

Equivalence to the Minimum Qualifications

DRAFT

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Executive Summary

In 1988 the Community College Reform Act (AB 1725) began to phase out credentials for faculty in favor of a process for establishing minimum qualifications to teach in a discipline. Part of that process included a way to determine equivalencies that are at least equal to the state-adopted minimum qualifications for a particular discipline.

According to Education Code §§ 87359 and 87360, individuals who do not possess the minimum qualifications for service may be hired as faculty members if they possess “qualifications that are at least equivalent to the minimum qualifications.” The Disciplines List, a list of Board of Governors’ adopted minimum qualifications for hiring faculty, uses the term “equivalency” to describe processes to support this regulation.

Every district must have an equivalency process, and the determination of equivalency is the purview of the academic senate. Education Code §87359 (b) requires that “[t]he process, as well as criteria, and standards by which the governing board reaches its determination 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.” While neither the Education Code nor Title 5 Regulations provide additional guidelines for what constitutes *at least equivalent*, each district’s governing board, acting on the advice of its academic senate, must establish its standard for equivalency, permitted the standard is not less than qualifications specified on the Disciplines List. Once equivalency regarding an individual applicant has been determined, Education Code §87359(a) requires that the governing board take action on the equivalency before hiring occurs. Because the equivalency process was created

by AB1725 and chaptered into the California Education Code, districts are not free to ignore provisions within the law.

The Academic Senate has consistently supported the following basic principles for granting equivalency:

- Equivalent to the minimum qualifications means *equal* to the minimum qualifications, not *nearly* equal.
- The applicant must provide evidence he or she has attained the breadth of coursework or experience equal to the general education component of an earned associate's or bachelor's degree.
- The applicant must provide evidence he or she has attained the skills and knowledge provided by specialized coursework required for the degree listed in the Disciplines List.
- Faculty members exemplify to their students the value of an education that is both well-rounded and specialized and has consistently defined associate's degree parameters. Faculty should act as models for students by demonstrating a breadth of general education knowledge and a depth of knowledge that is discipline specific.
- Eminence should not be used as the sole criteria for granting equivalence (ASCCC Resolution 10.01 SP09).
- No provisional or conditional equivalency should exist.

Many criteria for determining equivalency seem obvious and can be handled in a simple manner. Others are more difficult. Most district equivalency policies recognize at least

one of three ways of demonstrating equivalency: 1) course work, 2) work experience, and 3) eminence in the field. In addition, a sub-set of experience or a combination of the three may be recognized. But whatever the means are for making determinations, equivalency should never mean less than the qualifications specified on the Disciplines List.

Establishing equivalency through coursework is often relatively simple, as transcripts are concrete documents that can be compared to concrete criteria. A somewhat more difficult case occurs when the name of a degree is close to that specified on the Disciplines List but the coursework is slightly different. Other more difficult cases occur when work experience is proposed as the equivalent of academic work. Knowledge acquired in a course could also be gained in other ways; however, the problem lies in obtaining convincing evidence to establish that an applicant has enough educational preparation through an alternative means to be judged equally knowledgeable as someone with the appropriate degree.

General education preparation should be distinguished from discipline specific preparation. The Academic Senate supports the principle that all community college faculty exemplify the qualities of a college educated person. For this reason, the universal requirement for all disciplines includes at least an associate degree in addition to six years of experience. When a local academic senate evaluates an applicant's equivalency, an equivalency committee should consider whether the applicant satisfies the general education qualification for which he or she seeks equivalency. In addition, the applicant should be expected to provide evidence of equivalent preparation that is

as reliable and objective as a transcript. Thus, the candidate seeking equivalence should be measured by the same yardstick as a candidate who possesses the minimum qualifications. Moreover, processes for determining eminence should be defined in hiring practice criteria and should indicate that, regardless of the discipline, general education preparation is vital to instruction of any subject in order to provide an essential cross-curricular breadth and depth.

Many local academic senates use an equivalency committee to ensure that the equivalency process is consistent and fair. This committee is either a subcommittee of the academic senate or a separate committee whose membership is determined by the academic senate. Although making the judgment of whether a specific candidate's experience is equivalent to the minimum qualifications can be difficult, faculty in the discipline play a critical role in informing the decision. However, to ensure that the process of determining equivalency is applied consistently across the campus, it must include faculty from outside the discipline and appointed by the academic senate. The benefits to having a breadth of discipline representatives on an equivalency committee are the following:

- The breadth or general education requirements equivalent to an earned degree may be more readily addressed when faculty from other disciplines are involved.
- Committee decisions are easily communicated and the logic and credibility of a specific decision is more easily understood by administrators, external

partners or agencies, and future senate leader when more faculty voices are involved.

- Decision-making is more consistent when committee representatives are constant rather than dependent on the discipline and their decisions are made without bias.

The role of the Human Resources office should be limited to collecting, date-stamping, and forwarding applications and other pertinent information to the academic senate or equivalency committee. A college district that attempts to use its human resources office staff to establish equivalence not only risks creating a situation in which candidates are not evaluated appropriately but is out of compliance with the Education Code and Title 5 Regulations (see Education Code §87359 (b) and Title 5 §53430 (b)).

Colleges must remember that minimum qualifications in a discipline—and, by extension, equivalency—are the same whether the position is full- or part-time. Title 5 Regulations do not allow for a different standard of equivalency for part-time faculty. An applicant is either qualified to teach the full range of courses in a discipline or not, regardless of whether applying for a full-time position or a part-time position. Education Code §87359 (a) (see also Title 5 §53430) states, “No one may be hired to serve as a community college faculty ... unless the governing board determines that he or she possesses qualifications that are *at least equivalent* to the minimum qualifications specified” (italics added). In addition, minimum qualifications are determined for disciplines, not for courses or subject areas within disciplines. Legal Opinion L 03-28 (R. Black, 2004) (see Appendix C), supports the position that “a district is not authorized to establish a single course equivalency as a substitute for meeting minimum qualifications in a discipline.”

Colleges must understand that when a faculty member is hired, he or she is hired by a district's governing board. The faculty, through the academic senate, is granted the purview to determine if a potential faculty member meets the minimum qualifications, but the governing board and administration have the purview to determine if the applicant shall be hired. The fact that an applicant meets the minimum qualifications does not guarantee an offer of employment by the administration.

This paper concludes with recommendations for the determination of equivalencies, including who determines equivalency, that equivalency is granted for a discipline, that policies and procedures must be consistent, objective, evidence based, and mindful of general education and specialization, and that local governing boards include action on the equivalency as part of their subsequent hiring action.

Following the recommendations, this paper provides a proposed equivalency model as well as a legal opinion stating that local districts are not authorized to establish a single course equivalency.

Introduction

This paper is the third revision of the ASCCC paper on equivalency adopted by the delegates to the plenary session in 1989. The original paper was intended to help local academic senates develop policies and procedures in response to Education Code §87359, which requires that each district's governing board and academic senate jointly develop an equivalency policy. This revision was called for by resolution in Fall 2014 and adds new considerations and content called for by faculty subsequent to the 2006 version. The Fall 2014 Resolution 10.01 states,

Resolved, That the Academic Senate for California Community Colleges survey the field to identify local practices for establishing equivalence to minimum qualifications, including the use of eminence; and

Resolved, That the Academic Senate for California Community Colleges revise the paper Equivalence to the Minimum Qualifications and bring it to the body for adoption at the Spring 2016 Plenary Session.

Like the 2006 revision, this revision provides a more thorough discussion of equivalency than the original paper and the 1999 revision. It also includes the legal opinion from the General Counsel of the California Community Colleges Chancellor's Office distributed December 23, 2003, which upholds the prohibition on single-course equivalencies. In addition, it includes results of the Academic Senate's 2015 survey on equivalency practices in California community colleges. The concepts discussed in the first three equivalency papers remain substantively unchanged in this paper; however, this update includes practical suggestions and considerations inserted to help local senates in refining their policies and procedures regarding this important academic and professional matter.

The 2015 Equivalency Practices Survey

To determine how academic senates are meeting their responsibilities for establishing and implementing equivalency policies and procedures, the ASCCC surveyed local senates in fall 2015. While the survey results indicated that most colleges and districts have equivalency policies and most senates recognize the need for equivalency committees, 15% of respondents reported that the administration determines

equivalency on their campuses despite the fact that equivalency is the purview of the faculty and the academic senate.

Further findings indicate the need for regular evaluation, review, and revision of equivalency policies. Only a few colleges reported that a recent review and revision of their equivalency policy had occurred by the local academic senate. Of the 59 colleges that are part of multi-college districts who responded to the survey, 34 reported that they coordinate equivalency decisions with the other colleges in their district while 25 reported that they do not.

Only a small number of senates indicated that the senate equivalency committee or committee chair provides training on flex days or at department or committee meetings. One college reported being in the process of developing a handbook with instructions to be provided for faculty members involved in determining equivalency, which would be an effective way to ensure training is uniform and that all faculty members involved in determining equivalency at any time of the year had correct information.

The survey results and the resolution highlight the need for local dialogue by academic senates regarding equivalency policies, procedures, and practices.

The Meaning of Equivalency

The term “equivalency” is found in the Disciplines List, which is a list of minimum qualifications for hiring faculty adopted by the Board of Governors¹. Equivalency refers to any qualifications that are at least equal to the state adopted minimum qualifications for a particular discipline and the process used for determining faculty preparation that is equivalent to minimum qualifications. The academic senate should review the minimum qualifications of faculty applicants carefully to determine if equivalency is necessary or not.

A common question involves faculty applicants who may have a different baccalaureate degree title from the listed master’s degree. For example, the Disciplines List identifies the minimum qualifications for chemistry as a “Master’s in chemistry **or** bachelor’s in chemistry or biochemistry **and** master’s in biochemistry, chemical engineering, chemical physics, physics, molecular biology, or geochemistry **or** the equivalent.” Therefore, an applicant for the discipline of chemistry who possesses a baccalaureate degree in biological sciences and a master’s degree in chemistry meets the minimum qualifications and does not need an equivalency process because a master’s in chemistry meets the qualifications. However, an applicant with a baccalaureate degree in chemistry and a master’s degree in biological sciences will require completion of the district equivalency process despite holding a bachelor’s degree in chemistry because a master’s in biological science is not listed as meeting the minimum qualifications.

¹ The current Disciplines List can be found in the Chancellor’s Office publication *Minimum Qualifications for Faculty and Administrators in California Community Colleges* and can also be accessed through the ASCCC website (asccc.org).

District equivalency policies usually recognize up to three ways of demonstrating equivalency: 1) coursework, 2) work experience, and 3) eminence in the field. A combination of the three may be the foundation for equivalency determination.

Regardless of the basis for equivalency determination, the applicant's evidence and the academic senate's process must document that the minimum qualifications have been met or exceeded to grant equivalency.

Benefits and Pitfalls of Equivalency

One benefit to having an equivalency process is that it allows for greater flexibility in hiring by creating a more diverse pool of potential faculty with a variety of qualifications equivalent to minimum qualifications. Applicants who can provide conclusive evidence that they have education and experience at least equal to what is required by the minimum qualifications deserve careful consideration, even if their degrees have titles different from those recognized in the Disciplines List or if they acquired their qualifications by an unconventional route. If the granting of equivalency were not an option, some fully qualified candidates would not receive consideration.

On the other hand, the authority to determine equivalent qualifications is not a license for a district to lower or waive standards and accept less-than-qualified individuals. The fact that a particular candidate is the best a college can find does not change the requirement that he or she must possess qualifications at least equal to the published minimum qualifications.

Legal Requirements

Every district must have an equivalency process. The process for establishing equivalency needs to specify what the district expects in terms of course work, work experience, and eminence when considering equivalency applications. Education Code §87359 (b) requires that “[t]he process, as well as criteria, and standards by which the governing board reaches its determination 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.” Subsequent changes proposed to jointly agreed upon policies or procedures for establishing equivalency should undergo the same process for approval. The governing board must rely primarily on the advice of its academic senate, and both must jointly agree to proposed changes.

The goal of any equivalency policy should be to ensure the transparent and fair determination of equivalency for applicants that possess qualifications at least equal to the minimum qualifications. The process should be documented and justifiable so that a determination of equivalency is understandable, clear, and supported upon review. Sound policy dictates that the practice of granting equivalencies must not mean lowering standards. Conversely, a district is not allowed to refuse to consider equivalencies in the name of raising standards. The equivalency process was created by AB 1725 in 1988 and chaptered into the California Education Code. Districts are not free to ignore this provision within the law. Academic senates should regularly review their policy, procedure, and practice for determining equivalency and update them for clarity and effectiveness as needed as well as to maintain accreditation standards regarding the upkeep of all policies and procedures.

The local academic senate, with the concurrence of the district board, is responsible for defining and maintaining the equivalency process for faculty applicants. Academic senates must focus on sound policies and procedures rather than expediency when determining equivalency. Policies and procedures that are designed primarily to address last-minute staffing needs threaten the principle that every instructor in the California Community College system is at least minimally qualified. The Education Code establishes faculty and the governing board as jointly responsible for developing policies and practices and designates the academic senate as primarily responsible for determining individual cases of those claiming equivalency. The Education Code does not establish the criteria that districts apply to determine equivalency. While §87359 states that equivalency means “qualifications that are at least equivalent to the minimum qualifications,” neither the Education Code nor Title 5 Regulations provide any further guidelines for what constitutes “at least equivalent.” When taking an action on equivalency on the advice, recommendation, or expertise of its academic senate, a governing board sets its standard for equivalency in the eyes of the law, even if that standard may appear weak to a reasonable person.

Once the local equivalency process has determined a recommendation regarding an individual applicant, Education Code §87359(a) requires that the governing board take action on the equivalency before hiring occurs.

Colleges must also understand that applicants who are granted equivalency and subsequently hired retain that status for their entire career in the district that granted the equivalency. When faculty members apply for positions in other districts, they may need

to go through equivalency processes in those other districts because equivalency is not transferable from district to district.

Principles

The Academic Senate has consistently supported the following basic principles for granting equivalency:

- Equivalent to the minimum qualifications means equal to the minimum qualifications, not nearly equal.
- The applicant must provide evidence of attaining coursework or experience equal to the general education component of an earned associate's or bachelor's degree.
- The applicant must provide evidence of attaining the skills and knowledge provided by specialized course work required for a master's degree or requisite experience and coursework for disciplines that do not require a master's degree.

The Academic Senate believes that faculty members must exemplify to their students the value of an education that is both well-rounded and specialized.

Criteria for Determining Equivalent Qualifications

Many criteria for determining equivalency seem obvious and can be handled in a simple manner. Others are more difficult. The three means of demonstrating equivalency are coursework, work experience, and eminence.

Any applicant should be expected to provide evidence of equivalent preparation that is as reliable and objective as a transcript. Thus, the candidate seeking equivalence

should be measured by the same criteria as a candidate who possesses the minimum qualifications. Evaluating experience depends on the candidate's ability to provide objective, detailed information from some source other than the candidate's statements about what exactly he or she did.

Establishing equivalency through coursework is often relatively simple, as transcripts are concrete documents that can be compared to concrete criteria. Another clear-cut example of equivalency through coursework occurs when someone has all the appropriate courses for the relevant degree, but the applicant's diploma or degree has a different title or area of expertise. For example, if someone earned a degree in business because a particular college or university combined its economics and business programs but the coursework on the transcript shows the academic work completed is the same as that for an economics degree, then that business degree is equivalent to a degree in economics for the potential faculty member. Instances where determining equivalency when the title of an applicant's earned degree or the title of some coursework is slightly different from the minimum qualifications have increased with the rise of specialized titles at the university level. Sometimes a review of the catalog descriptions of courses and degrees are helpful in these cases.

A somewhat more difficult case would occur when the name of a degree is close to that specified on the Disciplines List but the coursework is slightly different. An example of this problem occurs in determining whether a degree in education with a concentration in mathematics is equivalent to a degree in mathematics. Another example of a non-standard title may be an earned doctorate in mythological studies. The applicant with

such a degree may be equivalent to the disciplines of English or religious studies but a careful review of coursework is needed.

A perennial question regarding equivalency involves applicants who may have advanced to candidacy for a doctorate, completed coursework at the graduate level, but do not have an earned degree other than at the baccalaureate level. It is common in some fields to enter a doctoral program without first completing a Master's degree. While local determinations may vary, equivalency committees should note that if the applicant is hired through equivalency and subsequently fails to complete another earned degree, the district board has hired a person with only a Bachelor's degree and some units to teach in a discipline that typically requires a Master's degree. Neither the district nor the academic senate can revoke the determination of equivalency because it was found that the faculty member was at least equal to the minimum qualifications at the time of hire. This example serves to illustrate the concept that no provisional equivalency is allowed. The applicant must be determined to meet the minimum qualifications at the time of hire. The ASCCC advises that local senates should consider these cases with extreme caution.

One last example involves using work experience in determining equivalency to the master's degree. For example, a journalist with a bachelor's degree in English who has 12 years of work experience in journalism may be an applicant to teach in the discipline of Journalism, which typically requires a master's degree. The academic senate or equivalency committee will need to evaluate the components of a master's degree to determine if the applicant's work experience is commensurate with the an earned

degree. Typically, no general education requirement exists for a degree beyond the baccalaureate level. The committee may therefore wish to consult the requirements published in local university catalogs to earn a Master's degree in journalism and evaluate the materials submitted against those requirements. Of course, no predetermined amount of experience or number of years of work is unquestionably equivalent to a particular degree; ten years of experience may not be equivalent to any degree while two years of work may be equivalent, depending on the breadth and depth of the experience. Equivalency depends on the nature of the experience and the expectations typically required of a discipline.

Equivalency to the Associate's Degree

A particular problem that may arise when colleges consider equivalencies for career technical areas is determining how an applicant who lacks an associate's degree has acquired the broad knowledge that a general education program provides as well as the discipline specific knowledge. Evaluation of experience depends on the candidate's ability to provide objective, detailed information from some source other than the candidate's statements about what exactly he or she did. For example, military service often requires technical training and certificate attainment that, while not the same as college credit, may be equivalent to college credit in certain areas of the general education pattern. While the provision and consideration of such evidence can be a challenge for applicants and local senates, general education preparation should endow instruction of any subject with an essential cross-curricular breadth and depth while specialization or discipline requirements demonstrate detailed familiarity with a field of

study. The ability to communicate a broad understanding regarding the context of discipline specific knowledge is key in all disciplines. The general education pattern establishes a baseline knowledge expectation of all faculty. The ASCCC contends that both the discipline specific expertise to give depth of knowledge and the general education breadth of knowledge are required to meet equivalency.

Colleges must also distinguish between general education preparation and specialized preparation. The ASCCC supports the principle that all community college faculty exemplify the qualities of a college educated person. All faculty must be able to communicate the manner in which the discipline content is relevant to the myriad other fields of study and the world at large. For this reason, the universal minimum requirement for all disciplines includes at least an associate's degree.

When an equivalency committee reviews an applicant's possible equivalency, the committee should consider whether the applicant satisfies the general education qualification for which he or she seeks equivalency. One of the most difficult cases occurs when work experience is proposed as the equivalent of academic work.

Knowledge acquired in a course could also be gained in other ways; however, the problem lies in obtaining convincing evidence to establish that an applicant has enough necessary educational preparation through an alternative means to be judged equally knowledgeable as someone with the appropriate degree. Of course, no set amount of experience is unquestionably equivalent to a particular degree. Equivalency depends on the nature of the experience and the ability to document the connection between the experience and the requirement of qualification.

The issue of equivalency to the associate's degree has been reported as a persistent concern in some career technical fields where the minimum qualification is any associate's degree and six years of work experience. For example, a fashion designer without any degree, who has spent two decades in the fashion industry and can provide documented evidence of a breadth of work and experience in print and film might apply to teach in the discipline of Fashion and Related Technologies. The equivalency committee or academic senate must consider whether the applicant has the equivalent to the general education breadth requirements and the equivalent depth of a discipline required of an associate's degree.

For this example, the depth of a discipline requirement may not be in question, but the general education component is. Some academic senates have used the requirements for an associate's degree outlined in Title 5 when examining cases like this. Title 5 Section 55063 defines the components of the Associate's degree as follows:

- competency in reading
- competency in written expression at the level of Freshman Composition
- competency in mathematics at the level of Intermediate Algebra
- at least 18 units of discipline specific preparation
- at least 18 units of general education in the areas of
 - natural sciences
 - social and behavioral sciences
 - humanities and
 - language and rationality.

Some colleges may ask how applicants meet or exceed these requirements to be evaluated by the academic senate's equivalency committee.

In the absence of a clear and agreed upon way to determine what is equivalent to the general education component of an associate's degree, colleges might consider using their institutional learning outcomes as metrics for determining if a faculty member's experience is equivalent to general education requirements. Another possibility is to use the outcomes listed on C-ID descriptors for general education courses. Prospective faculty seeking equivalency may be asked to provide documentation consisting of examples of work product or coursework to demonstrate proficiency in those outcomes. This practice may address the need for a candidate to show that he or she exemplifies the qualities of an educated person.

Determining Eminence

Some districts recognize eminence as a basis for granting equivalency. Although eminence is not specified in current law, it is not prohibited. The Chancellor's Office publication *An Analysis of Faculty Equivalency Policies* (December 1992, p. 43) found that 20 districts specified equivalency by eminence in their policies, and other districts seem to have added this avenue in the years since.

Common as eminence is in policy, this designation poses problems since districts may define the term differently. Equivalency committees must determine what should constitute eminence and the degree of eminence required in the absence of a legal definition of the term.

Historical analysis helps demonstrate how this term has been used. A Title 5 Regulation that has been repealed defined eminence as “superior knowledge and skill . . . in comparison with the generally accepted standard of achievement in the subject field.” Furthermore, this regulation indicated how eminence should be determined by stating, “[d]etermination of eminence should be based on a conviction that the applicant, if measured by recognized authorities in his subject field, would be judged superior.” Other districts require that an applicant who claims eminence must be recognized beyond her or his geographic area. Still other districts have no clear criteria and make decisions on a case-by-case basis. Some might explain eminence by saying, “I don’t know how to describe it, but I know it when I see it.” If the concept of eminence can be known, it should be describable.

Another problem with the concept of equivalency by eminence is that it does not include any reference to the broad educational background provided by a general education. Someone may be recognized by his or her peers as having extraordinary skills and knowledge but may not possess the equivalent of completing a general education program. For this reason, eminence has been used by some districts in combination with other criteria, such as an associate or bachelor’s degree.

Finally, districts that choose to use eminence, especially on a case-by-case basis, risk exposing themselves to allegations that hiring criteria are not applied equally to all candidates. If candidate A is granted equivalency based on eminence while candidate B’s appeal for equivalency based on eminence is denied, candidate B may charge that

the decision involves bias if no pre-defined criteria exists. For this reason, some equally applied test or standard of eminence should be used.

A basic principle for addressing such scenarios could be enlisting the assistance of individuals in the field but not at the college and within some reasonably large area including the location of the candidate. These individuals could be asked who they would think of when asked to name top people in the field or if they consider a certain individual eminent. Once a person not connected with the college has named or has agreed with the naming of the candidate as eminent, the person could be asked to describe what makes the candidate eminent by explaining whether the candidate is someone to whom others in the field turn to ask for definitive answers to questions, for help in solving problems including those requiring a range of knowledge beyond narrow technical problems, or to critique their work or the work of students in the field. Answers pointing to broader knowledge and communication skills might meet descriptions offered by those who are asked what might be observed about a person having taken general education coursework.

Most equivalency committees or academic senates will not survey people working in a particular field, but the concept applies when trying to apply a consistent definition of what equivalency through eminence would look like and to document the process used to apply that definition. Some suggestions for senates as they craft or review a policy that includes equivalency through eminence may require any or all of the following:

- eminence should not be used as the sole criteria for granting equivalency
(Senate Resolution 10.01, SP09)

- documented regional or national peer-reviewed publications authored by the applicant
- documented regional or national publications regarding the applicant's work product
- national awards pertaining to the discipline
- formal action by the academic senate at large

Whatever the local criteria for establishing equivalency through eminence may be, it should be explicitly spelled out and documented. Equivalency is uncommon, as most applicants should meet the minimum qualifications listed, but equivalency through eminence should be particularly rare.

Equivalency Committees: Composition and Information Collection

Even though judging whether a specific candidate's experience is equivalent to the minimum qualifications can be difficult, equivalency discussions must involve faculty in the discipline in question to inform the academic senate's decision. Nonetheless, to ensure that colleagues in various disciplines function with some consistency across the campus, the academic senate should include faculty from a variety of the disciplines. An effective practice adopted by some academic senates is to create an equivalency committee that serves for an entire academic year to evaluate requests. In such a case, a mechanism that includes the discipline faculty voice should be written into the process as the standing committee may not have a representative from the discipline in question. Often, a faculty chair or discipline expert is invited to attend the meeting with the equivalency committee.

The benefits to having a breadth of discipline representatives on the equivalency committee include the following:

- The breadth or general education requirements equivalent to an earned degree may be more readily addressed when faculty from other disciplines are involved.
- Committee decisions are more easily communicated because the logic and credibility of a specific decision is more easily understood by any external agency or future senate leader when more faculty voices are involved.
- Decision-making is more consistent when committee representatives are constant rather than dependent on the discipline, and their decisions are made without bias.

To ensure that relevant information is available for the faculty charged with determining equivalency, the application for employment must provide the listed minimum qualifications and a place for candidates to indicate whether they possess the minimum qualifications or, if not, why they think they possess equivalent qualifications. The latter could be a separate page with some detailed inquiries. The following are sample prompts for a supplement to the application:

1. Discipline for which you claim equivalency.
2. Indicate the educational preparation on which you base this claim.
3. Indicate the educational preparation and experience on which you base this claim for the general education requirement of this degree

4. If you are using courses to establish equivalency, please submit both an official transcript and copies of the appropriate pages from the college catalog.
5. If you are using publications or other work products, please submit them or links to online copies where appropriate and if possible.
6. Describe in detail work experience that you believe establishes equivalency to the minimum qualifications. If you are using work products or other items that cannot be submitted, provide detailed information from an objective source about the nature of this work product or experience along with contact or reference information about the source.

Faculty Responsibilities, Equivalency Committees, and the Role of the Human Resources Office

Determination of equivalency is a faculty responsibility through the academic senate. While the governing board provides the legal authority to determine equivalencies, academic senates are responsible for determining whether an applicant possesses the equivalent of the published minimum qualifications. Faculty in the discipline in question possess the academic expertise needed to understand qualifications in that discipline. Yet the urgent need to staff classes can sometimes lead to questionable judgment in equivalency determinations. Colleges should create an equivalency committee external to a hiring committee and external to the part-time faculty hiring process to evaluate applications where equivalency is in question and to determine equivalency.

Many local academic senates use an equivalency committee to ensure that the equivalency process is consistently and fairly applied for all requests for review from all disciplines. Effective practice includes making the equivalency committee a standing or sub-committees of the academic senate. Equivalency committees typically consist of three to five members, each member selected for a term of at least one year, with faculty members appointed by the academic senate. Often, as the committee meets to evaluate each request for equivalency from across the disciplines, a representative from the discipline in question is invited to participate. This ensures at least one discipline expert for each consideration of the committee. As with all appointments to committees, the academic senate should ensure that faculty appointed to the equivalency committee represent the diversity of the faculty and the community they serve. In some cases, equivalency committees may include administrators, but this practice should be discussed by the local senate to determine advantages and disadvantages. The equivalency committee should be trained on the role of the committee to determine only whether qualifications meet or exceed the minimum qualifications. Other parts of the hiring process will evaluate additional requirements such as teaching ability and content expertise; the equivalency process is only determining who may be considered as part of the pool of applicants.

The role of the Human Resources Office in determining equivalency should be limited to collecting and forwarding applications and other pertinent information to the senate or equivalency committee. Human Resources Office staff should not be the arbiter of equivalency. A college district that permits its Human Resources Office staff to establish equivalency risks hiring candidates that do not meet minimum qualifications

and is out of compliance with the Education Code and Title 5 Regulations (see Education Code §87359 (b) and Title 5 §53430 (b)). The Human Resources Office should ensure that the necessary information is collected from applicants at the time the application is submitted to support an effective equivalency process. Many districts use a supplemental form to the application to collect information should a determination of equivalency be necessary. The Human Resources Office should also record of the outcomes of the equivalency process.

The hiring committee or a subset of the hiring committee charged with screening full-time faculty applicants should review applications to determine if an equivalency determination is needed before beginning the paper screening process. When a determination of equivalency is needed, the equivalency committee should meet after receiving materials provided by the applicant requesting equivalency or the Human Resources Office. At least one member of the hiring committee for a full-time faculty position should meet with the senate equivalency committee to provide background. If faculty in the discipline participate at the heart of the equivalency process, and if care is taken when collecting the necessary information to determine equivalency, the process can be done fairly and expeditiously while still maintaining the standards set in Title 5 Regulations. Lastly, a hiring process without an equivalency process is unlawful.

Determination of Equivalency for Part-time Hires

Minimum qualifications in a discipline—and, by extension, equivalency—are the same whether the position is full- or part-time. Title 5 Regulations do not allow for a different standard of equivalency for part-time faculty. An applicant is either qualified to teach the

full range of courses in a discipline or not, regardless of whether applying for a full- or part-time position.

One problem that college instruction offices often face is how to provide a means by which the academic senate can make a determination of equivalency for part-time hires, especially during times when few faculty are on campus.

Ideally, the college should hire part-time faculty from a pool of available faculty whose minimum qualifications or equivalencies are established before classes are staffed.

Unfortunately, part-time faculty hiring is frequently done under a tight time schedule and a dean or department chair may seek equivalency to avoid closing a course section due to a lack of applicants that meet minimum qualifications. Provisions in the local equivalency process should attempt to strike a balance between minimum qualification requirements and the need to expedite the process. The equivalency committee should consider ways to be flexible and provide the faculty oversight needed when determining equivalency, even at times when full-time faculty tend to be off-contract. A mutual understanding between the administration, local bargaining unit and the academic senate should be reached regarding the work faculty do serving on an equivalency committee while technically off-contract.

However, the inability to convene the equivalency committee should not be seen as a reason for the Human Resources Office or administrator to circumvent the process to determine equivalency for an applicant who does not meet the minimum qualifications. When faculty are hired under equivalency but have not been granted equivalency by a process agreed to by the academic senate, those hires may be legally challenged and

students may lose the units they have earned in those classes taught by the challenged faculty member, potentially putting the entire district at risk. Faculty who have been granted equivalency incorrectly may challenge the district if the district does not rehire them in the future, which could result in the district losing state apportionment and the students losing units earned.

The Single-course Equivalency Issue

Education Code §87359 (a) (see also Title 5 §53430) states, “No one may be hired to serve as a community college faculty ... unless the governing board determines that he or she possesses qualifications that are *at least equivalent* to the minimum qualifications specified” (italics added). In addition, minimum qualifications are determined for *disciplines*, not for courses or subject areas within disciplines. In short, Education Code and regulations do not allow for a faculty member to be granted a single course equivalency.

To verify this interpretation of relevant Education Code statutes, the ASCCC requested a legal opinion from the California Community Colleges Chancellor’s Office’s legal team in 2004. The response was Legal Opinion L 03-28 (R. Black, 2004) (see Appendix C), which supports the position that “a district is not authorized to establish a single course equivalency as a substitute for meeting minimum qualifications in a discipline.” This opinion reaffirms the importance of the ASCCC’s Disciplines List Revision Process as the foundation of the minimum qualifications handbook (see Education Code §87357 (b)). L 03-28 also affirms that single-course provisional credentials are no longer valid. L

03-28 concludes firmly and simply that “a district is not authorized to establish a single course equivalency as a substitute for meeting minimum qualifications in a discipline.”

Some disciplines faced with a scarcity of faculty to teach courses have attempted the single-course equivalency solution. Although reasons for circumventing these regulations may stem from understandable difficulties, such problems are no excuse for hiring someone who is not qualified to teach in the discipline. Those hired as faculty members, both full- and part-time, are expected to have the expertise to teach the range of courses in the discipline for which they were hired. To require less from some faculty would be to develop a second class of less qualified faculty and thereby compromise the integrity of the entire faculty body. If a district hires a faculty member under an equivalency to teach one or two courses in the discipline, such as keyboarding in computer applications or basic firearms in administration of justice, that person has been granted equivalency to teach any course within the discipline and could request and be assigned to teach a course he or she is not prepared to teach. Colleges can solve some of the hiring problems they face by creating more full-time positions to attract fully qualified applicants and creating mentorship opportunities and pathways to higher education degrees for industry professionals in CTE programs.

Those responsible for staffing may attempt to craft special limitations related to equivalency to the minimum qualifications to justify hiring applicants who may appear qualified to teach only a certain course or subject within a discipline. At first glance, such a solution may appear reasonable, but local senates and governing boards should not and legally cannot grant single-course equivalencies. For example, a

department head of kinesiology might request that an equivalency committee grant equivalency to a person who has taught aerobics based on the applicant's experience in that specialty and bachelor's degree in exercise physiology, a related discipline. Even though this individual may seem to be very well qualified to teach aerobics, the applicant does not meet the minimum qualifications for physical education. Even if the department head assures all concerned that this individual would be assigned to teach only aerobics and no other course offered as physical education, a decision to grant such an equivalency would constitute a violation of Education Code §87359, which calls for "qualifications that are at least equivalent to the minimum qualifications." For the sake of maintaining the integrity of the teaching profession, the ASCCC urges local senates to resist attempts such as the above example and demand that their colleges' equivalency processes comply with code and regulation and not allow for any such adaptations. Misapplications of equivalency regulations clearly undermine the required standards of minimum qualifications. "Equivalency" means that an applicant's preparation is equal to the published minimum qualifications for a particular discipline.

An alternate solution that is both expedient and appropriate is to assign a course to a range of disciplines based on the Disciplines List. This practice will increase the number of qualified faculty to teach the course (see Academic Senate 1994 adopted paper *Placement of Courses in Disciplines*). For example, a college might appropriately assign a course associated with coaching soccer to the discipline of coaching as well as to the discipline of physical education, and if the individual were to be granted equivalency only in coaching, he or she would not be able to claim equivalency to teach courses in physical education.

Likewise, a pedagogically sound and appropriate practice might be to assign a course such as word processing to a range of disciplines. Instead of assigning this course only to the discipline of business, it could also be assigned to computer service technology, computer information systems, and office technology. An instructor with minimum qualifications in office management who is hired to teach a word processing class could not then legitimately request assignment to other courses in business without meeting the minimum qualifications for business.

Determining Equivalency In Multi-college Districts

When a faculty member is hired, he or she is hired by a district, not a college. In most multi-college districts, faculty members can be assigned to any facility or combination of facilities in that district, although practice varies according to negotiated policies defining rights of assignment and transfer. A variety of possibilities exist for establishing and applying equivalency in multi-college districts.

Each college may have its own equivalency policy and procedures that the local board accepts, although the local board is likely to insist on consistency between or among the colleges in the district. If colleges have different policies and procedures, each college's faculty would have to accept the possibility that someone hired under the equivalency policy in a sister college may be assigned to their college, unless bargaining agreements or other policies preclude this possibility.

An alternative arrangement is to have a district-wide equivalency policy and set of procedures to which the academic senate of each college agrees. Hiring committees

would submit the documentation of applicants who claim equivalency to an equivalency committee, which would make a decision based on the district-wide accepted procedures and standards of evidence. This arrangement has the advantage of allowing a part-time instructor whose equivalency has been established to work in any college in a district.

Some multi-college districts may create a district equivalency committee typically comprised of members from all colleges. Such a committee may have regular meetings to process applications for potential faculty as they are received by Human Resources.

A critical obligation of any equivalency policy in a multi-college district is to ensure to the extent feasible equal application among the colleges. The colleges are not well served if a person rejected at one college within the district is then accepted at another and then transferred or deemed automatically qualified at all the colleges in the district. On the other hand, having separate judgments at different colleges allows for periodic discussions and norming activities that can help maintain rigor and broader perspectives concomitantly.

Conclusion

AB1725 provides the intent language of equivalency and is explicit concerning faculty responsibility: Faculty members derive their authority from their expertise as teachers and subject matter specialists and from their status as professionals. As a result, the faculty have an inherent professional responsibility in the development and implementation of policies and procedures governing the hiring process. Equivalency

considered in this light will remind us that our guide must be the published minimum qualifications. Legal Opinion L 03-28 reiterates and supports adherence to minimum qualifications for a discipline. To maintain the academic integrity of the community colleges and their faculty, equivalency to those minimum qualifications for hire must be granted with careful consideration.

Recommendations

1. Equivalency determinations should be made by an equivalency committee that is a subcommittee or standing committee of the academic senate.
2. The equivalency committee should include representatives appointed by the academic senate to ensure that the process is consistent and fair.
3. Equivalency should be determined with input from discipline faculty.
4. Equivalency processes for part-time faculty and “emergency hires” should be no different from equivalency for full-time faculty.
5. Local senates must ensure that their district and college policies and processes do not allow for single-course equivalencies.
6. Academic senates should assure consistency of the equivalency process.
7. Equivalency decisions should be based on direct evidence of claims (e.g., transcripts, publications, and work products).
8. The determination of equivalency should be documented and justifiable to an external review.

9. Claims of equivalence must include how both general education, specialization and experience are met.
10. Human resources offices should not screen for equivalency but should maintain records of the outcomes and documentation of equivalency requests.
11. Local senates must never allow equivalency to be delegated to administration or classified staff or to allow determinations to degenerate into becoming a gathering of signatures without discussion.
12. Equivalency policies should be reviewed regularly.
13. Criteria for the acceptance of eminence as a means to establish equivalency must be clearly defined in hiring policy.
14. Once the local equivalency process has reached a recommendation regarding an individual applicant, Education Code §87359(a) requires that the governing board take action on the equivalency before hiring occurs.

Faculty equivalency to the minimum qualifications should be an uncommon occurrence, but it is an important mechanism to ensure a diverse group of qualified applicants is considered to engage and enhance student learning. Additional training materials may be obtained from the Academic Senate Office or at its website.

Appendix A: Sample Board Policy and Procedure

No. 7122 BP

Human Resources

Minimum Qualifications, and Equivalency

Reference: Education Code Sections 87355-87359.5; 86360

Title 5 California Code of Regulations Sections 53410 - 53417

The _____ Community College District shall establish procedures for determining faculty service areas that adhere to collective bargaining agreements.

In addition, the College District will establish procedures to determine minimum qualifications and equivalencies for minimum qualifications for hiring faculty that are compliant with relevant sections of the Education Code and Title 5 regulations and 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 employed under the authority granted by the regulations possesses qualifications that are “at least equivalent to the applicable minimum qualifications” per Education Code Section 87359(b). These procedures will ensure the hiring of highly qualified faculty who

are experts in their subject matter areas, who are skilled in teaching and serving the needs of a varied student population, who can foster overall college effectiveness, and who are sensitive to and themselves represent the racial and cultural diversity of the College District community.

NEW PROCEDURE

No. 7211 AP

Human Resources

Minimum Qualifications and Equivalency

Reference: Education Code Sections 87001, 87003, 87355-87359.5; 86360, 87743.2

Title 5 California Code of Regulations Sections 53406, 53410 - 53417

THE ROLE OF HUMAN RESOURCES

The role of the Human Resources office is to collect, date-stamp, and forward applications and other pertinent information to the appropriate discipline selection committee (full-time) or discipline or department faculty and dean (part-time).

In addition, Human Resources ensures that the established minimum qualifications for the position will be listed in the job description/announcement. The District criteria for equivalency will be available at the Human Resources Department. A statement will be included in the application materials requiring all candidates who do not possess

minimum qualifications to indicate in the application material how they meet the equivalent qualifications for the position and to provide supporting documentation. The burden of proof for minimum qualifications and equivalency is on the applicant.

Human Resources staff will verify that applicants have the appropriate credential, or that applicants claiming the required minimum qualifications show the appropriate degrees on their transcript. If there is an experience requirement, College District Human Resource staff will verify that the applicant has the required number years of experience, but will not judge if the experience is appropriate.

If the applicant claims to possess the minimum qualifications, but the degree titles are significantly different from those listed in the “Minimum Qualifications for Faculty and Administrators in California Community Colleges,” that application shall be considered under the equivalency process even if the applicant did not claim equivalency. Human Resources will rely primarily on the Academic Senate, in consultation with administration, to determine equivalency of degree titles based on an examination of an applicant’s transcripts.

Human Resources forwards all applications which satisfy the credentials requirement, satisfy the minimum qualifications requirement, or are deemed to be equivalent to the college selection committee (full-time) or to the dean and chair in that department (part-time).

Supplemental Equivalency Application

Human Resources is responsible for maintaining a “Supplemental Equivalency Application.” If a potential employee applies for a position and wishes to complete a “Supplemental Equivalency Application for Academic Employment”, the following information should be provided:

1. Degree for which the applicant claims equivalency.
2. The educational preparation on which the applicant bases this claim for the major of the minimum degree.
3. The educational preparation on which the applicant bases this claim for the general education requirement of the minimum degree.
4. The relevant courses the applicant has taken or other evidence that the applicant has the equivalent of the General Education portion of the minimum degree.
5. An official transcript and copies of the appropriate pages from the catalog of the institution that granted the degree upon which the applicant bases a claim of equivalency.
6. Publications or other work products that support a claim of equivalency.
7. A detailed description of work experience which the applicant believes establishes equivalency to the minimum qualifications. If the applicant is using work products or other items which cannot be submitted, provide detailed information from an objective source about the nature of this work product or experience.

MINIMUM QUALIFICATIONS

The goal of the _____ Community College District is to provide a faculty of highly qualified professional educators who are experts in their fields, skilled in teaching, and serve the needs of a varied student population. The District also seeks those who can promote overall college effectiveness and who are sensitive to the diversity of the District community. The College District shall employ faculty who possess the minimum qualifications, as established by the California State Chancellor's Office (see publication, "Minimum Qualifications for Faculty and Administrators in California Community Colleges").

Faculty are responsible for including a minimum qualification on all new curriculum or as part of a curriculum review process. All curriculum should be placed within a discipline that is identified as having a minimum qualification. It is best practice to place curriculum in the discipline that best matches the course content and for which the minimum qualifications of faculty best match the course content.

For departments that include courses with dual designators, deans and chairs from all relevant programs will collaborate to ensure the most qualified faculty teach these courses and minimum qualifications are met.

EQUIVALENCY

All community college faculty should exemplify the qualities of a college educated person.

Pursuant to Education Code Section 87359, the equivalency 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 employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications."

Equivalency may be recognized in three major ways: course work, work experience, and eminence in the field or a combination of the three.

Equivalency Committee

The Equivalency Committee is a subcommittee of the Academic Senate. The committee is comprised of three faculty members appointed by the Academic Senate president and up to two administrators who are designated by the VPAA and are advisory to the process. The Equivalency Committee is not subject to the Brown Act for Public Meetings.

Process for Determination of Equivalency

In order to determine when an applicant for a faculty position who lacks the specific degree or experience specified in the "Minimum Qualifications for Faculty and Administrators in California Community Colleges" Handbook possesses qualifications that are equivalent, the following process has been established:

1. When Human Resources stipulates that a determination of equivalency is needed, the Equivalency Committee will be called to meet as soon as possible. Human Resources will provide the Equivalency Committee with the necessary information to determine equivalency no less than three working days prior to the meeting.
2. The dean, discipline faculty, and applicant may address the committee and provide additional information prior to the committee making a decision.
3. Determination of equivalency to the minimum qualifications for hire shall be decided, by majority vote in the Equivalency Committee and is final. The Equivalency Committee will document their determination in writing and send it to Human Resources within 5 working days.
4. If new information becomes available, a new request for equivalency may be submitted.
5. Human Resources will forward the written rationale from the Equivalency Committee explaining the equivalency decision to the applicant and dean.
6. The results of the Equivalency Committee decision shall be documented by Human Resources and records kept of all decisions. Individual voting by Committee members will not be recorded.
7. Education Code §87359(a) requires that the governing board take action on the equivalency before hiring occurs. Equivalencies shall be forward to the Office of the Superintendent President to be placed on a Governing Board agenda.

The following standards and criteria apply when determining equivalency:

1. Minimum qualifications in a discipline—and, by extension, equivalency—are the same whether the position is for a full-time or part-time faculty member.
2. Equivalency is determined for an entire discipline, not on a course-by-course basis, per legal opinion I 03-28. The granting of equivalency is on a case-by-case basis and does not set precedence for future hires.
3. Past equivalency decisions in the discipline will be made available as needed to the Equivalency Committee or to the dean and chair in that department to aid in their deliberations and can be considered when determining equivalency, though they do not establish precedence.
4. Should an equivalency be granted, that decision shall not give the applicant any more or any less consideration than other applicants. In addition, granting an equivalency neither guarantees an interview nor a job.
5. It is the applicant's responsibility to provide all documentation in support of equivalency and to be available for questions. Applicants wishing to establish equivalency through work experience should provide objective, detailed information about those work experiences. Any applicant who fails to provide evidence to support his/her claim of a credential, or of minimum qualifications, or of equivalency may be eliminated from the applicant pool.
6. Various occupational experiences may be combined to total the required number of years established by the minimum qualifications; all experience must have taken place within the ten years preceding the date of application with at least

one year of qualified experience occurring within the three years immediately preceding the date of application.

7. For the Performing Arts, a bachelor's degree in the discipline plus advanced degree from an accredited institution specific to that art, or a bachelor's degree in the discipline and four years of professional experience in the discipline, is required to be considered for equivalency.
8. No candidate for a full-time position shall be recommended as a finalist to the President without meeting the minimum qualifications or having been verified as meeting the equivalency.
9. No candidate for part-time employment shall be hired without either meeting the minimum qualifications or having been verified as meeting equivalency per these procedures.

Provisional Equivalency

Effective beginning in fall 2015, the Equivalency Committee will not grant “provisional” or “temporary” equivalency. All faculty hires must possess the minimum qualifications or be determined to possess equivalency to the minimum qualifications to be employed by the college district.

Additional Criteria for the Equivalency Committee

In all cases in which equivalency is granted or denied, an officially signed form shall be filed with the Office of Human Resources and the Office of Academic Affairs. This form shall include a complete description of the Equivalency Committee's reasons for determining that a candidate does or does not have the equivalent of the minimum qualifications for the position. The Human Resources Office is responsible for creating and maintaining this documentation.

Minimum Standards for Consideration of Equivalency to Minimum Qualifications in Disciplines Requiring a Master's Degree

In order to be considered for equivalency, In the case of disciplines normally requiring a Master's degree, the minimum standard shall be any one of the following:

1. A Master's degree in a discipline which is not specifically named in "Minimum Qualifications for Faculty and Administrators in California Community Colleges" for the particular discipline in question, but which, when courses (and course descriptions) are carefully reviewed, clearly constitutes parallel and/or closely related coursework to the discipline which is specifically listed in "Minimum Qualifications for Faculty and Administrators in California Community Colleges".
2. In specific disciplines as named by the "Minimum Qualifications for Faculty and Administrators in California Community Colleges", a bachelor's degree in the discipline, plus licensure by an appropriate state agency, plus at least two years of professional experience, verified in writing.

Minimum Standards for Consideration of Equivalency to Minimum Qualifications in Disciplines That Do Not Require a Master's Degree

In order to be considered for equivalency in the case of disciplines not normally requiring a Master's degree, the minimum standards shall be one of the following:

1. An Associate degree plus six years of related experience
2. Bachelor's degree plus two years of related experience,
3. Associate degree plus graduation from an institution specific to that field, plus two years of professional experience in the discipline, verified in writing, plus appropriate certification to practice or licensure, if applicable.
4. Pursuant to Title 5 § 53406, all degrees and coursework must be from colleges/universities accredited by one of the intersegmental accrediting agencies: Western Association of Schools and Colleges, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Associations of Colleges and Schools, Southern Association of Colleges and Schools, and Northwest Association of Schools and Colleges.

Qualifications Established by Degrees and Coursework from Educational Institutions Outside of the United States

Applicants wishing to be granted equivalency based on coursework completed at an educational institution outside of the United States must provide the following:

1. A transcript assessment by a third party degree assessment service.
2. Proof that the institution is accredited in its country of operation or in the United States.

Local Minimum Qualifications and Equivalencies

Disciplines wishing to add “local” qualifications for hiring to their discipline beyond the minimum qualifications established by the “Minimum Qualifications for Faculty and Administrators in California Community Colleges”) may do so with approval of the Academic Senate with a recommendation from the Equivalency Committee. Local requirements may not be added on a course-by-course basis. Equivalency for the local requirement will be determined through the equivalency process.

Eminence

Although no legal definition of eminence exists, eminence shall mean that qualifications which, as evidenced by prominence and celebrity, is established by the specific industry and/or community at large and may be deemed equivalent to minimum qualifications. This may include appropriate local, state, national and/or international associations, trade unions, guilds or communities comprised of experts, who are themselves

renowned in the specific field, and who can attest, in writing, to the prominence and celebrity of the applicant.

Eminence alone is not sufficient to grant equivalency. An application of equivalency based on eminence must be accompanied by conclusive evidence that the applicant exemplifies qualities of a college-educated person and brings to the college district the knowledge and ability to expected at the college level. The applicant must provide documentation supporting the status of eminence.

DRAFT

Appendix B Relevant Education Code References

1. Assembly Bill 1725, Section 4 (p) (1) “The laws, regulations, directives, or guidelines should help the community colleges ensure that the faculty and administrators they hire and retain are people who are sympathetic and sensitive to the racial and cultural diversity in the colleges, are themselves

representative of that diversity, and are well prepared by training and temperament to respond effectively to the educational needs of all the special populations served by community colleges.”

2. Assembly Bill 1725, Section 4 (s) (2) “The governing board of a community college district derives its authority from statute and from its status as the entity holding the institution in trust for the benefit of the public. As a result, the governing board and the administrators it appoints have the principal legal and public responsibility for ensuring an effective hiring process.”
3. Education Code, Section 87359 “No one may be hired to serve as a community college faculty member, instructional administrator, or student services 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 adopted pursuant to Section 87356. The criteria used by the governing board in making the determination shall be reflected in the governing board’s actions employing the individual. The process, as well as criteria and standards by which the governing board reaches its determinations, 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 employed under the authority granted by the regulations possesses

qualifications that are at least equivalent to the applicable minimum qualification 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.”

4. Education Code, Section 87359(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.”
5. Assembly Bill 1725, Section 4 (s) (3) “Faculty members derive their authority from their expertise as teachers and subject matter specialists and from their status as professionals. As a result, the faculty has an inherent professional responsibility in the development and implementation of policies and procedures governing the hiring process.”
6. Assembly Bill 1725, Section 4 (t) “While the precise nature of the hiring process for faculty should be subject to local definition and control, each community college should in a way that is appropriate to its circumstances,

establish a hiring process that ensures that (1) Emphasis is placed on the responsibility of the faculty to ensure the quality of their faculty peers.”

Appendix C Legal Advisory Regarding Single Course Equivalency

STATE OF CALIFORNIA
California Community Colleges
Chancellor's Office
1102 Q street
Sacramento, Ca 95814-6511
(916) 445-8752
<http://www.cccco.edu>

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