



June 29, 2021

VIA EMAIL

Dr. Edward Bush, President
Cosumnes River College
8401 Center Parkway
Sacramento, CA 95823

**RE: Cosumnes River College's Failure to Meet AB 705 Requirements,
Disproportionately Impacting Black and Latinx Students**

Dear Dr. Bush:

On behalf of Keishaun Turner, a resident of the Los Rios College District, and others similarly situated, we are writing to express our concern that Cosumnes River College (CRC) 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. 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 timeframe.” *See* Cal. Educ. Code § 78213(d)(1)(A) (West 2020). An extensive body of research demonstrates that students, as a general matter and regardless of GPA, are more likely to complete transfer-level coursework within a year if they start in transfer-level classes instead of being tracked into remedial classes.² This is confirmed

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, § 55522 (2021))).

² 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).

by CRC's own validation report, which shows that students in the lowest GPA band are more than 3.5 times as likely to complete a Statistics Liberal Arts Math ("SLAM") transfer-level math course within a year and nearly six times as likely to complete a Business, Science, Technology, Engineering Math ("B-STEM") transfer-level math course within a year if they enroll directly in a transfer-level section instead of a remedial class.³

The research is also unequivocal that remediation drives racial inequity by disproportionately excluding Black and Latinx students from transfer-level classes,⁴ 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.⁵ Mr. Turner's experience illustrates this point. Despite taking and passing Honors Algebra 2, 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, CRC'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 be well on his way to obtaining his degree.⁶

Despite the tremendous progress that has been made under AB 705 to reduce racial disparities, significant challenges remain. According to a November 2020 report by Public Policy Institute of California, Black students were still underrepresented in successful completion of transfer-level math at 81 percent of colleges,⁷ including CRC.⁸ Black students also have the lowest rate of enrollment in transfer-level math,⁹ suggesting that these students are the largest group still directed or counseled to remedial courses, even when remedial

³ See Ex. 1, CRC AB 705 Validation Report, Pre-Transfer-Level Placement, Tables 4.2 and 4.4 (Mar. 2021) (on file with Public Advocates).

⁴ 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).

⁵ 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>.

⁶ See Ex. 1, CRC AB 705 Validation Report, Pre-Transfer-Level Placement, Tables 4.2 and 4.4

⁷ 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.ppic.org/wp-content/uploads/a-new-era-of-student-access-at-californias-community-colleges-november-2020.pdf> ("PPIC Report").

⁸ 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 (Nov. 2020), <https://www.ppic.org/wp-content/uploads/1120mcr-appendix.pdf> (the 2019 proportionality index for Black students in math at CRC was 0.79, which is considered below equity) ("PPIC Report Technical Appendices").

⁹ 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).

courses are optional.¹⁰ The research and local data produced by CRC 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),¹¹ the single most important variable to achieve racial equity that is within direct control of community colleges like CRC is to eliminate remedial classes and directly enroll all students in transfer-level courses with support if needed.¹²

CRC has undoubtedly made important gains in implementing AB 705. We applaud CRC for enrolling 95 percent of its first-time English students in transfer-level courses and more than doubling its one-term throughput rates.¹³ We also recognize that significant gains have been made in math, with triple the number of students starting in transfer-level math courses, a near tripling of throughput for math, and nearing equity for Latinx students in both English and math.¹⁴ However, there is still much work to be done, especially in math, which is deemed to be one of the largest obstacles to students' college success.¹⁵ Specifically:

- CRC is one of thirty-three colleges identified as **weak AB 705 implementers in math**. Colleges are identified as weak AB 705 implementers if less than 70 percent of introductory math sections in their course schedules for Fall 2020 are transfer-level classes.¹⁶ In Fall 2020, only 68 percent of introductory math sections at CRC were transfer-level courses.¹⁷
- CRC is also **one of twenty-three "lower-access" colleges in math** because it enrolls 65 percent or fewer first-time math students in transfer-level math.¹⁸
- Unsurprisingly, high proportions of remedial courses and lower access to math is directly linked to lower completion outcomes: **only 32 percent of first-time math takers at CRC completed a transfer-level math course in Fall 2019**,¹⁹ compared to 40 percent of first-time math takers statewide²⁰ and upwards of 50 percent for higher

¹⁰ *Id.*

¹¹ *Id.* at 22 (in Fall 2019, more than 2.5 times as many Black students and over three times as many Latinx students who directly enrolled in transfer-level math completed their math courses within a year as compared to Fall 2015).

¹² PPIC Report at 21, 54.

¹³ PPIC Report Technical Appendices at 6 (one-term throughput rates for students starting in transfer-level English was 67 percent in 2019 as compared to 31 percent in 2015).

¹⁴ *Id.* at 6, 11.

¹⁵ PPIC Report at 55.

¹⁶ Hern, *supra*, at 13.

¹⁷ See Ex. 2, data courtesy of California Acceleration Project (CAP). This data is the source data for *Still Getting There* (see *supra* note 4) and the methodology and data collection is explained in the appendix of that report.

¹⁸ PPIC Report at 46; PPIC Report Technical Appendices at 11 (in 2019, CRC had a 64 percent access rate in math).

¹⁹ PPIC Report Technical Appendices at 11.

²⁰ PPIC Report at 3.

access colleges that enrolled 90 percent or more of students directly in transfer-level math.²¹

- Equally unsurprising is the connection between lower levels of access, higher proportion of remedial classes, and more stark racial disparities. At CRC, **Black students are seriously underrepresented in successful math completion** with a proportionality index of 0.79, which means that CRC failed to ensure that Black students' success in transfer-level math was proportional to their share of first-time math takers.²²

CRC's weak implementation of AB 705 in math represents a violation of its obligations under the law. CRC is failing to meet its legal obligations in the following ways:

- **CRC places students in remedial math courses that do not improve the students' likelihood of completing transfer-level courses within a year, in violation of Cal. Code Regs. tit. 5, § 55522(c)(1)(B)(ii) (2021) and Cal. Code Regs. tit. 5, § 55522(c)(2)(B) (2021).** In a departure from the Chancellor's Office's default placement guidelines, which places all students directly in transfer-level courses, CRC follows the Los Rios Community College District (LRCCD) local placement policies, which places some or all students who identify as STEM majors and have not taken Algebra 2 or its equivalent in remedial math courses.²³ While a deviation from default placement rules can be helpful, it is only helpful to the extent that it allows colleges to offer greater access to transfer-level courses and improves corequisite support.²⁴ However, using this flexibility to require students to take remedial math—as CRC does—makes access to and completion of transfer-level math more restrictive and inequitable.²⁵ In Fall 2019, the vast majority of students in the lowest HSGPA band enrolled in a remedial B-STEM class and only 5.4 percent successfully completed a transfer-level class within a year.²⁶ The success rate for students in the same HSGPA band who enrolled directly into a transfer-level B-STEM class was nearly six times higher, demonstrating that enrollment in a remedial class did not improve the students' likelihood of completing the transfer-level course, and in fact, reduced students' likelihood of success.²⁷ Therefore, CRC should immediately stop using LRCCD's local placement policy and instead adopt the Chancellor's Office's default placement guidelines, which places all students directly in transfer-level courses.

²¹ PPIC Report Technical Appendices at 11 and 13 (in Fall 2019, College of the Sequoias enrolled 97 percent of their entering students in transfer-level math and had a 50 percent throughput rate; and Diablo Valley College had 94 percent access and 61 percent throughput rates).

²² PPIC Report Technical Appendices at 11; *cf.* PPIC Report at 11 (the proportionality index indicates whether students of a particular racial/ethnic background is represented equitably among those starting in transfer-level courses as compared to their representation among all first-time students in transfer-level courses; a proportionality index score of 1 suggests equitable representation).

²³ *See* Ex. 3, Los Rios Community College District, *AB 705 Adoption Submission Form* (June 2019).

²⁴ PPIC Report at 48-49.

²⁵ *Id.*

²⁶ *See* Ex. 1, CRC AB 705 Validation Report, Sheet 5: 4. Pre-Transfer Level Placement, Table 4.4 (Mar. 2021) (on file with Public Advocates).

²⁷ *Id.* (30.8 percent of students in the lowest HSGPA band who directly enrolled in transfer-level B-STEM math completed transfer-level math within one year).

- CRC uses a guided self-placement method 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).** The LRCCD guided placement process 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.²⁸ The LRCCD guided self-placement process 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."²⁹ 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.³⁰ 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 with no other options.³¹ 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 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.³² As a result, more students enrolled in remedial B-STEM math classes through guided self-placement than B-STEM transfer-level classes.³³ However, the students who enrolled directly in transfer-level B-STEM sections were more than twice as likely to complete a transfer-level class within a year than those who self-placed in a remedial course.³⁴ Therefore, CRC's guided self-placement policy must be changed to encourage all students to enroll in transfer-level courses with support, if needed.

- CRC is failing to inform students of their rights under AB 705 to access transfer-level coursework in English and math, in violation of 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 materials. Currently, CRC's website is the only place that explicitly mentions AB 705. However, nowhere on the website does it indicate a student's right to enroll directly in transfer-level courses unless they are "highly

²⁸ See Ex. 3, Los Rios Community College District, *AB 705 Adoption Submission Form* (June 2019).

²⁹ See Ex. 4, Los Rios Community College District, *Guided Self-Placement Method Submission Form* (June 2019).

³⁰ 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).

³¹ See Ex. 5 (Guided Self-Placement for English and Mathematics at Los Rios Community Colleges, produced by LRCCD on June 16, 2021) at 5.

³² *Id.* at 7-10.

³³ See Ex. 6, CRC AB 705 Validation Report, Sheet 7: 6. Guided or Self Placement Tem, Table 6.11.

³⁴ *Id.*

unlikely to succeed” and “enrollment in pre-transfer-level coursework will improve [their] likelihood of completing transfer-level courses in one-year.” *See* Cal. Code Regs. tit. 5, § 55522(c)(2) (2021). Additionally, CRC’s college catalog not only fails to mention AB 705, but also states 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.³⁵ 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. Orientation and advisement materials produced by CRC also do not inform students of their AB 705 rights to access transfer-level courses.³⁶ Therefore, CRC’s website, college catalog, and orientation and advisement materials must be changed to accurately and completely 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.

- **CRC 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).³⁷ 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.”).
- **CRC 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).** CRC has an affirmative obligation to provide the conditions necessary for all students to complete transfer-level coursework in math and English within one year. CRC’s high proportion of remedial classes is evidence that it is failing to meet this obligation. Extensive research and CRC’s own data demonstrate that maximizing completion occurs when students directly enroll in transfer-level courses with support, if needed.³⁸ Despite this,

³⁵ COSUMNES RIVER COLLEGE 2021–2022 CATALOG, 113 (June 1, 2021), <https://crc.losrios.edu/a/20468>.

³⁶ *See* Ex. 7, Los Rios Community College District Online Orientation materials (produced on April 12, 2021).

³⁷ *See* Ex. 3, LRCCD AB 705 Adoption Submission Form.

³⁸ *See* Brohawn, *supra*, at 4.

CRC is enrolling high numbers of students into remedial B-STEM classes, which is reducing their likelihood of completion and costing them precious time, money and lost educational opportunity. 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. Even CRC’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, CRC 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;³⁹

³⁹ 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 CRC 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