

Assembly Bill No. 705

Passed the Assembly September 14, 2017

Chief Clerk of the Assembly

Passed the Senate September 14, 2017

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2017, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 78213 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 705, Irwin. Seymour-Campbell Student Success Act of 2012: matriculation: assessment.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law, the Seymour-Campbell Student Success Act of 2012, provides that the purpose of the act is to increase California community college student access and success by providing effective core matriculation services of orientation, assessment and placement, counseling, and other education planning services, and academic interventions. Existing law prohibits a community college district or college from using any assessment instrument for the purposes of these provisions without the authorization of the board of governors.

This bill would require a community college district or college to maximize the probability that the student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and use, in the placement of students into English and mathematics courses in order to achieve this goal, one or more of the following: high school coursework, high school grades, and high school grade point average. The bill would authorize the board of governors to establish regulations governing the use of measures, instruments, and placement models to ensure that these measures, instruments, and placement models achieve the goal of maximizing the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and that a student enrolled in English-as-a-second-language (ESL) instruction will enter and complete degree and transfer requirements in English within a timeframe of 3 years. The bill would also authorize the board of governors to establish regulations that ensure that, for students

who seek a goal other than transfer, and who are in certificate or degree programs with specific requirements that are not met with transfer-level coursework, a community college maximizes the probability that a student will enter and complete the required college-level coursework in English and mathematics within a one-year timeframe.

The bill would prohibit a community college district or college from requiring students to enroll in remedial English or mathematics coursework that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework shows that those students are highly unlikely to succeed in transfer-level coursework in English and mathematics. The bill would authorize a community college district or college to require students to enroll in additional concurrent support, including additional language support for ESL students, during the same semester that they take the transfer-level English or mathematics course, but only if it is determined that the support will increase their likelihood of passing the transfer-level English or mathematics course.

To the extent the bill would impose additional duties on community college districts and colleges, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The California community college system is the nation's largest system of higher education, and a critical entry point to higher education and opportunities for upward mobility.

(2) California's community colleges identify more than 75 percent of its students as underprepared, and refer this overwhelming majority of students to remedial courses.

(3) The choice of assessment instruments and placement policies has serious implications for equity, since students of color are more likely to be placed into remedial courses.

(4) There are serious adverse consequences to a college incorrectly assigning a prepared student to remediation. These adverse consequences include discouraging some students from pursuing a postsecondary education, as well as burdening other students with higher educational costs and delaying their degree plans.

(5) Students placed into remediation are much less likely to reach their educational goals. According to the Student Success Scorecard, just 40 percent go on to complete a degree, certificate, or transfer outcome in six years, compared to 70 percent for students allowed to enroll directly in college-level courses.

(6) Numerous reputable studies suggest that community colleges are placing too many students into remediation and that many more students would complete transfer requirements in math and English if allowed to bypass remedial prerequisite courses and enroll directly in transfer-level English and math courses.

(7) Instruction in English as a second language (ESL) is distinct from remediation in English. Students enrolled in ESL credit coursework are foreign language learners who require additional language training in English, require support to successfully complete degree and transfer requirements in English, or require both of the above.

(8) The Board of Governors of the California Community Colleges has established rules to protect students from being excluded from courses in which they can be successful. This was in response to a Mexican American Legal Defense and Education Fund lawsuit that was settled in 1991 and was driven by concerns that assessment tests disproportionately placed Latino students into remedial prerequisite courses.

(9) Community colleges are prohibited from requiring students to take a prerequisite course unless they are highly unlikely to succeed in a higher-level course without it pursuant to Section 55003 of Title 5 of the California Code of Regulations, but this policy is not followed in practice. In math, broad exceptions allow

community colleges to block students from courses in which they can be successful in the service of four-year university transfer policies.

(10) Colleges are also required to use multiple measures in determining course placement pursuant to Section 55522 of Title 5 of the California Code of Regulations, but Title 5 of the California Code of Regulations does not provide enough guidance in the use of multiple measures to ensure that students are not excluded from courses in which they can be successful.

(11) A 2016 report by the Public Policy Institute of California found that California community colleges still use placement tests extensively, and that the use of other student achievement measures for placement was sparse and unsystematic.

(12) There is evidence that when used as the primary criterion for placement, these tests tend to underplace students—leading colleges to assign students to remedial courses when those students could have succeeded in college-level courses. The reliance of test scores as the determinant factor for high-stakes placement decisions runs contrary to testing industry norms.

(13) Research shows that a student’s high school performance is a much stronger predictor of success in transfer-level courses than standardized placement tests.

(14) The community college system is in a good position to improve placement practices. The system’s Multiple Measures Assessment Project and Common Assessment Initiative have conducted deep and research-driven work on the use of high school performance to greatly improve the accuracy of the placement process.

(15) The Legislature has made significant investments to improve student assessment and placement. These investments most recently include the Community College Basic Skills and Student Outcomes Transformation Program grants, which are providing selected colleges with funding to redesign remedial assessment and placement, as well as curriculum and career pathways.

(16) The goal of this act is to ensure that students are not placed into remedial courses that may delay or deter their educational progress unless evidence suggests they are highly unlikely to succeed in the college-level course.

(b) It is the intent of the Legislature that the State Department of Education and the Chancellor's Office of the California Community Colleges work collaboratively to ensure timely access to data regarding high school performance for purposes of community college student placement.

SEC. 2. Section 78213 of the Education Code is amended to read:

78213. (a) No community college district or college may use any assessment instrument for the purposes of this article without the authorization of the board of governors. The board of governors may adopt a list of authorized assessment instruments pursuant to the policies and procedures developed pursuant to this section and the intent of this article. The board of governors may waive this requirement as to any assessment instrument pending evaluation.

(b) The board of governors shall review all assessment instruments to ensure that they meet all of the following requirements:

(1) Assessment instruments shall be sensitive to cultural and language differences between students, and shall be adapted as necessary to accommodate students with disabilities.

(2) Assessment instruments shall be used as an advisory tool to assist students in the selection of appropriate courses.

(3) Assessment instruments shall not be used to exclude students from admission to community colleges.

(c) The board of governors shall establish an advisory committee to review and make recommendations concerning all assessment instruments used by districts and colleges pursuant to this article.

(d) (1) (A) A community college district or college shall maximize the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and use, in the placement of students into English and mathematics courses in order to achieve this goal, one or more of the following measures:

(i) High school coursework.

(ii) High school grades.

(iii) High school grade point average.

(B) Colleges shall use evidence-based multiple measures for placing students into English-as-a-second-language (ESL) coursework. For those students placed into credit ESL coursework, their placement should maximize the probability that they will

complete degree and transfer requirements in English within three years.

(C) Multiple measures shall apply in the placement of all students in such a manner so that either of the following may occur:

(i) Low performance on one measure may be offset by high performance on another measure.

(ii) The student can demonstrate preparedness and thus bypass remediation based on any one measure.

(D) When high school transcript data is difficult to obtain, logistically problematic to use, or not available, a community college district or community college may use self-reported high school information or guided placement, including self-placement for students.

(E) The board of governors may establish regulations governing the use of these and other measures, instruments, and placement models to ensure that the measures, instruments, and placement models selected by a community college demonstrate that they guide English and mathematics placements to achieve the goal of maximizing the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe and credit ESL students will complete transfer-level coursework in English within a timeframe of three years. The regulations should ensure that, for students who seek a goal other than transfer, and who are in certificate or degree programs with specific requirements that are not met with transfer-level coursework, a community college district or college maximizes the probability that a student will enter and complete the required college-level coursework in English and mathematics within a one-year timeframe.

(2) Notwithstanding Section 78218 or any other law, a community college district or college shall not require students to enroll in remedial English or mathematics coursework that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework shows that those students are highly unlikely to succeed in transfer-level coursework in English and mathematics. A community college district or college may require students to enroll in additional concurrent support, including additional language support for ESL students, during the same semester that they take a transfer-level English or mathematics course, but only

if it is determined that the support will increase their likelihood of passing the transfer-level English or mathematics course. The community college district or college shall minimize the impact on student financial aid and unit requirements for the degree by exploring embedded support and low or noncredit support options.

(e) For purposes of this section, “assessment” means the process of gathering information about a student regarding the student’s study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment methods may include, but not necessarily be limited to, interviews, standardized tests, attitude surveys, vocational or career aptitude and interest inventories, high school or postsecondary transcripts, specialized certificates or licenses, educational histories, and other measures of performance.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2017

Governor