

**State of California**

**EDUCATION CODE**

**Section 78213**

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78213. (a) No community college district or college may use any assessment instrument for the purposes of this article without the authorization of the board of governors. The board of governors may adopt a list of authorized assessment instruments pursuant to the policies and procedures developed pursuant to this section and the intent of this article. The board of governors may waive this requirement as to any assessment instrument pending evaluation.

(b) The board of governors shall review all assessment instruments to ensure that they meet all of the following requirements:

(1) Assessment instruments shall be sensitive to cultural and language differences between students, and shall be adapted as necessary to accommodate students with disabilities.

(2) Assessment instruments shall be used as an advisory tool to assist students in the selection of appropriate courses.

(3) Assessment instruments shall not be used to exclude students from admission to community colleges.

(c) The board of governors shall establish an advisory committee to review and make recommendations concerning all assessment instruments used by districts and colleges pursuant to this article.

(d) (1) (A) A community college district or college shall maximize the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe, and use, in the placement of students into English and mathematics courses in order to achieve this goal, one or more of the following measures:

- (i) High school coursework.
- (ii) High school grades.
- (iii) High school grade point average.

(B) Colleges shall use evidence-based multiple measures for placing students into English-as-a-second-language (ESL) coursework. For those students placed into credit ESL coursework, their placement should maximize the probability that they will complete degree and transfer requirements in English within three years.

(C) Multiple measures shall apply in the placement of all students in such a manner so that either of the following may occur:

(i) Low performance on one measure may be offset by high performance on another measure.

(ii) The student can demonstrate preparedness and thus bypass remediation based on any one measure.

(D) When high school transcript data is difficult to obtain, logistically problematic to use, or not available, a community college district or community college may use self-reported high school information or guided placement, including self-placement for students.

(E) The board of governors may establish regulations governing the use of these and other measures, instruments, and placement models to ensure that the measures, instruments, and placement models selected by a community college demonstrate that they guide English and mathematics placements to achieve the goal of maximizing the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year timeframe and credit ESL students will complete transfer-level coursework in English within a timeframe of three years. The regulations should ensure that, for students who seek a goal other than transfer, and who are in certificate or degree programs with specific requirements that are not met with transfer-level coursework, a community college district or college maximizes the probability that a student will enter and complete the required college-level coursework in English and mathematics within a one-year timeframe.

(2) Notwithstanding Section 78218 or any other law, a community college district or college shall not require students to enroll in remedial English or mathematics coursework that lengthens their time to complete a degree unless placement research that includes consideration of high school grade point average and coursework shows that those students are highly unlikely to succeed in transfer-level coursework in English and mathematics. A community college district or college may require students to enroll in additional concurrent support, including additional language support for ESL students, during the same semester that they take a transfer-level English or mathematics course, but only if it is determined that the support will increase their likelihood of passing the transfer-level English or mathematics course. The community college district or college shall minimize the impact on student financial aid and unit requirements for the degree by exploring embedded support and low or noncredit support options.

(e) For purposes of this section, “assessment” means the process of gathering information about a student regarding the student’s study skills, English language proficiency, computational skills, aptitudes, goals, learning skills, career aspirations, academic performance, and need for special services. Assessment methods may include, but not necessarily be limited to, interviews, standardized tests, attitude surveys, vocational or career aptitude and interest inventories, high school or postsecondary transcripts, specialized certificates or licenses, educational histories, and other measures of performance.

(Amended by Stats. 2017, Ch. 745, Sec. 2. (AB 705) Effective January 1, 2018. Note: See provision in Section 78218 making operation contingent upon funding. )