

ASSEMBLY BILL

No. 1705

Introduced by Assembly Member Irwin

January 26, 2022

An act to amend Section 78213 of, and to add Sections 78212.5, 78213.1, and 78213.2 to, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, 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. The act requires a community college district or community college to maximize the probability that students will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe and to 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 act requires colleges to apply multiple measures in the placement of all students to ensure that either low performance on one measure may be offset by

high performance on another measure or that the student can demonstrate preparedness based on any one measure.

This bill would make findings and declarations of the Legislature's intent to continue to increase California community college student placement and enrollment in transfer-level English and mathematics. The bill would require that high school transcript data be used as the primary means for determining placement in transfer-level English and transfer-level mathematics courses, and would limit the use of multiple measures by colleges in the placement and enrollment of students so they do not restrict a student's ability to demonstrate preparedness for transfer-level coursework if a single measure would satisfy the requirement. The bill would require that a community college district or community college not recommend or require students to enroll in pretransfer level English or mathematics coursework, except under specified circumstances.

This bill would require a community college district or community college, by July 1, 2023, to place and enroll all new and continuing United States high school graduate students and those who have completed a GED into transfer-level English and mathematics, with specified exceptions for mathematics placement. The bill would prohibit a community college district or community college from using specified factors as justification for placing a student in a pretransfer level course. The bill would require the Chancellor's Office of the California Community Colleges to create a Transfer Level Gateway Completion Dashboard by July 2023. The bill would require the dashboard to be updated annually and to contain specified data. The bill would require, beginning September 1, 2023, and annually thereafter, the chancellor's office to provide a report to the Legislature with data from the dashboard, as specified.

To the extent the bill would impose additional duties on community college districts and community 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 find and declares all of the
2 following:

3 (a) Research has consistently demonstrated that when students
4 are placed and enrolled directly into transfer-level written
5 communication and quantitative reasoning courses, with academic
6 support, as needed, completion is expedited and persistent
7 opportunity gaps are diminished.

8 (b) Significant progress has been made in the number of
9 community college students enrolling directly into transfer-level
10 English and math courses and successfully completing those
11 courses. Still, implementation is uneven and equity gaps persist.

12 (c) In Fall 2021, the Chancellor's Office of the California
13 Community Colleges found that students are not completing
14 transfer-level English and mathematics courses within a one-year
15 timeframe when local placement practices require, encourage, or
16 allow those students to enroll in pretransfer-level coursework.

17 SEC. 2. Section 78212.5 is added to the Education Code, to
18 read:

19 78212.5. It is the intent of the Legislature that, pursuant to
20 Sections 78213, 78213.1, and 78213.2, all of the following are
21 satisfied:

22 (a) All United States high school graduate students and those
23 who have received a General Equivalency Diploma (GED),
24 regardless of background or special population status, in certificate,
25 degree, or transfer programs offered by the California Community
26 Colleges, will be directly placed into and enrolled in transfer-level
27 English and mathematics courses if those courses meet the written
28 communication and quantitative reasoning requirements associated
29 with the student's goals and program, except those students who
30 have already completed those requirements through high school
31 coursework, credit by examination, or credit for prior learning,
32 unless explicitly prohibited by law or regulation.

33 (b) California community colleges shall use guided placement
34 and self-placement only when high school data is not available.
35 Guided placement and self-placement are intended to close

1 opportunity gaps among underserved students and shall not be
2 used in a way that reinforces racial stereotypes or leads to test
3 anxiety.

4 (c) California community colleges create the largest
5 opportunities possible for access to transfer-level courses, ensure
6 the greatest enrollment possible into those courses, and provide
7 students the support they need to perform well and be successful
8 in completing those courses.

9 (d) Where a community college district or community college
10 refers to transfer-level written communication and transfer-level
11 quantitative reasoning courses, **those terms have the same meaning**
12 as transfer-level English and transfer-level mathematics courses,
13 respectively.

14 SEC. 3. Section 78213 of the Education Code is amended to
15 read:

16 78213. (a) A community college district or *community* college
17 shall not use any assessment instrument for the purposes of this
18 article without the authorization of the board of governors. The
19 board of governors may adopt a list of authorized assessment
20 ~~instruments pursuant to the policies and procedures developed~~
21 ~~pursuant to this section and the intent of this article. The board of~~
22 ~~governors may waive this requirement as to any assessment~~
23 ~~instrument pending evaluation.~~ *instruments.*

24 (b) The board of governors shall review all assessment
25 ~~instruments to ensure that they~~ *and shall approve those that* meet
26 all of the following requirements:

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

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

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

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

37 ~~(d)~~

38 (c) (1) (A) A community college district or *community* college
39 shall maximize the probability that a student will enter and
40 complete transfer-level coursework in English and mathematics

1 within a one-year timeframe, and use, in the placement *and*
2 *enrollment* of students into English and mathematics courses in
3 order to achieve this goal, one or more of the following measures:

- 4 (i) High school coursework.
- 5 (ii) High school grades.
- 6 (iii) High school grade point average.

7 (B) Colleges shall use multiple evidence-based measures for
8 placing students into English-as-a-second-language (ESL)
9 coursework. For those students placed into credit ESL coursework,
10 their placement should maximize the probability that they will
11 complete degree and transfer requirements in English within three
12 years.

13 ~~(C) Colleges shall apply multiple measures in the placement of~~
14 ~~all students in such a manner so that either of the following may~~
15 ~~occur:~~

16 (C) *For the purposes of this section, using high school grade*
17 *point average as a composite of student performance over multiple*
18 *years of high school coursework is a sufficient use of multiple*
19 *evidence-based measures.*

20 (D) *High school transcript data shall be used as the primary*
21 *means for determining placement in transfer-level English and*
22 *transfer-level mathematics courses. Colleges shall apply multiple*
23 *measures in the placement and enrollment of all students in such*
24 *a manner so that all the following occur:*

25 (i) *Low performance on one measure may shall be offset by*
26 *high a higher performance on another measure.*

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

29 (ii) *Multiple measures shall be used to increase a student's*
30 *placement recommendation and shall not be used to lower it.*

31 (iii) *Any one measure may demonstrate a student's preparedness*
32 *for transfer-level coursework.*

33 ~~(D)~~

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

39 (F) *District placement methods based upon guided placement,*
40 *including self-placement, shall not do either of the following:*

- 1 (i) *Incorporate sample problems, assignments, assessment*
2 *instruments, or tests, including those designed for skill assessment.*
3 (ii) *Request students to solve problems, answer curricular*
4 *questions, present demonstrations and examples of coursework*
5 *designed to show knowledge or mastery of prerequisite skills, or*
6 *demonstrate skills through tests or surveys.*

7 (E)

8 (G) The board of governors may establish regulations governing
9 the use of these and other measures, instruments, and placement
10 models to ensure that the measures, instruments, and placement
11 models selected by a community college demonstrate that they
12 guide English and mathematics placements *and enrollment* to
13 achieve the goal of maximizing the probability that a student will
14 enter and complete transfer-level coursework in English and
15 mathematics within a one-year timeframe and credit ESL students
16 will complete transfer-level coursework in English within a
17 timeframe of three years. The regulations should ensure that, for
18 students who seek a goal other than transfer, and who are in
19 certificate or degree programs with specific requirements that are
20 not met with transfer-level coursework, a community college
21 district or *community* college maximizes the probability that a
22 student will enter and complete the required college-level
23 coursework in English and mathematics within a one-year
24 timeframe.

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

(2) *A community college district or community college shall not recommend or require students to enroll in pretransfer-level English or mathematics coursework unless both of the following are true:*

(A) *The student is highly unlikely to succeed in a transfer-level English or mathematics course based on their high school grade point average and coursework.*

(B) *The enrollment in pretransfer-level coursework will improve the student's probability of completing transfer-level coursework in English and mathematics within a one-year timeframe or, for credit ESL students, completing transfer-level coursework in English within a three-year timeframe.*

(3) *A community college may require students to enroll in additional concurrent support, including additional language support for ESL students during the same semester or quarter that they take a transfer-level English or mathematics course, only if it is determined by college data and research that the support will increase the student's likelihood of passing the transfer-level English or mathematics course within a timeframe of one year, or three years for credit ESL students.*

(4) *A community college district or community college shall minimize the impact of paragraphs (2) and (3) on student financial aid and unit requirements for a degree by exploring embedded support and low or noncredit support.*

(e)

(d) 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. 4. Section 78213.1 is added to the Education Code, to read:

78213.1. (a) The Legislature finds and declares all of the following:

EXCEPTIONS

1 (1) Since the enactment of Assembly Bill 705 (Chapter 745 of
2 the Statutes of 2017), the California Community Colleges have
3 made progress in increasing student placement, enrollment, and
4 throughput in transfer-level English and mathematics courses.

5 (2) A 2020 report by the Public Policy Institute of California
6 found that in the fall of 2019, 96 percent of students taking an
7 English course for the first time enrolled in transfer-level college
8 composition, and 78 percent of students taking a mathematics
9 course for the first time enrolled in transfer-level mathematics; a
10 stark rise from the fall of 2015 when only 38 percent had access
11 to transfer-level English and 21 percent had access to transfer-level
12 mathematics.

13 (3) Despite these increases in enrollment, disparities continue
14 to exist in placement and enrollment throughout the community
15 college system.

16 (4) Data continue to demonstrate that one-year throughput rates
17 for students who are placed directly into transfer-level English and
18 mathematics exceed those rates for their counterparts who are
19 placed in remedial or pretransfer-level course.

20 (5) Data continue to demonstrate that, on average, all students
21 placed directly into transfer-level courses, regardless of background
22 or special population status, continue to successfully complete
23 transfer-level coursework within one year at a higher percentage
24 rate than those who are placed into pretransfer or remedial courses.

25 (6) It is the intent of the Legislature to build upon the
26 foundational work of the California Community Colleges in their
27 implementation of Assembly Bill 705 by providing the clarity to
28 ensure that, regardless of the community college district they enroll
29 in, all students have access to transfer-level coursework to
30 maximize their opportunities to successfully achieve their
31 educational and professional goals.

32 (b) (1) Notwithstanding Section 78213, by July 1, 2023, a
33 community college district or community college shall place and
34 enroll all new and continuing United States high school graduate
35 students and those who have completed a GED into transfer-level
36 English.

37 (2) Notwithstanding any other law, a community college may
38 offer or require concurrent support for a student with a grade point
39 average below 2.5, or for those whose high school transcript data
40 is not available.

(c) Notwithstanding Section 78213, by July 1, 2023, a community college district or community college shall place and enroll all new and continuing United States high school graduate students and those who have completed a GED into transfer-level mathematics, unless one of the following has occurred:

(1) The student has an educational goal other than transfer, and the degree or certificate program has a specific mathematics requirement that is not met with transfer-level coursework. The student shall be informed prior to enrolling in the specific mathematics course that the course will not be used to fulfill requirements for a baccalaureate degree.

(2) Notwithstanding any other law, a community college district or community college may offer or require concurrent support for any of the following:

(A) Students who have not successfully completed algebra II.

(B) Students who have a grade point average below 2.5.

(C) Students who do not have high school transcript data.

(3) In placing and enrolling students into business, science, technology, or mathematics pathways, community colleges shall place students into the highest transfer-level mathematics courses based on the courses completed in high school, and shall provide the student with concurrent support if the student has not successfully completed algebra II or its equivalent, and has a grade point average below 2.5.

(d) Notwithstanding Section 78213, by July 1, 2023, a community college district or community college, when considering the placement and enrollment of a student into transfer-level English and mathematics, shall not rely upon any of the following as justification for placing a student into pretransfer level courses:

(1) The length of time between a student's enrollment date at the community college and the student's high school graduation date.

(2) Whether the student belongs to a special population, including, but not limited to, foster youth, veterans, economically disadvantaged students or those students who participate in extended opportunity programs and services, participants in disability services and programs for students, and students in Umoja, Puente, or Mathematics, Engineering, Science Achievement (MESA) programs.

(e) Notwithstanding Section 78213, by July 1, 2023, a community college district or community college shall place a student who has not graduated from a United States high school or obtained a GED, but has high school transcript data through 10th grade, into transfer-level English and mathematics if the student has maintained a grade point average of 2.5 or above.

SEC. 5. Section 78213.2 is added to the Education Code, to read:

78213.2. (a) The Chancellor's Office of the California Community Colleges shall create a Transfer Level Gateway Completion Dashboard by July 2023. The dashboard shall be located on the chancellor's office webpage and shall be readily available to the public. The dashboard shall be updated annually and shall contain data on a statewide basis, and disaggregated by regional, district, and college levels, on all of the following:

(1) Successful transfer-level completion rates in mathematics, English, and ESL English.

(2) Successful transfer-level completion counts in mathematics, English, and ESL English.

(3) Drop out prior to census date counts in mathematics, English, and ESL English.

(4) Drop out after census date counts in mathematics, English, and ESL English.

(5) Mathematics transfer-level completion and noncompletion rates disaggregated by each of the following:

(A) Age group.

(B) Whether the student received corequisite support.

(C) Receipt of disability services and programs for students.

(D) Receipt of extended opportunity programs and services.

(E) Ethnicity.

(F) Foster youth status.

(G) Gender.

(H) Grade point average band for business, science, technology, engineering, and math (BSTEM) students.

(I) Grade point average band for statistics and liberal arts math (SLAM) students

(J) Mathematics, Engineering, Science Achievement (MESA) programs.

(K) Puente students.

(L) Umoja students.

1 (M) Veteran status.

2 (6) English and ESL English transfer-level completion and
3 noncompletion rates disaggregated by all of the following:

4 (A) Age group.

5 (B) Whether the student received corequisite support.

6 (C) Receipt of disability services and programs for students.

7 (D) Receipt of extended opportunity programs and services.

8 (E) Ethnicity.

9 (F) Foster youth status.

10 (G) Gender.

11 (H) Grade point average band.

12 (I) Mathematics, Engineering, Science Achievement (MESA)
13 programs.

14 (J) Puente students.

15 (K) Umoja students.

16 (L) Veteran status.

17 (b) (1) Beginning on September 1, 2023, and annually
18 thereafter, the Chancellor's Office of the California Community
19 Colleges shall provide a report to the Legislature with both of the
20 following:

21 (A) Updated annual figures from the Transfer Level Gateway
22 Completion Dashboard as described in subdivision (a).

23 (B) The year-over-year changes from the Transfer Level
24 Gateway Completion Dashboard for each of the categories
25 described in subdivision (a).

26 (2) The report shall be provided to the Assembly Committee
27 on Higher Education, the Assembly Budget Subcommittee on
28 Education Finance, the Senate Committee on Education, and the
29 Senate Budget Subcommittee on Education.

30 SEC. 6. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.