



**NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING
AB 705 ENGLISH AS A SECOND LANGUAGE REGULATION (ESL)**

45-Day Notice published January 10, 2020

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 13, 2020, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 1:00 p.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 in the proposed regulatory action. Comments should be addressed to:

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

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on February 25, 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 regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action 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 Section 11135.

INFORMATIVE DIGEST

Assembly Bill (AB) 705 was signed into law in October of 2017. In order to address the requirements set forth in the legislation, the Chancellor's Office convened the AB 705 English as a Second Language (ESL) Advisory Committee. The AB 705 ESL Advisory Committee's main objective was to establish protocols and guidance with regards to ESL courses and placement of ESL students. The Advisory Committee members includes Chancellor's Office staff, instructors and researchers. Accomplishments of the committee includes, setting an AB 705 Credit ESL Implementation Timeline, evaluating relevant research, determining the use of assessment tools, defining key terms, and establishing ESL default placement rules. More information on the work of this Committee, including memorandums, is available at the [AB 705 ESL Advisory Committee website](#).

In addition, the Chancellor's Office, in partnership with the Academic Senate for the California Community Colleges (ASCCC), issued the following memorandums AA 18-41 AB 705 Initial Guidance Language for Credit ESL (July 20, 2018) and AA 19-43 Credit ESL Guidance (September 26, 2019) as well as a Frequently Asked Questions (FAQ) document. Also, the Chancellor's Office and the ASCCC jointly participated in a number of presentations and learning opportunities including six regional convening's and continues working with researchers to aggregate survey data, all in the effort to provide continual support to the colleges.

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. These regulations have had feedback from the AB 705 ESL Advisory Committee, the California Community Colleges Curriculum Committee (5C). Legal counsel has also reviewed and revised the language, using appropriate input, in order for the language to be prepared for a First Reading.

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: No.

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: *None*. See Below.

Other non-discretionary cost or savings imposed on community college districts: *None*.

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 the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

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

[Office of General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the January 13, 2020, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.