

# SixTen and Associates Mandate Reimbursement Services

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November 20, 2007

Paula Higashi, Executive Director  
Commission on State Mandates  
U.S. Bank Plaza Building  
980 Ninth Street, Suite 300  
Sacramento, California 95814

**RECEIVED**

NOV 26 2007

**COMMISSION ON  
STATE MANDATES**

Re: No. CSM. 02-TC -27  
Employment of College Faculty & Administrators

Dear Ms. Higashi:

Please find enclosed a supplement to the test claim filing, specifically, a history of the Title 5, CCR, sections included in the test claim.

Sincerely,



Keith B. Petersen

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8 BEFORE THE  
9 COMMISSION ON STATE MANDATES  
10 STATE OF CALIFORNIA

11	<b>Supplement to the:</b>	)	No. CSM. 02-TC -27
12		)	
13	Test Claim Filed June 13, 2003	)	<u>Employment of College Faculty &amp;</u>
14		)	<u>Administrators</u>
15		)	
16		)	History Index for
17		)	Title 5, California Code of Regulations
18	by Santa Monica Community College	)	
19	District	)	Section 53130
20		)	Section 53403
21		)	Section 53406
22		)	Section 53407
23		)	Section 53410
24		)	Section 53410.1
25		)	Section 53412
26		)	Section 53414
27		)	Section 53415
28		)	Section 53416
29		)	Section 53417
30		)	Section 53420
31		)	Section 53430
32		)	
33		)	

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34 REQUEST FOR SUPPLEMENTAL INFORMATION

35 This supplement to the test claim provides an index and copy of each change to  
36 the Title 5, CCR, sections included in the test claim. The Registers cited are attached  
37 as Exhibit A. Amended language is underlined (new language) or stricken out (deleted)

1 language).

2 HISTORY OF TITLE 5, CCR, SECTIONS INCLUDED IN THE TEST CLAIM

3 **Register 90-37** § 53400: New section added.

4 § 53402: New section added.

5 § 53410: New section added.

6 § 53420: New section added.

7 § 53430: New section added.

8 **Register 90-49** § 53412: New section added.

9 § 53413: New section added.

10 § 53414: New section added.

11 **Register 91-23** § 53130: New section added.

12 **Register 91-50** § 53412: Amendment of section.

13 **Register 92-09** § 53400: Amendment of section.

14 § 53402: Amendment of section.

15 § 53410: Amendment of first paragraph and subsections (a) and

16 (b).

17 § 53412: Amendment of first paragraph and subsection (b).

18 § 53413: Amendment of subsections (a), (b), and (c).

19 § 53414: Amendment to section.

20 § 53420: Amendment of section heading and first paragraph.

21 § 53430: Amendment of subsections (a) and (b).

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CERTIFICATION

By my signature below, I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this document is true and complete to the best of my own knowledge or information or belief, and that the attached regulations are true and correct copies of documents from archives of a recognized law library.

EXECUTED this 20 day of November 2007, at Sacramento, California

  
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FOR THE TEST CLAIMANT

Keith Petersen, President

SixTen and Associates

ATTACHMENT

Exhibit A    Title 5, CCR Registers

Register 90-37

§ 53410

§ 53420

§ 53430

community college health service professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement certification qualifications.

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

#### HISTORY

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

## Article 2. Qualifications and Equivalencies

### § 53410. Minimum Qualifications for Instructors of Credit Courses.

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

(a) Possession of master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

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

#### HISTORY

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

### § 53420. Minimum Qualifications for Instructional or Student Services Administrators.

The minimum qualifications for hire as an instructional or student services administrator shall be all of the following:

(a) Possession of a master's degree.

(b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment, which may, but need not be, concurrent with the required full-time service.

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

#### HISTORY

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

### § 53430. Equivalencies.

(a) No one may be hired to serve as a community college faculty member, instructional administrator, or student services administrator unless

the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in sections 53410 or 53420. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations, 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 this section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in sections 53410 or 53420.

(c) 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 it makes a determination; and that the written record of the decision including the views of the academic senate, shall be available for review pursuant to Education Code section 87358.

(d) Until a joint agreement is reached and approved pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

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

#### HISTORY

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

## Chapter 5. Students

### Subchapter 1. Student Residence Classification

#### § 54000. Uniform Residency Requirements.

The provisions of this chapter implement an J should be read in conjunction with the Uniform Residency Requirements contained in Part 41 (commencing with Section 68000) of the Education Code.

NOTE: Authority cited: Sections 66700, 68044, 68090 and 71020, Education Code. Reference: Part 41 (commencing with Section 68000), Education Code.

#### HISTORY

1. Repealer of Chapter 1 (Sections 54000, 54001, 54100, 54101) and new Chapter 1 (Sections 54000 through 54082, not consecutive) filed 6-25-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 26). For prior history, see Register 70, No. 16.
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of Chapter 1 (Sections 54000-54082, not consecutive) and new Chapter 1 (Sections 54000-54070, not consecutive) filed 11-22-82; effective thirtieth day thereafter (Register 82, No. 48). For prior history, see Registers 79, No. 46; 77, No. 45; 74, No. 45; 74, No. 10; and 73, No. 44.

#### § 54002. Residence Determination Date.

"Residence determination date" is that day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board, during which the student proposes to attend a college.

NOTE: Authority cited: Sections 66700, 68023, 68044, 68090 and 71020, Education Code. Reference: Section 68023, Education Code.

#### § 54010. Residence Classification Procedures.

(a) Residence classification shall be made for each student at the time applications for admission are accepted and whenever a student has not been in attendance for more than one semester or quarter. A student previously classified as a nonresident may be reclassified as of any residence determination date.

(b) The student shall be required to present evidence of physical presence in California, intent to make California the home for other than a

Register 90-49

§ 53412

§ 53414

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

**HISTORY**

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

## Subchapter 4. Minimum Qualifications

### Article 1. Scope and Definitions

#### § 53400. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code sections 87001, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this chapter shall become effective in accordance with the provisions of section 70 of chapter 973 of the Statutes of 1989.

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

**HISTORY**

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

#### § 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a community college district in a supervisory or management position as defined in Article 5 (commencing with section 3540) of chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Instructional or student services administrator" means an administrator who is employed in a position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Instructional and student services administrators include, but are not limited to, chancellors, presidents, and instructional or student service managers.

(c) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with section 3540) of chapter 10.7 of division 4 of Title 1 of the Government Code and for which minimum qualifications for hire are specified in section 53410. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement certification qualifications.

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

**HISTORY**

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

### Article 2. Qualifications and Equivalencies

#### § 53410. Minimum Qualifications for Instructors of Credit Courses.

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

(a) Possession of master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

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

**HISTORY**

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

#### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

The minimum qualifications for hire as a community college faculty member teaching a noncredit course shall be satisfied by meeting both of the following requirements:

(a) Successful completion of four years of higher education with a major in a discipline, or completion of four years of occupational experience in a discipline; and

(b) Certification by the district that the applicant has adequate training and experience to teach the classes for which he or she is to be employed.

The provisions of this section shall become inoperative on July 1, 1991.

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

**HISTORY**

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

#### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1993, the minimum qualifications for hire as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

(1) Six (6) years of occupational experience in an apprenticeable trade, including at least two years at the journeyman level; and

(2) Sixty (60) clock hours or four (4) semester units of instruction in an accredited institution of higher education in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1993, the minimum qualifications for hire as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following three requirements.

(1) Possession of an associate degree, plus four (4) years of occupational experience in the subject matter area to be taught; or

(2) Six (6) years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits, from an accredited institution; or

(3) Employment and service as a community college apprenticeship instructor prior to January 1, 1991; provided that such service was authorized pursuant to minimum qualifications that pertained at the time of hire.

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

#### HISTORY

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

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

(a) The minimum qualifications for hire as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in rehabilitation counseling, or

(2) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in special education, and twenty four (24) or more semester units in upper division graduate level course work in counseling, guidance, student personnel, psychology, or social work; or

(3) A master's degree in counseling, guidance, student personnel, or psychology, or career development, or social welfare, and twelve (12) or more semester units in upper division or graduate level course work specifically in counseling, or rehabilitation of individuals with disabilities; or two years of full-time experience, or the equivalent, in one or more of the following:

(A) Counseling or guidance for students with disabilities; or

(B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for hire as a community college faculty member teaching adapted physical education shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree in physical education, with fifteen (15) semester units of graduate study in adapted physical education; or

(2) A bachelor's degree in physical education with a master's degree in occupational therapy.

(c) The minimum requirements for hire to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in speech pathology and audiology, or communication disorders; and

(2) Licensure of eligibility for licensure as a speech pathologist or audiologist by the California Board of Medical Quality Assurance.

(d) Except as provided in subsections (a) through (c) above, the minimum requirements for hire as a community college faculty member to provide specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the category of disability or special education, or education, or psychology, or educational psychology or rehabilitation counseling; and

(2) Fifteen (15) semester units of graduate study in the area of disability, to include, but not be limited to:

(A) Learning disabilities;

(B) Developmental disabilities;

(C) Deaf and hearing impaired;

(D) Physical disabilities; or

(E) Adapted computer technology.

NOTE: Authority cited: Sections 70901(b)(1)(B), 78600.5 and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78600.5 and 87356, Education Code.

#### HISTORY

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

### § 53420. Minimum Qualifications for Instructional or Student Services Administrators.

The minimum qualifications for hire as an instructional or student services administrator shall be all of the following:

(a) Possession of a master's degree.

(b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment, which may, but need not be, concurrent with the required full-time service.

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

#### HISTORY

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

### § 53430. Equivalencies.

(a) No one may be hired to serve as a community college faculty member, instructional administrator, or student services administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in sections 53410 or 53420. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations, 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 judgement of the academic senate to determine that each individual employed under the authority granted by this section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in sections 53410 or 53420.

(c) 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 it makes a determination; and that the written record of the decision including the views of the academic senate, shall be available for review pursuant to Education Code section 87358.

(d) Until a joint agreement is reached and approved pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

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

#### HISTORY

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

Register 91-23

§ 53130

the preceding school year and certifying that in connection with each such employee all of the provisions of Education Code Section 87401 and this subchapter have been satisfied.

**NOTE:** Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

**HISTORY**

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).

## Article 1.5. Sick Leave Transfer

### § 53125. Transfer of Accumulated Sick Leave.

The provisions of this section are to implement section 87782 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) **Accumulated Sick Leave.** As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code section 87781 but is unused.

(b) **Transfer.** A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code section 87782, 87783, and 87785, provided the certificated or academic employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows:

(1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,

(2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records,

(3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave that the person would have earned had he or she been an employee of the state.

**NOTE:** Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

**HISTORY**

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

## Article 2. Academic Senates

### § 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

### § 53200. Definitions.

For the purpose of this subchapter:

(a) **"Faculty"** means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of article 5 (commencing with section 3540) of chapter 10.7 of division 4 of title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) **"Academic senate," "faculty council,"** and **"faculty senate"** means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the term **"academic senate"** shall also constitute reference to **"faculty council"** or **"faculty senate."**

(c) **"Academic and professional matters"** means the following policy development and implementation matters:

- (1) Curriculum, including establishing prerequisites and placing courses within disciplines
  - (2) Degree and certificate requirements
  - (3) Grading policies
  - (4) Educational program development
  - (5) Standards or policies regarding student preparation and success
  - (6) District and college governance structures, as related to faculty roles
  - (7) Faculty roles and involvement in accreditation processes, including selfstudy and annual reports
  - (8) Policies for faculty professional development activities
  - (9) Processes for program review
  - (10) Processes for institutional planning and budget development, and
  - (11) Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.
- (d) **"Consult collegially"** means that the district governing board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion:

(1) Relying primarily upon the advice and judgment of the academic senate; or

(2) That the district governing board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulation, or policy of the governing board effectuating such recommendations.

**NOTE:** Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

**HISTORY**

1. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment of NOTE filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Amendment filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).

### § 53201. Academic Senate or Faculty Council.

In order that the faculty may have a formal and effective procedure for participating in the formation and implementation of district policies on academic and professional matters, an academic senate may be established at the college and/or district level.

**NOTE:** Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 70901 and 70902, Education Code.

**HISTORY**

1. Amendment filed 2-10-78; effective thirtieth day thereafter (Register 78, No. 6).

Register 91-50

53412

(b) The final computation of the number of full-time instructors actually required shall be based upon full-year data submitted by districts.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code.

#### HISTORY

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

### Article 3. Enforcement

#### § 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's base budget for 1991-92 and subsequent fiscal years by an amount equivalent to the average replacement costs times the deficiency in the number of FTF.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

#### HISTORY

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

### Subchapter 4. Minimum Qualifications

#### Article 1. Scope and Definitions

##### § 53400. Scope.

This chapter implements and should be read in conjunction with the requirements of Education Code sections 87001, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this chapter shall become effective in accordance with the provisions of section 70 of chapter 973 of the Statutes of 1989.

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

#### HISTORY

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

##### § 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a community college district in a supervisory or management position as defined in Article 5 (commencing with section 3540) of chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Instructional or student services administrator" means an administrator who is employed in a position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Instructional and student services administrators include, but are not limited to, chancellors, presidents, and instructional or student service managers.

(c) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with section 3540) of chapter 10.7 of division 4 of Title 1 of the Government Code and for which minimum qualifications for hire are specified in section 53410. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, handicapped student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement certification qualifications.

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

#### HISTORY

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

### Article 2. Qualifications and Equivalencies

#### § 53410. Minimum Qualifications for Instructors of Credit Courses.

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

(a) Possession of master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

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

#### HISTORY

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

#### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

The minimum qualifications for hire as a community college faculty member teaching a noncredit course shall be satisfied by meeting both of the following requirements:

(a) Successful completion of four years of higher education with a major in a discipline, or completion of four years of occupational experience in a discipline; and

(b) Certification by the district that the applicant has adequate training and experience to teach the classes for which he or she is to be employed.

The provisions of this section shall become inoperative on July 1, 1992.

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

#### HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment of section filed 6-19-91; operative 7-19-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 50).

#### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1993, the minimum qualifications for hire as a community college faculty member teaching credit or noncredit apprentice-

Register 92-09

§ 53410

§ 53412

§ 53414

§ 53420

§ 53430

## HISTORY

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

### Article 3. Enforcement

#### § 53120. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to Section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's allocation for 1991-92 by an amount equivalent to the average replacement costs times the deficiency in the number of FTF. To the extent a district hires the additional FTF in subsequent fiscal years, the reduction made to the district's revenue shall be restored.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

## HISTORY

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

### Subchapter 4. Minimum Qualifications

#### Article 1. Scope and Definitions

##### § 53400. Scope.

This subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter shall become effective in accordance with the provisions of Section 70 of Chapter 973 of the Statutes of 1989.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

## HISTORY

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

##### § 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, commu-

nity college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

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

## HISTORY

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

### Article 2. Qualifications and Equivalencies

#### § 53410. Minimum Qualifications for Instructors of Credit Courses.

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

(a) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

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

## HISTORY

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

#### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

The minimum qualifications for service as a community college faculty member teaching a noncredit course shall be satisfied by meeting both of the following requirements:

(a) Successful completion of four years of higher education with a major in a discipline, or completion of four years of occupational experience in a discipline; and

(b) Certification by the district that the applicant has adequate training and experience to teach the classes for which he or she is to be employed.

The provisions of this section shall become inoperative on July 1, 1992.

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

## HISTORY

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

2. Amendment filed 6-19-91; operative 7-19-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 50).
3. Amendment of first paragraph and subsection (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

#### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1993, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

- (1) Six (6) years of occupational experience in an apprenticeable trade, including at least two years at the journeyman level; and
- (2) Sixty (60) clock hours or four (4) semester units of instruction in an accredited institution of higher education in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1993, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following three requirements.

- (1) Possession of an associate degree, plus four (4) years of occupational experience in the subject matter area to be taught; or
- (2) Six (6) years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits, from an accredited institution; or
- (3) Employment and service as a community college apprenticeship instructor prior to January 1, 1991; provided that such service was authorized pursuant to minimum qualifications that pertained at the time of hire.

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

##### HISTORY

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

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

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements:

- (1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in rehabilitation counseling, or
- (2) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in special education, and twenty four (24) or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or
- (3) A master's degree in counseling, guidance, student personnel, or psychology, or career development, or social welfare, and twelve (12) or more semester units in upper division or graduate level course work specifically in counseling, or rehabilitation of individuals with disabilities; or two years of full-time experience, or the equivalent, in one or more of the following;

- (A) Counseling or guidance for students with disabilities; or
- (B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching adapted physical education shall be satisfied by meeting the following requirements:

- (1) Possession of a master's degree in physical education, with fifteen (15) semester units of upper division or graduate study in adapted physical education; or
- (2) A bachelor's degree in physical education with a master's degree in occupational therapy.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

- (1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in speech pathology and audiology, or communication disorders; and
  - (2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the California Board of Medical Quality Assurance.
- (d) Except as provided in subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:
- (1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the category of disability or special education, or education, or psychology, or educational psychology or rehabilitation counseling; and
  - (2) Fifteen (15) semester units of upper division or graduate study in the area of disability, to include, but not be limited to:
    - (A) Learning disabilities;
    - (B) Developmental disabilities;
    - (C) Deaf and hearing impaired;
    - (D) Physical disabilities; or
    - (E) Adapted computer technology.

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

##### HISTORY

1. New section filed 10-30-90 with Secretary of State by Board of Governors, California Community Colleges; operative 11-30-90 (Register 90, No. 49). Submitted to OAL for printing only pursuant to Education Code section 70901.5(b).
2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

#### § 53420. Minimum Qualifications for Educational Administrators.

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

- (a) Possession of a master's degree.
- (b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment, which may, but need not be, concurrent with the required full-time service.

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

##### HISTORY

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

#### § 33430. Equivalencies.

(a) No one may be hired to serve as a community college faculty member, or educational administrator, or administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this article or elsewhere in this division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgement of

the academic senate to determine that each individual faculty employed under the authority granted by this section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this article.

(c) 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 it makes a determination; and that the written record of the decision including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

(d) Until a joint agreement is reached and approved pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

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

**HISTORY**

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

**§ 53530. Use of Bond Proceeds.**

Any funds derived from the sale of the bonds issued by the former district shall be used for the acquisition, construction, or improvement of college property only in the territory which comprised the former district or to discharge the bonded indebtedness of the former district, except that if the bonded indebtedness is assumed by the new district, the funds may be used in any area of the new district for the purposes for which the bonds were originally voted.

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

**§ 53540. Territory of District Becoming Part of Two or More Districts; Disposition of Records.**

If all the territory of any district becomes part of two or more districts, and the inclusion in the two or more districts of the several portions of territory comprising the whole of the original district is effective for all purposes on the same date, the records of the original district shall be disposed of as follows:

(a) All records of the original district which are required by law to be kept on file shall be deposited with the governing board of the district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original district.

(b) Records of employees shall be transferred to the district thereafter employing the personnel or thereafter maintaining the last place of employment.

(c) Records of students shall be transferred to the district which, after the date on which the reorganization becomes effective for all purposes, maintains the college in which a student was last enrolled.

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

**Chapter 5. Students**

**Subchapter 1. Student Residence Classification**

**§ 54000. Uniform Residency Requirements.**

The provisions of this chapter implement and should be read in conjunction with the Uniform Residency Requirements contained in part 41 (commencing with section 68000) of the Education Code.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Part 41 (commencing with Section 68000), Education Code.

**HISTORY**

1. Repealer of chapter 1 (sections 54000, 54001, 54100, 54101) and new chapter 1 (sections 54000 through 54082, not consecutive) filed 6-25-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 26). For prior history, see Register 70, No. 16.
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 1 (sections 54000-54082, not consecutive) and new chapter 1 (sections 54000-54070, not consecutive) filed 11-22-82; effective thirtieth day thereafter (Register 82, No. 48). For prior history, see registers 79, No. 46; 77, No. 45; 74, No. 45; 74, No. 10; and 73, No. 44.
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

**§ 54001. Adoption of Rules and Regulations; Publication; Uniformity.**

The residence determination date and a summary of the rules and regulations adopted by the Board of Governors and district governing boards pursuant to chapter 1 part 41 of division 5 of the Education Code, commencing with section 68000 shall be published in the district catalogs. The statute law and the rules and regulations adopted by the Board of Governors and the district shall be made available to the students at each district.

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

**§ 54002. Residence Determination Date.**

"Residence determination date" is that day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board, during which the student proposes to attend a college.

NOTE: Authority cited: Sections 66700, 68023, 68044, and 70901, Education Code. Reference: Section 68023, Education Code.

**HISTORY**

1. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

**§ 54010. Residence Classification Procedures.**

(a) Residence classification shall be made for each student at the time applications for admission are accepted and whenever a student has not been in attendance for more than one semester or quarter. A student previously classified as a nonresident may be reclassified as of any residence determination date.

(b) The student shall be required to present evidence of physical presence in California, intent to make California the home for other than a temporary purpose and, if the student was classified as a nonresident in the preceding term, financial independence.

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of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(c) **Released/Reassigned Time.** The hours of a full-time instructor on released or reassigned time shall be counted as if the instructor was teaching full-time and had not been provided released or reassigned time. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(d) **Unpaid Leave.** The hours of a full-time instructor on unpaid leave shall be counted as if the instructor was teaching full time and had not been provided with unpaid leave. The hours of instruction shall thereby be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

(e) **Teaching by Others.** The hours of instruction taught by counselors, librarians, classified staff or administrators who are appropriately certified to teach shall, under the following conditions, be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors:

(1) Only the actual hours of teaching by such individuals shall be included;

(2) The hours of teaching by such individuals must be part of a regular contract, and not taught as an overload assignment.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).

#### § 53311. Base Year.

For purposes of this chapter, fiscal year 1988-89 shall be the base year from which improvement in the percentage of hours of credit instruction taught by full-time instructors shall be measured.

NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

#### HISTORY

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

#### § 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute and report to each community college district the number of full-time faculty (FTF) which are to be secured through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied,

will result in the district exceeding the 75 percent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard. NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

#### HISTORY

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

#### § 53314. Report to Districts.

(a) By March 15th of each year, the Chancellor shall report to each district an estimate of the number of FTF to be secured based upon the appropriation of revenues contained in the annual Budget Bill.

(b) The final computation of the number of full-time instructors actually required shall be based upon full-year data submitted by districts. NOTE: Authority cited: Sections 66700, 70901, and 87482.6, Education Code.

#### HISTORY

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

## Article 3. Enforcement

#### § 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to Section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's allocation for 1991-92 by an amount equivalent to the average replacement costs times the deficiency in the number of FTF. To the extent a district hires the additional FTF in subsequent fiscal years, the reduction made to the district's revenue shall be restored.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

#### HISTORY

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

## Subchapter 4. Minimum Qualifications

### Article 1. Scope and Definitions

#### § 53400. Scope.

This subchapter implements and should be read in conjunction with the requirements of Education Code Sections 87001, 87002, 87003, 87356 and 87539 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter shall become effective in accordance with the provisions of Section 70 of Chapter 973 of the Statutes of 1989.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87539, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87539, Education Code.

#### HISTORY

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

#### § 53401. Applicability to Community Services and Contract Classes.

Community service or contract classes which do not award college credit and are not supported by state apportionment are not subject to the provisions of this subchapter. Contract classes which award college cred-

it are subject to this subchapter, even if they are not supported by state apportionment.

**NOTE:** Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

#### History

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

### § 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

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

#### History

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

### § 53403. Applicability of Amendments.

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

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

#### History

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

### § 53404. Definition of Experience.

Where years of professional or occupational experience are referred to in this subchapter, the requirement is for the stated number of years of full-time experience, or the equivalent in part-time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field.

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

#### History

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

## Article 2. Qualifications and Equivalencies

### § 53410. Minimum Qualifications for Instructors of Credit Courses.

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

(a) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of bachelor's degree from an accredited institution, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

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

#### History

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

### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

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

(a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mechanics, or natural science discipline or in liberal studies, as appropriate for the course.

(b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.

(c) For a noncredit basic skills course in reading and/or writing, either: a bachelor's in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's in any discipline and twelve semester units of coursework in an accredited institution of higher education in teaching reading.

(d) For a noncredit course in citizenship, a bachelor's in any discipline, and six semester units in American history and institutions.

(e) For a noncredit course in English as a second language (ESL), any one of the following:

(1) A bachelor's in teaching English as a second language, or teaching English to speakers of other languages.

(2) A bachelor's in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech; and a certificate in teaching English as a second language, which may be completed concurrently during the first year of employment as a noncredit instructor.

(3) A bachelor's with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institu-

tion; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.

(4) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL.

(f) For a noncredit course in health and safety, a bachelor's in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(g) For a noncredit course in home economics, a bachelor's in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associated degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:

(A) Thirty hours or two semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(B) One year of professional experience working with older adults.

(2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(i) For a noncredit course in parent education, a bachelor's in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

(j) For a short-term noncredit vocational course, any one of the following:

(1) A bachelor's degree; and two years of occupational experience related to the subject of the course taught.

(2) An associate degree; and six years of occupational experience related to the subject of the course taught.

(3) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in the subject matter.

(4) For courses in an occupation for which the district offers or has offered apprenticeship instruction, the minimum qualifications for noncredit apprenticeship instructors in that occupation, as specified in section 53413.

(k) In addition to other minimum qualifications specified in this section, the minimum qualifications for a faculty member teaching a noncredit course shall include appropriate valid certification to practice or licensure or its equivalent, if available.

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

#### HISTORY

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

### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1993, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

(1) Six (6) years of occupational experience in an apprenticeable trade, including at least two years at the journeyman level; and

(2) Sixty (60) clock hours or four (4) semester units of instruction in an accredited institution of higher education in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1993, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following three requirements.

(1) Possession of an associate degree, plus four (4) years of occupational experience in the subject matter area to be taught; or

(2) Six (6) years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits, from an accredited institution; or

(3) Employment and service as a community college apprenticeship instructor prior to January 1, 1991; provided that such service was authorized pursuant to minimum qualifications that pertained at the time of hire.

(c) On or after July 1, 1993, the minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:

(1) The minimum qualifications for credit apprenticeship instruction as set forth in this section, or

(2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in an accredited institution of higher education in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

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

#### HISTORY

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

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

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in rehabilitation counseling, or

(2) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in special education, and twenty four (24) or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or

(3) A master's degree in counseling, guidance, student personnel, or psychology, or career development, or social welfare; and either twelve (12) or more semester units in upper division or graduate level course work specifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following:

(A) Counseling or guidance for students with disabilities; or  
 (B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree in physical education, with fifteen (15) semester units of upper division or graduate study in adapted physical education; or

(2) A bachelor's degree in physical education with a master's degree in occupational therapy.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in speech pathology and audiology, or communication disorders; and

(2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.

(d) Except as provided in subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the category of disability or special education, or education, or psychology, or educational psychology or rehabilitation counseling; and

(2) Fifteen (15) semester units of upper division or graduate study in the area of disability, to include, but not be limited to:

- (A) Learning disabilities;
- (B) Developmental disabilities;
- (C) Deaf and hearing impaired;
- (D) Physical disabilities; or
- (E) Adapted computer technology.

(e) The minimum qualifications for service as a faculty member to provide noncredit specialized instruction for students with disabilities shall be any one of the following:

(1) The minimum qualifications for providing credit specialized instruction for students with disabilities as specified in this section.

(2) A bachelor's degree with any of the following majors: education of students with specific or multiple disabilities; special education; psychology; physical education with an emphasis in adaptive physical education; communicative disorders; rehabilitation; computer-based education; other computer-related majors which include coursework on adapted or assistive computer technology for students with disabilities; other majors related to providing specialized instruction or services to persons with disabilities.

(3) An associate degree with one of the majors specified in subparagraph (2) above; and four years of experience providing specialized instruction or services to persons in the disability category or categories being served.

(4) For noncredit vocational courses, an associate degree or certificate of training; and four years of occupational experience related to the subject of the course taught; and two years of experience providing specialized instruction or services to persons in the disability category being served.

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

**History**

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

2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

3. Amendment of subsections (a)(3), (b), (c)(2) and (d), and new subsections (e)-(e)(4) filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

**§ 53420. Minimum Qualifications for Educational Administrators.**

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

(a) Possession of a master's degree.

(b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment, which may, but need not be, concurrent with the required full-time service.

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

**History**

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

2. Amendment of section heading and first paragraph filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

**§ 53430. Equivalencies.**

(a) No one may be hired to serve as a community college faculty member, or educational administrator, or administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this article or elsewhere in this division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgement of the academic senate to determine that each individual faculty employed under the authority granted by this section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this article.

(c) 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 it makes a determination; and that the written record of the decision including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

(d) Until a joint agreement is reached and approved pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

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

**History**

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

2. Amendment of subsections (a) and (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

**Subchapter 5. Faculty Internship Programs**

**§ 53500. General Authority.**

The governing board of any community college district may establish a faculty internship program pursuant to the provisions of this subchapter and Section 87487 of the Education Code. In accordance therewith, governing boards may employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code. A student employed as a faculty intern shall be employed as

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(1) Possession of a bachelor's degree from an accredited institution, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment, plus two years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available; or

(2) Possession of an associate degree from an accredited institution in a discipline reasonably related to the faculty member's assignment, plus six years of professional experience, plus appropriate certification to practice or licensure or its equivalent, if available.

NOTE: Authority cited: Sections 6700, 70901 and 87356, Education Code. Reference: Section 87356, Education Code.

#### HISTORY

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

### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

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

(a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mathematics, or natural science discipline or in liberal studies, as appropriate for the course.

(b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.

(c) For a noncredit basic skills course in reading and/or writing, either a bachelor's in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's in any discipline and twelve semester units of coursework in an accredited institution of higher education in teaching reading.

(d) For a noncredit course in citizenship, a bachelor's in any discipline, and six semester units in American history and institutions.

(e) For a noncredit course in English as a second language (ESL), any one of the following:

(1) A bachelor's in teaching English as a second language, or teaching English to speakers of other languages.

(2) A bachelor's in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech; and a certificate in teaching English as a second language, which may be completed concurrently during the first year of employment as a noncredit instructor.

(3) A bachelor's with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institution; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.

(4) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL.

(f) For a noncredit course in health and safety, a bachelor's in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(g) For a noncredit course in home economics, a bachelor's in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:

(1) A bachelor's with a major related to the subject of the course taught; and either (A) or (B) below:

(A) Thirty hours or two semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution

of higher education or approved by the district. This requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(B) One year of professional experience working with older adults.

(2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(i) For a noncredit course in parent education, a bachelor's in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

(j) For a short-term noncredit vocational course, any one of the following:

(1) A bachelor's degree; and two years of occupational experience related to the subject of the course taught.

(2) An associate degree; and six years of occupational experience related to the subject of the course taught.

(3) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in the subject matter.

(4) For courses in an occupation for which the district offers or has offered apprenticeship instruction, the minimum qualifications for noncredit apprenticeship instructors in that occupation, as specified in section 53413.

(k) In addition to other minimum qualifications specified in this section, the minimum qualifications for a faculty member teaching a noncredit course shall include appropriate valid certification to practice or licensure or its equivalent, if available.

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

#### HISTORY

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

### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1993, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

(1) Six (6) years of occupational experience in an apprenticeship trade, including at least two years at the journeyman level; and

(2) Sixty (60) clock hours or four (4) semester units of instruction in an accredited institution of higher education in materials, methods, and an evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1993, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following three requirements.

(1) Possession of an associate degree, plus four (4) years of occupational experience in the subject matter area to be taught; or

(2) Six (6) years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits, from an accredited institution; or

(3) Employment and service as a community college apprenticeship instructor prior to January 1, 1991; provided that such service was authorized pursuant to minimum qualifications that pertained at the time of hire.

(c) On or after July 1, 1993, the minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:

(1) The minimum qualifications for credit apprenticeship instruction as set forth in this section, or

(2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in an accredited institution of higher education in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

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

#### HISTORY

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

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

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in rehabilitation counseling, or

(2) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in special education, and twenty four (24) or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or

(3) A master's degree in counseling, guidance, student personnel, or psychology, or career development, or social welfare; and either twelve (12) or more semester units in upper division or graduate level course work specifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following:

(A) Counseling or guidance for students with disabilities; or

(B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree in physical education, with fifteen (15) semester units of upper division or graduate study in adapted physical education; or

(2) A bachelor's degree in physical education with a master's degree in occupational therapy.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in speech pathology and audiology, or communication disorders; and

(2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.

(d) Except as provided in subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree from an accredited institution, or equivalent foreign degree, in the category of disability or special education, or education, or psychology, or educational psychology or rehabilitation counseling; and

(2) Fifteen (15) semester units of upper division or graduate study in the area of disability, to include, but not be limited to:

(A) Learning disabilities;

(B) Developmental disabilities;

(C) Deaf and hearing impaired;

(D) Physical disabilities; or

(E) Adapted computer technology.

(e) The minimum qualifications for service as a faculty member to provide noncredit specialized instruction for students with disabilities shall be any one of the following:

(1) The minimum qualifications for providing credit specialized instruction for students with disabilities as specified in this section.

(2) A bachelor's degree with any of the following majors: education of students with specific or multiple disabilities; special education; psychology; physical education with an emphasis in adaptive physical education; communicative disorders; rehabilitation; computer-based education; other computer-related majors which include coursework on adapted or assistive computer technology for students with disabilities; other majors related to providing specialized instruction or services to persons with disabilities.

(3) An associate degree with one of the majors specified in subparagraph (2) above; and four years of experience providing specialized instruction or services to persons in the disability category or categories being served.

(4) For noncredit vocational courses, an associate degree or certificate of training; and four years of occupational experience related to the subject of the course taught; and two years of experience providing specialized instruction or services to persons in the disability category being served.

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

#### HISTORY

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

### § 53420. Minimum Qualifications for Educational Administrators.

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

(a) Possession of a master's degree.

(b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment, which may, but need not be, concurrent with the required full-time service.

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

#### HISTORY

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

**§ 53490. Equivalencies.**

(a) No one may be hired to serve as a community college faculty member, or educational administrator, or administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this article or elsewhere in this division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty employed under the authority granted by this section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this article.

(c) 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 it makes a determination; and that the written record of the decision including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

(d) Until a joint agreement is reached and approved pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

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

**HISTORY**

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

**Subchapter 5. Faculty Internship Programs****§ 53500. General Authority.**

The governing board of any community college district may establish a faculty internship program pursuant to the provisions of this subchapter and Section 87487 of the Education Code. In accordance therewith, governing boards may employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code. A student employed as a faculty intern shall be employed as

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§ 53130

2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**§ 53101. Processing of Fingerprint Cards.**

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

**HISTORY**

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**§ 53102. Cause for Dismissal.**

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

**HISTORY**

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**§ 53103. Report of Persons Employed.**

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

**HISTORY**

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**Article 1.5. Sick Leave Transfer**

**§ 53125. Transfer of Accumulated Sick Leave.**

The provisions of this section are to implement section 87782 of the Education Code relative to the manner in which accumulated sick leave shall be certified by one employer to another when an employee changes employment from one employer to another.

(a) Accumulated Sick Leave. As used in this section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code section 87781 but is unused.

(b) Transfer. A transfer of accumulated sick leave from a school district or office of the county superintendent of schools to another school district or office of the county superintendent of schools or from either to the Chancellor's Office; or a transfer from the Chancellor's Office to a school district or county superintendent of schools is authorized by Education Code section 87782, 87783, and 87785, provided the certificated or academic employee meets the eligibility requirements stated therein.

Transfer shall be accomplished as follows:

- (1) the person who accumulated the sick leave or the new employing agency using a form prescribed by the Chancellor's Office requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave,
- (2) upon receipt of the request the former employing agency forthwith transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is in charge with maintaining employee attendance records,
- (3) the new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code section 87785, which provides that the accumulated sick leave transferred may not exceed that amount of accumulated sick leave

that the person would have earned had he or she been an employee of the state.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

**HISTORY**

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

**Article 1.6. Evaluation of Academic Employees**

**§ 53130. Availability of Rules and Regulations for Evaluation of Performance.**

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. New article 1.6 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**Article 2. Academic Senates**

**§ 53200. Definitions.**

For the purpose of this subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of article 5 (commencing with section 3540) of chapter 10.7 of division 4 of title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this subchapter whose primary function is, as the representative of the faculty, to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this subchapter, reference to the term "academic senate" shall also constitute reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

- (1) Curriculum, including establishing prerequisites and placing courses within disciplines
- (2) Degree and certificate requirements
- (3) Grading policies
- (4) Educational program development
- (5) Standards or policies regarding student preparation and success
- (6) District and college governance structures, as related to faculty roles
- (7) Faculty roles and involvement in accreditation processes, including selfstudy and annual reports
- (8) Policies for faculty professional development activities
- (9) Processes for program review
- (10) Processes for institutional planning and budget development, and
- (11) Other academic and professional matters as mutually agreed upon between the governing board and the academic senate.

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- § 53403
- § 53406
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taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors. The hours of instruction of replacement faculty, whether full-time or part-time, shall be excluded from both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors.

Districts are required to fill the position(s) by the following Spring primary term unless designees for the district governing board and academic senate jointly agree that it is in the best interests of the district to delay the filling of the position. In such cases, replacement must be made by the following primary term of the Chancellor shall reduce the district's state apportionment revenues for the current year in accordance with the provisions of Section 51025.

(h) Librarians. A number of hours equivalent to the number of hours taught by a full-time instructor shall be included in both the total hours of credit instruction taught by full-time and part-time instructors and the total hours of instruction taught by full-time instructors for each full-time librarian hired in excess of the number of full-time librarians in the previous year's base. A comparable number of hours shall be counted for each year thereafter unless the position(s) is vacant or eliminated. This subdivision shall become inoperative on July 1, 1994, unless a later-adopted regulation deletes or extends this date.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Editorial correction of printing error in article 2 heading (Register 91, No. 31).
3. New subsections (f)-(h) and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).
4. Amendment of subsection (h) filed 2-4-93; operative 3-6-93 (Register 93, No. 6).

#### § 53311. Base Data.

For purposes of this subchapter, "base data" means the base percentage of hours of credit instruction taught by full-time instructors and the base number of full-time faculty required to be maintained or additional hires to be made by the fall of the subsequent year. This data shall be determined from the current year's fall management information system staff data submission to the Chancellor's office.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of section heading, text and NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

#### § 53312. Additional Full-Time Faculty Positions.

(a) The Chancellor shall compute each community college district's number of full-time faculty (FTF) which are to be secured in accordance with the provisions of Section 51025, as the result of additional funded growth in credit full-time equivalent students and through the use of the prescribed portion of program improvement revenue allocated to each district.

(b) This computation shall be made by dividing the applicable portion of program improvement revenue (0 percent, 33 percent, or 40 percent of the program improvement allocation), by the statewide average "replacement cost" (a figure which represents the statewide average faculty salary plus benefits, minus the statewide hourly rate of compensation for part-time instructors times the statewide average full-time teaching load).

(c) If the quotient determined in paragraph (b) is not a whole number, then the quotient shall be rounded down to the nearest whole number. If the quotient, once applied, will result in the district exceeding the 75 per-

cent standard, the Chancellor shall further reduce the quotient to a whole number that will leave the district as close as possible to, but in excess of, the 75 percent standard.

(d) The computation for the funded growth in full-time equivalent student workload obligation to secure additional full-time faculty shall, when required pursuant to the provisions of Section 51025(a)(1) and (e), be made by multiplying the percentage of funded credit FTES growth times the base number of full-time faculty that were to be in place by Fall of the current year.

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Amendment of subsections (a) and (e) and NOTE and new subsection (d) filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

#### § 53314. Report to Districts.

The Chancellor shall report to districts by Spring of each year the estimated number of FTF each district must secure by the following Fall based upon the appropriation of revenues contained in that year's Budget Act and the Board of Governors action pursuant to section 51025(e).

NOTE: Authority cited: Sections 66700, 70901 and 87482.7, Education Code. Reference: Sections 84750 and 87482.7, Education Code.

#### HISTORY

1. New section filed 6-5-90 by the Board of Governors, California Community Colleges, with the Secretary of State; operative 7-5-90. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 90, No. 37).
2. Repealer and new section and amendment of NOTE filed 8-19-92; operative 9-18-92 (Register 92, No. 34).

## Article 3. Enforcement

#### § 53320. Funding Reductions.

On or before December 31, 1991, the Chancellor shall determine the extent to which each district, by September 30, 1991, has hired the number of FTF determined pursuant to Section 53312 for the 1989-90 and 1990-91 fiscal years. To the extent that cumulative number of FTF have not been retained, the Chancellor shall reduce the district's allocation for 1991-92 by an amount equivalent to the average replacement costs times the deficiency in the number of FTF. To the extent a district hires the additional FTF in subsequent fiscal years, the reduction made to the district's revenue shall be restored.

NOTE: Authority cited: Sections 66700, 70901 and 87482.6, Education Code. Reference: Section 87482.6, Education Code.

#### HISTORY

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

## Subchapter 4. Minimum Qualifications

### Article 1. Scope and Definitions

#### § 53400. Scope.

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

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

**History**

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

**§ 53401. Applicability to Community Services and Contract Classes.**

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

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

**History**

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

**§ 53402. Definitions.**

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

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

**History**

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

**§ 53403. Applicability of Amendments.**

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

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

mandatory grounds for revocation, or when the Chancellor's Office has determined that the credential was obtained by fraud.

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

**History**

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

**§ 53404. Definition of Experience.**

Where years of professional or occupational experience are referred to in this subchapter, the requirement is for the stated number of years of full-time experience or the equivalent in part-time experience. Unpaid experience may be counted if it entailed responsibilities substantially similar to those of relevant paid positions in the field.

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

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

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

**History**

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

**§ 53405. Certificated Employees.**

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

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

**History**

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

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

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

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

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

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

**History**

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

**§ 53407. Discipline Lists.**

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

(1) to establish a working definition of the term "discipline" as used in Section 53410;

(2) to define which disciplines are "reasonably related" to one another, for purposes of Section 53410;

(3) to define disciplines in which the master's degree is not generally expected or available, as opposed to those for which the master's degree is required, for purposes of Section 53410.

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

#### HISTORY

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

## Article 2. Qualifications and Equivalencies

### § 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.

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

(a) Possession of a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

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

(2) Possession of an associate degree, or equivalent foreign degrees, plus six years of professional experience, directly related to the faculty member's assignment.

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

#### HISTORY

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

2. Amendment of first paragraph and subsections (a) and (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

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

### § 53410.1. Professional License As Alternative Qualification.

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

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

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

#### HISTORY

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

### § 53411. Minimum Qualifications for Health Services Professionals.

(a) The minimum qualifications for a health services professional with overall responsibility for developing and directing student health services shall be a valid, current California license as a registered nurse, and either of the following:

(1) a master's degree in nursing and a California Public Health Nurse certificate; or

(2) a bachelor's degree in nursing, a California Public Health Nurse certificate, and a master's degree in health education, sociology, psychology, counseling, health care administration, public health, or community health.

(b) Other health services personnel shall not be subject to statewide minimum qualifications; however, all personnel shall possess appropriate valid, current licensure or certification to practice in California when required by law. Ancillary personnel shall work under appropriate supervision when required by their license laws.

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

#### HISTORY

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

### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

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

(a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mathematics, or natural science discipline or in liberal studies, as appropriate for the course.

(b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.

(c) For a noncredit basic skills course in reading and/or writing, either: a bachelor's degree in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's degree in any discipline and twelve semester units of coursework in teaching reading.

(d) For a noncredit course in citizenship, a bachelor's degree in any discipline, and six semester units in American history and institutions.

(e) For a noncredit course in English as a second language (ESL), any one of the following:

(1) A bachelor's degree in teaching English as a second language, or teaching English to speakers of other languages.

(2) A bachelor's degree in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech; and a certificate in teaching English as a second language, which may be completed concurrently during the first year of employment as a noncredit instructor.

(3) A bachelor's degree with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institution; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.

(4) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL.

(f) For a noncredit course in health and safety, a bachelor's degree in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(g) For a noncredit course in home economics, a bachelor's degree in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associated degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:

(1) A bachelor's degree with a major related to the subject of the course taught; and either (A) or (B) below:

(A) Thirty hours or two semester units of course work or class work in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(B) One year of professional experience working with older adults.

(2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(i) For a noncredit course in parent education, a bachelor's degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

(j) For a short-term noncredit vocational course, any one of the following:

(1) A bachelor's degree; and two years of occupational experience related to the subject of the course taught.

(2) An associate degree; and six years of occupational experience related to the subject of the course taught.

(3) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in the subject matter.

(4) For courses in an occupation for which the district offers or has offered apprenticeship instruction, the minimum qualifications for noncredit apprenticeship instructors in that occupation, as specified in Section 53413.

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

#### HISTORY

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

#### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

(1) Six years of occupational experience in an apprenticeable trade, including at least two years at the journeyman level; and

(2) Sixty clock hours or four semester units of instruction in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following two requirements:

(1) Possession of an associate degree, plus four years of occupational experience in the subject matter area to be taught; or

(2) Six years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen

(18) semester units of degree applicable college level course work, in addition to apprenticeship credits.

(c) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:

(1) The minimum qualifications for credit apprenticeship instruction as set forth in this section, or

(2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

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

#### HISTORY

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

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

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in rehabilitation counseling, or

(2) Possession of a master's degree, or equivalent foreign degree, in special education, and twenty four or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or

(3) A master's degree in counseling, guidance, student personnel, psychology, career development, or social welfare; and either twelve or more semester units in upper division or graduate level course work specifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following:

(A) Counseling or guidance for students with disabilities; or

(B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be the minimum qualifications for an instructor of credit physical education, and fifteen semester units of upper division or graduate study in adapted physical education.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in speech pathology and audiology, or in communication disorders; and

(2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.

(d) Except as provided in Subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in the category of disability, special education, education, psychology, educational psychology, or rehabilitation counseling; and

(2) Fifteen semester units of upper division or graduate study in the area of disability, to include, but not be limited to:

- (A) Learning disabilities;
- (B) Developmental disabilities;
- (C) Deaf and hearing impaired;
- (D) Physical disabilities; or
- (E) Adapted computer technology.

(e) The minimum qualifications for service as a faculty member to provide noncredit specialized instruction for students with disabilities shall be any one of the following:

(1) The minimum qualifications for providing credit specialized instruction for students with disabilities as specified in this section.

(2) A bachelor's degree with any of the following majors: education of students with specific or multiple disabilities; special education; psychology; physical education with an emphasis in adaptive physical education; communicative disorders; rehabilitation; computer-based education; other computer-related majors which include course work on adapted or assistive computer technology for students with disabilities; other majors related to providing specialized instruction or services to persons with disabilities.

(3) An associate degree with one of the majors specified in subparagraph (2) above; and four years of experience providing specialized instruction or services to persons in the disability category or categories being served.

(4) For noncredit vocational courses, an associate degree or certificate of training; and four years of occupational experience related to the subject of the course taught; and two years of experience providing specialized instruction or services to persons in the disability category being served.

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

#### History

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

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

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

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

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

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

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

#### History

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

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

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

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

#### History

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

#### § 53417. Licensed or Certificated Occupations.

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

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

#### History

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

#### § 53420. Minimum Qualifications for Educational Administrators.

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

(a) Possession of a master's degree; and

(b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment.

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

#### History

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

#### § 53430. Equivalencies.

(a) No one may be hired to serve as a community college faculty or educational administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this article or elsewhere in this division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty employed under the authority granted by this section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this division.

(c) The process shall further require that the academic senate be provided with an opportunity to present its views to the governing board before the governing board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

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(d) Until a joint agreement is reached and approved pursuant to Subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

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

**HISTORY**

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

**Subchapter 5. Faculty Internship Programs**

**§ 53500. General Authority.**

The governing board of any community college district may establish a faculty internship program pursuant to the provisions of this subchapter and Section 87487 of the Education Code. In accordance therewith, governing boards may employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code. A student employed as a faculty intern shall be employed as a temporary faculty member under Section 87482.5 of the Education Code, and shall meet the minimum qualifications specified in Section 53502.

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

**HISTORY**

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

**§ 53501. Purposes.**

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

(a) To enhance the recruitment of qualified persons pursuing the master's or doctoral degrees, or both, into faculty positions in community colleges in California, particularly for disciplines for which recruitment is difficult and for disciplines in which a shortage of qualified faculty is anticipated. In order to accomplish this purpose, the internship program shall serve to introduce graduate students, before they approach the end of their graduate studies, to the community college environment and student population.

(b) To enhance community college efforts toward building a diverse and representative faculty. In order to accomplish this purpose, the internship program shall place special emphasis on locating and attracting qualified graduate students who are members of underrepresented groups.

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

**HISTORY**

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

**§ 53502. Minimum Qualifications.**

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

(a) Faculty interns shall be enrolled in a master's or doctoral program at the University of California, the California State University, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code, and shall have completed at least one-half of the coursework, or the equivalent, in that graduate program.

(b) Faculty interns shall only be assigned to teach or to serve in a discipline in which they would be legally qualified to teach or render service upon completion of their graduate studies. A faculty intern shall be limited to two years of participation in the program.

(c) Each faculty intern shall serve under the direct supervision of a mentor who is legally qualified to teach the course or render the service that the faculty intern is providing. The district governing board shall ensure that faculty mentors provide substantial direct in-class supervision and evaluation of interns' teaching capabilities. The mentor shall have no other assigned duties during the time that the faculty intern is teaching or rendering service. The mentor is responsible for providing direct monitoring and systematic contact with the faculty intern.

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

**HISTORY**

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

**§ 53530. Use of Bond Proceeds.**

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Renumbering and amendment of former section 53530 to section 59422 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**§ 53540. Territory of District Becoming Part of Two or More Districts; Disposition of Records.**

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Renumbering and amendment of former section 53540 to section 59424 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**Chapter 5. Students**

**Subchapter 1. Student Residence Classification**

**§ 54000. Uniform Residency Requirements.**

The provisions of this chapter implement and should be read in conjunction with the Uniform Residency Requirements contained in part 41 (commencing with section 68000) of the Education Code.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Part 41 (commencing with Section 68000), Education Code.

**HISTORY**

1. Repealer of chapter 1 (sections 54000, 54001, 54100, 54101) and new chapter 1 (sections 54000 through 54082, not consecutive) filed 6-25-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 26). For prior history, see Register 70, No. 16.
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 1 (sections 54000-54082, not consecutive) and new chapter 1 (sections 54000-54070, not consecutive) filed 11-22-82; effective thirtieth day thereafter (Register 82, No. 48). For prior history, see Registers 79, No. 46; 77, No. 45; 74, No. 45; 74, No. 10; and 73, No. 44.
4. Amendment of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).

**§ 54001. Adoption of Rules and Regulations; Publication; Uniformity.**

The residence determination date and a summary of the rules and regulations adopted by the Board of Governors and district governing boards pursuant to chapter 1, part 41 of division 5 of the Education Code, commencing with section 68000, shall be published in the district catalogs and/or addenda thereto. The applicable Education Code provisions and the rules and regulations adopted by the Board of Governors and the district shall be made available to the students at each district.

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Amendment filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

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(3) to define disciplines in which the master's degree is not generally expected or available, as opposed to those for which the master's degree is required, for purposes of Section 53410.

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

#### HISTORY

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

## Article 2. Qualifications and Equivalencies

### § 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.

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

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

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

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

#### HISTORY

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

### § 53410.1. Professional License As Alternative Qualification.

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

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

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

#### HISTORY

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

### § 53411. Minimum Qualifications for Health Services Professionals.

(a) The minimum qualifications for a health services professional with overall responsibility for developing and directing student health services shall be a valid, current California license as a registered nurse, and either of the following:

(1) a master's degree in nursing and a California Public Health Nurse certificate; or

(2) a bachelor's degree in nursing, a California Public Health Nurse certificate, and a master's degree in health education, sociology, psychology, counseling, health care administration, public health, or community health.

(b) Other health services personnel shall not be subject to statewide minimum qualifications; however, all personnel shall possess appropriate valid, current licensure or certification to practice in California when required by law. Ancillary personnel shall work under appropriate supervision when required by their license laws.

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

#### HISTORY

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

### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

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

- (a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mathematics, or natural science discipline or in liberal studies, as appropriate for the course.
- (b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.
- (c) For a noncredit basic skills course in reading and/or writing, either: a bachelor's degree in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's degree in any discipline and twelve semester units of coursework in teaching reading.

(d) For a noncredit course in citizenship, a bachelor's degree in any discipline, and six semester units in American history and institutions.

(e) For a noncredit course in English as a second language (ESL), any one of the following:

- (1) A bachelor's degree in teaching English as a second language, or teaching English to speakers of other languages.
- (2) A bachelor's degree in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech; and a certificate in teaching English as a second language, which may be completed concurrently during the first year of employment as a noncredit instructor.

(3) A bachelor's degree with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institution; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.

(4) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL.

(f) For a noncredit course in health and safety, a bachelor's degree in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(g) For a noncredit course in home economics, a bachelor's degree in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associated degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:

- (1) A bachelor's degree with a major related to the subject of the course taught; and either (A) or (B) below:
  - (A) Thirty hours or two semester units of course work or class work in understanding the needs of the older adult, taken at an accredited insti-

tution of higher education or approved by the district. This requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(B) One year of professional experience working with older adults.

(2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(i) For a noncredit course in parent education, a bachelor's degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

(j) For a short-term noncredit vocational course, any one of the following:

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

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

#### HISTORY

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

#### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

- (1) Six years of occupational experience in an apprenticeable trade, including at least two years at the journeyman level; and
- (2) Sixty clock hours or four semester units of instruction in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following two requirements:

- (1) Possession of an associate degree, plus four years of occupational experience in the subject matter area to be taught; or

(2) Six years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits.

(c) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:

- (1) The minimum qualifications for credit apprenticeship instruction as set forth in this section, or
- (2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

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

#### HISTORY

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

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

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements:

- (1) Possession of a master's degree, or equivalent foreign degree, in rehabilitation counseling, or
- (2) Possession of a master's degree, or equivalent foreign degree, in special education, and twenty four or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or
- (3) A master's degree in counseling, guidance, student personnel, psychology, career development, or social welfare; and either twelve or more semester units in upper division or graduate level course work specifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following:

(A) Counseling or guidance for students with disabilities; or  
(B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be the minimum qualifications for an instructor of credit physical education, and fifteen semester units of upper division or graduate study in adapted physical education.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

- (1) Possession of a master's degree, or equivalent foreign degree, in speech pathology and audiology, or in communication disorders; and
- (2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.

(d) Except as provided in Subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

Register 94-38

§ 53406

87356 and 87359 concerning minimum qualifications for community college faculty and administrators. The provisions of this subchapter are effective July 1, 1990.

NOTE: Authority cited: Sections 66700, 70901, 87001, 87356 and 87359, Education Code. Reference: Sections 87001, 87002, 87003, 87356 and 87359, Education Code.

#### HISTORY

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

### § 53401. Applicability to Community Services and Contract Classes.

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

NOTE: Authority cited: Sections 70901(b)(1)(B) and 87356, Education Code. Reference: Sections 70901(b)(1)(B), 78020 through 78023 and 78300, Education Code.

#### HISTORY

1. New section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).

### § 53402. Definitions.

(a) "Administrator" means any person employed by the governing board of a district in a supervisory or management position as defined in Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code.

(b) "Educational administrator" means an administrator who is employed in an academic position designated by the governing board of the district as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services program of the college or district. Educational administrators include, but are not limited to, chancellors, presidents, and other supervisory or management employees designated by the governing board as educational administrators.

(c) "Faculty" or "faculty member" means those employees of a district who are employed in academic positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code and for which minimum qualifications for service are specified in Section 53410-53414 or other provisions of this division. Faculty include, but are not limited to, instructors, librarians, counselors, community college health service professionals, disabled student programs and services professionals, extended opportunity programs and services professionals, and individuals employed to perform a service that, before July 1, 1990, required nonsupervisory, nonmanagement community college certification qualifications.

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

#### HISTORY

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

### § 53403. Applicability of Amendments.

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

or render that service under the minimum qualifications or disciplines lists then in effect.

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

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

#### HISTORY

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

### § 53404. Definition of Experience.

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

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

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

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

#### HISTORY

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

### § 53405. Certificated Employees.

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

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

#### HISTORY

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

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

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

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

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

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

#### HISTORY

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

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

#### § 53407. Discipline Lists.

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

(1) to establish a working definition of the term "discipline" as used in Section 53410;

(2) to define which disciplines are "reasonably related" to one another, for purposes of Section 53410;

(3) to define disciplines in which the master's degree is not generally expected or available, as opposed to those for which the master's degree is required, for purposes of Section 53410.

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

#### HISTORY

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

## Article 2. Qualifications and Equivalencies

### § 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.

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

(a) Possession of a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

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

(2) Possession of an associate degree, or equivalent foreign degrees, plus six years of professional experience, directly related to the faculty member's assignment.

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

#### HISTORY

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

2. Amendment of first paragraph and subsections (a) and (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

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

4. Amendment of NOTE filed 11-10-93; operative 10-8-93 (Register 93, No. 46).

### § 53410.1. Professional License As Alternative Qualification.

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

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

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

#### HISTORY

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

### § 53411. Minimum Qualifications for Health Services Professionals.

(a) The minimum qualifications for a health services professional with overall responsibility for developing and directing student health services shall be a valid, current California license as a registered nurse, and either of the following:

(1) a master's degree in nursing and a California Public Health Nurse certificate; or

(2) a bachelor's degree in nursing, a California Public Health Nurse certificate, and a master's degree in health education, sociology, psychology, counseling, health care administration, public health, or community health.

(b) Other health services personnel shall not be subject to statewide minimum qualifications; however, all personnel shall possess appropriate valid, current licensure or certification to practice in California when required by law. Ancillary personnel shall work under appropriate supervision when required by their license laws.

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

#### HISTORY

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

### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

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

(a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mathematics, or natural science discipline or in liberal studies, as appropriate for the course.

(b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.

(c) For a noncredit basic skills course in reading and/or writing, either: a bachelor's degree in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's degree in any discipline and twelve semester units of coursework in teaching reading.

(d) For a noncredit course in citizenship, a bachelor's degree in any discipline, and six semester units in American history and institutions.

(e) For a noncredit course in English as a second language (ESL), any one of the following:

(1) A bachelor's degree in teaching English as a second language, or teaching English to speakers of other languages.

(2) A bachelor's degree in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech; and a certificate in teaching English as a second language, which may be completed concurrently during the first year of employment as a noncredit instructor.

(3) A bachelor's degree with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institution; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.

(4) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL.

(f) For a noncredit course in health and safety, a bachelor's degree in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(g) For a noncredit course in home economics, a bachelor's degree in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associated degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:

(1) A bachelor's degree with a major related to the subject of the course taught; and either (A) or (B) below:

(A) Thirty hours or two semester units of course work or class work in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(B) One year of professional experience working with older adults.

(2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(i) For a noncredit course in parent education, a bachelor's degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

(j) For a short-term noncredit vocational course, any one of the following:

(1) A bachelor's degree; and two years of occupational experience related to the subject of the course taught.

(2) An associate degree; and six years of occupational experience related to the subject of the course taught.

(3) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in the subject matter.

(4) For courses in an occupation for which the district offers or has offered apprenticeship instruction, the minimum qualifications for noncredit apprenticeship instructors in that occupation, as specified in Section 53413.

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

**HISTORY**

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

**§ 53413. Minimum Qualifications for Apprenticeship Instructors.**

(a) Until July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

(1) Six years of occupational experience in an apprenticesable trade, including at least two years at the journeyman level; and

(2) Sixty clock hours or four semester units of instruction in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following two requirements:

(1) Possession of an associate degree, plus four years of occupational experience in the subject matter area to be taught; or

(2) Six years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits.

(c) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:

(1) The minimum qualifications for credit apprenticeship instruction as set forth in this section; or

(2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

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

**HISTORY**

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

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

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements;

(1) Possession of a master's degree, or equivalent foreign degree, in rehabilitation counseling; or

(2) Possession of a master's degree, or equivalent foreign degree, in special education, and twenty four or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or

(3) A master's degree in counseling, guidance, student personnel, psychology, career development, or social welfare; and either twelve or more semester units in upper division or graduate level course work specifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following:

(A) Counseling or guidance for students with disabilities; or

(B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be the minimum qualifications for an instructor of credit physical

education, and fifteen semester units of upper division or graduate study in adapted physical education.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

- (1) Possession of a master's degree, or equivalent foreign degree, in speech pathology and audiology, or in communication disorders; and
- (2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.

(d) Except as provided in Subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

- (1) Possession of a master's degree, or equivalent foreign degree, in the category of disability, special education, education, psychology, educational psychology, or rehabilitation counseling; and
- (2) Fifteen semester units of upper division or graduate study in the area of disability, to include, but not be limited to:

- (A) Learning disabilities;
- (B) Developmental disabilities;
- (C) Deaf and hearing impaired;
- (D) Physical disabilities; or
- (E) Adapted computer technology.

(e) The minimum qualifications for service as a faculty member to provide noncredit specialized instruction for students with disabilities shall be any one of the following:

- (1) The minimum qualifications for providing credit specialized instruction for students with disabilities as specified in this section.
- (2) A bachelor's degree with any of the following majors: education of students with specific or multiple disabilities; special education; psychology; physical education with an emphasis in adaptive physical education; communicative disorders; rehabilitation; computer-based education; other computer-related majors which include course work on adapted or assistive computer technology for students with disabilities; other majors related to providing specialized instruction or services to persons with disabilities.

(3) An associate degree with one of the majors specified in subparagraph (2) above; and four years of experience providing specialized instruction or services to persons in the disability category or categories being served.

(4) For noncredit vocational courses, an associate degree or certificate of training; and four years of occupational experience related to the subject of the course taught; and two years of experience providing specialized instruction or services to persons in the disability category being served.

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

#### HISTORY

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

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

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

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

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

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

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

#### HISTORY

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

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

The minimum qualifications for an instructor or coordinator of general or occupational work experience education, as defined in Section 53252, shall be the minimum qualifications in any discipline in which work experience may be provided at the college where the instructor or coordinator is employed.

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

#### HISTORY

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

#### § 53417. Licensed or Certificated Occupations.

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

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

#### HISTORY

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

#### § 53420. Minimum Qualifications for Educational Administrators.

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

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

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

#### HISTORY

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

#### § 53430. Equivalencies.

(a) No one may be hired to serve as a community college faculty or educational administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this Article or elsewhere in this Division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty employed un-

der the authority granted by this Section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this Division.

(c) The process shall further require that the academic senate be provided with an opportunity to present its views to the governing board before the governing board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

(d) Until a joint agreement is reached and approved pursuant to Subdivision (b), the district shall be bound by the minimum qualifications set forth in this Subchapter.

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

**HISTORY**

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

**Subchapter 5. Faculty Internship Programs**

**§ 53500. General Authority.**

The governing board of any community college district may establish a faculty internship program pursuant to the provisions of this Subchapter and Section 87487 of the Education Code. In accordance therewith, governing boards may employ, as faculty interns within the program, graduate students enrolled in the California State University, the University of California, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code. A student employed as a faculty intern shall be employed as a temporary faculty member under Section 87482.5 of the Education Code, and shall meet the minimum qualifications specified in Section 53502.

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

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

**HISTORY**

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

**§ 53501. Purposes.**

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

(a) To enhance the recruitment of qualified persons pursuing the master's or doctoral degrees, or both, into faculty positions in community colleges in California, particularly for disciplines for which recruitment is difficult and for disciplines in which a shortage of qualified faculty is anticipated. In order to accomplish this purpose, the internship program shall serve to introduce graduate students, before they approach the end of their graduate studies, to the community college environment and student population.

(b) To enhance community college efforts toward building a diverse and representative faculty. In order to accomplish this purpose, the internship program shall place special emphasis on locating and attracting qualified graduate students who are members of underrepresented groups.

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

**HISTORY**

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

**§ 53502. Minimum Qualifications.**

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

(a) Faculty interns shall be enrolled in a master's or doctoral program at the University of California, the California State University, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code, and shall have completed at least one-half of the coursework, or the equivalent, in that graduate program.

(b) Faculty interns shall only be assigned to teach or to serve in a discipline in which they would be legally qualified to teach or render service upon completion of their graduate studies. A faculty intern shall be limited to two years of participation in the program.

(c) Each faculty intern shall serve under the direct supervision of a mentor who is legally qualified to teach the course or render the service that the faculty intern is providing. The district governing board shall ensure that faculty mentors provide substantial direct in-class supervision and evaluation of interns' teaching capabilities. The mentor shall have no other assigned duties during the time that the faculty intern is teaching or rendering service. The mentor is responsible for providing direct monitoring and systematic contact with the faculty intern.

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

**HISTORY**

1. New section filed 4-3-92; operative 5-4-92 (Register 92, No. 15).

**§ 53530. Use of Bond Proceeds.**

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Renumbering and amendment of former section 53530 to section 59422 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**§ 53540. Territory of District Becoming Part of Two or More Districts; Disposition of Records.**

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

**HISTORY**

1. Adoption of section submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 23).
2. Renumbering and amendment of former section 53540 to section 59424 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

**Chapter 5. Students**

**Subchapter 1. Student Residence Classification**

**§ 54000. Uniform Residency Requirements.**

The provisions of this chapter implement and should be read in conjunction with the Uniform Residency Requirements contained in part 41 (commencing with section 68000) of the Education Code.

NOTE: Authority cited: Sections 66700, 68044, and 70901, Education Code. Reference: Part 41 (commencing with Section 68000), Education Code.

**HISTORY**

1. Repealer of chapter 1 (sections 54000, 54001, 54100, 54101) and new chapter 1 (sections 54000 through 54082, not consecutive) filed 6-25-73 as an emergency; effective upon filing. Certificate of Compliance included (Register 73, No. 26). For prior history, see Register 70, No. 16.
2. Amendment of NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Repealer of chapter 1 (sections 54000-54062, not consecutive) and new chapter 1 (sections 54000-54070, not consecutive) filed 11-22-82; effective thirtieth day thereafter (Register 82, No. 48). For prior history, see Registers 79, No. 46; 77, No. 45; 74, No. 45; 74, No. 10; and 73, No. 44.

Register 95-19

§ 53130

2. Repealer filed 3-26-92; operative 4-24-92 (Register 92, No. 17).

## Subchapter 2. Certificated Positions

### Article 1. Special Non-Credentialed Employees

#### § 53100. Prerequisites for Employment Under Education Code Section 87401.

NOTE: Authority cited: Sections 71020, 71064, and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

##### HISTORY

1. Renumbering of chapter 1 (sections 53100-53205) to chapter 2 (sections 53100-53205) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

#### § 53101. Processing of Fingerprint Cards.

NOTE: Authority cited: Sections 71020, 71064, 87220 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

##### HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

#### § 53102. Cause for Dismissal.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

##### HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

#### § 53103. Report of Persons Employed.

NOTE: Authority cited: Sections 71020, 71068 and 87401, Education Code. Reference: Sections 71020 and 87401, Education Code.

##### HISTORY

1. Amendment filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
2. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
3. Repealer filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

### Article 1.5. Sick Leave Transfer

#### § 53125. Transfer of Accumulated Sick Leave.

This Section prescribes the manner in which the amount of accumulated sick leave is certified for transfer under Sections 87782, 87783, and 87785 of the Education Code.

(a) As used in this Section, accumulated sick leave means a leave of absence for illness or injury that is earned under Education Code Section 87781 but is unused.

(b) Transfer shall be certified as follows:

- (1) The person who accumulated the sick leave or the new employing agency requests the former employing agency to send the new employing agency a written statement of the employee's accumulated sick leave.
- (2) Upon receipt of the request, the former employing agency transmits to the new employing agency a statement of the person's accumulated sick leave certified to be true and correct by the officer or employee of the former employing agency who is charged with maintaining employee attendance records.

(3) The new employing agency credits the person with the accumulated sick leave set forth in the certified statement. Any transfer of sick leave to the Chancellor's Office shall be subject to the limitations specified by Education Code Section 87785.

NOTE: Authority cited: Sections 70901, 71024 and 87782, Education Code. Reference: Sections 87781, 87782, 87783 and 87785, Education Code.

##### HISTORY

1. New subchapter 1.5 (section 53125) filed 4-26-74; effective thirtieth day thereafter (Register 74, No. 17).
2. Amendment of section and NOTE filed 11-4-77; effective thirtieth day thereafter (Register 77, No. 45).
3. Amendment filed 4-27-83; effective thirtieth day thereafter (Register 83, No. 18).
4. Amendment filed 3-4-91 by Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
5. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
6. Editorial correction of HISTORY 4 (Register 95, No. 19).

### Article 1.6. Evaluation of Academic Employees

#### § 53130. Availability of Rules and Regulations for Evaluation of Performance.

The governing board of a community college district shall adopt and cause to be printed and made available to each academic employee of the district reasonable rules and regulations providing for the evaluation of the performance of academic employees in their assigned duties.

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

##### HISTORY

1. New section filed 3-4-91 by the Board of Governors of California Community Colleges with the Secretary of State; operative 4-5-91 (Register 91, No. 23). Submitted to OAL for printing only pursuant to Education Code Section 70901.5(b).
2. New article 1.6 heading filed 5-15-93; operative 6-4-93 (Register 93, No. 25).
3. Editorial correction of HISTORY 1 (Register 95, No. 19).

### Article 2. Academic Senates

#### § 53200. Definitions.

For the purpose of this Subchapter:

(a) "Faculty" means those employees of a community college district who are employed in positions that are not designated as supervisory or management for the purposes of Article 5 (commencing with Section 3540) of Chapter 10.7 of Division 4 of Title 1 of the Government Code, and for which minimum qualifications for hire are specified by the Board of Governors.

(b) "Academic senate," "faculty council," and "faculty senate" means an organization formed in accordance with the provisions of this Subchapter whose primary function, as the representative of the faculty, is to make recommendations to the administration of a college and to the governing board of a district with respect to academic and professional matters. For purposes of this Subchapter, reference to the term "academic senate" also constitutes reference to "faculty council" or "faculty senate."

(c) "Academic and professional matters" means the following policy development and implementation matters:

- (1) curriculum, including establishing prerequisites and placing courses within disciplines;
- (2) degree and certificate requirements;
- (3) grading policies;
- (4) educational program development;
- (5) standards or policies regarding student preparation and success;
- (6) district and college governance structures, as related to faculty roles;

Register 96-40

§ 53410

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

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

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

#### HISTORY

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

### § 53407. Discipline Lists.

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

(1) to establish a working definition of the term "discipline" as used in Section 53410;

(2) to define which disciplines are "reasonably related" to one another, for purposes of Section 53410;

(3) to define disciplines in which the master's degree is not generally expected or available, as opposed to those for which the master's degree is required, for purposes of Section 53410.

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

#### HISTORY

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

## Article 2. Qualifications and Equivalencies

### § 53410. Minimum Qualifications for Instructors of Credit Courses, Counselors, and Librarians.

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

(a) Possession of a master's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(b) Possession of a master's degree, or equivalent foreign degree, in a discipline reasonably related to the faculty member's assignment and possession of a bachelor's degree, or equivalent foreign degree, in the discipline of the faculty member's assignment.

(c) For faculty assigned to teach courses in disciplines where the master's degree is not generally expected or available, which are, generally, disciplines in specialized technical, trade, or industrial fields, either of the following:

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

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

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

#### HISTORY

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

4. Amendment of NOTE filed 11-10-93; operative 10-6-93 (Register 93, No. 46).
5. Editorial correction of subsection (c)(2) (Register 96, No. 40).

### § 53410.1. Professional License As Alternative Qualification.

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

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

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

#### HISTORY

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

### § 53411. Minimum Qualifications for Health Services Professionals.

(a) The minimum qualifications for a health services professional with overall responsibility for developing and directing student health services shall be a valid, current California license as a registered nurse, and either of the following:

(1) a master's degree in nursing and a California Public Health Nurse certificate; or

(2) a bachelor's degree in nursing, a California Public Health Nurse certificate, and a master's degree in health education, sociology, psychology, counseling, health care administration, public health, or community health.

(b) Other health services personnel shall not be subject to statewide minimum qualifications; however, all personnel shall possess appropriate valid, current licensure or certification to practice in California when required by law. Ancillary personnel shall work under appropriate supervision when required by their license laws.

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

#### HISTORY

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

### § 53412. Minimum Qualifications for Instructors of Noncredit Courses.

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

(a) For an interdisciplinary noncredit basic skills course, a bachelor's in any social science, humanities, mathematics, or natural science discipline or in liberal studies, as appropriate for the course.

(b) For a noncredit basic skills course in mathematics, a bachelor's in mathematics.

(c) For a noncredit basic skills course in reading and/or writing, either: a bachelor's degree in English, literature, comparative literature, composition, linguistics, speech, creative writing, or journalism; or a bachelor's degree in any discipline and twelve semester units of coursework in teaching reading.

(d) For a noncredit course in citizenship, a bachelor's degree in any discipline, and six semester units in American history and institutions.

(e) For a noncredit course in English as a second language (ESL), any one of the following:

(1) A bachelor's degree in teaching English as a second language, or teaching English to speakers of other languages.

(2) A bachelor's degree in education, English, linguistics, applied linguistics, any foreign language, composition, bilingual/bicultural studies, reading, or speech; and a certificate in teaching English as a second lan-

guage, which may be completed concurrently during the first year of employment as a noncredit instructor.

(3) A bachelor's degree with any of the majors specified in subparagraph (2) above; and one year of experience teaching ESL in an accredited institution; and a certificate in teaching English as a second language, which may be completed concurrently during the first two years of employment as a noncredit instructor.

(4) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in ESL.

(f) For a noncredit course in health and safety, a bachelor's degree in health science, health education, biology, nursing, dietetics, or nutrition; or an associate degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(g) For a noncredit course in home economics, a bachelor's degree in home economics, life management, family and consumer studies, dietetics, food management, interior design, or clothing and textiles; or an associated degree in any of those subjects, and four years of professional experience related to the subject of the course taught.

(h) For a noncredit course intended for older adults, either pattern (1) or pattern (2) following:

(1) A bachelor's degree with a major related to the subject of the course taught; and either (A) or (B) below:

(A) Thirty hours or two semester units of course work or class work in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(B) One year of professional experience working with older adults.

(2) An associate degree with a major related to the subject of the course taught; and two years of occupational experience related to the subject of the course taught; and sixty hours or four semester units of coursework or classwork in understanding the needs of the older adult, taken at an accredited institution of higher education or approved by the district. This last requirement may be completed concurrently during the first year of employment as a noncredit instructor.

(i) For a noncredit course in parent education, a bachelor's degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

(j) For a short-term noncredit vocational course, any one of the following:

(1) A bachelor's degree; and two years of occupational experience related to the subject of the course taught.

(2) An associate degree; and six years of occupational experience related to the subject of the course taught.

(3) Possession of a full-time, clear California Designated Subjects Adult Education Teaching Credential authorizing instruction in the subject matter.

(4) For courses in an occupation for which the district offers or has offered apprenticeship instruction, the minimum qualifications for noncredit apprenticeship instructors in that occupation, as specified in Section 53413.

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

#### HISTORY

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

2. Amendment filed 6-19-91; operative 7-19-91. Submitted to OAL for printing only pursuant to Education Code section 70901.5(b) (Register 91, No. 50).

3. Amendment of first paragraph and subsection (b) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

4. Repealer and new section filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

5. Editorial correction of printing error in subsection (e) and inadvertent omission of subsection (h)(1) (Register 92, No. 45).

6. Amendment of section and NOTE filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

#### § 53413. Minimum Qualifications for Apprenticeship Instructors.

(a) Until July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit or noncredit apprenticeship courses shall be satisfied by meeting both of the following requirements:

(1) Six years of occupational experience in an apprenticeable trade, including at least two years at the journeyman level; and

(2) Sixty clock hours or four semester units of instruction in materials, methods, and evaluation of instruction. This requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

(b) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching credit apprenticeship courses shall be satisfied by meeting one of the following two requirements:

(1) Possession of an associate degree, plus four years of occupational experience in the subject matter area to be taught; or

(2) Six years of occupational experience, a journeyman's certificate in the subject matter area to be taught, and completion of at least eighteen (18) semester units of degree applicable college level course work, in addition to apprenticeship credits.

(c) On or after July 1, 1995, the minimum qualifications for service as a community college faculty member teaching noncredit apprenticeship courses shall be either of the following:

(1) The minimum qualifications for credit apprenticeship instruction as set forth in this section, or

(2) A high school diploma; and six years of occupational experience in the occupation to be taught, including at least two years at the journeyman level; and sixty clock hours or four semester units in materials, methods, and evaluation of instruction. This last requirement may be satisfied concurrently during the first year of employment as an apprenticeship instructor.

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

#### HISTORY

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

2. Amendment of subsections (a), (b) and (b)(3) filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

3. New subsections (c)-(c)(2) filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

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

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

(a) The minimum qualifications for service as a community college counselor of students with disabilities shall be satisfied by meeting one of the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in rehabilitation counseling, or

(2) Possession of a master's degree, or equivalent foreign degree, in special education, and twenty four or more semester units in upper division or graduate level course work in counseling, guidance, student personnel, psychology, or social work; or

(3) A master's degree in counseling, guidance, student personnel, psychology, career development, or social welfare; and either twelve or more semester units in upper division or graduate level course work spe-

cifically in counseling or rehabilitation of individuals with disabilities, or two years of full-time experience, or the equivalent, in one or more of the following:

(A) Counseling or guidance for students with disabilities; or

(B) Counseling and/or guidance in industry, government, public agencies, military or private social welfare organizations in which the responsibilities of the position were predominantly or exclusively for persons with disabilities.

(b) The minimum requirements for service as a community college faculty member teaching a credit course in adapted physical education shall be the minimum qualifications for an instructor of credit physical education, and fifteen semester units of upper division or graduate study in adapted physical education.

(c) The minimum requirements for service to work with students with speech and language disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in speech pathology and audiology, or in communication disorders; and

(2) Licensure or eligibility for licensure as a speech pathologist or audiologist by the Medical Board of California.

(d) Except as provided in Subsections (a) through (c) above, the minimum requirements for service as a community college faculty member to provide credit specialized instruction for students with disabilities shall be satisfied by meeting the following requirements:

(1) Possession of a master's degree, or equivalent foreign degree, in the category of disability, special education, education, psychology, educational psychology, or rehabilitation counseling; and

(2) Fifteen semester units of upper division or graduate study in the area of disability, to include, but not be limited to:

(A) Learning disabilities;

(B) Developmental disabilities;

(C) Deaf and hearing impaired;

(D) Physical disabilities; or

(E) Adapted computer technology.

(e) The minimum qualifications for service as a faculty member to provide noncredit specialized instruction for students with disabilities shall be any one of the following:

(1) The minimum qualifications for providing credit specialized instruction for students with disabilities as specified in this section.

(2) A bachelor's degree with any of the following majors: education of students with specific or multiple disabilities; special education; psychology; physical education with an emphasis in adaptive physical education; communicative disorders; rehabilitation; computer-based education; other computer-related majors which include course work on adapted or assistive computer technology for students with disabilities; other majors related to providing specialized instruction or services to persons with disabilities.

(3) An associate degree with one of the majors specified in subparagraph (2) above; and four years of experience providing specialized instruction or services to persons in the disability category or categories being served.

(4) For noncredit vocational courses, an associate degree or certificate of training; and four years of occupational experience related to the subject of the course taught; and two years of experience providing specialized instruction or services to persons in the disability category being served.

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

#### HISTORY

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

2. Amendment filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

3. Amendment of subsections (a)(3), (b), (c)(2) and (d), and new subsections (e)-(e)(4) filed 6-26-92; operative 7-27-92 (Register 92, No. 26).

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

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

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

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

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

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

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

#### HISTORY

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

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

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

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

#### HISTORY

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

#### § 53417. Licensed or Certificated Occupations.

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

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

#### HISTORY

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

#### § 53420. Minimum Qualifications for Educational Administrators.

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

(a) Possession of a master's degree; and

(b) One year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment.

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

#### HISTORY

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

2. Amendment of section heading and first paragraph filed 10-25-91; operative 11-24-91 (Register 92, No. 9).

3. Amendment of section and NOTE filed 10-5-93; operative 11-4-93. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 93, No. 42).

#### § 53430. Equivalencies.

(a) No one may be hired to serve as a community college faculty or educational administrator unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in this Article or elsewhere in this Division. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty employed under the authority granted by this Section possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in this Division.

(c) The process shall further require that the academic senate be provided with an opportunity to present its views to the governing board before the governing board makes a determination; and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Education Code Section 87358.

(d) Until a joint agreement is reached and approved pursuant to Subdivision (b), the district shall be bound by the minimum qualifications set forth in this Subchapter.

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

#### HISTORY

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

### Subchapter 5. Faculty Internship Programs

#### § 53500. General Authority.

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

For purposes of this Subchapter, the term "faculty intern" does not include any person, no matter how designated, who only assists in a class taught by a regularly qualified faculty member, and who has no independent responsibility for instruction or supervision of students. Such a per-

son may be termed an "intern," and may serve as a volunteer or receive a stipend according to policies established by the district.

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

#### HISTORY

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

#### § 53501. Purpose.

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

(a) To enhance the recruitment of qualified persons pursuing the master's or doctoral degrees, or both, into faculty positions in community colleges in California, particularly for disciplines for which recruitment is difficult and for disciplines in which a shortage of qualified faculty is anticipated. In order to accomplish this purpose, the internship program shall serve to introduce graduate students, before they approach the end of their graduate studies, to the community college environment and student population.

(b) To enhance the recruitment of qualified persons pursuing an associate degree into faculty positions in community colleges in California, particularly for disciplines for which current industry experience is important and disciplines for which recruitment is difficult and in which a shortage of faculty is anticipated. In order to accomplish this purpose, the internship program shall serve to introduce industry practitioners to the community college environment and student populations while encouraging them to complete their associate degree.

(c) To enhance community college efforts toward building a diverse and representative faculty. In order to accomplish this purpose, the internship program shall place special emphasis on locating and attracting qualified graduate students who are members of underrepresented groups.

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

#### HISTORY

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

#### § 53502. Minimum Qualifications.

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

(a) For those disciplines in which a master's degree is required, faculty interns shall be enrolled in a master's or doctoral program at the University of California, the California State University, or any other accredited institution of higher education subject to Chapter 3 (commencing with Section 94300) of Part 59 of the Education Code, and shall have completed at least one-half of the coursework, or the equivalent, in that graduate program.

(b) For those disciplines for which a master's degree is not expected or required, the faculty intern shall possess any license or certificate required to do that work and (1) be within one year of completing the associate degree and have six years industry experience in the discipline, or (2) have completed the associate degree and have completed five years of industry experience in that discipline.

(c) Faculty interns shall only be assigned to teach or to serve in a discipline in which they would be legally qualified to teach or render service upon completion of their graduate studies or associate degree and six years of industry experience in that discipline. A faculty intern shall be limited to two years of participation in the program.

(d) Each faculty intern shall serve under the direct supervision of a mentor who is legally qualified to teach the course or render the service that the faculty intern is providing. The district governing board shall ensure that faculty mentors provide substantial direct in-class supervision and evaluation of interns' teaching capabilities. The mentor shall have no other assigned duties during the time that the faculty intern is teaching or