

Proposed Education Code Language to Implement Student Success Task Force (SSTF)
February 1, 2012
Initial Draft

Edited copy for ASCCC Webinar – February 14, 2012

Prepared by M. Pilati and edited to reflect comments made on the Webinar.

Things to note:

1. This is an early draft – there is ample time to effect change.
2. There are many terms in need of definition – a challenge to this is determining what should be in Ed Code and what should be in Title 5. Consider where definitions should be - in law, determined by legislation, or in regulation, adopted by the Board of Governors.
3. Existing related Education Code that is not explicitly modified or deleted remains in effect.

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Proposed SSTF Education Code changes to Matriculation:

78210. This article shall be known and may be cited as the Seymour-Campbell ~~Matriculation Act of 1986~~ *Student Success Act of 2012*. (Renaming matriculation. Matriculation Act of 1986 >>> Student Success Act of 2012.)

78211. It is the **intent** of the Legislature to do all of the following: (This is "intent" language – it does not actually make anything happen.)

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(a) Ensure equal education opportunity for all Californians.

(b) Provide students with the resources and support to establish informed educational goals.

(bc) Ensure that students receive the educational services necessary to successfully complete their educational goal and program of study. optimize their opportunities for success. (POS – a term with varied definitions – has not been previously used in CCCs.)

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(d) Recognize that student success is the responsibility of the institution and student, supported by well-coordinated and evidenced-based student and instructional services to foster academic success.

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~~—(c) Provide students with the information to establish realistic educational goals, and ensure that the matriculation process does not exclude students from receiving appropriate educational services at community colleges. Existing language is being removed.~~

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78211.5. (a) *The purpose of the Student Success Act is to increase California community college student access and success by providing effective core matriculation services of orientation, assessment and placement, education planning, and academic interventions. The*

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focus of the Student Success Act is on the entering students' transition into college to provide a foundation for student achievement and successful completion of students' educational goals, with a priority towards serving students who enroll to earn degrees, career technical certificates, or transfer. (Here and elsewhere there appears to be an over-emphasis on students who are earning certificates, earning degrees, or transferring. The CCCs still provide a means for a student to take a course or two to advance in a career or to develop a needed skill.) The Student Success Act of 2012 targets state resources on core matriculation services that research has shown to be critical to increasing the ability of students to reach their educational goals. By focusing funding in these core areas and leveraging the use of technology to more efficiently and effectively serve a greater number of students, the goal of the Student Success Act is to provide students with a solid foundation and opportunity for success in the California Community Colleges.

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~~(b) The Board of Governors of the California Community Colleges shall initially provide for full implementation of the Student Success Act's matriculation services specified in Section 78212 in as many community colleges as the funds appropriated for this purpose allow. Current language - 78211.5. (a) The Board of Governors of the California Community Colleges shall initially provide for full implementation of the matriculation services specified in Section 78212 in as many community colleges as the funds appropriated for this purpose allow. (In other words, we are currently required to provide services to the extent that we are funded to do so.)~~

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~~(b) Because of the need to develop and evaluate data on a standard statewide basis concerning the implementation and effectiveness of the matriculation services described in this article, Any college or district receiving funding under this article shall agree to carry out its provisions as specified, but shall be bound to that agreement only for the period during which funding is received pursuant to this article. The obligations of the college or district under the agreement shall include, but not be limited to, the expenditure of funds received pursuant to this article for only those matriculation services approved by the board of governors and the contribution toward the purposes of this article of matching funds as the board of governors may require pursuant to Section 78216.~~

78212. (a) For purposes of this article, "matriculation" means a process that brings a college and a student ~~who enrolls for credit~~ into an agreement for the purpose of ~~realizing-achieving~~ the student's educational ~~objectives-goals and completing the student's program of study~~. The agreement involves the responsibilities of both parties to attain those objectives through the college's established programs, policies, *and requirements identified by the board of governors pursuant to Section 78215.*

(1) The student's responsibilities under the agreement include, *but are not limited to*, the ~~expression-identification~~ of ~~an at least a broad educational intent educational goal~~ upon enrollment, the declaration of a specific ~~educational objective program of study~~ *within a*

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reasonable period after enrollment *as defined by the board of governors*, (SSTF recommendations indicate 3 terms – ASCCC is proposing that this should be based on terms or units, at the discretion of the college.) diligence in class attendance and completion of assigned coursework, and the completion of courses and maintenance of *academic* progress toward an educational goal *and program of study identified in the student's education plan* according to standards established by the college, the district, and the state.

(2) *The institution's responsibility under the agreement includes the provision of services for students to provide a strong foundation to support their academic success and ability to achieve their educational goals. The services funded through the Student Success Act, also known as the Student Success and Support Program, Matriculation services to be made available by the colleges* shall include, but are not limited to, all of the following:

—(1) ~~Processing of the application for admission.~~

(2A) Orientation *and preorientation* services designed to provide to students, on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other matters the college or district finds appropriate.

(3B) Assessment and *counseling education planning services* upon enrollment, which shall include, but not be limited to, all of the following: *(This is not intended to exclude counselors, but recognizes that there are some functions that can be performed by individuals other than counselors – it has been explained that there is no intent here to remove counselors from the matriculation process. It is critical that the role of counseling faculty be clearly defined. Further discussion by counselors is needed – counseling AND education planning services upon enrollment would continue to require interaction with a counselor “upon enrollment” .)*

(4i) Administration of assessment instruments to determine student competency in computational and language skills.

(2ii) Assistance to students in the identification of aptitudes, interests and educational objectives, including, but not limited to, associate *of arts* degrees, transfer for baccalaureate degrees, and *career technical vocational* certificates and licenses.

(3iii) Evaluation of *a* student's ~~study and learning college readiness~~ skills *and knowledge*.

(4iv) *Development of an education plan leading to a program of study and guidance on course selection.*

(DC) Referral to specialized support services as needed, including, but not limited to, federal, state, and local financial assistance; health services; ~~campus employment placement career~~ services; *veteran support services, foster youth services*, extended opportunity programs and services provided pursuant to Article 8 (commencing with Section 69640) of Chapter 2 of Part 42; campus child care services provided pursuant to Article 4 (commencing with Section 8225)

of Chapter 2 of Part 6; programs that teach English as a second language; and disabled student services provided pursuant to Chapter 14 (commencing with Section 67300) of Part 40.

~~—(E) Advisement concerning course selection.~~

(D) ~~Post~~-Evaluation of each student's progress and referral to appropriate interventions, and required advisement or counseling for students who are enrolled in *basic skills remedial* courses, who have not declared an educational *objective goal* as required, or who are on academic probation, as defined by standards adopted by the Board of Governors of the California Community Colleges and community college districts.

(b) Student Success and Support Program funding shall be targeted to fully implement orientation, assessment and education planning services needed to assist a student in making an informed decision about his or her educational goal and program of study and in the development of an education plan.

~~78212.5. Each community college district may develop and maintain all of the following within each community college in the district:~~

~~—(a) Career resource and placement centers having the purposes of maintaining information on vocational, technological and educational opportunities, and facilitating career employment.~~

~~—(b) Programs to instruct appropriate staff and faculty members in the performance of matriculation services.~~

~~—(c) Orientation programs designed to explain to new students academic requirements and other regulations of the community college, and the available student support services.~~

~~—(d) A publicity program designed to inform the community served by the community college that the purposes of the mandatory matriculation process are intended to facilitate, rather than restrict, student access to community college instruction, and to enhance each student's awareness of his or her abilities, skills, and potential.~~

~~—(e) A publicity program designed to inform high schools in the community served by the community college, through orientation programs and other means, of student skill levels, and of available student support services.~~

78213. (a) No 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.

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

(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) At such time when the board of governors adopts a system of common assessment, districts and colleges may use supplemental assessments or other measures for placement pursuant to 78213(a). (This is consistent with the faculty position – we should continue to be able to use our own local multiple measures. Although given that multiple measures have never been subject to tests of validity, this may warrant further examination if it seeks to limit the use of multiple measures.)

78214. (a) All participating districts shall, with the assistance of the chancellor, establish and maintain institutional research to evaluate the effectiveness of the *Student Success and Support Program* services described by this article and of programs and services designed to *remedy facilitate* students' *skills deficiencies completion of their educational goals and programs of study*.

(b) The *data base accountability metrics* for this research shall include, but not be limited to:

(1) Prior educational experience, including transcripts when appropriate, as determined by the chancellor.

(2) Educational *objectives goals and programs of study*.

(3) Criteria for exemption from *orientation*, assessment or required counseling or advisement, if applicable.

(4) Need for financial assistance.

(5) *Disaggregated data by Eethnicity, gender sex*, and age.

(6) Academic performance, *such as the completion of specified unit thresholds, success in basic skills courses, grade point average, course completion outcomes, transfer readiness, and degree and certificate completion.* *(Note – this requires that a system for measuring success and completion be implemented for noncredit courses.)*

(7) Any additional information that the chancellor finds appropriate.

(c) The evaluation provided for by this section shall include an assessment of the effectiveness of the programs and services in attaining at least the following objectives:

(1) Helping students to define their educational goals *and declare a program of study*.

(2) Assisting institutions in the assessment of students' educational needs *and valid course placement*.

(3) Helping support students' successful course completion and attainment of a degree, certificate or transfer, through the provision of effective orientation services and academic interventions.

~~—(3) Matching institutional resources with students' educational needs.~~

~~—(4) Providing students with specialized support services as referred to in subdivision (b) of Section 78212.~~

78215. The Board of Governors of the California Community Colleges shall establish *policies* ~~criteria~~ *and processes* for: *(Why the change from "criteria" to "policies and processes"?)*

(a) requiring all non-exempt students to complete orientation, assessment, and develop education plans; (b) exempting students from participation in orientation, assessment testing, or required counseling or advisement education planning services under this article; and (c) requiring community college districts to adopt a student appeal process.

78216. (a) The Legislature recognizes that community college districts are currently funding various components of student matriculation through existing *orientation, counseling education planning*, assessment, and other student services, but that adequate student matriculation and implementation of *Student Success and Support Program strategies* cannot be realized without **supplemental funding support**.

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(b) The board of governors shall develop a formula for allocating *Student Success and Support Program* funding *to implement the services identified in 78212* ~~student matriculation services~~ at community colleges. The formula shall include the requirement that the districts or colleges contribute matching funds in an amount to be established by the board of governors in each case, and shall reflect, but not be limited to, ~~other all of the following~~ considerations: *(This presumes dedicated funding.)*

(1) The number of students to receive services at each college.

~~(2) The levels of support for matriculation services provided at each college prior to July 1, 1985, and the need for funding assistance in the implementation of the program set forth in this article. —(3) The relative needs for matriculation services, based on special student populations such as low-income students, students with language differences, students with physical and learning disabilities, and students in need of remedial instruction.~~

~~(3) The relative needs for matriculation services, based on special student populations such as low-income students, students with language differences, students with physical and learning disabilities, and students in need of remedial instruction.~~

~~(42) The requirement that funds for *Student Success and Support Program matriculation* services be expended only for services approved by the board of governors.~~

~~(53) The requirement that any district or college receiving funding pursuant to this section agree to implement this article *and implement the board of governors system of common assessment and accountability scorecard, pursuant to Section 84754.5 of the Education Code, when established* during the period in which it receives that funding.~~

~~(6) The need for computer hardware and software to provide approved matriculation services, and for institutional research personnel for ongoing evaluation.~~

~~(4) Insofar as a district is able to fully implement in-person or technology strategies for orientation, assessment, and education planning services, the board of governors may identify other non-instructional support services that can be funded through the provisions of this Act. (Why would other support services be included here? What is the real intent here?)~~

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(c) The board of governors shall require participating colleges to develop a *Student Success and Support Program* plan ~~for student matriculation~~ that reflects all of the following:

(1) A ~~method for providing description of~~ the *Student Success and Support Program* services specified ~~identified~~ in Section 78212 ~~to be provided~~.

(2) The college budget for the *state-funded Student Success and Support Program services* pursuant to Sections 78212 and 78214.

(3) The development and training of staff and faculty ~~to implement the Student Success and Support Program matriculation services~~.

(4) In multicampus districts, the coordination of the college *Student Success and Support Program matriculation* plan with other college plans ~~within the district~~.

(5) ~~Computerized information~~ Technology services and institutional research and evaluation necessary for implementation of this article.

~~(6) Coordination with college student equity plans to ensure the college has identified strategies to monitor and address equity issues and mitigate any disproportionate impacts on student access and achievement.~~

(d) The ~~board of governors may allocate up to 5 percent of the total funds~~ appropriated for ~~student matriculation~~ *the Student Success and Support Program* for state administrative operations to carry out the intent of this article, subject to the review of the annual budget

process. (A concern has been expressed that there is an intent to grow the funds here so that the CO's 5% share grows. Does the BOG currently take this 5% and is it explicitly tied to the "state administrative operations to carry out the intent of this article"?)

78218. In the 2013-2014 fiscal year and each fiscal year thereafter, this article shall be operative only if funds are specifically appropriated for the purposes of this article.

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Proposed SSTF Education Code changes to BOG Fee Waiver:

76300. (a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be **thirty-six dollars (\$36)** per unit per semester, effective with the fall term of the 2011-12 academic year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750.5, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in remedial classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the

district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) *The fee requirements of this section shall be waived for any student who:*

*(1) identifies a degree, certificate, transfer, or career advancement goal,***Broaden – learning English is an appropriate goal – or is that presumed to be under the umbrella of “career advancement”?*

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*(2) meets academic and progress standards, including a maximum unit cap, as defined by the Board of Governors; and***Standards are to be established.*

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(3) meets one of the following criteria:

(A) At the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program;

(B) Demonstrates eligibility according to income standards established by regulations of the board of governors, or;

(C) Demonstrates financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(4) Conditions specified in subsections (1) and (2) shall be phased in over a reasonable period of time as determined by the board of governors

~~The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid~~

~~—(2) The governing board of a community college district also shall waive the fee requirements of this section for any student who demonstrates eligibility according to income standards established by regulations of the board of governors.~~

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. "Active service of the state," for the purposes of this subdivision, refers to a member

of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing with Section 68000) of Part 41 of Division 5 for determining nonresident and resident tuition.

(l) (1) "Dependent," for purposes of subdivision (j), is a person who, because of his or her relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains the age of 30 years.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual

Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992-93 fiscal year.

(n) The board of governors shall adopt regulations implementing this section.

(o) This section shall be inoperative and is repealed on May 1, 2012, only if subdivision (b) of Section 3.94 of the Budget Act of 2011 is operative.