



June 29, 2021

VIA EMAIL

Dr. Brian King, Chancellor
Los Rios Community College District
1919 Spanos Court
Sacramento, CA 95825

**RE: Los Rios Community College District's Failure to Meet AB 705 Requirements,
Disproportionately Impacting Black and Latinx Students**

Dear Dr. King:

On behalf of Keishaun Turner, a resident of the Los Rios Community College District, and others similarly situated, we are writing to express our concern that Los Rios Community College District ("LRCCD") is not meeting its obligations under AB 705.¹ Mr. Turner is a current student at Cosumnes River College who has been trapped in pre-transfer math classes since Spring 2019.² As you know, AB 705 transformed community college placement and remediation in English and mathematics by effectively eliminating placement assessments, requiring the use of multiple measures to place students, and most importantly, requiring colleges to "maximize the probability that a student will enter and complete transfer-level coursework in English and mathematics within a one-year time frame." *See* Cal. Educ. Code § 78213(d)(1)(A) (West 2020). An extensive body of research demonstrates that all students, regardless of GPA, are more likely to complete transfer-level coursework within a year if they

¹ As you may be aware, compliance with AB 705 is a minimum condition to receive state aid pursuant to California Education Code 70901(b)(6)(A). Cal. Educ. Code § 70901(b)(6)(A) (West 2020). *See* Cal. Code Regs. tit. 5, § 51110(a) (2021) (referencing minimum conditions contained in subchapter 1 (commencing with section 51000) of chapter 2); Cal. Code Regs. tit. 5, § 51024(c) (2021) (Student Success and Support Program is listed as a minimum condition within subchapter 1 of chapter 2 and requires each community college district to "provide Student Success and Support Program services to its students in accordance with sections 55520-55525"); Cal. Code Regs. tit. 5, § 55522 (2021) (regulations implementing AB 705, which is part of the Student Success and Support Program services that are a minimum condition to receiving state aid (Cal. Code Regs. tit. 5, § 55520 (2021))).

² *See* Ex.1 for the letter that we sent directly to Cosumnes River College on behalf of Mr. Turner.

start in transfer-level classes instead of remedial classes.³ This is confirmed by each and every validation report submitted by LRCCD's colleges.⁴

I. LRCCD Students are More Likely to Complete Transfer-Level Math Within a Year if They Enroll Directly in a Transfer-Level Course Regardless of GPA

As demonstrated in the table below, across all four colleges, students with a transfer goal in the lowest GPA band are far more likely to complete transfer-level math within a year if they enroll directly in a transfer-level class. This is true for both (Statistics Liberal Arts Math ("SLAM") math classes, which are designed for students in non-math-intensive majors, and Business, Science, Technology, Engineering Math ("B-STEM") math courses, which are designed for students in majors that require calculus, such as science, technology, engineering, and math. However, the practices of colleges in your district, like Cosumnes River College (CRC), are hindering the probability of student completion, in violation of AB 705. CRC enrolls substantially more students at the lowest GPA band into remedial classes than transfer-level classes - in Fall 2019, 148 students were enrolled in remedial B-STEM classes compared to only thirteen enrolled directly in transfer-level B-STEM classes.⁵ The consequences of this practice are stark. Only 5.4 percent of students who started in the remedial course completed a transfer level course within a year compared to over 30 percent of those students who started in a transfer level course.⁶ By allowing Colleges like CRC to continue these types of enrollment practices, the Los Rios District is not meeting its affirmative duty to maximize student completion as required under AB 705.

³ Katie Brohawn, Mallory Newell, and Loris Fagioli, *Enrollment and Success in Transfer-Level English and Math in the California Community Colleges System: Fall 2015 to Fall 2019 Statewide Analysis*, THE RP GROUP 30 (Jan. 2021), https://rpgroup.org/Portals/0/Documents/Projects/MultipleMeasures/AB705_Workshops/AccessEnrollmentSuccess_RPGroup_Final2020-1.pdf (for all GPA bands in transfer-level math, the largest increase in throughput was from Fall 2018 to Fall 2019, where specifically students in the middle and lowest GPA bands saw a 14 and 11 percentage point increase, respectively).

⁴ See Ex. 2, American River College AB 705 Validation Report - Pre-Transfer Multi-Term Sequence ("ARC Validation Report - GPA Placement"); Ex. 3, American River College AB 705 Validation Report - Guided or Self-Placement ("ARC Validation Report - Guided/Self-Placement"); Ex. 4, Cosumnes River College AB 705 Validation Report - Pre-Transfer Level Placement ("CRC Validation Report - GPA Placement"); Ex. 5, Cosumnes River College AB 705 Validation Report - Guided or Self-Placement ("CRC Validation Report - Guided/Self-Placement"); Ex. 6, Folsom Lake College AB 705 Validation Report - Pre-Transfer Level Placement ("FLC Validation Report - GPA Placement"); Ex. 7, Folsom Lake College AB 705 Validation Report - Guided or Self-Placement ("FLC Validation Report - Guided/Self-Placement"); Ex. 8, Sacramento City College AB 705 Validation Report - Pre-Transfer Level Placement ("SCC Validation Report - GPA Placement"); Ex. 9, Sacramento City College AB 705 Validation Report - Guided or Self-Placement ("SCC Validation Report - Guided/Self-Placement")

⁵ See Ex. 4, CRC Validation Report - GPA Placement, Table 4.4.

⁶ *Id.*

SLAM (non-math intensive majors): Throughput Differences Based on Direct Enrollment in Transfer-Level Courses for Fall 2019 Cohort

	Local GPA Placement Model (lowest GPA band) ⁷			Guided Self-Placement (unknown GPA) ⁸			Overall ⁹
	% of students who completed transfer-level SLAM math class within one year when first enrolled in pre-transfer level class	% of students who completed transfer-level SLAM math class within one year when first enrolled in transfer-level class	Increased likelihood of completing transfer-level class if directly enrolled	% of students who completed transfer-level SLAM math class within one year when first enrolled in pre-transfer level class	% of students who completed transfer-level SLAM math class within one year when first enrolled in transfer-level class	Increased likelihood of completing transfer-level class if directly enrolled	% of all first-time Math takers who completed transfer-level math in Fall 2019
American River	0% of 34 students	34.8% of 46 students	34.8%	0% of 10 students	64.4% of 45 students	64.4%	38%
Cosumnes River	8.3% of 12 students	29.5% of 61 students	21.2%	28.6% of 7 students	61.1% of 18 students	32.5%	32%
Folsom Lake	No remedial enrollments	32.3% of 31 students	N/A	No remedial enrollments	68.4% of 19 students	N/A	51%
Sacramento City	0% of 2 students	27.1% of 59 students	27.1%	No remedial enrollments	59.4% of 32 students	N/A	33%

⁷ See Ex. 2, ARC Validation Report - GPA Placement, Table 2.2; Ex. 4, CRC Validation Report - GPA Placement, Table 4.2; Ex. 6, FLC Validation Report - GPA Placement, Table 4.2; Ex. 8, SCC Validation Report - GPA Placement, Table 4.2.

⁸ See Ex. 3, ARC Validation Report - Guided/Self-Placement, Table 6.5; Ex. 5, CRC Validation Report - Guided/Self-Placement, Table 6.5; Ex. 7, FLC Validation Report - Guided/Self-Placement, Table 6.5; Ex. 9, SCC Validation Report - Guided/Self-Placement, Table 6.5.

⁹ Marisol Cuellar Mejia, Olga Rodriguez, and Hans Johnson, *A New Era of Student Access at California's Community Colleges: Technical Appendices*, PUBLIC POLICY INSTITUTE OF CALIFORNIA 11-13 (Nov. 2020), <https://www.ppic.org/wp-content/uploads/1120mcr-appendix.pdf> ("PPIC Report Technical Appendices").

B-STEM (math intensive majors): Throughput Differences Based on Direct Enrollment in Transfer-Level Courses for Fall 2019 Cohort

	Local GPA Placement Model (lowest GPA band) ¹⁰			Guided Self-Placement (unknown GPA) ¹¹			Overall ¹²
	% of students who completed transfer-level B-STEM math class within one year when first enrolled in pre-transfer level class	% of students who completed transfer-level B-STEM math class within one year when first enrolled in transfer-level class	Increased likelihood of completing transfer-level class if directly enrolled	% of students who completed transfer-level B-STEM math class within one year when first enrolled in pre-transfer level class	% of students who completed transfer-level B-STEM math class within one year when first enrolled in transfer-level class	Increased likelihood of completing transfer-level class if directly enrolled	% of all first-time Math takers who completed transfer-level math in Fall 2019
American River	9.8% of 61 students	44.7% of 47 students	34.9%	14.6% of 41 students	71.4% of 35 students	56.8%	38%
Cosumnes River	5.4% of 148 students	30.8% of 13 students	25.4%	21.4% of 28 students	53.3% of 15 students	31.9%	32%
Folsom Lake	No remedial enrollments	34.8% of 92 students	N/A	No remedial enrollments	80% of 20 students	N/A	51%
Sacramento City	0% of 3 students	26.3% of 38 students	26.3%	No remedial enrollments	69% of 29 students	N/A	33%

II. Remedial Education Drives Racial Inequity

The research is also unequivocal that remediation drives racial inequity by disproportionately excluding Black and Latinx students from transfer-level classes,¹³ which makes them less likely to achieve their higher education goals and more likely to waste money and time in classes that do not help them obtain a degree or transfer to a four-year college.¹⁴

¹⁰ See Ex. 2, ARC Validation Report - GPA Placement, Table 2.4; Ex. 4, CRC Validation Report - GPA Placement, Table 4.4; Ex. 6, FLC Validation Report - GPA Placement, Table 4.4; Ex. 8, SCC Validation Report - GPA Placement, Table 4.4

¹¹ See Ex. 3, ARC Validation Report - Guided/Self-Placement, Table 6.11; Ex. 5, CRC Validation Report - Guided/Self-Placement, Table 6.11; Ex. 7, FLC Validation Report - Guided/Self-Placement, Table 6.11; Ex. 9, SCC Validation Report - Guided/Self-Placement, Table 6.11

¹² PPIC Report Technical Appendices at 11-13.

¹³ Katie Hern, Myra Snell, and Leslie Henson, *Still Getting There: How California's AB 705 is (and is not) Transforming Community College Remediation and What Needs to Come Next*, CALIFORNIA ACCELERATION PROJECT 7 (Dec. 2020), https://accelerationproject.org/Portals/0/Documents/Still_Getting_There_Final.pdf (for example, in Fall 2015, Black students were twice as likely and Latinx students nearly twice as likely to begin in remedial math courses than white students).

¹⁴ California Acceleration Project, *Getting There II: A Statewide Progress Report on Implementation of AB 705*, THE CAMPAIGN FOR COLLEGE OPPORTUNITY 3 (Dec. 2019), <https://collegecampaign.org/wp-content/uploads/2019/12/Getting-There-II-FINAL.pdf>.

Despite the tremendous progress that has been made under AB 705 to reduce racial disparities, significant challenges remain. According to a November 2020 Public Policy Institute of California report, Black students are still underrepresented in successful completion of transfer-level math at 81 percent of colleges,¹⁵ including all LRCCD colleges other than Folsom Lake College, which has a very small Black population.¹⁶ Across the state, Black students also have the lowest rate of enrollment in transfer-level math,¹⁷ suggesting that these students are the largest group still directed or counseled to remedial courses, even when remedial courses are optional.¹⁸ The plethora of research and all the local data produced by LRCCD colleges to the Chancellor's Office consistently demonstrate that when given the opportunity, all students can succeed in college-level courses regardless of race or GPA. Given the strong relationship between direct enrollment and completion (and longer-term higher education outcomes),¹⁹ the single most important variable to achieve racial equity within direct control of community colleges and districts is to eliminate remedial classes and directly enroll all students in transfer-level courses, with support if needed.²⁰

The need for this change is clear. LRCCD's placement policies trap hundreds of Black students in the remedial education system. Mr. Turner's experience illustrates this point. Despite taking and passing Honors Algebra 2 in high school, Mr. Turner was placed in a remedial math class in the Spring of 2019 after taking an assessment test. While Mr. Turner was not successful in completing the course that term, once AB 705 went into effect in the Fall of 2019, Mr. Turner should have been informed of his rights to be placed in a transfer-level math course under the new placement criteria. However, despite meeting with a counselor several times since the Fall of 2019, Mr. Turner was never informed of his right to be placed in a transfer-level math class. He has since been forced to take the remedial math class a total of three times without successful completion. Had Mr. Turner been placed in a transfer-level math course, LRCCD's own data shows that he would've been more than three times more likely to have completed his transfer-level math course within a year and well on his way to obtaining his degree.²¹

¹⁵ Marisol Cuellar Mejia, Olga Rodriguez, and Hans Johnson, *A New Era of Student Access at California's Community Colleges*, PUBLIC POLICY INSTITUTE OF CALIFORNIA 58 (Nov. 2020), <https://www.pplic.org/wp-content/uploads/a-new-era-of-student-access-at-californias-community-colleges-november-2020.pdf> ("PPIC Report").

¹⁶ PPIC Report Technical Appendices at 11, 13 (the 2019 proportionality indexes for Black students in math at American River College, Cosumnes River College, and Sacramento City College were 0.73, 0.79, and 0.68, respectively, which are all considered below equity). The proportionality index for Folsom Lake College was 0.99, *id.* at 12, which is near equity, but Folsom has a very small Black student population of 575 students, which is less than 5 percent of the college. *See* Ex. 10, California Community Colleges Chancellor's Office 2019-2020 Annual/Term Student Count Report (Jun. 1, 2021), <https://datamart.cccco.edu/> ("CCCCO Annual Student Count Data").

¹⁷ Brohawn, *supra*, at 17 (in Fall 2019, the enrollment rate for Black students in transfer-level math was 72 percent as compared to 77 percent for Latinx, 81 percent for white, and 85 percent for Asian students).

¹⁸ *Id.*

¹⁹ *Id.* at 22 (in Fall 2019, more than 2.5 times as many Black students and over 3 times as many Latinx students who directly enrolled in transfer-level math completed their math courses within a year as compared to Fall 2015).

²⁰ PPIC Report at 21, 54.

²¹ *See* Ex. 4, CRC Validation Report - Guided/Self-Placement, Table 4.4.

III. LRCCD's Violations of AB 705

LRCCD's placement policies violate AB 705 in the following ways:

A. LRCCD's local placement policy violates Cal. Code Regs. tit. 5, § 55522(c)(1)(B)(ii) (2021) and Cal. Code Regs. tit. 5, § 55522(c)(2)(B) (2021) because it places some or all students who identify as STEM majors and have not taken Algebra 2 or its equivalent in remedial math courses.

According to LRCCD's AB 705 Adoption Plan, "[s]tudents who enroll in one of the four colleges in the Los Rios District . . . who identify as STEM majors may be placed in Intermediate Algebra [a pre-transfer level course] if they have not taken Algebra 2, Intermediate Algebra, or Integrated Math 3 in high school as the State's default placement model is based upon the assumption that the student has completed Intermediate Algebra."²² Thus, LRCCD is more restrictive than the Chancellor's Office's default placement method, which places all students directly in transfer-level courses.

The AB 705 regulations only authorize local placement methods if they are "supported by data and research showing throughput rates at or above those achieved by direct placement into a transfer-level course. . . ." Cal. Code Regs. tit. 5, § 55522(c)(1)(B)(ii) (2021). The regulations also prohibit placement methods that "authorize placement of students into a remedial sequence or pre-transfer coursework in English, mathematics (or quantitative reasoning) unless . . . (B) enrollment in pre-transfer-level coursework will improve the students' likelihood of completing transfer-level courses in one-year." Cal. Code Regs. tit. 5, § 55522(c)(2)(B) (2021).

As demonstrated in the tables above, the data across colleges shows that throughput rates for students who are placed in pre-transfer level courses are dramatically lower than students in the same GPA band who are directly placed into transfer-level courses. For example, CRC enrolled 148 students in the lowest GPA band into pre-transfer level B-STEM classes and only 5.4% successfully completed a transfer-level B-STEM class within a year. In contrast, the students in the same low GPA band who enrolled directly in transfer-level B-STEM courses had a one-year completion rate that was 6 times higher than students who first enrolled in a pre-transfer level course. In short, enrollment in remedial classes reduces, rather than increases, students' likelihood of completing transfer-level courses in one year. Therefore, LRCCD should immediately stop placing STEM majors who have not taken Algebra 2 or its equivalent into remedial math courses and should instead adopt the Chancellor's Office's default placement method, which places all students directly in transfer-level courses.

B. LRCCD developed a guided self-placement tool that results in remedial math enrollments that do not improve the student's likelihood of completing transfer-level courses within a year, in violation of Cal. Code Regs. tit. 5, § 55522(c)(1)(C) (2021) and Cal. Code Regs. tit. 5, § 55522(c)(2)(B) (2021).

²² See Ex. 11, Los Rios Community College District, *AB 705 Adoption Submission Form* (June 2019) ("LRCCD AB 705 Adoption Submission Form").

The LRCCD guided placement tool is used for students who attended high school in another country, returning students who attended high school more than ten years ago, and for students that do not have a high school GPA.²³ The LRCCD guided self-placement (GSP) tool requires students to assess their academic skills and study habits, including asking yes-or-no self-identifying questions such as: “I have previously been successful in math;” and “I am able to balance the challenge of a math or statistics course with the other obligations in my life.”²⁴ These types of questions can trigger self-doubt and anxiety, especially for students of color and other historically marginalized students, and often leads to under-placement.²⁵ For example, at CRC, students in the SLAM GSP decision tree who disagree with three out of the five math self-placement questions are placed in a remedial pre-statistics course and students at ARC are given a choice to enroll in a remedial statistics course.²⁶ As demonstrated above, the throughput rate for students starting out in remedial SLAM math courses is exponentially lower than students who directly enroll in transfer-level courses.

The BSTEM GSP decision tree is even more problematic. Any student who chooses a STEM, Business and Management, or Education metamajor and indicates that they did not successfully complete the equivalent of Intermediate Algebra is only given the option to enroll in a pre-transfer level Intermediate Algebra course.²⁷ As a result, more students enrolled in remedial B-STEM math classes through guided self-placement than B-STEM transfer-level classes at both American River and Cosumnes River colleges.²⁸ Students who enrolled directly in transfer-level B-STEM sections are more than twice as likely to complete a transfer-level class within a year than those who self-placed in a remedial course.²⁹ Therefore, LRCCD’s guided self-placement tool must be changed to encourage all students to enroll in transfer-level courses. Rather than being used to assess whether a student should be placed below transfer-level, the questions should be used to help students identify whether they would benefit from extra support while taking a transfer-level course.

C. LRCCD colleges are failing to inform students of their rights under AB 705 to access transfer-level coursework in English and math, in violation Cal. Code Regs. tit. 5, § 55522(i)(1-2) (2021).

Colleges are required to inform students of their rights to access transfer-level courses, including on the college’s website, in the college catalog, and in orientation and advisement

²³ See Ex. 11, LRCCD AB 705 Adoption Submission Form.

²⁴ See Ex. 12, Los Rios Community College District, *Guided Self-Placement Method Submission Form* (June 2019).

²⁵ See PPIC Report at 50 (self-assessments ask questions of students that touch on math confidence and anxiety, and can lead students to under-place themselves. Researchers recommend that given how common self-assessments are, it is critical to determine whether these questions unintentionally lead students to enroll in remedial courses).

²⁶ See Ex. 13 (Guided Self-Placement for English and Mathematics at Los Rios Community Colleges, produced by LRCCD on June 16, 2021) at 5.

²⁷ *Id.* at 7-10.

²⁸ See Ex. 3, ARC Validation Report - Guided/Self-Placement, Table 6.11; Ex. 5, CRC Validation Report - Guided/Self-Placement, Table 6.11. Interestingly, no remedial enrollments occurred through guided self-placement at Sacramento City College or Folsom Lake College, which suggests that LRCCD should investigate how each individual college is using the tool.

²⁹ *Id.*

materials. *See* Cal. Code Regs. tit. 5, § 55522(i)(1-2) (2021). However, none of the orientation and advisement materials, including the LRCCD Online Orientation and the Guided Self Placement Options, mention AB 705 or the right to access transfer-level coursework in English and Spanish.³⁰ This is particularly concerning because there are multiple scenarios under LRCCD’s GSP decision tree that require or provide the option to students to enroll in remedial courses.³¹

Moreover, the college catalogs for all four LRCCD colleges inadequately describe students’ rights under AB 705. The catalogs not only fail to mention AB 705, but state that in order to enroll in transfer-level courses, students must either: (1) be currently enrolled in a prerequisite course; (2) have passed the prerequisite course; or (3) have been placed into the math or English course they want to take.³² These options are misleading and contrary to AB 705 because they imply that students may be required to take pre-transfer level classes prior to enrolling in transfer-level classes, when in fact, the purpose of AB 705 is to encourage direct enrollment in transfer-level classes.

Although ARC, CRC, and Sacramento City College mention AB 705 on their website, the sections on AB 705 only reference the transition from placement tests to multiple measures placement using GPA and high school coursework³³. The only way that students are informed that they have a right to access transfer-level courses is through the AB 705 video, which is embedded in sub-pages or at the very bottom of placement webpages³⁴. Folsom Lake does not mention AB 705 at all on its website³⁵. A summary of notice violations for the four LRCCD colleges is below.

³⁰ *See* Ex. 14 (Los Rios Online Orientation, produced on April 12, 2021); Ex. 15 (Los Rios Guided Self-Placement Process for English, produced on April 12, 2021) at p. 14; Ex. 16 (Los Rios Guided Self-Placement Process for Math, produced on April 12, 2021) at pp. 12-14. LRCCD did not produce any additional documents in response to a Public Records Act request for “an and all orientation and advisement materials used by Los Rios Community College District, American River College, and/or Cosumnes River College since Fall 2019.”). *See* Ex. 17 (Public Records Act Request sent on March 4, 2021).

³¹ *See supra* Part III.B.

³² *2021-2022 Catalog*, AMERICAN RIVER COLLEGE 91 (June 1, 2021), <https://arc.losrios.edu/a/20467>. *2021-2022 Catalog*, COSUMNES RIVER COLLEGE 113 (June 1, 2021), <https://crc.losrios.edu/a/20468>. *2021-2022 Catalog*, FOLSOM LAKE COLLEGE 106 (June 1, 2021) <https://flc.losrios.edu/a/20469>. *2021-2022 Catalog*, SACRAMENTO CITY COLLEGE 95 (June 1, 2021), <https://scc.losrios.edu/a/20470>.

³³ *Placement and Assessment Services*, AMERICAN RIVER COLLEGE (June 28, 2021), <https://arc.losrios.edu/placement-and-assessment-services>. *Placement*, CONSUMES RIVER COLLEGE (June 20, 2021), <https://crc.losrios.edu/admissions/placement>. *Placement*, SACRAMENTO CITY COLLEGE (June 20, 2021), <https://scc.losrios.edu/admissions/placement>.

³⁴ *Id.*

³⁵ *Placement*, FOLSOM RIVER COLLEGE (June 20, 2021), <https://flc.losrios.edu/admissions/placement>.

	<u>Cosumnes River College</u>	<u>American River College</u>	<u>Folsom Lake College</u>	<u>Sacramento City College</u>
Placement website mentions “AB 705”	Yes	Yes	No	Yes
Placement website features “AB 705 Know Your Rights” video	Yes	Yes	No	Yes
Placement website states students have a right to not be required to enroll in remedial courses	No	No	No	No
Catalog mentions “AB 705”	No	No	No	No
Catalog discloses students’ right to enroll in transfer-level courses	No	No	No	No
Orientation and advisement materials mention AB 705	No	No	No	No

In sum, none of the LRCCD colleges inform students of their rights to access transfer-level courses in their catalogs or orientation and advisement materials. CRC, ARC, and Sacramento City reference AB 705 on their placement or assessment webpages, but students are not informed of their right to access transfer level courses unless they watch the AB 705 video. Therefore, all LRCCD colleges must update their websites, college catalogues and orientation and advisement materials to accurately and clearly inform students of their rights under AB 705, particularly their right to enroll in transfer-level courses unless research indicates they are highly unlikely to succeed and enrollment in a remedial course will increase their likelihood of success.

D. LRCCD is failing to provide new placement recommendations for students placed into pre-transfer level math courses prior to July 1, 2019, in violation of Cal. Code Regs. tit. 5, § 55522(c)(4) (2021).

Students who were placed into a pre-transfer level course prior to full implementation of AB 705, like Mr. Turner, are entitled to receive a new placement recommendation. *See* Cal. Code Regs. tit. 5, § 55522(c)(4) (2021). According to the LRCCD retroactive placement plan, “students who received placement prior to Fall 2018 can take their high school transcripts to the placement center at their college to receive a placement based upon their GPA” (or based on the Guided Self-Placement tool if they do not have GPAs or have outdated GPAs).³⁶ However, Mr. Turner was never informed about the opportunity to get a revised placement, despite seeing his counselor multiple times after July 1, 2019. More fundamentally, LRCCD’s retroactive placement policy is inadequate because it places the onus on students to obtain a revised placement, whereas the regulations place that onus on the district. *See* Cal. Code Regs. tit. 5, § 55522(c)(4) (2021) (“Districts shall provide new placement recommendations for students placed into pretransfer-level . . . courses prior to July 1, 2019, in compliance with this section.”).

³⁶ *See* Ex. 11, LRCCD AB 705 Adoption Submission Form.

E. LRCCD is failing to “maximize the probability that a student will enter and complete transfer-level coursework in . . . mathematics” within one year, as required by Cal. Educ. Code § 78213(d)(1)(A) (West 2020).

LRCCD has an affirmative obligation to ensure that its colleges are providing the conditions necessary for all students to complete transfer-level coursework in math and English within one year. It is striking that the only college within LRCCD that is more than 50 percent white (Folsom Lake)³⁷ is also the only college within the district that has a one-year mathematics throughput higher than 50 percent. The Folsom Lake throughput is 51 percent, which is 11 points higher than the state average (40%) and significantly higher than Cosumnes, Sacramento City, and American River College, where only one-third of students are completing transfer-level math within one year (32 percent, 33 percent, and 38 percent, respectively).³⁸ As reflected in the table below, all three of these colleges have significantly higher populations of Black and Latinx students. They are also all considered lower access colleges because they are enrolling 65 percent or fewer first-time math students in transfer-level math, which is reducing these students’ likelihood of completion and costing them precious time and money.

LRCCD College Comparison of Demographics and AB 705 Implementation Metrics

	Black Students - % of college enrollment ³⁹	Latinx Students - % of college enrollment ⁴⁰	Standalone Remedial Math Sections (Fall 2020) ⁴¹	Weak Implementer ⁴² (< 70% math sections are transfer-level in Fall 2020)	Lower access college ⁴³ (enrolls ≤ 65% first-time math students in transfer-level math)	Lower transfer-level completion ⁴⁴ (throughput < state average of 40%)
American River	7.07% (3,056)	28.17% (12,182)	74	56.98%	63%	38%
Cosumnes River	9.91% (2,029)	26.98% (5,526)	38	68.33%	64%	32%
Folsom Lake	4.49% (575)	20.51% (2,625)	9	82.69%	84%	51%
Sacramento City	9.5% (2,847)	32.31% (9,686)	30	78.26%	65%	33%

³⁷ See Ex. 10, CCCC Enrollment Data.

³⁸ PPIC Report at 53; PPIC Report Technical Appendices at 11,13.

³⁹ See Ex. 10, CCCC Enrollment Data.

⁴⁰ *Id.*

⁴¹ See Ex. 18, data courtesy of California Acceleration Project (CAP). This data is the source data for *Still Getting There* (see *supra* at note 13) and the methodology and data collection is explained in the appendix of that report.

⁴² *Id.*

⁴³ See PPIC Report Technical Appendices at 11-13.

⁴⁴ *Id.*

AB 705 only permits colleges to enroll students in remedial coursework “if those students are highly unlikely to succeed in transfer-level coursework.” See Cal. Educ. Code § 78213(d)(2) (West 2020) However, strong implementation of AB 705 at other colleges has proven that nearly all, if not in fact all, students can succeed in transfer-level classes. In fact, if anything, the data suggests that the primary indicator of a student being highly unlikely to succeed in a transfer-level course at a California Community College is their *starting out in a remedial course*. Even if remedial courses are not required, their continued widely available existence creates a danger that students will be counseled into them or allowed or misled into making uninformed choices to enroll in such classes that are generally being shown to be counter-productive and ineffective means to degree completion. For example, many students across the four LRCCD colleges enroll in remedial SLAM classes⁴⁵ even though LRCCD follows the Chancellor’s default policy for non-STEM majors, which directly places all students in transfer-level math. Even LRCCD’s own data fails to demonstrate that any student alleged to be “highly unlikely to succeed” would be more likely to complete a transfer-level course within a year if enrolled in a remedial course as required by the regulations. Therefore, in order to fulfill CRC’s duty to maximize student success, it should enroll all students directly in transfer level courses and offer concurrent support where needed.

In summary, to address these violations of AB 705, LRCCD should do the following:

- Immediately enroll Keishaun Turner in a transfer-level math course with concurrent support;
- Adopt the Chancellor’s Default Placement Policy by Fall 2021;
- Amend the guided self-placement process to assess the need for corequisite support instead of the need to take a remedial prerequisite course;
- Amend retroactive placement policy such that prior to the start of each semester, all students who have enrolled in pre-transfer level courses will be informed about their right to enroll in transfer-level courses;
- Audit all Fall 2021 enrollments and take affirmative steps to inform students in pre-transfer level courses about their right to enroll in transfer-level courses with co-requisite support, if needed;
- Inform students of their right to directly enroll in transfer-level courses on CRC’s website, in the college catalog, and in orientation and advisement materials;⁴⁶

⁴⁵ Ex. 3, ARC Validation Report - GPA Placement, Table 2.2; Ex. 4, CRC Validation Report - GPA Placement, Table 4.2; Ex. 6, FLC Validation Report - GPA Placement, Table 4.2; Ex. 8, SCC Validation Report - GPA Placement, Table 4.2.

⁴⁶ On CRC’s college website, in addition to what is stated about AB 705, CRC should include validation report data indicating throughput rates for different GPA bands based on whether students enrolled in remedial or transfer-level courses. Furthermore, CRC should state that students cannot be required to enroll in a remedial course unless specific data shows that they would be highly unlikely to succeed in a transfer-level course and that enrollment in a remedial course will increase their likelihood of completing a transfer-level course within a year. This information should also be consistent in CRC’s college catalog and in all orientation and advisement materials, including on the Guided Self-Placement Math/English Placement Options page where students decide which course(s) to enroll in. Finally, this information about student rights to access transfer-level courses should be included in CRC’s Online Orientation landing page, particularly in the “Plan Your Class Schedule” and “Enroll in Classes” tabs.

- Eliminate remedial math courses by Fall 2022 and replace them with transfer-level courses, corequisite classes and other concurrent support except for the rare instance where CRC can demonstrate an individual student's specific circumstances show them to be highly unlikely to succeed in a transfer-level course and that only access to a remedial course will maximize their likelihood of success as required by Title 5 CCR 55522(c)(2); and
- Use college resources, such as Student Equity and Achievement funds, to provide professional development to faculty to achieve stronger, more consistent, and more equitable pass rates across all sections.

Thank you for your attention to this important civil rights issue. We would be happy to meet with you via conference call or Zoom to discuss the contents of this letter and opportunities to close racial opportunity gaps at LRCCD by moving toward stronger and more equitable implementation of AB 705. Please let us know within 30 days whether you are in agreement with the concerns we have raised and are willing to provide the relief requested. If we are unable to resolve matters with CRC and LRCCD, we are prepared to pursue more formal legal measures, including, but not limited to a minimum conditions' complaint to the Chancellor's Office.

Sincerely,



Jetaun Stevens
Senior Staff Attorney