



ACADEMIC SENATE
for CALIFORNIA COMMUNITY COLLEGES

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Equivalency to the Minimum Qualifications

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(Note: At the Spring 2016 Plenary Session, delegates approved the paper *Equivalence to the Minimum Qualifications*^[1]. This article is adapted from the executive summary of that paper, with edits.)

The enactment of the Community College Reform Act, commonly known as AB 1725, in 1988 began the process of replacing the former teaching credential system in favor of a process for establishing minimum qualifications for faculty based on academic preparation in a discipline. Part of that process included the establishment of authorization to determine equivalencies to the minimum qualifications 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 provision.

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. 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.” While neither the Education Code nor Title 5 regulations provide additional guidelines for what constitutes at least equivalent, each district’s governing board, working in agreement with its local academic senate, must establish its own standard for equivalency, provided that the standard is not less than minimum qualifications specified on the Disciplines List and that the board primarily relies on the academic senate regarding individual equivalency decisions. 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 requirement of an equivalency process was established by AB1725 (1988) and chaptered into the California Education Code, districts are not free to ignore provisions within the law.

The ASCCC has adopted the following basic principles for granting equivalency:

- Equivalent to the minimum qualifications means *equal* to the minimum qualifications, not *nearly* equal.
- Applicants must provide evidence they have attained the breadth of coursework or experience equal to the general education component of an earned associate’s or bachelor’s degree.

- Applicants must provide evidence they have attained the skills and knowledge provided by specialized course work 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 (Senate Resolution 10.01 SP09).
- Provisional or conditional equivalency should not be granted.

Many criteria for determining equivalency seem obvious and can be handled in a simple manner, while 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 necessary educational preparation through an alternative means to be judged as knowledgeable as someone with the appropriate degree.

An important distinction exists between general education preparation and discipline specific preparation. The ASCCC espouses 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 professional experience^[2]. Therefore, when a local academic senate evaluates an application for equivalency, an equivalency committee should consider whether the applicant satisfies the general education qualification for which they seek equivalency. In addition, the applicant should be expected to provide evidence of equivalent preparation that is as reliable and objective as a transcript. Thus, a candidate seeking equivalency must be measured by the same yardstick as a candidate who possesses the minimum qualifications as stated in the Disciplines List. Moreover, processes for determining eminence should be defined in hiring practice criteria and indicate that, regardless of the discipline, general education preparation is vital to instruction of any subject 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 normally either a subcommittee of the academic senate or a separate committee whose membership is determined by the academic senate. Making the judgment of whether a specific candidate's experience is equivalent to the minimum qualifications can be difficult, and therefore faculty in the discipline should play a critical role in informing the decision. However, to ensure that the process of determining equivalency is applied consistently across the campus, faculty from outside the discipline and appointed by the academic senate should also be included. 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 a district's Human Resources Office in the equivalency process can be a source of confusion and contention. While administrators and staff in the Human Resources Offices are knowledgeable about employment laws and regulations, faculty possess the requisite professional expertise needed to evaluate whether or not an applicant for a faculty position meets the requirements of equivalency to minimum requirements to be employed as faculty. A college district that attempts to use its Human Resources Office staff to establish equivalence without appropriate consultation with faculty not only risks inappropriate or improper evaluation of candidates, but is also out of compliance with the Education Code and Title 5 Regulations (see Education Code §87359 (b) and Title 5 §53430 (b)).

Districts must remember that minimum qualifications in a discipline—and, by extension, equivalency—are the same whether the position is full- or part-time. Education Code and Title 5 regulations do not allow for a different standard of equivalency for part-time faculty^[3]. 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)^[4] 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)^[5], 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.”

Most disciplines that require a master's degree in the discipline allow for a master's degree in a reasonably related discipline provided that the faculty member has earned a bachelor's degree in the discipline of his or her assignment. Therefore, the requirement for equivalency applies to the entirety of the minimum qualifications for a discipline. For example, in the chemistry discipline, a person may teach courses assigned to the chemistry discipline only if he or she has a master's degree in chemical engineering as well as a bachelor's degree in chemistry or biochemistry. If an applicant for a faculty position in chemistry has earned a master's degree in chemical engineering, but lacks the required bachelor's degree in chemistry or biochemistry, then he or she may not be assigned to teach courses in the chemistry discipline unless the applicant can demonstrate through the equivalency process that he or she has the academic preparation, work experience, or eminence in the field that is at least equal to the required bachelor's degree in chemistry or biochemistry.

The opportunity to seek equivalency does not guarantee the right to be granted equivalency. Rather, the equivalency process should guarantee that each candidate has the right to the application of the equivalency policies and procedures in a consistent, fair, and objective manner, with equivalency granted only if sufficient and conclusive evidence is provided by the candidate that he or she possesses qualifications at least equal to the minimum qualifications for the discipline. The determination of an equivalency should never be made because a class needs to be staffed in short order, because a candidate's preparation seems like it should be equivalent, or because the candidate was incorrectly told that the equivalency process is merely formality. Finally, regardless of whether equivalency to the minimum qualifications is granted to an applicant, the process for selecting applicants to be interviewed is established through the local faculty hiring process, and the authority to hire a faculty member recommended through the hiring process is reserved for the district's governing board. Thus, the fact that an applicant meets the minimum qualifications guarantees neither an interview nor an offer of employment to fill a faculty position.

Faculty are the legally recognized professional experts in academic and professional matters, and academic senates are granted the legal authority to recommend policies and procedures on academic and professional matters to the governing board. Among the most important of the professional responsibilities of academic senates is the establishment and judicious application of rigorous standards for determining equivalency to the faculty minimum qualifications. Because students are best served when their instruction and academic services are provided by faculty who have the knowledge and preparation at least equivalent to the minimum qualifications established in the Disciplines List, academic senates must ensure that no question exists regarding the qualifications of faculty granted equivalency to the minimum qualifications. Students deserve nothing less.

[1] *Equivalence to Minimum Qualifications* (ASCCC, adopted Spring 2016) is available online at http://asccc.org/sites/default/files/equivalency_paper.pdf (http://asccc.org/sites/default/files/equivalency_paper.pdf)

[2] Professional experience as defined in Title 5 §53404 is for disciplines that do not require a master's degree and is full-time experience or part-time experience equivalent to the required number of years of full-time experience for the discipline and includes teaching experience.

[3] This principle also applies to the hiring of full-time temporary faculty.

[4] See also Title 5 §53430.

[5] Legal Opinion L 03-28 is available at <http://extranet.cccco.edu/Portals/1/Legal/Ops/OpsArchive/03-28.pdf>
(<http://extranet.cccco.edu/Portals/1/Legal/Ops/OpsArchive/03-28.pdf>)

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