

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

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, notwithstanding that provision, require, by August 1, 2018, a community college district or college to use high school transcript data in the assessment and subsequent assignment of students to English and mathematics coursework in order to maximize the probability that the student will complete 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 coursework that lengthens their time to complete

a degree unless research shows that those students are highly unlikely to succeed in college-level coursework. The bill would authorize a community college district or college to require students to enroll in additional concurrent support during the same semester that they take the college-level English or mathematics course, but only if it is determined that the support will be essential to the student's success in the college-level English or mathematics course and that the support constitutes no more than $\frac{1}{2}$ of the units required for the college-level 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.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) 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 (b) 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 (c) 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 (d) 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.

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

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

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

18 (h) Community colleges are prohibited from requiring students
19 to take a prerequisite course unless they are highly unlikely to
20 succeed in a higher-level course without it pursuant to Section
21 55003 of Title 5 of the California Code of Regulations, but this
22 policy is not followed in practice. In math, broad exceptions allow
23 community colleges to block students from courses in which they
24 can be successful in the service of four-year university transfer
25 policies.

26 (i) Colleges are also required to use multiple measures in
27 determining course placement pursuant to Section 55522 of Title
28 5 of the California Code of Regulations, but Title 5 of the
29 California Code of Regulations does not provide enough guidance
30 in the use of multiple measures to ensure that students are not
31 excluded from courses in which they can be successful.

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

36 (k) There is evidence that when used as the primary criterion
37 for placement, these tests tend to underplace students—leading
38 colleges to assign students to remedial courses when those students
39 could have succeeded in college-level courses. The reliance of test

1 scores as the determinant factor for high-stakes placement decisions
2 runs contrary to testing industry norms.

3 (l) Research shows that a student's high school transcript is a
4 much stronger predictor of success in college-level courses than
5 standardized placement tests.

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

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

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

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

24 78213. (a) No *community college* district or college may use
25 any assessment instrument for the purposes of this article without
26 the authorization of the board of governors. The board of governors
27 may adopt a list of authorized assessment instruments pursuant to
28 the policies and procedures developed pursuant to this section and
29 the intent of this article. The board of governors may waive this
30 requirement as to any assessment instrument pending evaluation.

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

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

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

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

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

4 (d) (1) *Notwithstanding subdivision (a), Section 78218, or any*
5 *other law, by August 1, 2018, a community college district or*
6 *college shall use high school transcript data in the assessment and*
7 *subsequent assignment of students to English and mathematics*
8 *coursework in order to maximize the probability that the student*
9 *will complete college-level coursework in English and mathematics*
10 *within a one-year timeframe.*

11 (2) (A) *Notwithstanding Section 78218 or any other law, a*
12 *community college district or college shall not require students to*
13 *enroll in remedial coursework that lengthens their time to complete*
14 *a degree unless research shows that those students are highly*
15 *unlikely to succeed in college-level coursework. A community*
16 *college district or college may require students to enroll in*
17 *additional concurrent support during the same semester that they*
18 *take the college-level English or mathematics course, but only if*
19 *it is determined that the support will be essential to the student's*
20 *success in the college-level English or mathematics course and*
21 *that the support constitutes no more than one-half of the units*
22 *required for the college-level course.*

23 ~~(d)~~

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

34 SEC. 3. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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