

**NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING
CURRICULUM AND INSTRUCTION**

Notice published January 4, 2019

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on January 14-15, 2019, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 9:00 a.m., or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Christina Castro, 1102 Q Street, Suite 4500 Sacramento, CA 95811-6549, ccastro@cccco.edu, 916-323-5889, no less than five working days prior to the meeting. The Chancellor's Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. No oral comments will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulation that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as the proposed regulation. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549

Comments may also be submitted by facsimile at 916-322-9030 or by email at regcomments@cccco.edu.

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on February 18, 2019. All written comments received by CCCCO staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

AUTHORITY AND REFERENCE

Authority: Education Code sections 66700, 70901

Authority: Government Code section 11138

Reference: Education Code sections 70901, 70902, 72011, 76002, 78210 – 78222, 78211, 78212, 78213 and 78261.

Reference: Government Code section 11135

INFORMATIVE DIGEST

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 key stakeholder groups in order 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. In order 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. 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. This item only includes regulatory language related to English and quantitative reasoning/mathematics; however, additional regulatory language will be provided at a future date to further align and harmonize other language within title 5 to AB 705.

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, 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 following website:
<https://assessment.cccco.edu/ab-705-implementation/>.

The fundamentals determined by the Advisory Committee provided a basis for a series of guidance memos and Frequently Asked Questions documents co-authored by the Chancellor's Office and the Academic Senate. Those documents, also available on the web, 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 so 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 is also working 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 (5C), and Consultation Counsel. 5C, in particular, made additional efforts to fit the regulations into their review schedule so that they could be ready for the January 2019 Board of Governors meeting. Legal counsel has also reviewed and revised the language, using appropriate input, in order for the language to be prepared for a First 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.

The proposed regulations are presented to the Board of Governors for a first reading and public hearing. The Board of Governors must hold a public hearing for receipt of comments, both written and oral, which are offered concerning the proposed action. It is anticipated that the regulations will be presented to the Board for adoption at its March 18-19, 2019, meeting.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: *Yes, please see below.*

Cost or savings to state agencies: *None*

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *Yes, please see below.*

Other non-discretionary cost or savings imposed on community college districts: *Yes, please see below.*

Cost or savings in federal funding to state agencies: *None*

The fiscal effects of the adoption of the proposed regulations will not differ from those effects anticipated by the State Legislature, and described in the Senate Appropriations Committee analysis of Assembly Bill 705, which these regulations implement. (Sen. Approps. Com. Rep. on Sen. Bill No. 705 (2016-2017 Reg. Sess.), Aug. 21, 2017.)

Placement activities required by Assembly Bill 705 may impose costs on community college districts that the Commission on State Mandates may determine are reimbursable by the state resulting in current unknown Proposition 98 General Fund costs in the low millions of dollars. Assembly Bill 705 may also require colleges to expand transfer-level courses, and these costs may also be eligible for reimbursement by the state.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Alice Perez, Vice Chancellor
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, and all of the information upon which the proposal is based, may be obtained online at:

[Board of Governors Meetings Agenda](#)

or [Legal - Regulations](#).

Those who receive the Board of Governors Agenda package for the January 14-15, 2019 meeting can find a further description of the proposal and the full text of the regulations. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.