

AMENDED IN SENATE JULY 19, 2017

AMENDED IN ASSEMBLY MAY 30, 2017

AMENDED IN ASSEMBLY MAY 3, 2017

AMENDED IN ASSEMBLY APRIL 20, 2017

AMENDED IN ASSEMBLY APRIL 4, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 705

Introduced by Assembly Member Irwin

February 15, 2017

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

LEGISLATIVE COUNSEL’S DIGEST

AB 705, as amended, 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~~. *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. The bill would authorize a community college district or college to require students to enroll in additional concurrent ~~support~~ *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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

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

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

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

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

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

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

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

28 (7) *Instruction in English as a second language (ESL) is distinct*
29 *from remediation in English. Students enrolled in ESL credit*
30 *coursework are foreign language learners who require additional*
31 *language training in English, require support to successfully*

1 *complete degree and transfer requirements in English, or require*
2 *both of the above.*

3 ~~(7)~~

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

11 ~~(8)~~

12 (9) Community colleges are prohibited from requiring students
13 to take a prerequisite course unless they are highly unlikely to
14 succeed in a higher-level course without it pursuant to Section
15 55003 of Title 5 of the California Code of Regulations, but this
16 policy is not followed in practice. In math, broad exceptions allow
17 community colleges to block students from courses in which they
18 can be successful in the service of four-year university transfer
19 policies.

20 ~~(9)~~

21 (10) Colleges are also required to use multiple measures in
22 determining course placement pursuant to Section 55522 of Title
23 5 of the California Code of Regulations, but Title 5 of the
24 California Code of Regulations does not provide enough guidance
25 in the use of multiple measures to ensure that students are not
26 excluded from courses in which they can be successful.

27 ~~(10)~~

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

32 ~~(11)~~

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

39 ~~(12)~~

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

4 ~~(13)~~

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

11 ~~(14)~~

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

19 ~~(15)~~

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

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

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

31 78213. (a) No community college district or college may use
32 any assessment instrument for the purposes of this article without
33 the authorization of the board of governors. The board of governors
34 may adopt a list of authorized assessment instruments pursuant to
35 the policies and procedures developed pursuant to this section and
36 the intent of this article. The board of governors may waive this
37 requirement as to any assessment instrument pending evaluation.

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

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

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

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

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

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

17 (i) High school coursework.

18 (ii) High school grades.

19 (iii) High school grade point average.

20 (B) *Colleges shall use evidence-based multiple measures for*
21 *placing students into English-as-a-second-language (ESL) course.*
22 *For those students placed into credit ESL coursework, their*
23 *placement should maximize the probability that they will complete*
24 *degree and transfer requirements in English within three years.*

25 ~~(B)~~

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

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

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

32 ~~(C)~~

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

37 ~~(D)~~

38 (E) The board of governors may establish regulations governing
39 the use of these and other measures, instruments, and placement
40 models to ensure that the measures, instruments, and placement

1 models selected by a community college demonstrate that they
2 guide English and mathematics placements to achieve the goal of
3 maximizing the probability that a student will enter and complete
4 transfer-level coursework in English and mathematics within a
5 one-year ~~timeframe~~. *timeframe and credit ESL students will*
6 *complete transfer-level coursework in English within a timeframe*
7 *of three years. The regulations should ensure that, for students*
8 *who seek a goal other than transfer, and who are in certificate or*
9 *degree programs with specific requirements that are not met with*
10 *transfer-level coursework, a community college district or college*
11 *maximizes the probability that a student will enter and complete*
12 *the required college-level coursework in English and mathematics*
13 *within a one-year timeframe.*

14 (2) Notwithstanding Section 78218 or any other law, a
15 community college district or college shall not require students to
16 enroll in remedial *English or mathematics* coursework that
17 lengthens their time to complete a degree unless placement research
18 that includes consideration of high school grade point average and
19 coursework shows that those students are highly unlikely to
20 succeed in transfer-level coursework. A community college district
21 or college may require students to enroll in additional concurrent
22 ~~support~~ *support, including additional language support for ESL*
23 *students*, during the same semester that they take a transfer-level
24 English or mathematics course, but only if it is determined that
25 the support will increase their likelihood of passing the
26 transfer-level English or mathematics course. The community
27 college district or college shall minimize the impact on student
28 financial aid and unit requirements for the degree by exploring
29 embedded support and low or noncredit support options.

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

1 SEC. 3. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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