the ways by which Faculty Service Areas (FSAs) are established by the governing board and the bargaining agent, in consultation with the local academic senate, and how these may affect *competency* to teach particular courses.

Introduction

When the state Legislature passed the Community College Reform Act (AB 1725) and the Governor signed this landmark piece of legislation into law, the faculty of the California Community Colleges, through the statewide Academic Senate, was given the responsibility for recommending to the Board of Governors of the California Community Colleges the minimum qualifications for hiring faculty and for developing a list of disciplines to define those minimums. At the same time, local academic senates gained the sole authority to recommend to their boards of trustees the discipline or disciplines into which each course in their college's curriculum was placed. Thus qualifications needed for a person to teach a course are determined by recommendation of the faculty (working at both the state and local levels). Faculty also became responsible for recommending to their local governing boards any additional qualifications beyond the state minimums that applicants needed to be considered *competent* to teach in a discipline or perform a faculty service.

“...qualifications needed for a person to teach a course are determined by recommendation of the faculty...”

The Academic Senate has published papers to help faculty and others understand the minimum qualifications for hire for faculty, the processes by which equivalencies for the minimum qualifications are established (*Equivalencies to the Minimum Qualifications*, Spring 1999), and how courses are placed within disciplines (*Placement of Courses within Disciplines*, Spring 1994).

The Community College Reform Act of 1988 (AB 1725) also requires districts to establish a Faculty Service Area (FSA) for each faculty member (and for administrators who have retreat rights). This requirement has created some confusion about just who was considered by regulation qualified to teach what courses. To help sort out these matters, Academic Senate Resolution 10.1 F01 was adopted. It calls for the revision of *Placement of Courses within Disciplines*. Also, because an explanation of how FSA's could affect teaching assignments had never been written, it became clear that such an explanation should be included in any new paper on qualifications.

This paper will briefly explain the significance of the disciplines lists, the placement of courses within disciplines, and the use of FSA's in determining who is considered legally competent to teach any particular credit course. In addition, this paper will recommend how faculty may best carry out their responsibilities in these areas.

The Disciplines List and Minimum Qualifications

The Community College Reform Bill (AB 1725), adopted in September 1988, includes provision for replacing credentials for all community college faculty with a system that establishes minimum qualifications for hire. The purpose of this change was to phase out the subject area qualifications akin to those for K-12 and establish a system that recognizes expertise in disciplines. The Education Code was thus amended in 1988 by §§87350 – 87356, and the Disciplines List for minimum qualifications for service went into effect on July 1, 1989. Amendments were added later in 1989 (AB 2155 and SB 1590), 1991 (SB 9), and 1993 (SB 343), establishing the statutes that, along with Title 5 Regulations (§§53400-53430), we use today.

What is commonly referred to as the Disciplines List actually consists of two separate lists. One includes those disciplines in which a master’s degree is expected and available from at least one major university in California. Most of the traditional academic disciplines are included on this list. The second list includes those “disciplines in which a master’s degree is not generally expected or available” (Education Code, §87357(b) and Title 5, §43407). This list includes mostly vocational or technical disciplines.

The task of establishing a working definition of *discipline* and preparing and maintaining “a list of disciplines that are *reasonably related* to one another” has been assigned by Education Code §87357 to the statewide Academic Senate. In carrying out this task the Senate must “consult with appropriate statewide organizations representing administrators and faculty collective bargaining agents” before sending its recommendations to the Board of Governors for final adoption. The Board of Governors must “rely primarily on the advice and judgment of the Academic Senate” to prepare and maintain the disciplines lists. Once every three years the Academic Senate conducts a review of these lists to consider additions and changes to recommend to the Board of Governors.

The first disciplines lists were approved by the Board of Governors in July 1989 and slightly revised in November of 1990 and again in May 1991. Further revisions have occurred as a result



Related Academic Senate Publications

Equivalencies to the Minimum Qualifications, Spring 1999

Placement of Courses within Disciplines, Spring 1994

of the review conducted by the Academic Senate once every three years. Thus the disciplines lists have been amended in 1993, 1996, 1999, and 2002.

Although we now use these disciplines lists to determine qualifications to serve as faculty, we need to keep in mind that credentials, which were issued before the minimum qualifications were established, are still valid. Education Code §87355 states, "...every person authorized to serve... under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential" (see also Title 5, §53403). Because credentials were issued for subject-matter areas instead of disciplines, credential holders may qualify to teach a number of related disciplines under one subject area. Some more senior members of our faculty may hold the old general secondary credentials qualify them to teach *any* course taught in the community colleges. Most community college credentials are life-time subject area credentials and therefore maintain their validity for every discipline that was recognized as part of that subject-matter area when credentials were issued. Thus if someone holds a life-time community college English credential, he or she may teach reading classes even though he or she may lack minimum qualifications in reading because the English credential would have authorized him or her to teach reading when that credential was issued. The change to minimum qualifications does not invalidate the authority of that credential.

In addition, the Education Code (§87359) recognizes a process established by local districts for determining equivalency status whereby someone who does not possess the minimum qualifications for service may be hired as a

faculty member if he or she is judged to possess "qualifications that are at least equivalent to the minimum qualifications...." This process and the criteria for making determinations of equivalency must be jointly agreed upon by the local academic senate (or senates) and the governing board and approved by the local governing board. Section 87359 specifies that the process must assure that the governing board rely primarily on the advice and judgment of the academic senate in each case where equivalency is at issue, even though the governing board has the ultimate legal authority of approval in all policy decisions (see also Title 5, §53430).

Beyond qualifications specified by the Disciplines List or equivalency, Title 5 Regulations have additional controls over qualifications for service. Title 5, §53410 specifies that in order to qualify for service in a discipline on the master's list, a person must possess "a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment... [or] a master's degree, or equivalent foreign degree, in a discipline



Related Academic Senate Resolutions

10.01 Placement of Courses Within Disciplines
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Executive Committee
Fall 2001

reasonably related to the faculty member’s assignment and ... a bachelor’s degree, or equivalent foreign degree, in the discipline of the faculty member’s assignment.” This section also includes requirements for those hired to teach courses in disciplines on the non-master’s list. In order to be hired for such service, candidates must possess either of the following: “1) a bachelor’s degree, or the equivalent foreign degree plus two years of professional experience directly related to the faculty member’s assignment” or 2) ...an associate degree or the equivalent foreign degree plus six years” of such experience (§53410). Title 5 further requires that all degrees and credits must be from accredited institutions (§53406).

In addition, an occupational license or certificate is required to teach in certain programs, such as nursing, allied health fields, and family counseling (§53417). Title 5 also allows for the following professional licenses to substitute for a master’s degree for related disciplines: Certified Public Accountant (Accounting); Marriage, Family and Child Counselor (Counseling); Professional Engineer (Engineering); Registered Dietician (Nutritional Science/Dietetics).



Title 5 also includes separate minimum qualifications for the following faculty positions:

- ▶ health services professionals (§53411)
- ▶ instructors of noncredit courses (§53412)
- ▶ apprenticeship instructors (§53413)
- ▶ disabled students programs and services faculty (§53414)
- ▶ learning assistance and learning skills coordinators or instructors and tutor coordinators (§53415)
- ▶ work experience instructors and coordinators (§53416).

Finally, Title 5, §53417 requires that whenever a certificate or license to practice in California is necessary for program or course approval, such a certificate or license will be an additional minimum qualification. Thus all nursing instructors must possess a current license to teach nursing courses.

We must also keep in mind that the minimum qualifications listed reflect only the statewide minimums for persons to be considered qualified to teach in a given discipline or to perform a defined service. According to AB 1725, each district may establish additional qualifications more rigorous than those listed. But we need to be aware that when qualifications are raised and fewer people are eligible for a position, some Equal Employment Opportunity Commission (EEOC) identified population groups may well suffer a disproportionate impact. If raising qualifications has such a negative effect, the district may be violating equal opportunity guidelines. For this reason, some districts include additional hiring qualifications under “Preferred Qualifications” to allow for both a larger pool and the flexibility to choose those applicants who best fit the needs of the district.

Equivalency Issues

Occasionally a district will find itself with an insufficient pool of qualified applicants for a faculty position. Partly in response to such pressures, some districts have instituted policies and practices that have resulted in granting equivalencies on questionable grounds. Equivalency was established to credit those whose preparation is *at least equal* to those who possess the exact minimum qualifications defined by the Disciplines List (*Minimum Qualifications for Faculty and Administrators in California Community Colleges*, March 2003).

For disciplines requiring a master’s degree, colleges may accept applicants who have earned a degree with a name or major different from that which appears on the Disciplines List but which require a similar course of study. A term such as *Literary Studies* might substitute for *English*, or *Cybernetics* for *Computer Science*.

Also included are those whose professional experience has provided them with knowledge that is equivalent to that gained from a formal course of study. These equivalencies are most often applied to vocational disciplines, for which the required degrees are a bachelor’s degree and two years of professional or occupational experience or an associate’s degree and six years of professional or occupational experience (According to Title 5, §53404, this experience does not include teaching in the discipline).

Equivalency may also be granted on the basis of eminence in the field. Artists, authors, winners of widely-recognized prestigious awards, performers, and athletes or others may have developed skills and knowledge that prepare them to teach in their respective disciplines. So, §87359 of the Education Code and §53410 of Title 5 define *equivalency* and provide guidance for establishing policies and procedures at the local level for determining equivalency (see Appendix A).

It should be stressed that AB 1725 intent language¹ makes clear that a candidate for a faculty position who claims equivalency must have *qualifications at least equivalent to those specified*. In addition, Title 5, §53430 states, “No one may be hired to serve as a community college faculty [member] unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified.”

¹ The part of the legislation explaining the authors’ intention as opposed to the rules chaptered into code.

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Many districts, however, do allow for equivalencies clearly less than what is indicated above (see Chancellor's Office compilation of Equivalency policies, 1992). Some districts consider as equivalent someone who has completed all (or most) of the course work but not a required thesis for a master's degree. Some districts provide for a provisional equivalency, which allows for a candidate to teach classes provided that he or she is pursuing the required degree. And there is at least one district that—contrary to regulations—formally recognizes single-course equivalencies.

This single-course equivalency is particularly disturbing as it fundamentally violates the principles of establishing minimum qualifications to assure students and the public in general that our instructors have achieved the high degree of academic preparation and professional qualifications that we deem essential for quality instruction. One of our most strongly held principles has been that minimum qualifications are determined for *disciplines*, not for courses or subject areas within disciplines. Both the Education Code and Title 5 Regulations refer to qualifications only in terms of *disciplines* (see particularly Education Code, §87357 and Title 5, §§53410 and 53430). Finally, the Chancellor's Office has ruled that "...a district is not authorized to establish a single-course equivalency as a substitute for meeting minimum qualifications in a discipline" (Appendix B: Legal Opinion L 03-28, December 2003).

Although single-course equivalency has been defended as a necessary measure where colleges have difficulty attracting candidates who satisfy minimum qualifications, we need to insist that our districts uphold minimum standards and not compromise the professionalism of the faculty and the quality of instruction and other faculty services. Someone who seems to have preparation to teach only a course or two in a discipline does

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not possess the broader knowledge about how that course relates to the entire discipline and therefore will not be likely to perform as well as someone with that scope of knowledge. For example, someone with a knowledge of mathematics from training as an engineer may be able to teach a course in geometry or algebra, but he or she may not be qualified to teach the other courses in the mathematics sequence or understand the relationship among the courses in the college's offerings in mathematics.

One other argument put forth in favor of single-course equivalency is that it is a way to allow for those qualified to teach basic skills to teach only basic skills classes. The reasoning here is that such teachers may very well be better equipped by training and experience to meet the needs of our basic skills students than those with more advanced degrees. But here, again, the reasoning is flawed. The Academic Senate has consistently maintained that applicants with minimum qualifications to teach only lower-level or introductory courses in a discipline may very well have the depth of knowledge to teach that limited area; however, with such limited expertise these people will not be as likely as someone with minimum qualifications in that discipline to have an understanding of how each course fits into the sequence of courses in their respective disciplines. Single-course equivalencies would also lead to the establishment on campuses of a two-tiered system

of the well qualified and the not-so-well-qualified. In addition, department heads and administrators might have a difficult time determining which faculty in a discipline could teach which courses.

When a college offers a course for which it is very difficult to hire an instructor with the minimum qualifications, its curriculum committee might consider offering the course through a community service program (not-for-credit) or, in the case of lower level basic skills subjects, as a noncredit course.² Minimum qualifications for noncredit classes are similar to those for adult school, generally a bachelor’s degree in disciplines. Another possibility is for the district to increase its efforts to attract qualified faculty.

Sound policies and practices in the area of equivalency must be based on faculty control of the equivalency process. Education Code §87359 requires that each district establish an equivalency policy and procedures that “shall be developed and agreed upon jointly by representatives of the

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governing board and the academic senate, and approved by the governing board.” Thus faculty, working through their local academic senates, fulfill their responsibility for controlling the way that a district grants equivalency by assuring that their district’s policies and procedures require faculty to maintain authority in this area. (The Academic Senate’s paper *Equivalence to the Minimum Qualifications* (1999) provides suggestions and model equivalency policies).

² Community college noncredit classes are similar to classes offered by adult school programs. Most of these offerings are in basic skills, citizenship, and vocational training.

Locally Established Requirements

The intent language of AB 1725 is very clear about the rights of colleges to add qualifications beyond the statewide minimums established in the Disciplines List. Section 4 (S) (4) of this legislation states, "...the [faculty] hiring process should be focused on ensuring that the community colleges will select teachers who can teach and who are expert in the subject matter of their curriculum; and counselors, librarians, and other instructional and student services faculty who can foster community college effectiveness and who are experts in the subject matter of their specialty. This means that the colleges may establish criteria for hiring that go well beyond the minimum qualifications set by regulation. The establishment of additional criteria of this sort should be expected and encouraged."

A district may then require candidates for hire to have requirements in either formal educational preparation or specified experience (or both) to qualify for a particular faculty position. For example, a counseling faculty position might call for three years of counseling experience in a school setting in addition to what appears on the Discipline List under "Counseling."

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Placement of Courses within Disciplines

The statewide Academic Senate is primarily responsible for recommending the contents of the Disciplines List, and local senates are responsible for working with their governing boards to develop policies and procedures for hiring faculty and determining equivalency. Local academic senates are also primarily responsible for placement of all credit courses offered by a college in appropriate disciplines. Title 5, §53200, which defines the areas that are *academic and professional matters*, includes as the first such area “curriculum, including establishing prerequisites and placing courses within disciplines.”

The task of assigning courses to disciplines is important for two reasons. First it helps describe the course by classifying it in a discipline (e.g., Anthropology 103 is clearly an anthropology course). Second, it indicates what preparation is needed to teach the course. Only a faculty member with a master’s degree or its equivalent in anthropology may teach Anthropology 103 (except if this course is also listed under another discipline).

Each credit course offered by your college must be in a discipline. The curriculum committee, usually an

academic senate committee (see Title 5, §55002 (a) (1) for required academic senate primacy), is where the process of assigning a course to a discipline (or disciplines) occurs. By now all colleges have assigned courses to disciplines. The disciplines are those that appear in the Disciplines List (*Minimum Qualifications for Faculty and Administrators in the California Community Colleges*, March 2003). For clarity and as a convenient reference, discipline designations should appear on course outlines of record.

The only courses that do not need to be placed within a discipline are community service (i.e., not-for-credit) courses and those courses taught under contract with external agencies and not supported by state apportionment³.

Some courses may be appropriately placed in more than one discipline. For example, a course entitled an Economic History of the United States may be appropriately placed in both the *economics* and the *history* disciplines. This means that it is placed in both disciplines by the college curriculum committee. Such a placement means that a faculty member with minimum qualifications in *either* discipline would be qualified to teach this course, provided that he or she also possesses any additional qualifications established by the governing board in conjunction with its academic senate or senates (such “additional qualifications are explained below, under Faculty Service Areas).

Other courses may not clearly fall within a single discipline in that they might combine two or more disciplines to such a degree that they need to be taught by someone with some preparation in

³ Some classes taught under contract may be supported by state apportionment.

the constituent disciplines. These courses are designated as *interdisciplinary*. Examples can be drawn from the many humanities courses taught in community colleges. Some colleges have courses listed under the discipline of *humanities* and taught by someone with minimum qualifications in *humanities*. However, under *Humanities* in the Disciplines List we find the following:

Master's in Humanities **OR**

The equivalent **OR**

See Interdisciplinary Studies (*Minimum Qualifications, 7*)

And the entry for Interdisciplinary Studies is as follows:

Master's in the Interdisciplinary area **OR**

Master's in one of the disciplines included in the interdisciplinary area **and** upper division or graduate course work in at least one other constituent discipline[s]. (*Minimum Qualifications, 7*)

Therefore the *interdisciplinary* designation requires more specialized minimum qualifications than courses listed under two or more disciplines. For example someone with minimum qualifications in humanities may teach a course entitled Western Civilization and listed under the *Humanities* discipline. Someone who has a master's degree in one of its component disciplines and upper division or graduate course work in one of the other constituent disciplines is also eligible to teach this course (exactly how much coursework in a second discipline is not specified in the Disciplines List).

Component disciplines for this course may be art, philosophy, and literature. Agreement on qualifications to teach any such course should be made by the college curriculum committee and based on the course outline of record.

Noncredit courses also need to be placed into disciplines; however, the list of disciplines for noncredit differs somewhat from the list of disciplines on the for-credit side. For example, the

noncredit list includes *basic skills* and *citizenship* as designations. All noncredit designations can be found in Title 5, §53412.

A college curriculum committee must be very careful to place courses in disciplines according to the preparation needed by the person who will be determined qualified to teach them. Curriculum committee members should remember that placing courses within disciplines is done to assure that the instructor qualified to teach those courses are likely to possess the appropriate preparation to teach them effectively. Curriculum committee members should resist the impulse to place courses in disciplines primarily to broaden the pool of those who may be considered qualified to teach those courses or to restrict the pool of potential instructors as a means of protecting the assignments of any faculty member or group of faculty who have traditionally taught such courses.

We also must keep in mind that cross-listing a course might affect its articulation status. If, for example, Journalism 140 is also listed as Speech Communication 140, then the articulation agreements for either course need to be extended to the other course title. Articulation could be denied if a receiving institution questions the appropriateness of such a cross-listing on the grounds that a course whose content could be taught by an instructor in a different discipline would not have sufficient concentration in the discipline for which it is being articulated. This problem would be more likely to occur with articulation to University of California campuses, which require faculty review of community college courses, than at California State University campuses, where articulation relies on community college certification. For this reason, curriculum committees should include your college's articulation officer, who can provide insight into these concerns and make suggestions.

Faculty Service Areas (FSAs)

In addition to understanding how minimum qualifications (including equivalency) dictate what discipline a faculty member may teach in and how placement of courses within disciplines affect teaching assignments, we need to understand how FSAs come into play. AB 1725 requires that each local governing board, working with its faculty bargaining agent—in consultation with the local academic senate—establish faculty service areas.

Each faculty member upon hire is assigned a FSA or multiple FSAs depending on his or her qualifications. FSAs have only one purpose: they determine the order by which faculty may be laid off when a district is facing reduction in force – lay offs of full-time faculty. (For the conditions under which a district may initiate faculty lay-offs, see Education Code §87743).

Districts have different patterns for FSAs. Some have aligned all or most FSAs with the disciplines list. Others have subdivided disciplines. For example, journalism might be recognized as an FSA sub-division of

English. Other districts have added competency requirements such as recency to some or all of their FSAs. Taking the opposite approach, other districts have broad areas, such as *language arts*, which may include English, speech, reading, and foreign language. A few districts have just one FSA for all faculty members.

This variation of pattern is a result of different values faculty and their governing boards held when agreeing to their initial FSAs. The broader the FSA the greater security for faculty with older credentials that allow them to teach in a range of disciplines. The narrower the FSAs the easier it is for disciplines to maintain their more recently qualified faculty at the expense of those holding the older credentials.

We can readily see what problems occur when districts with broadly defined FSAs, those that include more than one discipline, lay off faculty. First, there is some question about the consistency of broadly defined FSAs. The Education Code, §87743.3 states that “...a faculty member shall be eligible for qualification in any faculty service area in which the faculty member has met both minimum qualifications...and district competency standards.” Faculty members hired under minimum qualifications, as opposed to those with old (but

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still valid) credentials, do not necessarily qualify for all disciplines under a broadly defined FSA and so might not truly qualify to teach courses in all disciplines included in an FSA that they are assigned at the time of hire.

In addition, if faculty with grand-fathered credentials are retained because they qualify for a broader range of disciplines when more recently hired faculty are laid off, the district may find that it has a shortage of faculty members to teach a discipline (or courses within a discipline) and therefore may not be able to provide students with certain course offerings. For instance, suppose a newly hired French instructor is laid off from the Language Arts FSA and that leaves no full-time French instructor. Others in the Language Arts FSA include speech, reading, and English faculty, but none of these faculty members may have the statewide minimum qualifications to teach French courses.

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Conclusion

The writers of AB 1725 recognized that for the state’s community colleges to fulfill its role as a partner in providing high quality post-secondary education to Californians it needed to ensure that the colleges would hire fully qualified faculty. To achieve this goal the authors of this watershed legislation authorized the faculty to play a central role in establishing qualifications for hire, determining under which disciplines courses should be placed, and developing reasonable rules to use when faculty lay-offs became necessary. It is the responsibility of California’s community college faculty to fulfill its responsibilities to keep the community college teaching profession strong.

Recommendations for Local Senates

1. Encourage all faculty involved in your college's hiring processes to read this paper and other resources, such as *Minimum Qualifications for Faculty and Administrators* (2003), and the Academic Senate's paper *Equivalence to the Minimum Qualifications* (1999).
2. Access the Academic Senate web site (www.academicssenate.cc.ca.us) for other resources that help educate faculty about their professional responsibilities in maintaining reasonable qualifications for hire and placing courses within disciplines.
3. Encourage all faculty, especially those involved your college's processes for placing courses within disciplines, to read this paper.
4. Encourage cooperation between your district's bargaining agent and academic senate and others, such as department chairs, to establish faculty service areas that protect the integrity of disciplines on our campus.
5. Become involved in revising the Disciplines List (*Minimum Qualifications*). The Academic Senate relies on suggestions from those at the colleges to suggest changes that keep the Disciplines List current. New disciplines emerge with the discovery of new knowledge and the use of new technologies.
6. Work towards creating an equivalency policy in your district that is both fair and reasonable. Keep in mind that *equivalent* means having *qualifications at least equivalent to those specified* (Education Code, §87359).
7. Consider the impact on diversity of any policies and procedures affecting hiring.
8. Work with your local bargaining agent (i.e., union) to evaluate your district's Faculty Service Area (FSA) policy and procedures to see whether they help protect your college's programs.
9. When reaching agreement on issues about competency of faculty becomes difficult, seek the help of the statewide Academic Senate (www.academicssenate.cc.ca.us).

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APPENDIX A: EDUCATION CODE SECTIONS ON MINIMUM QUALIFICATIONS

CHAPTER 2.5 QUALIFICATIONS FOR COMMUNITY COLLEGE PERSONNEL

ARTICLE 1. GENERAL PROVISIONS

§87350. Plan for new mechanism of faculty qualifications; inclusions

The plan for a new mechanism of faculty qualifications being developed by the Chancellor of the California Community Colleges pursuant to Chapter 1465 of the Statutes of 1986 shall include all of the following:

- (a) A transition provision which would grandfather existing bargaining unit definitions.
- (b) Consideration of projected California demographics.
- (c) Consideration of affirmative action policies and programs.

§87351. Minimum qualifications for service, operative date

The minimum qualifications for service prescribed by this chapter shall become operative on July 1, 1990.

ARTICLE 2. MINIMUM QUALIFICATIONS AND HIRING CRITERIA

§87355. Persons authorized to serve under credential; possession of minimum qualifications; regulations

Notwithstanding Section 87356, every person authorized to serve as a community college instructor, librarian, counselor, student personnel worker, supervisor, administrator, or chief administrative officer under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. The board of governors shall adopt regulations as necessary to implement this requirement

§87536. Faculty members and specified employees; regulation adoption; state-mandated local program

- (a) The board of governors shall adopt regulations to establish and maintain the minimum qualifications for service as a faculty member teaching credit instruction, a faculty member teaching noncredit instruction, a librarian, a counselor, an educational administrator, an extended opportunity programs and services worker, a disabled students programs and services worker, an apprenticeship instructor, and a supervisor of health.
- (b) The Legislature finds and declares that this section does not create a state-mandated local program because compensation of faculty will continue to be determined through the collective bargaining process or meet and confer sessions.

§87357. Minimum qualifications; establishment and maintenance; “discipline”; definition and recommendations

In establishing and maintaining minimum qualifications pursuant to Section 87356, the board of governors shall do all of the following:

- (1) With regard to minimum qualifications for faculty, the board of governors shall consult with, and rely primarily on the advice and judgment of, the statewide Academic Senate. With regard to minimum qualifications for educational administrators, the board of governors shall consult with, and rely primarily on the advice and judgment of, an appropriate statewide organization of administrators. With regard to minimum qualifications for apprenticeship instructors, the board of governors shall consult with, and rely primarily on the advice and judgment of, appropriate apprenticeship teaching faculty and labor organization representatives. In each case, the board of governors shall provide a reasonable opportunity for comment by other statewide representative groups.
- (2) The board of governors shall establish a process to review at least every three years the continued appropriateness of the minimum qualifications, and the adequacy of the means by which they are administered. The process shall provide for the appointment of a representative group of community college faculty, administrators, students, and trustees to conduct or otherwise assist in the review, including particularly, representatives of academic senates, collective bargaining organizations, and statewide faculty associations. In addition, the group shall be broadly representative of academic and vocational programs in the curriculum from both urban and rural districts, and representative of ethnic minority communities.
- (b) The board of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prescribe by regulation a working definition of the term “discipline” and shall prepare and maintain a list of disciplines that are “reasonably related” to one another, as that phrase is used in the minimum qualifications. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for hire.

In formulating advice and recommendations to the board of governors regarding the definition of the term “discipline,” the statewide Academic Senate shall consult with appropriate statewide organizations representing administrators and faculty collective bargaining agents. The statewide Academic Senate shall incorporate the advice of those groups into its recommendations to the board of governors, particularly as it relates to the practical ramifications of any proposed definition of the term “discipline” on issues of reassignment, transfer, and reduction in force.

The board of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prepare and maintain a list of disciplines in which the master’s degree is not generally expected or available. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for service.

§87358. Review of districts' application of minimum qualifications

The board of governors shall periodically designate a team of community college faculty, administrators, and trustees to review each community college district's application of minimum qualifications to faculty and administrators.

§87359. Employment of faculty and administrators not meeting applicable minimum qualifications; process

The board of governors shall adopt regulations setting forth a process authorizing local governing boards to employ faculty members and educational administrators who do not meet the applicable minimum qualifications specified in the regulations adopted by the board of governors pursuant to Section 87356. Unless and until amended pursuant to the process described in Section 87357, the regulations shall require all of the following:

- (a) No one may be hired to serve as a community college faculty member or educational administrator under the authority granted by the regulations unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in regulations of the board of governors adopted pursuant to Section 87356. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual
- (b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty members, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty member employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in regulations adopted by the board of governors. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination, and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Section 87358.
- (c) Until a joint agreement is reached and approved pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect

§87359.5. Review of job relevance requirements; time

By May 1, 1989, the board of governors shall have reviewed or contracted for review of, the job relevance of the requirements of Sections 87408, 87408.5, 87408.6, and any other physical fitness tests or examinations, and other conditions of employment, applicable to community college personnel.

ARTICLE 3. HIRING CRITERIA

§87360. Development of criteria; inclusions; agreement; process in effect prior to agreement; times

- (a) In establishing hiring criteria for faculty and administrators, district governing boards shall, no later than July, 1990, develop criteria that include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.
- (b) No later than July 1, 1990, hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by representatives of the governing board, and the academic senate, and approved by the governing board.
- (c) Until a joint agreement is reached and approved pursuant to subdivision (b), the existing district process in existence on January 1, 1989, shall remain in effect

TITLE 5 REGULATIONS ON MINIMUM QUALIFICATIONS

SUBCHAPTER 4. MINIMUM QUALIFICATIONS

ARTICLE 1. SCOPE AND DEFINITIONS

§53400. Scope.

This Subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter are effective July 1, 1990.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code.

Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
4. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this Subchapter. Contract classes which award college credit are subject to this Subchapter, even if they are not supported by state apportionment

NOTE: Authority cited Sections 70901 and 87356, Education Code.

Reference: Sections 70901(b)(1)(b) and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
2. Amendment of section and Note filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§53402. Definitions.

- (a) “Administrator” means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.
- (b) “Educational administrator” means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.
- (c) “Faculty” or “faculty member” means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

NOTE: Authority cited: Sections 66700, 70901 and 87001, Education Code. Reference: Sections 87001, 87002 and 87003, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

§53403. Applicability of Amendments.

Notwithstanding changes that may be made to the minimum qualifications established in this division, or to the implementing discipline lists adopted by the Board of Governors, the governing board of a community college district may continue to employ a person to teach in a discipline or render a service subject to minimum qualifications, if he or she, at the time of initial hire by the district, was qualified to teach in that discipline or render that service under the minimum qualifications or disciplines lists then in effect.

Every person authorized to serve under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. However, a credential shall be invalid when the holder has been convicted of any crime that, under former law, would have been mandatory grounds for revocation, or when the Chancellor's Office has determined that the credential was obtained by fraud.

NOTE: Authority cited: Sections 70901, 87355 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 87355 and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
2. New second paragraph and amendment of Note filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53404. Definition of Experience.

Where years of professional or occupational experience are referred to in this Subchapter, the requirement is for the stated number of years of full-time experience or the equivalent in part-time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field. Applicants bear the responsibility for verifying all experience by documentation satisfactory to the districts.

As used in this Subchapter, "professional experience" includes teaching experience. "Occupational experience" does not include teaching experience.

As used in this Section, "yea?" means that period of time which in that occupation is accepted by contract or general agreement as a regular work year for that occupation on a full-time basis.

NOTE: Authority cited: Sections 70901 and 87356, Education Code.

Reference: Sections 70901(b)(1)(b) and 87356, Education Code.

HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
2. Amendment of section and Note filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
3. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§53405. Certificated Employees.

Whenever in this Division, reference is made to “certificated employees” or to employees in “positions with certification qualifications,” where such references are to certificates or credentials issued by the Board of Governors, these references are deemed to also apply to persons employed by districts pursuant to minimum qualifications established pursuant to Subchapter 4 of this Division.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New section filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§53406. Requirement for Accredited Degrees and Units; Definition of Accredited Institution.

All degrees and units used to satisfy minimum qualifications shall be from accredited institutions, unless otherwise specified in this Article.

For purposes of this Subchapter, “accredited institution” shall mean a postsecondary institution accredited by an accreditation agency recognized by either the U.S. Department of Education or the Council on Postsecondary Accreditation. It shall not mean an institution “approved” by the California Department of Education or by the California Council for Private Postsecondary and Vocational Education.

Determination of equivalency of foreign degrees shall be according to district rule.

NOTE: Authority cited: Sections 70901 and 87356, Education Code.

Reference: Sections 70901(b)(l) (b)and 87356, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

§53407. Disciplines Lists.

The Board of Governors hereby adopts and incorporates by reference into this provision the two lists published by the Chancellor's Office, entitled "Disciplines Requiring the Master's Degree" and "Disciplines in which the Master's Degree is not Generally Expected or Available," as revised September 1993, for the following purposes:

- (1) to establish a working definition of the term "discipline" as used in Section 53410;
- (2) to define which disciplines are "reasonably related" to one another, for purposes of Section 53410;
- (3) to define disciplines in which the master's degree is not generally expected or available, as opposed to those for which the master's degree is required, for purposes of Section 53410.

NOTE: Authority cited Sections 70901, 87356 and 87357, Education Code. Reference: Sections 70901(b)(1)(B), 87356 and 87357, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

ARTICLE 2. QUALIFICATIONS AND EQUIVALENCIES**§53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.**

The minimum qualifications for service as a community college faculty member teaching any credit course, or as a counselor or librarian, shall be satisfied by meeting any one of the following requirements:

- (a) Possession of a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment
- (b) Possession of a master's degree, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment
- (c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following

- (1) Possession of a bachelor's degree, or equivalent foreign degree, plus two years of professional experience directly related to the faculty member's assignment; or
- (2) Possession of an associate degree, or equivalent foreign degree, plus six years of professional experience directly related to the faculty member's assignment.

NOTE: Authority cited: Sections 66700,70901 and 87356, Education Code. Reference: Sections 7090 1(b)(1)(B), 87003, and 87356, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of first paragraph and subsections (a) and (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Amendment filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
4. Amendment of Note filed 11-10-93; operative 10-8-93 (Register 93, No. 46).
5. Editorial correction of subsection (c)(2) (Register 96, No. 40).

§53410.1. Professional License As Alternative Qualification.

For disciplines specified in this section, a bachelor's degree in the discipline of the assignment plus a professional license or certification may be substituted for the minimum qualifications specified in Section 53410. The license or certification so substituted must be valid in California. The following professional licenses and certifications are acceptable:

Discipline	License or Certification
Accounting	Certified Public Accountant
Counseling	Marriage, Family, and Child Counselor
Engineering	Professional Engineer
Nutritional Science/Dietetics	Registered Dietitian

NOTE: Authority cited: Sections 70901 and 87356, Education Code.

Reference: Sections 7090 1(b)(l)(b) and 87356, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53411. Minimum Qualifications for Health Services Professionals.

- (a) The minimum qualifications for a health services professional with overall responsibility for developing and directing student health services shall be a valid, current California license as a registered nurse, and either of the following:
 - (1) a master's degree in nursing and a California Public Health Nurse certificate; or
 - (2) a bachelor's degree in nursing, a California Public Health Nurse certificate, and a master's degree in health education, sociology, psychology, counseling, health care administration, public health, or community health.
- (b) Other health services personnel shall not be subject to statewide minimum qualifications; however, all personnel shall possess appropriate valid, current licensure or certification to practice in California when required by law. Ancillary personnel shall work under appropriate supervision when required by their license laws.

NOTE: Authority cited: Sections 70901 and 87356, Education Code.

Reference: Sections 7090 (b)(1XB), 87003 and 87356, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53412. Minimum Qualifications for Instructors of Noncredit Courses.

Except as provided elsewhere in this article, the minimum qualifications for service as a faculty member teaching a noncredit course shall be the same as the minimum qualifications for credit instruction in the appropriate discipline, or as follows:

- (a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mathematics, or natural science discipline or in liberal studies, as appropriate for the course.
- (b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.
- (c) For a noncredit basic skills course in reading and/or writing, either a bachelor's degree in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's degree in any discipline and twelve semester units of coursework in teaching reading.
- (d) For a noncredit course in citizenship, a bachelor's degree in any discipline, and six semester units in American history and institutions.
- (e) For a noncredit course in English as a second language (ESL), any one of the following:
 - (1) A bachelor's degree in teaching English as a second language, or teaching English to speakers of other languages.

- (2) A bachelor's degree in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech, and a certificate in teaching English as a second language, which may be completed concurrently during the first year of employment as a noncredit instructor.
- (3) A bachelor's degree with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institution; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.
- (4) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL
- (f) For a noncredit course in health and safety, a bachelor's degree in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.
- (g) For a noncredit course in home economics, a bachelor's degree in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associated degree in any of those subjects, and four years of professional experience related to the subject of the course taught
- (h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:
 - (1) A bachelor's degree with a major related to the subject of the course taught and either (a) or (b) below
 - (A) Thirty hours or two semester units of course work or class work in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district This requirement may be completed concurrently during the first year of employment as a noncredit instructor.
 - (B) One year of professional experience working with older adults
 - (2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.
- (1) For a noncredit course in parent education, a bachelor's degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

- (j) For a short-term noncredit vocational course, any one of the following:
- (1) A bachelor's degree; and two years of occupational experience related to the subject of the course taught
 - (2) An associate degree; and six years of occupational experience related to the subject of the course taught
 - (3) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in the subject matter.
 - (4) For courses in an occupation for which the district offers or has offered apprenticeship instruction, the minimum qualifications for noncredit apprenticeship instructors in that occupation, as specified in Section 53413.

NOTE: Authority cited: Sections 70901 and 87356, Education Code.

Reference: Sections 70901(b)(l) (b) and 87356, Education Code.

HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment filed 6-19-91; operative 7-19-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (b) (Register 91, No. 50).
3. Amendment of first paragraph and subsection (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
4. Repealer and new section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
5. Editorial correction of printing error in subsection (a) and inadvertent omission of subsection (h)(l) (Register 92, No. 45).
6. Amendment of section and Note filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53413. Minimum Qualifications for Apprenticeship Instructors.

- (a) Until July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:
- (1) Six years of occupational experience in an apprenticeable trade, including at least two years at the journeyman level; and
 - (2) Sixty clock hours or four semester units of instruction in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

- (b) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following two requirements:
- (1) Possession of an associate degree, plus four years of occupational experience in the subject matter area to be taught; or
 - (2) Six years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits.
- (c) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:
- (1) The minimum qualifications for credit apprenticeship instruction as set forth in this section, or
 - (2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

NOTE: Authority cited Sections 70901 and 87356, Education Code.

Reference: Sections 7090 1(b)(1)(B), 87356 and 87357, Education Code.

HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment of subsections (a), (b) and (b)(3) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. New subsections (c)-(cX2) filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
4. Amendment of section and Note filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53414. Minimum Qualifications for Disabled Students Programs and Services Employees.

- (a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements;
- (1) Possession of a master's degree, or equivalent foreign degree, in rehabilitation counseling, or

- (2) Possession of a master's degree, or equivalent foreign degree, in special education, and twenty four or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work, or
- (3) A master's degree in counseling, guidance, student personnel, psychology, career development, or social welfare; and either twelve or more semester units in upper division or graduate level course work specifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following:
 - (a) Counseling or guidance for students with disabilities; or
 - (b) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.
 - (b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be the minimum qualifications for an instructor of credit physical education, and fifteen semester units of upper division or graduate study in adapted physical education.
 - (c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:
 - (1) Possession of a master's degree, or equivalent foreign degree, in speech pathology and audiology, or in communication disorders; and
 - (2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.
 - (d) Except as provided in Subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements
 - (1) Possession of a master's degree, or equivalent foreign degree, in the category of disability, special education, education, psychology, educational psychology, or rehabilitation counseling; and
 - (2) Fifteen semester units of upper division or graduate study in the area of disability, to include, but not be limited to:
 - (a) Learning disabilities;
 - (b) Developmental disabilities;
 - (c) Deaf and hearing impaired
 - (d) Physical disabilities; or
 - (e) Adapted computer technology.

- (e) The minimum qualifications for service as a faculty member to provide noncredit specialized instruction for students with disabilities shall be any one of the following
- (1) The minimum qualifications for providing credit specialized instruction for students with disabilities as specified in this section.
 - (2) A bachelor's degree with any of the following majors: education of students with specific or multiple disabilities; special education; psychology; physical education with an emphasis in adaptive physical education; communicative disorders; rehabilitation; computer-based education; other computer-related majors which include course work on adapted or assistive computer technology for students with disabilities; other majors related to providing specialized instruction or services to persons with disabilities.
 - (3) An associate degree with one of the majors specified in subparagraph (2) above; and four years of experience providing specialized instruction or services to persons in the disability category or categories being served.
 - (4) For noncredit vocational courses, an associate degree or certificate of training; and four years of occupational experience related to the subject of the course taught; and two years of experience providing specialized instruction or services to persons in the disability category being served.

NOTE: Authority cited: Sections 70901 and 87356, Education Code.

Reference: Sections 70901(b)(1)(b) and 87356, Education Code.

HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Amendment of subsections (a)(3), (b), (c)(2) and (d), and new subsections (e)-(e)(4) filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
4. Amendment of section and Note filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53415. Minimum Qualifications for Learning Assistance or Learning Skills Coordinators or Instructors, and Tutoring Coordinators.

The minimum qualifications for service as a learning assistance or learning skills coordinator or instructor, or tutoring coordinator, shall be either (a) or (b) below:

- (a) the minimum qualifications to teach any master's level discipline in which learning assistance or tutoring is provided at the college where the coordinator is employed or

- (b) a master's degree in education, educational psychology, or instructional psychology, or other master's degree with emphasis in adult learning theory.

Minimum qualifications do not apply to tutoring or learning assistance for which no apportionment is claimed.

NOTE: Authority cited. Sections 70901 and 87356, Education Code. Reference: Sections 70901 and 87356, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53416. Minimum Qualifications for Work Experience Instructors or Coordinators.

The minimum qualifications for an instructor or coordinator of general or occupational work experience education, as defined in Section 55252, shall be the minimum qualifications in any discipline in which work experience may be provided at the college where the instructor or coordinator is employed.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901 and 87356, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53417. Licensed or Certificated Occupations.

In addition to other minimum qualifications specified in this article, the minimum qualifications for a faculty member teaching any credit or noncredit course shall include a current, valid certificate to work or a license to practice in California, whenever the instructor's possession of such a certificate or license is required for program or course approval, or when current occupational certification is essential for effective instruction, as determined through local hiring procedures.

NOTE: Authority cited: Sections 70901 and 87356, Education Code. Reference: Sections 70901 and 87356, Education Code.

HISTORY

1. New section filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53420. Minimum Qualifications for Educational Administrators.

The minimum qualifications for service as an educational administrator shall be both of the following

- (a) Possession of a master's degree; and
- (b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment.

NOTE: Authority cited: Sections 66700, 70901 and 87356, Education Code. Reference: Sections 87002 and 87356, Education Code.

HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading and first paragraph filed 10-25-91; operative 11-24-91 (Register 92, No. 9).
3. Amendment of section and Note filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

§53430. Equivalencies.

- (a) No one may be hired to serve as a community college faculty or educational administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this Article or elsewhere in this Division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.
- (b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty employed under the authority granted by this Section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this Division.
- (c) The process shall further require that the academic senate be provided with an opportunity to present its views to the governing board before the governing board makes a determination, and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.
- (d) Until a joint agreement is reached and approved pursuant to Subdivision (b), the district shall be bound by the minimum qualifications set forth in this Subchapter.

NOTE: Authority cited: Sections 66700, 70901 and 87359, Education Code. Reference: Section 87359, Education Code.

HISTORY

1. New section filed & 5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (b) filed 10-25-91; operative 11-24-91 (Register 92, No.9)..
3. Amendment filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).
4. Amendment of subsections (a), (b) and (d) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

TITLE 5 REGULATIONS ON FACULTY

INTERNS

SUBCHAPTER 5. FACULTY INTERNSHIP PROGRAMS

§53500. General Authority.

The governing board of any community college district may establish a faculty internship program pursuant to the provisions of this Subchapter and Section 87487 of the Education Code. In accordance therewith, governing boards may employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code or in vocational and technical fields where a master's degree is not generally expected or available, persons who are within one year of meeting the regular faculty minimum qualifications. Persons who meet the regular faculty minimum qualifications but who lack teaching experience may also be included in internship programs authorized by this Section to the extent authorized by the local governing board. A student employed as a faculty intern shall be employed as a temporary faculty member under Section 87482.5 of the Education Code, and shall meet the minimum qualifications specified in Section 53502.

For purposes of this Subchapter, the term "faculty intern" does not include any person, no matter how designated, who only assists in a class taught by a regularly qualified faculty member, and who has no independent responsibility for instruction or supervision of students. Such a person may be termed an "intern," and may serve as a volunteer or receive a stipend according to policies established by the district.

NOTE: Authority cited: Sections 70901 and 87487, Education Code. Reference: Section 87487, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of first paragraph filed 9-3-96; operative 10-3-96. Submitted to OAL for printing only (Register 96, No. 40).

§53501. Purposes.

The purposes of the faculty internship shall include, but not be limited to, the following

- (a) To enhance the recruitment of qualified persons pursuing the master's or doctoral degrees, or both, into faculty positions in community colleges in California, particularly for disciplines for which recruitment is difficult and for disciplines in which a shortage of qualified faculty is anticipated. In order to accomplish this purpose, the internship program shall serve to introduce graduate student, before they approach the end of their graduate studies, to the community college environment and student population.
- (b) To enhance the recruitment of qualified persons pursuing an associate degree into faculty positions in community colleges in California, particularly for disciplines for which current industry experience is important and disciplines for which recruitment is difficult and in which a shortage of faculty is anticipated. In order to accomplish this purpose, the internship program shall serve to introduce industry practitioners to the community college environment and student populations while encouraging them to complete their associate degree.
- (c) To enhance community college efforts toward building a diverse and representative faculty. In order to accomplish this purpose, the internship program shall place special emphasis on locating and attracting qualified graduate students who are members of underrepresented groups.

NOTE: Authority cited: Sections 70901, 87105 and 87487, Education Code. Reference: Sections 87101 and 87487, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. New subsection (b) and subsection relettering filed 9-3-96; operative 10-3-96. Submitted to OAL for printing only (Register 96, No. 40).

§53502. Minimum Qualifications.

A student employed as a faculty intern shall meet the following minimum qualifications:

- (a) For those disciplines in which a master's degree is required, faculty interns shall be enrolled in a master's or doctoral program at the University of California, the California State

University, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code, and shall have completed at least one-half of the coursework, or the equivalent in that graduate program.

- (b) For those disciplines for which a master's degree is not expected or required, the faculty intern shall possess any license or certificate required to do that work and (1) be within one year of completing the associate degree and have six years industry experience in the discipline, or (2) have completed the associate degree and have completed five years of industry experience in that discipline.
- (c) Faculty interns shall only be assigned to teach or to serve in a discipline in which they would be legally qualified to teach or render service upon completion of their graduate studies or associate degree and six years of industry experience in that discipline. A faculty intern shall be limited to two years of participation in the program.
- (d) Each faculty intern shall serve under the direct supervision of a mentor who is legally qualified to teach the course or render the service that the faculty intern is providing. The district governing board shall ensure that faculty mentors provide substantial direct in-class supervision and evaluation of interns' teaching capabilities. The mentor shall have no other assigned duties during the time that the faculty intern is teaching or rendering service. The mentor is responsible for providing direct monitoring and systematic contact with the faculty intern.

NOTE: Authority cited: Sections 70901 and 87487, Education Code. Reference: Sections 70901 and 87487, Education Code.

HISTORY

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).
2. Amendment filed 9-3-96; operative 10-3-96. Submitted to OAL for printing only (Register 96, No. 40).

TITLE 5 REGULATIONS ON EOPS QUALIFICATIONS

ARTICLE 5. STAFFING STANDARDS

§56260. Staff.

EOPS shall be provided by certificated director, instructors and counselors and other support staff employed by the governing board of the community college district. All staff funded by EOPS who are not supervised by the EOPS Director shall be accountable to the EOPS Director for the services rendered to EOPS students pursuant to the approved EOPS program plan.

NOTE: Authority cited: Sections 69648, 69648.7 and 71020, Education Code. Reference: Sections 69640-69655, Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40).

§56262. Director Qualifications.

- (a) The EOPS Director must meet the minimum qualifications for a student services administrator as specified in section 53420 of this part, or must possess a Community College Supervisor Credential.
- (b) In addition, an EOPS Director hired after October 24, 1987, must have, within the last four years, two years of experience or the equivalent:
 - (1) In the management or administration of educational programs, community organizations, government programs, or private industry in which the applicant dealt predominantly with ethnic minorities or persons handicapped by language, social or economic disadvantages or,
 - (2) As a community college EOPS counselor or EOPS instructor, or have comparable experience in working with disadvantaged clientele.
- (c) In addition, an EOPS director hired after October 24, 1987, shall have completed a minimum of six units of college-level course work predominantly relating to ethnic minorities or persons handicapped by educational, language, or social disadvantages.

NOTE: Authority cited: Sections 69648, 70901(b)(l)(b) and 87356, Education Code.

Reference: Sections 70901(b)(l)(B), 87356 and 87357, Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40).
2. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code, section 70901.5(b).
3. Editorial correction of printing error in subsection (a) (Register 91, No. 29).

§56264. Counselor Qualifications.

- (a) EOPS "Counselors" are those persons designated by the community college to serve as certificated counselors in the EOPS program and must possess the Community College Counselor Credential or possess a master's degree in counseling, rehabilitation counseling, clinical psychology, counseling psychology, guidance counseling, educational counseling, social work, or career development, or the equivalent, and
- (b) In addition, EOPS counselors hired after October 24, 1987, shall:

- (1) Have completed a minimum of nine semester units of college course work predominantly relating to ethnic minorities or persons handicapped by language, social, or economic disadvantages or,
- (2) Have completed six semester units or the equivalent of a college-level counseling practicum or counseling field-work courses in a community college EOPS program, or in a program dealing predominantly with ethnic minorities or persons handicapped by language, social, or economic disadvantages and,
- (c) In addition, an EOPS counselor hired after October 24, 1987, shall have two years of occupational experience in work relating to ethnic minorities or persons handicapped by language, social, or economic disadvantages.

NOTE: Authority cited: Sections 69648,69648.7 and 71020, Education Code. Reference: Sections 69640-69655, Education Code.

HISTORY

1. New section filed 9-24-87; operative 10-24-87 (Register 87, No. 40).
2. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

APPENDIX B: SINGLE COURSE EQUIVALENCIES

STATE OF CALIFORNIA
CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE

1102 Q Street
Sacramento, CA 95814-6511
(916) 445-8752
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December 23, 2003
Mark Snowwhite, Secretary
Academic Senate for California Community Colleges
428 J Street, Suite 430
Sacramento, CA 95814

Re: Single Course Equivalencies
Legal Opinion L 03-28

Dear Dr. Snowwhite:

You requested our assessment of the ability of a community college district to establish a single-course equivalency for hiring faculty. We understand your question to focus on whether a person may be considered to meet minimum qualifications for purposes of teaching a single class where that person does not possess the minimum qualifications (usually a master's degree or its equivalent) in the discipline under which the single course falls.

As you know, Education Code section 87356 requires the Board of Governors to adopt regulations to establish minimum qualifications for service as a community college faculty member. Education Code section 87357 requires the Board of Governors to engage in various activities in establishing those minimum qualifications. Subsection (b) of section 87357 requires the Board to issue a list of disciplines that is to be distributed to the districts "for their use in applying the minimum qualifications for service."

Title 5 of the California Code of Regulations ("title 5"), section 53407 reflects the Board's adoption of disciplines lists. Although the disciplines lists are not fully set out in the regulations, they are incorporated by reference. Section 53407 contemplates disciplines where a master's degree is required as a minimum qualification and disciplines where a master's degree is not generally expected or available as a minimum qualification.

Title 5, section 53410 sets the basic minimum qualifications for credit instructors which include either a master's degree "**in the discipline** of the faculty member's assignment" or a master's degree "**in a discipline** reasonably related" to the assignment and a bachelor's degree "**in the**

discipline of the faculty member’s assignment.” We believe that these Education Code and title 5 sections establish a firm relationship between the disciplines and minimum qualifications.

Education Code section 87359 requires the Board of Governors to adopt regulations setting forth a process to allow local districts to employ faculty members who do not meet the minimum qualifications adopted by the Board of Governors. The section provides that a person may be hired to serve as a faculty member if the district governing board determines that the individual “possesses qualifications that are at least equivalent to the minimum qualifications specified in regulations of the board of governors adopted pursuant to Section 87356.” The section requires a process to ensure that “**each individual faculty member** employed under the authority granted by the [equivalency] regulations possesses... minimum qualifications specified in regulations adopted by the board of governors.” (Emphasis added.)

Title 5, section 53430 establishes the standards for hiring faculty based on equivalencies, and it echoes the language of Education Code section 87358 that **each** individual faculty member must possess minimum qualifications. As noted above, the regulations contemplate a relationship between minimum qualifications and disciplines.

Education Code section 87356 verifies that each individual faculty member is expected to possess minimum qualifications under the regulations. The regulations demonstrate that the focus of minimum qualifications for “teaching faculty” is on the qualifications of persons to teach in a discipline, not to teach individual courses.

The concept of expertise within a discipline is reflected elsewhere in the regulations. Title 5 section 53403 allows persons who have been employed “to teach **in a discipline**” to continue teaching even if the minimum qualifications or disciplines list are amended after the person is initially hired.

It is likely that the concept of single course equivalencies grew out of the provisional credential that was available when a credentialing system was used to establish eligibility for community college district faculty employment. Under that system, a person could secure a “provisional” credential that listed a course that the individual could teach. The credential allowed its holder to teach the specific course, but the circumstances authorizing such services were very narrow. Former title 5, section 52223 provided the particulars, as follows:

“52223. A District shall establish the existence of the following facts:

- (a) The district has made every reasonable effort to locate and to employ a person holding a credential other than a provisional credential to teach the particular course to be named on the credential.
- (b) No such credentialed person is ready, able, and willing to accept such employment in the district.
- (c) The district shall employ the applicant to teach the course to be named on the credential.”

Former section 52225 provided an alternative to the conditions of former section 52223. Under section 52225, a provisional credential could be issued if a local board made a finding that there was an inadequate number of credentialed persons available in the state who were qualified to instruct in a particular discipline or skill and the board found the discipline or skill to be an emergency area of instruction.

The services of a person who taught under a provisional credential did not count towards tenure. The initial term of the provisional credential was one calendar year from issuance, and reissuance of the credential could not result in employment to teach the same course in the same district for more than three calendar years. (Former title 5, section 52228.) Thus, even under the predecessor credentialing system, the norm was that districts would hire faculty who were qualified to hold “regular” credentials, and service only in specific courses was allowed in very narrow circumstances.

The current minimum qualifications closely resemble the former credential requirements in many areas. It is telling that no current regulations clearly carry over the standards of the provisional credential. If a person were able to produce a provisional credential that was reissued prior to the expiration of the credentialing system, and that person has not exhausted the maximum three calendar years of instruction authorized by the former regulations, that person may be eligible to serve under the terms of the provisional credential up to the maximum authorized three calendar years of service. (See Ed. Code, § 87355 that authorizes service under an unexpired credential notwithstanding the replacement of the credential system with the minimum qualifications system.) However, we believe that such a circumstance is highly unlikely, and we would need to make a specific assessment of the credential and a fuller review of the former regulations in order to make a definitive determination regarding the continued viability of the provisional credential.

Based on the foregoing, we conclude that a district is not authorized to establish a single course equivalency as a substitute for meeting minimum qualifications in a discipline.

Sincerely,

Original signed by Ralph Black

Ralph Black
General Counsel

RB: VAR:sj

cc: Fusako Yokotobi, Human Resources
Bobbie Juzek, Human Resources