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**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000 - 101460]**

*( Title 3 enacted by Stats. 1976, Ch. 1010. )*

**DIVISION 7. COMMUNITY COLLEGES [70900 - 88933]**

*( Division 7 enacted by Stats. 1976, Ch. 1010. )*

**PART 51. EMPLOYEES [87000 - 88280]**

*( Part 51 enacted by Stats. 1976, Ch. 1010. )*

**CHAPTER 2.5. Qualifications for Community College Personnel [87350 - 87360]**

*( Chapter 2.5 added by Stats. 1988, Ch. 973, Sec. 28. )*

**ARTICLE 2. Minimum Qualifications and Hiring Criteria [87355 - 87359.5]**

*( Article 2 added by Stats. 1988, Ch. 973, Sec. 28. )*

**87359.**

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

(a) No one may be hired to serve as a community college faculty member or educational administrator under the authority granted by the regulations unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in regulations of the board of governors adopted pursuant to Section 87356. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty members, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty member employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in regulations adopted by the board of governors. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination, and that the written record of the decision, including the

views of the academic senate, shall be available for review pursuant to Section 87358.

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

*(Amended by Stats. 1993, Ch. 506, Sec. 3. Effective January 1, 1994.)*