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AB-1705 Seymour-Campbell Student Success Act of 2012: matriculation: assessment. (2021-2022)

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Assembly Bill No. 1705

CHAPTER 926

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

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1705, 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. 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 one-year.

This bill would, among other things, instead require 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 of their initial attempt in the discipline, and for a student with a declared academic goal, that the transfer-level coursework satisfies the English and mathematics coursework requirements of the intended certificate or associate degree, or a requirement for transfer within the intended major, within a one-year timeframe of their initial attempt in the discipline. By July 1, 2023, if a community college places and enrolls a student into transfer-level mathematics or English coursework that does not satisfy a requirement for the student's intended certificate or associate degree, or a requirement for transfer within the intended major, the bill would require the community college to verify the benefit of the coursework to the student, as specified.

(2) The act requires community college districts or community colleges 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 and authorizes the Board of Governors of the California Community Colleges to establish regulations governing these and other measures, instruments, and placement models that achieve this goal.

This 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 that self-reported high school information be used if there are issues with obtaining or using high school transcript data, as specified. The bill would limit the use of multiple measures and the enrollment into noncredit coursework by colleges in the placement and enrollment of students, as provided. The bill would require the board of governors to establish those placement regulations to achieve the placement goal. The bill would prohibit a community college

district or community college from recommending or requiring students to enroll in pretransfer level English or mathematics coursework, except under specified circumstances.

(3) This bill would require all new and continuing United States high school graduate students and those who have been issued a high school equivalency certificate, who plan to pursue a certificate, degree, or transfer program offered by a California community college, to be directly placed into, and, when beginning coursework in English or mathematics, enrolled in, transfer-level English and mathematics, as provided. By July 1, 2023, 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.

(4) This bill would require the office of the Chancellor of the California Community Colleges, beginning July 1, 2023, to make available on its internet website a dashboard containing multiyear data, beginning from 2015, and updated annually, containing data submitted to the chancellor's office by community colleges on student progression and completion of transfer-level English, mathematics, and English-as-a-second-language courses, disaggregated by college and subgroup, as provided. The bill would require, beginning December 1, 2024, and annually thereafter, the chancellor's office to inform certain legislative committees of the update to the dashboard, as specified.

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

(6) 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.

(7) This bill would make Legislative findings and declarations, and state the intent of the Legislature, relative to these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) Research has consistently demonstrated that when students are placed and enrolled directly into transfer-level written communication and quantitative reasoning courses, completion of transfer-level coursework in those disciplines is expedited and persistent opportunity gaps in completion of those courses are diminished.

(b) As a result of reforms resulting from amendments to Section 78213 of the Education Code made by Assembly Bill 705 of the 2017–18 Regular Session, significant progress has been made in the number of community college students enrolling directly into transfer-level English and mathematics courses and successfully completing those courses. One-year completion of transfer-level courses increased from 49 percent to 67 percent in English, and from 26 percent to 50 percent in mathematics, from fall 2015 to fall 2019.

(c) Research by the RP Group and the Chancellor's Office's Transfer-Level Gateway Completion Dashboard documented significant gains in enrollment and completion of transfer-level mathematics and English coursework for every special population examined, including economically disadvantaged students, foster youth, veterans, and students participating in programs for the disabled.

(d) In fall 2020, community colleges continued to implement Assembly Bill 705 in the face of COVID-19, with steady rates of direct enrollment into transfer-level mathematics and some improvement in the successful completion of transfer-level mathematics courses relative to the previous year.

(e) The Public Policy Institute of California found a strong correlation between increases in student completion of transfer-level mathematics and English and the extent to which the college has expanded students' direct enrollment into transfer-level courses. They wrote, "it is an important finding that a single variable, within the direct control of colleges, is associated so strongly with improvements in completion."

(f) Assembly Bill 705's reforms made great strides in addressing longstanding racial inequity in both access to, and completion of, transfer-level mathematics and English. Black, Latinx, and Pacific Islander students achieved the largest gains in completion of transfer-level courses in fall 2019 relative to fall 2015 and surpassed the fall 2015 rates of transfer-level completion for White students. Still, equity gaps remain in direct transfer-level enrollment and completion.

(g) In fall 2021, the Chancellor's Office of the California Community Colleges found that students are much less likely to complete transfer-level English and mathematics courses within a one-year timeframe when local placement practices require, encourage,

or allow those students to enroll in pretransfer-level coursework.

(h) Implementation is uneven and some colleges increased pretransfer-level offerings in fall 2020.

(i) In fall 2020 at one in five colleges, a third or more of students were enrolled in pretransfer-level mathematics.

(j) Research in California and Florida shows that even when pretransfer-level courses are optional, Black, Latinx, and Pacific Islander students are more likely than their White or Asian peers to end up enrolling in pretransfer-level courses.

(k) Efforts to reform placement practices and expedite completion of transfer-level English and mathematics requirements are consistent with the California Community Colleges Vision for Success goal of reducing the units to earn a degree, time to completion or transfer, and cost of college.

(l) Pretransfer-level mathematics and English courses may be appropriate to meet the needs of a defined student population in order to achieve the broader community college mission or if these courses are shown to be the best option to help students progress toward their academic goals.

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

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

(a) All United States high school graduate students and those who have received a high school equivalency certificate, regardless of background or special population status, who plan to pursue a certificate, degree, or transfer program offered by the California Community Colleges, shall be directly placed into, and, when beginning coursework in English or mathematics, shall be enrolled in, transfer-level English and mathematics courses if their program requires mathematics or English.

(b) California community colleges shall place and enroll students into transfer-level mathematics or English coursework that satisfies a requirement of the student's intended certificate or associate degree or a requirement for transfer within their intended major.

(c) When the California State University and University of California systems require mathematics or English prerequisites, both of the following apply:

(1) Community colleges shall determine the methods of fulfilling the prerequisite, whether it be through high school coursework, completion of corequisite coursework or concurrent support activity, credit by examination, credit for prior learning, or multiple measures placement into, or completion of, a course with the same or higher prerequisite.

(2) The California State University shall, and the University of California is requested to, work collaboratively with the California Community Colleges to maintain articulation of courses successfully completed at the California Community Colleges.

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

(e) In order to protect the rights of students with disabilities to fully benefit from participation in postsecondary educational programs, students with documented disabilities shall retain access to educational assistance classes, as described in Section 56028 of Title 5 of the California Code of Regulations, that are offered to students who otherwise would not be able to benefit from general college classes even with appropriate academic adjustments, auxiliary aids, and services.

(f) Notwithstanding this article, community colleges remain responsible for implementing state and federal laws pertaining to funding and providing services to students with disabilities, including, but not limited to, Chapter 14 (commencing with Section 67300) of Part 40 of Division 5, the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.), as amended, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

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

78213. (a) A community college district or community college shall not use any assessment instrument for the purposes of this article without the authorization of the board of governors. The board of governors may adopt a list of authorized assessment instruments.

(b) The board of governors shall review all assessment instruments and shall consider for approval those that meet all of the following requirements:

(1) Assessment instruments shall meet established standards of validity and reliability.

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

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

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

(c) (1) A community college district or community college shall maximize the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe of their initial attempt in the discipline. For a student with a declared academic goal, the transfer-level coursework shall satisfy the English and mathematics course requirements of the intended certificate or associate degree, or a requirement for transfer within the intended major, within a one-year timeframe of their initial attempt in the discipline.

(2) Community colleges shall use, in the placement and enrollment of students into English and mathematics courses in order to achieve this goal, one or more of the following measures:

(A) High school coursework.

(B) High school grades.

(C) High school grade point average.

(3) When using multiple measures, colleges shall apply multiple measures in the placement and enrollment of all students in such a manner that all of the following occur:

(A) Low performance on one measure shall be offset by a higher performance on another measure.

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

(C) Any one measure may demonstrate a student's preparedness for transfer-level coursework.

(D) The multiple measures placement shall not require students to repeat coursework that they successfully completed in high school or college or for which they demonstrated competency through other methods of credit for prior learning.

(E) The multiple measures placement gives students access to a transfer-level course that will satisfy a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major.

(4) For the purposes of this subdivision, using high school grade point average as a composite of student performance over multiple years of high school coursework is a sufficient use of multiple evidence-based measures.

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

(6) High school transcript data shall be used as the primary means for determining placement in English and mathematics courses. When high school transcript data is difficult to obtain, logistically problematic to use, or not available, a community college district or community college shall use self-reported high school information.

(7) (A) For students who have not graduated from high school, or for high school graduates unable to provide self-reported high school information, community colleges may use guided placement or self-placement.

(B) The placement and enrollment resulting from the guided or self-placement method shall maximize the probability that students enter and complete transfer-level mathematics and English coursework that satisfies a requirement of the intended certificate or associate degree or a requirement for transfer within the intended major, within a one-year timeframe of their initial attempt in the discipline.

(C) A community college may use guided placement or self-placement to direct English language learners who are not United States high school graduates into credit ESL programs and shall maximize the probability that students in credit ESL programs enter and complete transfer-level English within a timeframe of three years.

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

(i) Incorporate sample problems, assignments, assessment instruments, or tests, including those designed for skill assessment.

(ii) Request students to solve problems, answer curricular questions, present demonstrations and examples of coursework designed to show knowledge or mastery of prerequisite skills, or demonstrate skills through tests or surveys.

(8) The board of governors shall establish regulations governing the use of these and other measures, instruments, and placement models to ensure that the measures, instruments, and placement models selected by a community college demonstrate that they guide English and mathematics placements and enrollment to achieve the goal of maximizing the probability that a student will enter and complete transfer-level coursework in English and mathematics that satisfies a requirement of the intended certificate or associate degree or a requirement for transfer within the intended major within a one-year timeframe and credit ESL students will complete transfer-level coursework in English within a timeframe of three years.

(9) A community college district or community college shall maximize the probability that a student will enter and complete college-level coursework in English and mathematics within a one-year timeframe that for students who seek a goal other than transfer, and who are in certificate or degree programs with specific mathematics and English requirements, as determined by the program's advisory board or accrediting body, that cannot be met with transfer-level coursework.

(10) Programs without mathematics or English requirements are exempt from this subdivision.

(d) 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:

(1) 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.

(2) 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.

(e) (1) By July 1, 2023, if a community college places and enrolls students into transfer-level mathematics or English coursework that does not satisfy a requirement for the student's intended certificate or associate degree, or a requirement for transfer within the intended major, the community college shall show both of the following to verify the benefit of the coursework to students:

(A) The student is highly unlikely to succeed in a transfer-level English or mathematics course that satisfies a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major.

(B) The enrollment will improve the student's probability of completing transfer-level mathematics or English coursework that satisfies a requirement for the intended certificate or associate degree, or a requirement for transfer within the intended major, within a one-year timeframe.

(2) If the benefit of the coursework, as described in paragraph (1), is not verified, the college shall not recommend or require students to enroll in that course after July 1, 2024, and shall notify students who continue to enroll in the course that it is optional and does not improve their chances of completing subsequent coursework that satisfies a requirement for their intended certificate or associate degree, or a requirement for transfer within their intended major.

(f) (1) By July 1, 2024, for calculus-based associate degrees or transfer majors in science, technology, engineering, and mathematics (STEM), community colleges shall examine the impact of placing and enrolling students into transfer-level course sequences, composed of no more than two transfer-level courses, that prepare students for the first STEM calculus course, in order to verify the benefit of the coursework to students by showing all of the following:

(A) The student is highly unlikely to succeed in the first STEM calculus course without the additional transfer-level preparation.

(B) The enrollment will improve the student's probability of completing the first STEM calculus course.

(C) The enrollment will improve the student's persistence to and completion of the second calculus course in the STEM program, if a second calculus course is required.

(2) If the benefit of the coursework, as described in paragraph (1), is not verified, the college shall not recommend or require students to enroll in that course after July 1, 2025, and shall notify students who continue to enroll in the course that it is optional and does not improve their chances of completing calculus for their STEM program.

(g) Community colleges are encouraged to explore the impact of concurrent support for the first STEM calculus course as an alternative to transfer-level preparatory courses that are not part of the STEM degree or transfer coursework for the STEM major.

(h) 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 a justification for placing and

enrolling a student into pretransfer-level mathematics or English coursework or into transfer-level mathematics or English coursework that does not satisfy a requirement for the student's intended certificate or associate degree, or a requirement for transfer within the intended major:

(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.

(3) Whether the student can provide a high school transcript, self-reports high school information, or uses self-placement or guided placement.

(i) (1) By July 1, 2023, all United States high school graduates, and those who have received a high school equivalency certificate, regardless of background or special population status, who plan to pursue a certificate, degree, or transfer program offered by the California Community Colleges, shall be directly placed into, and, when beginning coursework in English or mathematics, enrolled in, transfer-level English and mathematics courses.

(2) If the student has a declared academic goal, the mathematics and English coursework shall satisfy a requirement of the student's intended certificate or associate degree or a requirement for transfer within the intended major.

(3) A community college shall not require students to repeat coursework that they have successfully completed in high school or college or take coursework that repeats competencies that the student has demonstrated through other methods of credit for prior learning.

(4) A community college shall not enroll into noncredit coursework students who have graduated from a United States high school or been issued a high school equivalency certificate, as a substitute or replacement for direct placement and enrollment into transfer-level English and mathematics coursework as described in paragraph (1) of subdivision (c).

(j) The following are exceptions to transfer-level placement and enrollment into mathematics and English coursework, as described in subdivision (i):

(1) Students who have not graduated from a United States high school or been issued a high school equivalency certificate.

(2) Students enrolled in a certificate program without English or mathematics requirements.

(3) Students enrolled in a noncredit ESL course who have not graduated from a United States high school or been issued a high school equivalency certificate.

(4) Students with documented disabilities in educational assistance classes, as described in Section 56028 of Title 5 of the California Code of Regulations, who are otherwise not able to benefit from general college classes even with appropriate academic adjustments, auxiliary aids, and services.

(5) Students enrolled in adult education programs who have not graduated from a United States high school or been issued a high school equivalency certificate.

(6) Students enrolled in adult education programs who are enrolled in coursework other than mathematics or English.

(7) Current high school students in dual enrollment or taking courses not available in their local high school.

(8) The community college has provided local research and data pursuant to subdivisions (e) and (f) to verify the benefit of the placement and enrollment into transfer-level coursework that does not satisfy a requirement for the intended certificate or associate degree or a requirement for transfer within the intended major.

(9) College-level placement and enrollment in lieu of transfer-level placement and enrollment may occur for:

(A) Students in career technical programs seeking a certificate or associate degree with specific requirements, as dictated by the program's advisory or accrediting body, that cannot be satisfied with transfer-level coursework

(B) Specific subgroups of students for whom a community college district or community college has provided local research and data meeting the evidence standards pursuant to subdivisions (e) and (f) that allow for the placement and enrollment of the student subgroup into pretransfer-level mathematics or English coursework.

(k) (1) For students who need or desire extra academic support when enrolled in transfer-level mathematics or English coursework, community colleges shall provide access to tutoring, support-enhanced transfer-level mathematics and English courses, concurrent low-unit credit or similar contact hour noncredit corequisite coursework for transfer-level mathematics and English, or other academic supports.

(2) A community college may require students to enroll in additional concurrent support, including additional language support for ESL students, during the same term that they take a transfer-level English or mathematics course, if it is determined that the support will increase the student's likelihood of passing the transfer-level English or mathematics course.

(3) Nothing in this subdivision shall be construed as limiting student access to additional concurrent support nor requiring students to enroll into concurrent supports.

(l) The Chancellor's Office of the California Community Colleges may require a community college or community college district to change or adopt a placement policy or practice identified by the chancellor's office to ensure that a community college or community college district's placement and enrollment of students into mathematics, English, and ESL is consistent with the requirements of this section.

(m) Nothing in this section is meant to add mathematics and English requirements to certificate programs that do not have mathematics or English requirements.

(n) For purposes of this section, the following definitions apply:

(1) "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.

(2) "Pretransfer level," with respect to courses, includes basic skills, remedial, and college-level courses.

(3) "Transfer-level written communication" and "transfer-level quantitative reasoning" have the same meaning as transfer-level English and transfer-level mathematics, respectively.

SEC. 4. Section 78213.1 is added to the Education Code, to read:

78213.1. (a) Beginning July 1, 2023, the Chancellor's Office of the California Community Colleges shall make available on its internet website a dashboard containing multiyear data, beginning from 2015. The dashboard shall be updated annually pursuant to subdivision (b) and shall contain data submitted to the chancellor's office by community colleges on student progression and completion of transfer-level English, mathematics, and ESL courses, disaggregated by community college and by all the following:

(1) Age group.

(2) Whether the student received corequisite support.

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

(4) Receipt of extended opportunity programs and services.

(5) Ethnicity.

(6) Foster youth status.

(7) Gender.

(8) Discipline—relevant high school performance bands.

(9) Mathematics, Engineering, Science Achievement (MESA) program students.

(10) Puente students.

(11) Umoja students.

(12) Veteran status.

(b) Beginning on December 1, 2024, and annually thereafter, the chancellor's office shall update the dashboard, as established in subdivision (a), and inform the Assembly Committee on Higher Education, the Assembly Budget Subcommittee on Education

Finance, the Senate Committee on Education, and the Senate Budget and Fiscal Review Subcommittee on Education of the update.

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