



# The Board of Governors of the California Community Colleges

**Date:** March 18, 2019

Item Number: 2.3

Attachments: 3

Subject	Category	Type of Board Consideration
Second Reading: AB 705 Regulations	Educational Services and Support	Action

## RECOMMENDED BY

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Alice Perez, Vice Chancellor

## APPROVED FOR CONSIDERATION

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Eloy Ortiz Oakley, Chancellor

## ISSUE

This item presents regulations for AB 705, for Second Reading by the Board of Governors. This item only includes regulatory language related to English and quantitative reasoning/mathematics.

## BACKGROUND

In October of 2017, the California legislature approved AB 705, and the Governor signed the bill into law. Over the past year, the Chancellor's Office has been working with a variety of statewide stakeholder groups to formulate regulatory changes in title 5 to reflect the inclusion of AB 705 as both curricular and assessment/placement elements. As the bill itself articulates, traditional placement instruments and tests historically "under-place" students into remedial education sequences that often take years to complete. This phenomenon is particularly acute for students of color and students with economic disadvantages. To address these inequities, Assembly Member Jacqui Irwin authored AB 705, which requires community colleges to use high school performance as the primary placement tool, as it is a more accurate predictor of student success than other placement tools. (Continued on next page)

## RECOMMENDATION

It is recommended that the Board of Governors approve the following resolution:

Be it Resolved:

The Board of Governors of the California Community Colleges, acting pursuant to Education Code sections 70901, subdivision (c), and 71090, subdivision (b), hereby:

- approves the adoption of the proposed amendments to the California Code of Regulations, title 5, sections 55002, 55003, 55063, 55500, and 55522; and
- authorizes the Chancellor to take any necessary ministerial action to process these amendments.

## **BACKGROUND (CONTINUED)**

The purpose of the law included the following goals: improve the numbers of students who have direct access to transfer-level English and quantitative reasoning/mathematics; increase the numbers of student who complete transfer-level English and quantitative reasoning/mathematics and decrease the time English as a Second Language (ESL) learners will require to complete transfer-level English.

When AB 705 was signed into law in October of 2017, the Chancellor's Office immediately created the AB 705 Implementation Advisory Committee in order to create a forum to unpack the language of the legislation and determine pathways toward implementation.

This group, comprised of faculty, classified professionals, researchers, administrators, Board of Governors members, Chancellor's Office staff, and Success Center staff, who met for approximately eight months in order to set a timeline for implementation, define key terms, evaluate research, set the default placement rules, and establish a framework for understanding the implications of the bill. The history of the work of this Committee is available online at the [AB 705 Implementation website](https://assessment.cccco.edu/ab-705-implementation/) (https://assessment.cccco.edu/ab-705-implementation/).

The fundamentals determined by the Advisory Committee provided a basis for a series of guidance memorandums and Frequently Asked Questions documents co-authored by the Chancellor's Office and the Academic Senate. Those documents, which are available on the website, have stimulated local dialogue about implementation and evaluation efforts throughout the System. The Committee also established a separate advisory group to delineate the implications for ESL instruction and students. Because the law had many implications on college processes and practices, the Chancellor's Office determined that beginning with guidance rather than regulation would support ongoing discussion and professional development, as well as provided a basis for future regulation. During this period, the Academic Senate, the Chancellor's Office, California Acceleration Project, RP Group, and West Ed have all prioritized providing professional learning for key personnel in the colleges about how to locally apply the tenets of the law to improve student success and equitable outcomes. The Chancellor's Office has also worked with researchers to aggregate survey data regarding plans the colleges are making to satisfy

the implementation requirements while also building the data infrastructure to provide high school performance information and MIS data collection capabilities to track curricular reforms and concurrent support efforts.

With the implementation date of fall of 2019, the Chancellor's Office has developed regulatory language that reflects and aligns with the work of the past year. These regulations have had the benefit of feedback from the AB 705 Implementation Advisory Committee, the California Community Colleges Curriculum Committee (also known as 5C), and Consultation Council. Moreover, 5C in particular made additional efforts to fit the regulations into their review schedule so that they were ready for the January 2019 Board of Governors meeting. General Counsel has also reviewed and revised the language, using appropriate input, in order for the language to be prepared for a First and Second Reading.

The language represents not only a team effort among many stakeholders but also the best opportunity the California Community College System has to address inequities that begin at the time of placement and continue throughout students' college journeys. With AB 705, the colleges have a reasonable opportunity to address stubborn equity gaps that have not been previously addressed in scalable or significant ways. Since this is a core value in the *Vision for Success*, AB 705 represents a powerful tool to make progress on those equity goals.

Notice of the proposed regulations was published on January 4, 2019, to begin the 45-day public comment period. The regulations were presented to the board on January 14, 2019 for a first reading and public hearing. A re-notice of the proposed title 5 changes was issued on February 26, 2019. The notice specified the process to comment on the proposed changes. Comments from seven (7) people were heard at the public hearing on January 14, 2019. In addition, nine written comments, letters, or emails were received during the comment period. A summary of these comments, and the Chancellor's Office response to them, is included in Attachment 3. The proposed regulation changes are included as Attachment 1. Attachment 2 contains an analysis of the proposed amendments. The Board of Governors published the 15-day Notice of Modifications to the Text of Proposed Amendments to California Code of Regulations, Title 5 Regarding Curriculum and Instruction, on February 26, 2019.

**ATTACHMENTS:** Text of Proposed Amendments (Attachment 1); Analysis of Proposed Amendments (Attachment 2); and Response to Comments Received During the Notice Period (Attachment 3).