



## Consultation Council Agenda

Thursday, December 19, 2019  
9:30 a.m. to 1:00 p.m.  
Chancellor's Office  
Third Floor, Hub Conference Room  
1102 Q Street  
Sacramento, CA 95811

### THE ITEMS ON THIS AGENDA WILL BE DISCUSSED AT THE UPCOMING CONSULTATION COUNCIL MEETING.

1. Chancellor's Office Update
2. Student Senate Update
3. AB 705 English as a Second Language Regulations
4. District Fiscal Health Monitoring
5. 2020 Proposed Legislative Platform
6. Memorandum of Understanding with Student Senate for California Community Colleges
7. ASCCC Disciplines List Revisions Other
8. Other
  - a. April 2020 Consultation Council Meeting Location
  - b. Moving to BoardDocs
  - c. Announcements from Consultation Council members

### FUTURE 2020 MEETING DATES:

January 16, 2020  
February 20, 2020  
March 19, 2020  
April 16, 2020  
May 21, 2020  
June 18, 2020  
July 16, 2020  
August 20, 2020  
September 17, 2020  
October 15, 2020  
November 19, 2020 (CCLC Annual Convention in San Francisco, CA)  
December 17, 2020



## DIGEST ITEM 2: STUDENT SENATE UPDATE

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Contact(s): Danny Thirakul, President  
Lawrence Su, Executive Vice President  
Student Senate for California Community Colleges

### Issue

The Student Senate for California Community Colleges will provide the Consultation Council members with an update on the Student Senate for California Community Colleges’ (SSCCC) current initiatives, legislative stances, and system participation as well as the current status of the board.

### Background

The SSCCC will present the council with an update on actions taken by the board since the previous Consultation Council meeting as well as concerns raised by the board and constituents, including, but not limited to, legislation and the state of the SSCCC.

- Student Senate Priorities
  - Updated MOU with Chancellor’s Office. Currently pending review by CCC Legal Counsel since August.
  - Call for partnerships and sponsorships for our 2020 General Assembly April 3 - 5, 2020 in Ontario.
    - ◆ Lande Ajose, Senior Advisor on Higher Education to CA Governor Newsom, and confirmed as a keynote speaker and Senator Leyva tentatively confirmed.
    - ◆ Sponsorship information can be found on the [SSCCC website](http://www.studentsenateccc.org/news-events/general-assembly/sponsorship.html) ([www.studentsenateccc.org/news-events/general-assembly/sponsorship.html](http://www.studentsenateccc.org/news-events/general-assembly/sponsorship.html)). Consultation Council representatives are encouraged to sponsor the event and attend if available.
  - Introducing policies and procedures to align the SSCCC governing documents with Corporation Code and 501(c)(3) Nonprofit requirements.

- Began publishing monthly newsletter -- [SSCCC Connect](http://www.studentsenateccc.org/news-events/ssccc-connect.html) (www.studentsenateccc.org/news-events/ssccc-connect.html).
- Legislative and Advocacy
  - Internal legislative process has begun to identify possible legislators to carry proposals and legislation to support:
    - ◆ Support: AB302 (housing), SB291 (financial aid), health and wellness services and funding, veteran services, foster youth services, and others related to the SSSCC approved priorities.
    - ◆ Propose: Student trustee full vote; second student member vote on the Board of Governors; Lt. Governor on the Board of Governors.
  - Coalition between SSSCC, CSSA, and UCSA has reaffirmed its legislative priorities for the next legislative cycle including fixing financial aid.
  - Planning for March in March has begun. SSSCC currently seeking partners to assist to make the event successful.
- Recent Events
  - FACCC Board meeting November 15, 2019 in Long Beach.
  - Campaign for College Opportunity 15-year Anniversary Award Event: Champions of Higher Education in Los Angeles.
  - CCC + LGBT+ Summit on November 23, 2019 in Riverside.
  - Community College League of California Convention 2019 at the Riverside Convention Center November 21-23, 2019.
  - Visited over 23 community colleges this semester.

### **Feedback/Questions for Council**

This item is presented to the Consultation Council for information and discussion.

### **Attachments:**

None.



## DIGEST ITEM 3: AB 705 ENGLISH AS A SECOND LANGUAGE REGULATIONS

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Contact(s): Marty Alvarado, Executive Vice Chancellor, Educational Services and Support

### Issue

Assembly Bill (AB) 705 was signed into law in October of 2017. This new law aimed to address inequities impacting English language learners which begin at the time of placement and continue throughout students’ college journeys. With the implementation date of fall 2020 for AB 705 ESL, the Chancellor’s Office has developed regulatory language that reflects and aligns with the work of the past two-years. The proposed revisions to title 5 section 55522.5 English as a Second Language Placement and Assessment have had feedback from the AB 705 ESL Advisory Committee, the California Community Colleges Curriculum Committee (5C) as well as Legal counsel has also reviewed and revised the language, using appropriate input.

This item represents a first-reading of the regulations associated with AB 705 ESL for presentation and consideration of the Board of Governors at the January 2020 meeting.

### Background

After the signing of AB 705, the Chancellor’s Office established two implementation committees which included the AB 705 Implementation Advisory Committee and the AB 705 English as a Second Language (ESL) Advisory Committee. The AB 705 ESL Advisory Committee was convened to discuss the implications of the law and establish a framework for subsequent guidance specifically related to ESL courses. This group, comprised of faculty, researchers, and Chancellor’s Office staff, who met for nearly two years in order to provide guidance and establish a framework for understanding the implications of the bill.

The proposed revisions to title 5 section 55522.5 English as a Second Language Placement and Assessment represent an opportunity for the California Community College System to bring assessment for English language learners into alignment with the requirements of AB705, more equitably affording English language learners access to similar opportunities

as those provided to other students under AB705 but appropriately adapted for English language learners.

### **Feedback/Questions for Council**

This item is presented as an informational item in preparation for the January Board of Governors meeting where this will be a first reading item.

### **Attachments:**

- 1.** Title 5 section 55522.5 English as a Second Language Placement and Assessment

## Item 3, Attachment 1: AB 705 English as a Second Language Regulations

### § 55522.5. English as a Second Language Placement and Assessment

#### (a) Scope and intent

- (1) Instruction in credit English as a Second Language (ESL) is distinct from remediation in English.
- (2) Students enrolled in ESL coursework are foreign language learners who require additional language training in English, require support to successfully complete degree and transfer requirements in English, or require both.
- (3) ESL students with a goal of transfer to a four-year institution or an associate degree should enter and complete a transfer-level English composition course or an ESL course equivalent to transfer-level English within a three-year timeframe of declaring a transfer- or degree-seeking goal.
- (4) Credit ESL placement methods should minimize disproportionate impacts on students.

#### (b) Placement Methods

- (1) Districts shall place students who are English language learners using evidence-based multiple measures from the placement methods for ESL identified below:
  - (A) Any Chancellor's Office ESL placement method published by the Chancellor's Office to implement Education Code section 78213.
  - (B) An evidence-based district placement method collected from local research using high school performance data, including self-reported high school performance data.
  - (C) A district placement method based upon guided placement, including self-placement.
  - (D) Methods based on articulation agreements between the district and partners as defined in 55003.
- (2) Students who have acquired a United States high school diploma or the equivalent shall be placed according to 55522.
- (3) Placement methods authorized by this section shall be designed to maximize the probability that transfer- or degree-seeking students enrolled in credit ESL will enter and complete a transfer-level English composition or an equivalent ESL course within a three-year timeframe.
- (4) Districts adopting a district placement method under subparagraph (b)(1)(B) or (b)(1)(C) shall, by July 1, 2020, provide an adoption plan on a form prescribed by the Chancellor, explaining the placement method and the evidence the district has demonstrating that 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 credit ESL throughput rate(s) of a placement method once published by the Chancellor's Office.

(5) Districts must inform students placed into credit ESL coursework prior to fall 2020 of their right to access the newly adopted placement processes that comply with this section and students who have completed a United States high school diploma or the equivalent shall be placed according to 55522. Districts shall disclose their plans to implement retroactive placement recommendations as part of the adoption plan described in subparagraph (b)(4).

(6) Any placement for the fall semester or quarter of 2020 must comply with this section and California Education Code section 78213.

#### (c) 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 credit ESL courses and guidelines for their use by community college districts. When using an ESL assessment test for placement into credit ESL coursework, 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.

(d) 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 (g), do any of the following:

- (1) use an assessment test for placement which has not been approved by the Chancellor pursuant to this section, 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;
- (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.

(f) 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 or in credit academic ESL 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 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 English composition or ESL equivalent, transfer-level English composition or ESL equivalent with concurrent support or transfer-level or credit ESL coursework, disaggregated by race and ethnicity; and
- (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 English



composition or ESL equivalent, transfer-level English composition or ESL equivalent with concurrent support, or transfer-level or credit ESL coursework, disaggregated by race and ethnicity.

(g) 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.



## DIGEST ITEM 4: DISTRICT FISCAL HEALTH MONITORING

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Contact: Frances Parmelee, Assistant Vice Chancellor, College Finance and Facilities Planning

### Issue

This item is presented to provide the Consultation Council an update on the Chancellor’s Office work on fiscal health monitoring of districts.

### Background

Existing law requires the Board of Governors to adopt criteria and standards for the periodic assessment of the fiscal condition of community college districts. In accordance with this requirement, the Chancellor’s Office has established standards for sound fiscal management and a process to monitor and evaluate the financial health of community college districts.

The Legislature and the Department of Finance support the Chancellor in these efforts by providing targeted funding and resources. The 2019 Budget Act appropriated \$27.5 million for the Institutional Effectiveness programs to provide technical assistance and improve district operations. Annually, the Legislature appropriates \$570,000 to provide funds for technical assistance, reviews, and audits provided by the Fiscal Crisis and Management Assistance Team (FCMAT). Additionally, the 2019 Budget Act provided authority for a new fiscal health monitoring specialist position in the Fiscal Standards and Accountability Unit of the Chancellor’s Office. This position will afford the Chancellor’s Office additional capacity to develop a greater understanding of the fiscal pressures facing the system and expand technical assistance offerings.

Primary components of the district financial health evaluation were introduced to the Board of Governors in July 2019 and included an analysis of audit and financial reports submitted to the Chancellor’s Office.

The initial analysis of financial reports considers unrestricted reserves and expenditures as described in the matrix analysis of ending balance and surplus ratios presented in July. Based on feedback from system stakeholders, additional factors have been incorporated

into the ongoing monitoring of financial data, including consideration of multi-year financial trends, salary and wage ratios, enrollment trends, and other information made available to the Chancellor's Office.

The focus of the 2017-18 annual audit report review was to: (1) identify districts with repeat financial reporting and state compliance findings and (2) request corrective action plans to resolve the findings. Repeat findings noted in 2017-18 related to information system controls, accounting and financial reporting, compliance with the Fifty Percent Law, and attendance accounting. The Chancellor's Office requested and received corrective action plans from seven districts and will continue to follow-up until each finding is resolved.

Initial review of financial data reported in the 2018-19 CCFS-311 Annual Financial and Budget Reports resulted in eight districts considered at high or moderate risk. The Chancellor's Office is in the process of working with local leadership at these eight districts to gather additional information and design appropriate technical assistance plans. Technical assistance could include, but is not limited to, consultation with Chancellor's Office staff to resolve accounting and reporting issues; completion of FCMAT fiscal health risk analyses, reviews, or audits; or appointment of a fiscal monitor or special trustee.

### **Recent and Current FCMAT Reviews**

In January 2019, the Chancellor engaged FCMAT to conduct a review of the Peralta Community College District. As a result of that review, the Peralta Community College District developed an extensive corrective action plan and a Chancellor's Office fiscal monitor has been appointed to monitor and observe the district's progress. The Palomar Community College District contracted directly with FCMAT to also provide a fiscal health risk review which was completed in November 2019 and will be presented at the January 2020 Board of Governors meeting. At the Chancellor's request, FCMAT is tentatively scheduled to perform a review in February 2020 at the Lassen Community College District.

### **Feedback/Questions for Council**

This item is presented to Consultation Council for information and discussion.

### **Attachments:**

None.



## DIGEST ITEM 5: 2020 PROPOSED LEGISLATIVE PLATFORM

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Contact(s): Laura Metune, Vice Chancellor, Governmental Relations

### Issue

The Chancellor's Office Division of Governmental Relations will discuss the proposed 2020 Legislative Platform and legislative proposal submissions.

### Background

California law (Ed Code § 70901(b)(4)) requires the Board to provide representation, advocacy and accountability for the system before state and national legislative and executive agencies. The Board Procedures and Standing Orders provide guidance to the Chancellor in representing the California Community Colleges on matters pending before the California Legislature and Governor, Congress, and the President. The Procedures and Standing Orders also authorize the Chancellor to take positions on pending legislation on behalf of the Board, as specified (Procedures and Standing Orders § 317).

The Governmental Relations division represents the Chancellor and the Board on state and federal policy and advocacy matters. The California Community Colleges *Vision for Success*, the 2020-21 Board of Governors Budget and Legislative Request, and prior Board positions guide the activities of the division. The Governmental Relations division seeks feedback from the Consultation Council and the Board of Governors prior to taking positions on policy matters.

### Feedback/Questions for Council

The Chancellor’s Office will present the proposed 2020 Legislative Platform and discuss legislative proposals submitted to the Chancellor’s Office for consideration. The Government Relations Division will provide handouts for discussion at the meeting.

### Attachments:

None.



## DIGEST ITEM 6: MEMORANDUM OF UNDERSTANDING WITH STUDENT SENATE FOR CALIFORNIA COMMUNITY COLLEGES

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Contact(s): Rhonda Mohr, Vice Chancellor, Educational Services and Support

### Issue

This item addresses the Memorandum of Understanding (MOU) with Student Senate for California Community Colleges (SSCCC) and Student Government Body Fee.

### Background

The Chancellor’s Office entered into a MOU with the SSCCC in March 2017, as a way to document the roles and responsibilities necessary to recognize the SSCCC as the coordinating body for student involvement in a variety of participatory governance structures within the California Community College system. The MOU came after the SSCCC began collecting revenue resulting from legislation that allowed colleges the option, based on an election by the student body, to collect an extra \$1 per term fee that would be remitted to the Chancellor’s Office for disbursement to the SSCCC for statewide student government use.

In the Fall of 2019, new legislation was signed by the Governor that changes collection of the fee from optional to a requirement. Colleges will need to begin collecting an additional \$1 for the approved statewide student government body, effective January 1, 2020. As a result of the legislative change, changes to the MOU are necessary.

### Feedback/Questions for Council

The Chancellor’s Office will provide an update on the legislation, including operational challenges for implementing the change at the campus level, and requests input from the Council on next steps.

### Attachments:

None.



## DIGEST ITEM 7: DISCIPLINES LIST REVISIONS SUMMARY UPDATE

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Contact(s): Marty Alvarado, Executive Vice Chancellor

### Issue

The Academic Senate for California Community Colleges held two hearings, at Fall and Spring Plenary Sessions in 18-19, to review the request for a change to the Disciplines List to include Homeland Security.

### Background

Every year the Academic Senate for California Community College conducts a review of the Disciplines List, which establishes the minimum qualifications for the faculty of California community colleges. The annual process was implemented following the adoption of Resolution 10.01 F16. Disciplines List revision proposals received by September 30<sup>th</sup> that meet all the required criteria will undergo a first hearing at the Fall Plenary Session immediately following the submission deadline, and may be considered for approval by the delegates at the following spring plenary session. The annual review cycle begins each February.

### Feedback/Questions for Council

This item is presented for the Council to provide feedback on the review process.

### Attachments:

1. Academic Senate for California Community Colleges Disciplines List Revision Proposals October 3, 2018

## **Item 7, Attachment 1: Academic Senate for California Community Colleges Disciplines List Revision Proposals October 3, 2018**

The [Disciplines List Revision Proposals](https://bit.ly/2Z2vcmf) is available on the Academic Senate for California Community Colleges website (<https://bit.ly/2Z2vcmf>).