

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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August 29, 2007

Dr. Nicki Harrington
Chancellor
Yuba Community College District
2088 North Beale Road
Marysville, CA 95901

Re: Minimum Qualifications
Legal Opinion L 07-08

Dear Dr. Harrington:

We received your July 10, 2007 request for an opinion as to whether a district must strictly adhere to the list of degrees set out in the "Minimum Qualifications" document or whether district human resources staff may determine that a particular degree is the same as a degree that appears in that document. In our view, districts must adhere to the official listing of degrees.

Education Code section 87357 requires the Board of Governors to rely primarily on the advice and judgment of the statewide Academic Senate with regard to minimum qualifications for faculty. The document "Minimum Qualifications for Faculty and Administrators in the California Community Colleges" lists those degrees which have been adjudged by the Academic Senate for the California Community Colleges (Academic Senate) as appropriate to meet minimum qualifications for the various disciplines. The Academic Senate uses a formal process for making changes to the disciplines list which allows for careful consideration of what degrees are appropriate, and this process results in a precise listing of degrees. In 2004, the Academic Senate published a paper entitled the "Disciplines List Review Process" that describes the reasons and conditions for changes to the disciplines list. The paper describes an ongoing and thoughtful process to ensure that academic experts make assessments concerning degree requirements.

We believe that any departures from that listing need to be made officially through the statewide review process rather than at the local level. Otherwise, the expertise of the Academic Senate would be subverted.

Districts have flexibility to address those situations when an applicant does not possess the specific degree listed in the official document. Districts are authorized to assess whether individuals possess degrees that are equivalent to those that appear on the disciplines list. Title 5, section 53430 requires that each district governing board rely on the advice and judgment of the local academic senate to determine whether an individual

possesses qualifications that are at least equivalent to the degrees listed in the “Minimum Qualifications for Faculty and Administrators in the California Community Colleges.”

If human resources staff depart from the official published listing of appropriate degrees in considering whether applicants meet minimum qualifications, they would essentially be making equivalency determinations. Such a result would be contrary to section 53430 described above which requires the district governing board to rely primarily upon the advice of the local academic senate in making such determinations. While we understand that equivalency determinations can be time-consuming and that the equivalency process may appear unnecessary when a particular degree has every appearance of being identical to a degree on the official list, we must conclude that the equivalency process is the proper recourse for persons who do not have a degree that appears in the official document.

I hope the foregoing is useful to you.

Sincerely,

Steven Bruckman
Executive Vice Chancellor and General Counsel

cc: Carole Bogue-Feinour, Vice Chancellor for Academic Affairs
Ken Nather, Specialist, Academic Affairs

VAR/RB/rs/fr

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