§ 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.

(ad) 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.

(b) 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.

(e) 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 (e)(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).

(ef) Notwithstanding paragraphs (1), (2), (3) or (5) of subdivision (cf) 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.