

ATTACHMENT 1

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES PROPOSED REVISIONS TO TITLE 5 REGULATIONS: OF CURRICULUM AND INSTRUCTION

1. Section 55002 of article 1 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55002. Standards and Criteria for Courses.

(a) Degree-Applicable Credit Course. A degree-applicable credit course is a course which has been designated as appropriate to the associate degree in accordance with the requirements of section 55062, and which has been recommended by the college and/or district curriculum committee and approved by the district governing board as a collegiate course meeting the needs of the students.

(1) Curriculum Committee. The college and/or district curriculum committee recommending the course shall be established by the mutual agreement of the college and/or district administration and the academic senate. The committee shall be either a committee of the academic senate or a committee that includes faculty and is otherwise comprised in a way that is mutually agreeable to the college and/or district administration and the academic senate.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course for associate degree credit if it meets the following standards:

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55023. The grade is based on demonstrated proficiency in subject matter and the ability to demonstrate that proficiency, at least in part, by means of essays, or, in courses where the curriculum committee deems them to be appropriate, by problem solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit in a manner consistent with the provisions of section 55002.5. The course outline of record shall record the total number of hours in each instructional category specified in governing board policy, the total number of expected outside-of-class hours, and the total student learning hours used to calculate the award of credit.

(C) Intensity. The course treats subject matter with a scope and intensity that requires students to study independently outside-of-class time.

(D) Prerequisites and Corequisites. Except as provided in section 55522, ~~W~~when the college and/or district curriculum committee determines, based on a review of the course outline of record, that a student would be highly unlikely to receive a satisfactory grade unless the student has knowledge or skills not taught in the course, then the course shall require prerequisites or corequisites (credit or noncredit) that are established, reviewed, and applied in accordance with the requirements of this article.

(E) Basic Skills Requirements. If success in the course is dependent upon communication or computation skills, then the course shall require, consistent with the provisions of this article, as prerequisites or corequisites eligibility for enrollment in associate degree credit courses in English and/or mathematics, respectively.

(F) Difficulty. The course work calls for critical thinking and the understanding and application of concepts determined by the curriculum committee to be at college level.

(G) Level. The course requires learning skills and a vocabulary that the curriculum committee deems appropriate for a college course.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, the expected number of contact hours, outside-of-class hours, and total student learning hours for the course as a whole; the prerequisites, corequisites, or advisories on recommended preparation (if any) for the course; the catalog description, objectives, and content in terms of a specific body of knowledge. The course outline of record shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation.

(4) Conduct of Course. Each section of the course is to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with the provisions of article 4 of subchapter 1 of chapter 6 (commencing with section 54040), and section 58161.

(b) Nondegree-Applicable Credit Course. A credit course designated by the governing board as not applicable to the associate degree is a course which, at a minimum, is recommended by the

college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and is approved by the district governing board.

(1) Types of Courses. Nondegree-applicable credit courses are:

(A) nondegree-applicable basic skills courses as defined in subdivision (u) of section 55000;

(B) courses designed to enable students to succeed in degree-applicable credit courses (including, but not limited to, college orientation and guidance courses, and discipline-specific preparatory courses such as biology, history, or electronics) that integrate basic skills instruction throughout and assign grades partly upon the demonstrated mastery of those skills;

(C) precollegiate career technical preparation courses designed to provide foundation skills for students preparing for entry into degree-applicable credit career technical courses or programs;

(D) essential career technical instruction for which meeting the standards of subdivision (a) is neither necessary nor required.

(2) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course on the basis of the standards which follow.

(A) Grading Policy. The course provides for measurement of student performance in terms of the stated course objectives and culminates in a formal, permanently recorded grade based upon uniform standards in accordance with section 55023. The grade is based on demonstrated proficiency in the subject matter and the ability to demonstrate that proficiency, at least in part, by means of written expression that may include essays, or, in courses where the curriculum committee deems them to be appropriate, by problem solving exercises or skills demonstrations by students.

(B) Units. The course grants units of credit in a manner consistent with the provisions of section 55002.5. The course outline of record shall record the total number of hours in each instructional category specified in governing board policy, the total number of expected outside-of-class hours, and the total student learning hours used to calculate the award of credit.

(C) Intensity. The course provides instruction in critical thinking and generally treats subject matter with a scope and intensity that prepares students to study independently outside-of-class time and includes reading and writing assignments and homework. In particular, the assignments will be sufficiently rigorous that students successfully

completing each such course, or sequence of required courses, will have acquired the skills necessary to successfully complete degree-applicable work.

(D) Prerequisites and corequisites. When the college and/or district curriculum committee deems appropriate, the course may require prerequisites or corequisites (credit or noncredit) for the course that are established, reviewed, and applied in accordance with this article.

(3) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the unit value, the expected number of contact hours, outside-of-class hours, and total student learning hours for the course as a whole; the prerequisites, corequisites, or advisories on recommended preparation (if any) for the course; the catalog description, objectives, and content in terms of a specific body of knowledge. The course outline of record shall also specify types or provide examples of required reading and writing assignments, other outside-of-class assignments, instructional methodology, and methods of evaluation.

(4) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with a set of objectives and with other specifications defined in the course outline of record.

(5) Repetition. Repeated enrollment is allowed only in accordance with the provisions of article 4 of subchapter 1 of chapter 6 (commencing with section 54040), and section 58161.

(c) Noncredit Course. A noncredit course is a course which, at a minimum, is recommended by the college and/or district curriculum committee (the committee described and established under subdivision (a)(1) of this section) and approved by the district governing board as a course meeting the needs of enrolled students.

(1) Standards for Approval. The college and/or district curriculum committee shall recommend approval of the course if the course treats subject matter and uses resource materials, teaching methods, and standards of attendance and achievement that the committee deems appropriate for the enrolled students. In order to be eligible for state apportionment, such courses must be approved by the Chancellor pursuant to article 2 (commencing with section 55150) of subchapter 2 of this chapter and satisfy the requirements of section 58160 and other applicable provisions of chapter 9 (commencing with section 58000) of this division.

(2) Course Outline of Record. The course is described in a course outline of record that shall be maintained in the official college files and made available to each instructor. The course outline of record shall specify the number of contact hours normally required for a student to complete the course, the catalog description, the objectives, contents in terms of a specific body of knowledge, instructional methodology, examples of assignments and/or activities, and methods of evaluation.

(3) Conduct of Course. All sections of the course are to be taught by a qualified instructor in accordance with the set of objectives and other specifications defined in the course outline of record.

(4) Repetition. Repeated enrollment is allowed only in accordance with provisions of article 4 of subchapter 1 of chapter 6 (commencing with section 54040), and section 58161.

(5) Prerequisites and corequisites. When the college and/or district curriculum committee deems appropriate, a noncredit course may serve as a prerequisite or corequisite for a credit course as established, reviewed, and applied in accordance with this article.

(d) Community Services Offering. A community services offering must meet the following minimum requirements:

(1) is approved by the district governing board;

(2) is designed for the physical, mental, moral, economic, or civic development of persons enrolled therein;

(3) provides subject matter content, resource materials, and teaching methods which the district governing board deems appropriate for the enrolled students;

(4) is conducted in accordance with a predetermined strategy or plan;

(5) is open to all members of the community willing to pay fees to cover the cost of the offering; and

(6) may not be claimed for apportionment purposes.

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

2. Section 55003 of article 1 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55003. Policies for Prerequisites, Corequisites and Advisories on Recommended Preparation.

(a) The governing board of a community college district may establish prerequisites, corequisites, and advisories on recommended preparation, but must do so in accordance with the provisions of this article and subchapter 6, article 1. Nothing in this subchapter shall be construed to require a district to establish prerequisites, corequisites, or advisories on recommended preparation; provided however, that a prerequisite or corequisite shall be required if the course is to be offered for associate degree credit and the curriculum committee finds that the prerequisite or corequisite is necessary pursuant to sections 55002(a)(2)(D) or 55002(a)(2)(E). Unless otherwise specified in this section, the level of scrutiny required to establish prerequisites, corequisites, and advisories on recommended preparation shall be based on content review as defined in subdivision (c) of section 55000 or content review with statistical validation as defined in subdivision (f) of this section. Determinations about prerequisites and corequisites shall be made on a course-by-course or program-by-program basis.

(b) A district governing board choosing to establish prerequisites, corequisites, or advisories on recommended preparation shall, in accordance with the provisions of sections 53200-53204, adopt policies for the following:

- (1) the process for establishing prerequisites, corequisites, and advisories on recommended preparation. Such policies shall provide that in order to establish a prerequisite or corequisite, the prerequisite or corequisite must be determined to be necessary and appropriate for achieving the purpose for which it is being established.
- (2) procedures to assure that courses for which prerequisites or corequisites are established will be taught in accordance with the course outline of record, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or corequisite.
- (3) the process to ensure that each section of the prerequisite or corequisite is to be taught by a qualified instructor and in accordance with a set of objectives and with other specifications defined in the course outline of record, as required in section 55002 for all courses.
- (4) the process, including levels of scrutiny, for reviewing prerequisites and corequisites to assure that they remain necessary and appropriate. These processes shall provide that at least once each six years all prerequisites and corequisites established by the

district shall be reviewed, except that prerequisites and corequisites for vocational courses or programs shall be reviewed every two years. These processes shall also provide for the periodic review of advisories on recommended preparation.

(5) the bases and process for an individual student to challenge the application of a prerequisite or corequisite.

(c) A district governing board choosing to use content review as defined in subdivision (c) of section 55000 to establish prerequisites or corequisites in reading, written expression or mathematics for degree-applicable courses not in a sequence shall first adopt a plan specifying:

(1) the method to be used to identify courses to which prerequisites or corequisites might be applied;

(2) assurance that courses are reasonably available to students when prerequisites or corequisites have been established using content review as defined in subdivision (c) of section 55000. Such assurance shall include sufficient availability of the following:

(A) appropriate courses that do not require prerequisites or corequisites, whether noncredit, credit, basic skills or degree-applicable courses; and

(B) prerequisite or corequisite courses;

(3) provisions for training for the curriculum committee; and

(4) the research to be used to determine the impact of new prerequisites and corequisites based on content review.

(d) Prerequisites or corequisites may be established only for any of the following purposes:

(1) the prerequisite or corequisite is expressly required or expressly authorized by statute or regulation, or expressly required by institutions for which the college has transfer agreements; or

(2) the prerequisite will assure, consistent with section 55002, that a student has the skills, concepts, and/or information that is presupposed in terms of the course or program for which it is being established, such that a student who has not met the prerequisite is highly unlikely to receive a satisfactory grade in the course (or at least one course within the program) for which the prerequisite is being established; or

(3) the corequisite course will assure, consistent with section 55002, that a student acquires the necessary skills, concepts, and/or information, such that a student who has not enrolled in the corequisite is highly unlikely to receive a satisfactory grade in the

course or program for which the corequisite is being established, and if the corequisite course is intended as additional support for students enrolling in transfer-level English or mathematics (or quantitative reasoning) courses, then it must be determined that the corequisite course increases the likelihood that the student will pass the transfer-level course; or

(4) the prerequisite or corequisite is necessary to protect the health or safety of a student or the health or safety of others.

(e) Except as provided in this subdivision, no prerequisite or corequisite may be established or renewed unless it is determined to be necessary and appropriate to achieve the purpose for which it has been established. A prerequisite or corequisite need not be scrutinized using content review as defined by subdivision (c) of section 55000 or content review with statistical validation as defined by subdivision (f) of this section, if:

(1) it is required by statute or regulation;~~or~~

(2) it is part of a closely-related lecture-laboratory course pairing within a discipline;~~or~~

(3) it is required by four-year institutions;~~or~~

(4) baccalaureate institutions will not grant credit for a course unless it has the particular communication or computation skill prerequisite;or

(5) it is a corequisite that has been recommended through placement guidelines approved by the Chancellor.

(f) Content review with statistical validation is defined as conducting a content review (as defined in subdivision (c) of section 55000) and the compilation of data according to sound research practices which shows that a student is highly unlikely to succeed in the course unless the student has met the proposed prerequisite or corequisite.

(g) If the curriculum committee, using content review with statistical validation, initially determines, pursuant to section 55002(a)(2)(E), that a new course needs to have a communication or computation skill prerequisite or corequisite, then, despite subdivision (e) of this section, the prerequisite or corequisite may be established for a single period of not more than two years while the research is being conducted and the final determination is being made, provided that all other requirements for establishing the prerequisite or corequisite have been met. The requirements of this subdivision related to collection of data shall not apply when the prerequisite or corequisite is required for enrollment in a program, that program is subject to approval by a state agency other than the Chancellor's Office and both of the following conditions are satisfied:

(1) colleges in at least six different districts have previously satisfied the data collection requirements of this subdivision with respect to the same prerequisite or corequisite for the same program; and

(2) the district establishing the prerequisite or corequisite conducts an evaluation to determine whether the prerequisite or corequisite has a disproportionate impact on particular groups of students described in terms of race, ethnicity, gender, age or disability, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact.

(h) Prerequisites, corequisites, and advisories on recommended preparation must be identified in college publications available to students as well as the course outline of any course for which they are established.

(i) By August 1 of each year districts choosing to establish prerequisites, corequisites or advisories shall submit to the Chancellor's Office in the manner specified by the Chancellor the prerequisites and corequisites that were established during the prior academic year. Districts shall also specify the level of scrutiny, i.e., content review as defined in subdivision (c) of section 55000 or content review with statistical validation as defined in subdivision (e) of this section, used to determine whether the prerequisite or corequisite was necessary and appropriate for achieving the purpose for which it was established.

(j) Prerequisites establishing communication or computational skill requirements may not be established across the entire curriculum unless established on a course-by-course basis.

(k) The determination of whether a student meets a prerequisite shall be based on successful completion of an appropriate course or on an assessment using multiple measures, as required by section ~~5521(a)(3)~~ 5522. Any assessment instrument shall be selected and used in accordance with the provisions of subchapter 6 (commencing with section 55500) of this chapter.

(l) If a prerequisite requires precollegiate skills in reading, written expression, or mathematics, the district shall:

(1) ensure that courses designed to teach the required skills are offered with reasonable frequency and that the number of sections available is reasonable given the number of students who are required to meet the associated skills prerequisites and who diligently seek enrollment in the prerequisite course.

(2) monitor progress on student equity in accordance with section 54220. Monitoring shall include:

(A) conducting an evaluation to determine the impact on student success including whether the prerequisite or corequisite has a disproportionate impact on particular groups of students described in terms of race, ethnicity, gender, age or disability, as defined by the Chancellor.

(B) where there is a disproportionate impact on any such group of students, the district shall, in consultation within the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact.

(m) Whenever a corequisite course is established, sufficient sections shall be offered to reasonably accommodate all students who are required to take the corequisite. A corequisite shall be waived as to any student for whom space in the corequisite course is not available.

(n) No exit test may be required to satisfy a prerequisite or corequisite unless it is incorporated into the grading for the prerequisite or corequisite course.

(o) The determination of whether a student meets a prerequisite shall be made prior to his or her enrollment in the course requiring the prerequisite, provided, however, that enrollment may be permitted pending verification that the student has met the prerequisite or corequisite. If the verification shows that the student has failed to meet the prerequisite, the student may be involuntarily dropped from the course. If the student is dropped, the applicable enrollment fees shall be promptly refunded.

Otherwise a student may only be involuntarily removed from a course due to excessive absences or as a result of disciplinary action taken pursuant to law or to the student code of conduct.

(p) Any prerequisite or corequisite may be challenged by a student on one or more of the grounds listed below. The student shall bear the initial burden of showing that grounds exist for the challenge. Challenges shall be resolved in a timely manner and, if the challenge is upheld, the student shall be permitted to enroll in the course or program in question. Grounds for challenge are:

(1) The prerequisite or corequisite has not been established in accordance with the district's process for establishing prerequisites and corequisites;

(2) The prerequisite or corequisite is in violation of this section;

(3) The prerequisite or corequisite is either unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;

(4) The student has the knowledge or ability to succeed in the course or program despite not meeting the prerequisite or corequisite;

(5) The student will be subject to undue delay in attaining the goal of his or her educational plan because the prerequisite or corequisite course has not been made reasonably available; or

(6) Such other grounds for challenge as may be established by the district governing board.

(q) In the case of a challenge under subdivision (p)(3) of this section, the district shall promptly advise the student that he or she may file a formal complaint of unlawful discrimination pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division. If the student elects to proceed with the challenge, completion of the challenge procedure shall be deemed to constitute an informal complaint pursuant to section 59327.

(r) District policies adopted pursuant to this section shall be submitted to the Chancellor's Office as part of the district's matriculation plan pursuant to section 55510.

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

3. Section 55063 of article 6 of subchapter 1 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55063. Minimum Requirements for the Associate Degree.

The governing board of a community college district shall confer the associate degree upon a student who has demonstrated competence in reading, in written expression, and in mathematics, and who has satisfactorily completed at least 60 semester units or 90 quarter units of degree-applicable credit course work (as defined in section 55002(a)) which falls into the categories described in section 55062. A college may also accept toward satisfaction of this requirement courses that were not completed at a California community college that would reasonably be expected to meet or exceed the standards of section 55002(a).

Effective for all students admitted to a community college for the Fall 200~~0~~¹⁹ term or any term thereafter, competence in written expression shall be demonstrated by obtaining

a satisfactory grade in an English course at the level of the course typically known as Freshman Composition (either Freshman Composition or another English course at the same level and with the same rigor, approved locally) or by ~~completing an assessment conducted pursuant to subchapter 6 of this chapter (commencing with section 55500)~~ demonstrating competency and achieving a score determined to be that is comparable to satisfactory completion of the specified English course, determined locally. Satisfactory completion of an English course at the level of Freshman Composition shall satisfy both this competency requirement and the coursework requirement set forth in subdivision (b)(1)(D)(i) of this section.

Effective for all students admitted to a community college for the Fall 200~~1~~⁹ term or any term thereafter, competence in mathematics shall be demonstrated by obtaining a satisfactory grade in a mathematics course at or above the level of the course typically known as Intermediate Algebra (either Intermediate Algebra or another mathematics course at or above the same level, with the same rigor and with Elementary Algebra as a prerequisite, approved locally) or by ~~completing an assessment conducted pursuant to subchapter 6 of this chapter (commencing with section 55500)~~ demonstrating competency and achieving a score determined to be that is comparable to satisfactory completion of the specified a mathematics course at or above the level of the course typically known as Intermediate Algebra, determined locally. Satisfactory completion of a mathematics course at or above the level of Intermediate Algebra shall satisfy both this competency requirement and the coursework requirement set forth in subdivision (b)(1)(D)(ii) of this section.

The competency requirements for written expression and mathematics may also be met by obtaining a satisfactory grade in courses in English and mathematics taught in or on behalf of other departments and disciplines, and which, as determined by the local governing board, require entrance skills at a level equivalent to those necessary for Freshman Composition and Intermediate Algebra respectively. Requirements for demonstrating competency in reading shall be locally determined.

The required 60 semester or 90 quarter units of course work must be fulfilled in a curriculum accepted toward the degree by a college within the district (as shown in its catalog). It must include at least 18 semester or 27 quarter units in general education and at least 18 semester or 27 quarter units in a major or area of emphasis as prescribed in this section. Of the total required units, at least 12 semester or 18 quarter units must be completed in residence at the college granting the degree. Exceptions to residence requirements for the associate degree may be made by the governing board when it determines that an injustice or undue hardship would be placed on the student.

(a) Requirements for a major or area of emphasis.

(1) At least 18 semester or 27 quarter units of study must be taken in a single discipline or related disciplines, as listed in the community colleges "Taxonomy of Programs," or in an area of emphasis involving lower division coursework which prepares students for a field of study or for a specific major at the University of California or the California State University.

(2) Effective for all students admitted to a community college for the Fall 2009 term or any term thereafter, each course counted toward the unit requirement of this subdivision must be completed with a grade of C or better or a "P" if the course is taken on a "pass-no pass" basis.

(b) General Education Requirements.

(1) Students receiving an associate degree shall complete a minimum of 18 semester or 27 quarter units of general education coursework which includes a minimum of three semester or four quarter units in each of the areas specified in paragraphs (A), (B) and (C) and the same minimum in each part of paragraph (D). The remainder of the unit requirement is also to be selected from among these four divisions of learning or as determined by local option:

(A) Natural Sciences. Courses in the natural sciences are those which examine the physical universe, its life forms, and its natural phenomena. To satisfy the general education requirement in natural sciences, a course shall be designed to help the student develop an appreciation and understanding of the scientific method, and encourage an understanding of the relationships between science and other human activities. This category would include introductory or integrative courses in astronomy, biology, chemistry, general physical science, geology, meteorology, oceanography, physical geography, physical anthropology, physics and other scientific disciplines.

(B) Social and Behavioral Sciences. Courses in the social and behavioral sciences are those which focus on people as members of society. To satisfy the general education requirement in social and behavioral sciences, a course shall be designed to develop an awareness of the method of inquiry used by the social and behavioral sciences. It shall be designed to stimulate critical thinking about the ways people act and have acted in response to their societies and should promote appreciation of how societies and social subgroups operate. This category would include introductory or integrative survey courses in cultural

anthropology, cultural geography, economics, history, political science, psychology, sociology and related disciplines.

(C) Humanities. Courses in the humanities are those which study the cultural activities and artistic expressions of human beings. To satisfy the general education requirement in the humanities, a course shall be designed to help the student develop an awareness of the ways in which people throughout the ages and in different cultures have responded to themselves and the world around them in artistic and cultural creation and help the student develop aesthetic understanding and an ability to make value judgments. Such courses could include introductory or integrative courses in the arts, foreign languages, literature, philosophy, and religion.

(D) Language and Rationality. Courses in language and rationality are those which develop for the student the principles and applications of language toward logical thought, clear and precise expression and critical evaluation of communication in whatever symbol system the student uses. Such courses include:

(i) English Composition. Courses fulfilling the written composition requirement shall be designed to include both expository and argumentative writing. Such courses may be taught in disciplines such as, but not limited to, English and English as a Second Language.

(ii) Communication and Analytical Thinking. Courses fulfilling the communication and analytical thinking requirement ~~include~~ including, but not limited to oral communication, mathematics, and quantitative reasoning such as logic, statistics, computer languages and programming, and related disciplines.

(2) Ethnic Studies will be offered in at least one of the areas required by subdivision (1).

(c) While a course might satisfy more than one general education requirement, it may not be counted more than once for these purposes. A course may be used to satisfy both a general education requirement and a major or area of emphasis requirement. Whether it may be counted again for a different degree requirement is a matter for each college to determine. Students may use the same course to meet a general education requirement for the associate degree and to partially satisfy a general education requirement at the California State University or University of California, if such course is accepted by that system to satisfy a general education requirement.

(d) For the purpose of this section, “satisfactorily completed” means either credit earned on a “pass-no pass” basis or a grade ~~point average of 2.0 of C~~ or better in California community college credit courses in the curriculum upon which the degree is based. For a course from another accredited institution, “satisfactorily completed” may mean a grade of C- or better, provided that course and grade is accepted by that institution as “satisfactorily completed”.

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

4. Section 55500 of article 1 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55500. Scope and Intent.

(a) This chapter implements and should be read in conjunction with the provisions of the Seymour-Campbell Student Success Act of 2012, codified as Education Code sections 78210, et seq., which recognizes that student success is the responsibility of the institution and student, supported by well-coordinated and evidence based student and instructional services to foster academic success. The purpose of this subchapter is to implement the Student Success and Support Program to increase California community college student access and success through the provision of core matriculation services, including orientation, assessment and placement, counseling, advising, and other education planning services, with the goal of providing students with the support services necessary to assist them in achieving their education goal and identified course of study.

(b) The requirements of this subchapter apply only to districts receiving funds pursuant to Education Code section ~~78216~~ 78222 for the period of time during which such funds are received.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 78210-78222, Education Code.

5. Section 55522 of article 3 of subchapter 6 of chapter 6 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 55522. English and Mathematics Placement and Assessment.

(a) Scope and intent.

(1) For students with a goal of transfer to a four-year institution, increase the number of students who enter and complete transfer-level English and mathematics (or quantitative reasoning) within one-year;

(2) For students with a goal of earning a certificate or a local associate degree, increase the number of students who enter and complete transfer-level or the required college-level English and mathematics (or quantitative reasoning) within one-year;

(3) Minimize disproportionate impacts on students caused by traditional placement practices.

(b) Placement Data

(1) Districts shall use all available high school performance data as the primary means for placement in English and mathematics (or quantitative reasoning). Such data includes the following elements:

(A) High school coursework;

(B) High school grades;

(C) High school grade point average; and

(D) High school equivalency exams approved by the California Department of Education or equivalent exams from other states.

(2) If high school performance data is unavailable from student transcripts or electronic data sources, districts must accept self-reported high school performance data.

(c) Placement Methods

(1) Districts shall use a placement method for English and mathematics (or quantitative reasoning) identified below:

(A) Any Chancellor's Office placement method published by the Chancellor's Office to implement Education Code section 78213.

(B) A district placement method based upon localized research using high school performance data, including self-reported high school performance data.

(i) A district placement method using localized research may utilize multiple measures to increase a student's placement recommendation, but may not lower it, and must allow high performance on one measure to offset low performance on other measures.

(ii) A district placement method using localized research must be supported by data and research showing throughput rates at or above those achieved by direct placement into a transfer-level course (or college-level courses where appropriate). Such data and research must be validated within two years of adoption of the method. The Chancellor shall regularly publish throughput rates achieved by direct placement into transfer-level courses (or college-level courses where appropriate), based upon the best available research at the time of publication.

(C) A district placement method may be based upon guided placement, including self-placement, if a student's high school performance data is not available or usable with reasonable effort. District placement methods based upon guided placement, including self-placement, shall not:

(i) incorporate sample problems or assignments, assessment instruments, or tests, including those designed for skill assessment, unless approved by the Chancellor; or

(ii) request students to solve problems, answer curricular questions, present demonstrations/examples of course work designed to show knowledge or mastery of prerequisite skills, or demonstrate skills through tests or surveys.

(2) Placement methods authorized by this section shall be designed to maximize the probability that students will enter and complete transfer-level coursework in English, mathematics (or quantitative reasoning) within one year. Placement methods shall not authorize placement of students into a remedial sequence or pre-transfer coursework in English or mathematics (or quantitative reasoning) unless:

(A) the student is highly unlikely to succeed in the transfer-level course; and

(B) enrollment in pre-transfer-level coursework will improve the student's likelihood of completing transfer-level courses in one-year.

(3) Districts adopting a district placement method under subparagraph (c)(1)(B) or (c)(1)(C) shall, by July 1, 2019, provide an adoption plan on a form prescribed by the Chancellor, explaining the placement method and why the district believes it will be effective. Within two years of the adoption of a district placement method, the district shall report to the Chancellor on the method's efficacy. The Chancellor may order the

district to relinquish the district placement method and adopt a placement method published by the Chancellor's Office under any of the following circumstances:

(A) the district's failure to report within two years of adoption;

(B) the district's failure to demonstrate that the local placement method meets or exceeds the throughput rate of a placement method published by the Chancellor's Office.

(4) Districts shall provide new placement recommendations for students placed into pretransfer-level English, mathematics (or quantitative reasoning) courses prior to July 1, 2019, in compliance with this section. Districts shall disclose their plans to implement retroactive placement recommendations as part of the adoption plan described in subparagraph (c)(3).

(5) Any placement for the fall semester or quarter of 2019 must comply with this section and California Education Code section 78213.

(a) Assessment

The Chancellor shall establish and update, at least annually, a list of the approved assessment tests and instruments for use in placing students in English, mathematics (or quantitative reasoning), or English as a Second Language (ESL) courses and guidelines for their use by community college districts. When using an English, mathematics (or quantitative reasoning), or ESL assessment test for placement, it must be used with one or more other measures to comprise multiple measures.

(1) Districts and colleges are required to use the Chancellor's guidelines for the validation of all assessment tests used for placement to ensure that they minimize or eliminate cultural or linguistic bias and are being used in a valid manner. Based on this evaluation, the district or college shall determine whether any assessment test, method, or procedure has a disproportionate impact on particular groups of students, as defined by the Chancellor. When there is a disproportionate impact on any such group of students, the district or college shall, in consultation with the Chancellor, develop and implement a plan setting forth the steps the district will take to correct the disproportionate impact.

(2) The Chancellor may identify other measures of a student's college readiness that community college districts may use for student placement into the college's curriculum.

~~(be)~~ Each community college district utilizing approved assessment tests or instruments shall adopt procedures that are clearly communicated to students, regarding the college's sample test preparation, how the student test results will be used to inform placement decisions, and the district's limits on the student's ability to re-test.

~~(ef)~~ Community college districts shall not, except as provided in subdivision ~~(dg)~~, do any of the following:

- (1) use an assessment test for placement which has not been approved by the Chancellor pursuant to section 55522, except that the Chancellor may permit limited field-testing, under specified conditions, of new or alternative assessment tests;
- (2) use any assessment test in a manner or for a purpose other than that for which it was developed or has been otherwise validated;
- (3) use any assessment test process to exclude any person from admission to a college, except that a college may determine the admission of special part-time or full-time students under Education Code section 76002 based on an assessment which involves multiple measures and complies with other requirements of this subchapter; ~~or~~
- (4) use any assessment test, method, or procedure to exclude students from any particular course or educational program, except that districts may establish appropriate prerequisites pursuant to sections 55002 and 55003-; or
- (5) use any Student Success and Support Program practice which has the purpose or effect of subjecting any person to unlawful discrimination prohibited by subchapter 5 (commencing with section 59300) of chapter 10.

~~(dg)~~ Notwithstanding the provisions of subdivision ~~(ef)~~(1) and (2), assessment tests approved by the Secretary of the United States Department of Education may be used to determine "ability to benefit" in the process of establishing a student's eligibility for federal financial aid pursuant to title 20 United States Code section 1091(d).

~~(eh)~~ Notwithstanding paragraphs (1), (2), (3) or (5) of subdivision ~~(ef)~~ or the provisions of sections 55003 or 55522, a community college district may use an assessment test to select students for its nursing program, provided that:

- (1) the district complies with all other provisions of this subchapter;
- (2) the assessment test or other measures are used in conjunction with other assessment test, methods, or procedures to select students for enrollment in the nursing program; and

(3) the Chancellor has determined that the assessment test predicts likelihood of success in nursing programs, has approved use of the assessment test for that purpose and has established statewide proficiency cut-off scores for that test pursuant to Education Code section 78261.

(i) Colleges or districts that receive funding from the Student Equity and Achievement Program shall do the following pursuant to Education Code section 78213:

(1) Inform students of their rights, pursuant to Education Code section 78213, to access transfer-level coursework in English, mathematics (or quantitative reasoning), credit English as a Second Language and of the multiple measures placement policies or other college placement processes including the availability of challenge processes;

(2) Include information about the student's course placement options in the college catalog, in orientation and advisement materials, on the college's website, and in any written communication by counseling services;

(3) Annually report all of the following to the Chancellor's Office in a manner and form described by the Chancellor's Office:

(A) The college's placement results. Colleges shall include the number of students assessed and the number of students placed into transfer-level coursework, transfer-level coursework with concurrent support, or transfer-level or credit English as a Second Language coursework, disaggregated by race and ethnicity; and

(B) For students placed in stand-alone English or mathematics pretransfer-level coursework, colleges shall provide, based on local placement research, an explanation of how effective practices align with the regulations adopted pursuant to Section 78213.

(4) Publicly post the college's placement results. Colleges shall include the number of students assessed and the number of students placed into transfer-level coursework, transfer-level coursework with concurrent support, or transfer-level or credit English as a Second Language coursework, disaggregated by race and ethnicity.

(j) The Chancellor shall provide districts with notice and an opportunity to cure actions found to be out of compliance with this section. The Chancellor may use any means authorized by law to obtain compliance in the event of a failure or refusal to cure.

Note: Authority cited: Section 11138, Government Code; and Sections 66700 and 70901, Education Code. Reference: Section 11135, Government Code; and Sections 72011, 76002, 78211, 78212, 78213 and 78261, Education Code.