



**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED
AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING
AB 705 ENGLISH AS A SECOND LANGUAGE (ESL) REGULATION
15-Day Notice published February 27, 2020**

The Board of Governors of the California Community Colleges hereby provides notice of changes to the above-referenced proposed regulatory action that was the subject of a public hearing on January 13, 2020. Section 206, subdivision (c), of the Procedures and Standing Orders of the Board of Governors requires the Board to renotify a proposed regulatory action where the proposed regulations have been previously considered, are being modified, and the modifications are "sufficiently related" to the text of the previously-proposed regulations.

CHANGES TO THE TEXT

Following the 45-day comment period that ended on February 25, 2020, and following the January 13, 2020 Board meeting, substantive changes were made to this regulatory action in proposed section 55522.5, subsection (4) and (h). The California Community College Chancellor's Office will present the regulatory action to the Board of Governors at its March 16, 2020 meeting. The changes are submitted for an additional 15-day comment period effective today, February 27, 2020. Comments must be received prior to 4:00 p.m. on March 13, 2020.

The Chancellor's Office proposes additional changes to the proposed regulatory action. The changes from the original noticed regulations are denoted by double bold underline and/or double bold strikeout, as indicated below.

(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, **the evidence to be collected, and why the district believes it will be effective.** ~~and the evidence the district has demonstrating that it will be effective.~~

(h) **The Chancellor's Office shall collect and analyze all placement methods and their impact on throughput rates for ESL students with a goal of transfer to a**

four-year institution or an associate degree, and produce a report for the Board of Governors by January 30, 2023. This report will inform a re-evaluation of credit ESL placement methods by the Chancellor's Office, and whether this section should be amended.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes to the proposed regulatory action subject to this 15-day notice. Comments must be limited to California Code of Regulations, title 5, section §55522.5 (4) and/or (h). We will accept comments concerning the changes outlined above in this 15-day notice until March 13, 2020. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
Email: regcomments@cccco.edu

Comments must be received by the Regulation Coordinator prior to 4:00 p.m. on March 13, 2020. 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 and 70901. Government Code section 11138.

Reference: Education Code sections 72011, 76002, 78211, 78212, 78213 and 78261; Government Code sections 11135;

INFORMATIVE DIGEST

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.

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, 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.

The primary change following first-reading is the addition of a mandatory review clause. This requires the Chancellor's Office to update the regulations following the collection and analysis of ESL placement data following the two-year implementation and validation period.

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:

Marty Alvarado, Executive Vice Chancellor
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811
regcomments@cccco.edu

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 regulatory action subject to this 15-day notice is set forth above. All of the information upon which the proposal is based, may be obtained online at:

[Recent Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the March 16, 2020 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.