

The Impact of Implementing AB 705 on Students with Specific Disabilities:
Opportunity or Barrier?

By Dr. Rick Scuderi, Director of DSPS, L.A. Mission College (Retired)
Past President and Former Legislative Chairperson of CAPED

This independent position paper relates to the impact of AB 705, and the effects of AB 19, AB2 (pending) and the new California Community Colleges (CCC) funding formula have on the bill's implementation for students with specific disabilities. Several colleagues have proof read and made comments as this document was prepared, and over 40 colleagues have stated their support for this independent paper within the first 3 months of its availability.

Background. Assembly Bill (AB) 705 “requires that a community college district or college maximize the probability that a student will enter and complete transfer-level coursework in English and math within a one-year timeframe and use, in the placement of students into English and math courses, one or more of the following: high school coursework, high school grades, high school grade point average, and/or self-report if transcripts are not available”¹.

For decades there has been statewide concern about placing limits on the amount and type of remedial instruction that college students may receive. Placement into remedial classes have typically been done primarily through college placement tests, which can present a culturally biased problem and/or test anxiety interference problem even if attempts are made to mitigate these interfering factors. Thus many students may be placed in classes below their actual capabilities, unnecessarily delaying their academic progress. Worse, some are placed so far below their actual capabilities they become ‘lost in the system’, unnecessarily discouraged, and drop out, partially affecting an overall flatter graduation rate among colleges. Thus the intention of AB 705, the new CCC Funding Formula, AB 19, and now AB 2 come into play as an encouragement to these delayed and ‘lost in the system’ students, providing a quicker, more reasonable pathway toward their academic goals, increasing student success and the overall graduation rates of our colleges.

Relevant to the bill, a research team, with input and support from the California Community Colleges Chancellor's Offices (CCCCO), conducted a long term retroactive study entitled “Comparative Throughput Analysis for AB 705 Compliance” to examine, among other things, whether completion of a transfer level course within one year in English or math varies in relation to whether a DSPS (Disabled Students Programs and Services) student enters directly into a transfer-level English or math course compared to beginning the sequence one level below transfer². The research team examined relevant data on approximately 250,000 students provided by the CCCCCO for the years 2007 through 2014. The research concludes that **while variations occurred within the DSPS population**, generally DSPS students placed directly into transfer-level courses completed those courses at a statistically significant higher rate than those placed one level below³.

At relatively the same time as the research was completed and AB 705 was passed, a new CCC Funding Formula was put in place. The new Funding Formula, which rewards CCC colleges for

maximizing transfer-level course completion in as timely a fashion as possible, replaced the previous Funding Formula, which had stressed the underprepared students' first taking Basic Skills remediation courses to improve their readiness for successful transfer course completion. Also AB 19 was passed last year, which granted full-time students who take 12 units or more each semester free tuition for the first year. Additionally, AB 2 is currently being considered for signature by the Governor. AB 2 would extend free CCC tuition for a second year to full-time students who continue to take 12 units each semester, with no explicit exception for special populations such as students with disabilities. The general good for many students produced by these changes is evident in the analysis of the quantitative data generated by this new approach in maximizing the speed at which those students enter and pass transfer classes in math and English. Especially noteworthy is the concurrent support co-requisites, which can be taught by the same instructor teaching the transfer class itself.

Problem. However, specific to this Position Paper, the research supporting AB 705 does not address how DSPS students were identified, whether they received services or not, and **most importantly, the research did not address students with specific disabilities that directly or indirectly affect cognitive and/or sensory ability. This is because the research does not disaggregate the DSPS students it studies into their sub categories of disability, but instead categorizes all such students as 'DSPS students'.** More on this important decision and the reason for the decision later. In addition, the verbiage used to describe the new approach in AB 705 is often ambiguous regarding actual implementation, **and, with little guidance from the CCCC as to the interpretation of the new law,** it leaves important decisions to the bill's implementation to each college or District, decisions such as keeping their supportive classes, consistently or not consistently structuring them between colleges, minimizing them, or abolishing them altogether. **In fact - and here is the crux of the problem - together with the new funding formula, and AB19, the pending AB2, and now further proposed funding incentives, many colleges are financially pushed to rid themselves of all these classes taken before the transfer class without noting the unique value of remedial and specialized preparatory classes for certain categories of students served by DSPS, and the need, at times, to take these classes before as well as concurrent with enrolling in Math and English transfer classes.** For example, a young woman passes classes preparing her for Pre-calculus, has accident with head trauma (one type of disability), and may be forced to take Pre-calculus regardless of documentation examining the intervening head trauma and its effect on her cognitive processes. Another student has an injury involving an amputated limb (another type of disability) with no cognitive implications. With there being no clear implementation policy of AB 705, one college may force both these students into Pre-calculus immediately, while another college may decide differently and seek guidance from their DSPS Office.

The above example emphasizes two issues - AB 705's lack of clear CCCC implementation guidelines in regards to students with disabilities, and the fact that the bill's research on its effect on students with disabilities was not disaggregated into categories of disabilities. The authors of the research supporting the bill admit that this was not done because their research design would not support analysis of the relatively lower overall numbers in the DSPS 10 disability sub-categories. Quoting the research study itself, ". . .**the (research design)**

adjustments applied to the samples are less appropriate for small samples.” (DSPS Summary of Throughput Rates for Pre-calculus by DSPS, pg. 15, 2nd paragraph)⁵, and also, “. . .**the types of (research design) adjustments used in this report are not well suited for small sample sizes. .**.” (Conclusion, pg. 17, footnote 11)⁶. The resulting omission of sub categories of disabilities from the study could account for the variation mentioned within the grouping simply called ‘DSPS Students’ when the research team posits in the study’s Executive Summary, “. . .Our research revealed that **while variations occur within groups**, (DSPS) students placed directly into transfer-level courses completed those courses at a higher rate than those placed one level below.” (Executive Summary, Introduction, pg. 3, 3th paragraph quoted previously); and they further state, “. . .**We are unable to identify any group of students. . .**.” (Executive Summary, Conclusion, pg. 4, line 4-5)⁷. Specific disabilities directly affecting cognition and sensory processing include, but are not limited to: the Deaf & Hard of Hearing, Learning Disabilities, Acquired Brain Injury, and Attention Deficit Hyperactivity Disorder, etc. Other disabilities may have secondary effects on cognition and processing speed, such as epilepsy and Lupus. Furthermore, the student may have any combination of the above disabilities as well. While the number of these students are increasing, their numbers still remain so low overall as to prevent the study’s research design from effectively analyzing them. **Because of this limitation, the supporting research does not establish evidence showing that the results for students with these sub categories of disabilities would have produced outcomes similar or substantially different from the general population simply called ‘DSPS Students’.** Even if the research team were to rename the general population ‘Students with Disabilities’, it is still a name given to a general population not related statistically to any sub category of disabilities. **Yet these noted sub categories above most affect the learning process directly, and a few other sub categories at least indirectly.** These students with specific disabilities are now often unable to adequately access, or are even being denied access to remedial and sometimes even DSPS classes (due to confusing the two types of classes) before as well as concurrently with their transfer classes at many colleges with no valid evidence supporting the colleges’ decision, and much to the consternation of special education high school counselors who know the worth of the classes for their transitioning students.

And what is the value of these classes, mentioned above, as an essential method for crafting effective, reasonable accommodations for these disability sub-groups? Especially in regard to the specific disabilities mentioned above, DSPS classes, remedial classes with special arrangements (described below), and the standard remedial classes, all simulating as much as possible the transfer class itself, are invaluable in first learning the extent of the unique disability’s effects, and then strategizing with those effects for the best possible outcome. **This approach method is important because, among other reasons, a common problem throughout the state is that high school special education grades, courses taken, and GPA’s are not uniformly and adequately synchronized with the actual content in college transfer entry courses in English and math, and the efforts to do so are at times mingled with local politics and pressures.** In addition, the student’s peculiar learning style in coping with these types of disabilities are often too subtle to convey accurately from one educational system to another. Thus some hands on time and a tight liaison within the DSPS staff is needed in the DSPS or the remedial classroom for the student and the DSPS staff to understand firsthand what strategies

work and what strategies do not work. For example, with a DSPS math or English class designed for students with disabilities, a DSPS instructor specializing in math or English may present instruction at various speeds and styles, based on feedback from 1 or 2 DSPS tutors working within the class. These tutors themselves would be supervised regularly by DSPS certificated staff who note what interventions seem to work best. In addition, the specific student may also receive separate 1 to 1 tutoring in the DSPS Office. Periodic conferences could be held with all of the above to further the formation of effective strategies. This is only one of the many variations of how DSPS works and explores effective strategies with students with specific disabilities within DSPS classes entitled various ways within the class schedule (Educational Assistance Classes, Math Learning Skills, and so on). **However, many DSPS Departments cannot afford to hire an adequate number of DSPS instructors and/or specialized DSPS tutors, so these Departments employ the method of making special arrangements with a mainstream remedial instructor to work very closely with the DSPS student(s) in some ways mentioned above, while at the same time keeping the rigor of the remedial class intact.** Besides the preparatory support content provided, these classes also help discover unique strategies for the student with cognitive and/or sensory disabilities within a remedial classroom environment that simulates even more closely with the transfer class than possible with the DSPS class. **Finally, the bridging advantage that even the standard remedial class, with little or no special arrangements, gives the student between the DSPS class and the Transfer class is invaluable, providing that the DSPS personnel methodically monitor the student's progress and intervene when necessary, and also providing that the Remedial class is closely coordinated with the college's Transfer class content.** A special note here – all these necessary co-ordinations just mentioned make outsourcing remedial classes to Continuing Education or other such off-campus educational entities rarely effective for many students with disabilities because the necessary co-ordinations are lax or non-existent. As can be seen, appropriate DSPS classes and appropriate Remedial classes with ranges of methodical monitoring, are essential methods focused on appropriate content and these particular student's unique disability described herein, with tight coordination among many professionals. Some college DSPS Program Reviews have noted great success for coordinating with these particular classes before and concurrent to the transfer classes. **All of this may be lost with an unguided implementation of AB 705 that carelessly rids itself of many necessary remedial classes.**

Three important points here. **First**, no matter how rigorous the research design, if it does not validly and reliably account for sub-groups of disabilities, it provides no legal defense to colleges if the student with traumatic brain injury, the deaf student with reading and/or vocabulary challenges, the student with learning disabilities immediately in need of proven, unique special strategies, etc. were to complain in a court of law. Instead the situation becomes a positive legal liability if a college narrowly interprets AB 705 by insisting that the student move forward into a transfer class without regard to his/her condition. **Second**, is it worth risking an expensive Office of Civil Rights (OCR) fine **not** to have such a relatively low number of these students exempted from being academically accelerated for a short time, until these learning issues are methodically dealt with? Especially relevant to this question is *that the number of these complaints would multiply rapidly once a successful complaint is accomplished.* **Third**, the CCCCO and many colleges may be concerned that exempting any sub-

category of special population may slow down the overall pace of successful course completion for CC students, and thus be contrary to what AB 705 is designed to do, namely to increase such a pace. This is countered once again by the bill's research team's admission that the numbers of students with disabilities in these sub categories are too low to adequately research, and it follows that they would not make a significant difference in the overall outcomes. **In fact, we posit that exempting these low numbers of students for a brief time with effective, methodically monitored remediation may in fact enhance their overall academic pace in the near future. This is because they have been given a reasonable amount of time to methodically learn effective strategies in their remedial or their DSPS class, and also because the DSPS staff has been given time to learn about the idiosyncrasies of the students themselves.** Thus both student and staff will benefit for all future interactions. In these specialized instances, DSPS trained staff should be leading the decision making, not a college president, other administrators, or other English or math instructors who lack specialized training and would interpret AB 705 without regard to these issues.

Resolution of problem. Given the above issues and the importance of specific remedial classes as a method in helping to bridge the gap between DSPS classes and Transfer classes for students with certain specific disabilities, **the modest resolution is that the CCCCO give written guidance to all CCC's to the effect that students with cognitive processing or sensory processing disabilities described herein be able to access appropriate non-embedded remedial classes at least one semester before, and in cases of these disabilities being severe, at least two semesters before their transfer level classes, even though they otherwise qualify to enroll in those transfer classes; and that these same students be able to access embedded concurrent support classes while enrolled in their transfer classes. If this cannot be done, then a legislative Amendment to AB 705 should be sought.** In light of all the above, this modest resolution serves as a reasonable and equitable access to a pathway toward a degree for these students, **and is in line with our California Code of Regulations, Section 55526, Accommodations, (a),** which reads in part: – “Student Success and Support Program services for students with disabilities shall be appropriate to their needs, and colleges shall, where necessary, make. . . use of alternative tests, methods, or procedures to accommodate the needs of such students. . .”⁸. **This resolution is also similar to Connecticut's Senate Bill 40, a bill similar to California's AB 705, particularly the Amendment to SB 40 recognizing the importance of non-embedded Remedial Classes** ⁹.

AB 705's research team advised each California college to conduct its own analysis to compare transfer class success rates for students who begin below transfer-level with the success rates of those who start at transfer-level classes, at each level of high school achievement, disaggregated by special population status, both with and without specialized support, to ensure that local data aligns with statewide findings¹⁰. **However, who is in a position to coordinate this effort with each of California's 115 college research institute teams, as each varies somewhat in level of expertise and differs in their college's agenda of priorities and culture?** In addition to this complexity, are the variables measured **and not measured** by the research supporting AB 705 as detailed in its research design. To name a few: disaggregating the DSPS population further into its sub categories, how the DSPS students are identified and

served, levels of high school achievement and their reliability, types and levels of support, etc. **Some colleges have tried, but either they present no hard data, or their student sample is extremely low, or research design unexamined, or the design makes no adjustment for the issues raised in this paper, or any combination of the above. The time spend on these attempts instead diverts attention from a growing 'lost population' of inadequately served students with specific disabilities, at risk of dropping out. This is a state-wide problem in need of a state-wide solution, not individual college's addressing this issue in its own separate way.** So at the present moment we are left with a large, long term, elaborately designed research study that has serious validity and reliability issues when addressing particular students with specific disabilities; plus, we have and a fledgling, scattered effort over institutional research facilities at 115 colleges, attempting to control multiple variables in an uncoordinated manner. It is hoped, though, that the reasonable approach presented in this position paper will be effective in providing the resolution to the problem presented.

DSPS's main task is to provide its students with equal access in all postsecondary educational environments. In that same process, DSPS simultaneously keeps colleges from losing money to successful OCR complaints related to Section 504 of the National Rehabilitation Act and the ADA settled in the courtroom. Thus it is a win for everyone to provide certain students with specific disabilities mentioned herein, who are otherwise capable, with a clear and hopeful pathway to a degree through the types of remedial and support classes mentioned in this paper, classes which create an optimal learning environment for the development of well-crafted reasonable accommodations most useful in their transfer class. As such, these classes themselves become an integral part of the reasonable accommodation process.

Summary of paper. AB 705 requires that California colleges maximize the probability that a student will enter and complete transfer-level coursework in English and math within a one-year timeframe and use, in the placement of students into English and math courses, one or more of the following: high school coursework, high school grades, high school GPA, or self-report if transcripts are not available.

Placement into remedial classes have been done through college placement tests, which often can present a culturally biased problem and/or test anxiety interference problem. The intention of all the bills - AB 705, AB 19, and the pending AB 2, and the new CCC Funding Formula which rewards colleges for maximizing the probability of students entering and completing transfer level course work - is to provide a quicker, more reasonable pathway toward the students' academic goals, increasing student success and the overall graduation rates of our colleges.

The research supporting AB 705 examined relevant student data on 250,000 students provided by the California Community Colleges Chancellor's Office (CCCCO) for the years 2007 through 2014. The research concludes that **while variations occurred within the DSPS population,** generally DSPS students put directly into transfer-level courses completed those courses at a statistically significant higher rate than those placed one level below.

The above new arrangement is could well be laudable for the general population of students for reasons stated above. However, one main problem with AB 705's supporting research design is that it does not address students with specific disabilities that directly or indirectly affect cognitive and/or sensory ability **because it did not disaggregate the DSPS students into any specific disabilities**. This is because these numbers are still considered to be too low in number for the study's research design to yield valid results. **In fact, the research team calls all such students, no matter what the disability, simply 'DSPS students'.** However, there is no such overarching specific disability entitled 'DSPS Students'. Even if the research team were to rename the general population 'Students with Disabilities', it is still a name given to a general population not statistically related to any sub-category of disabilities. In our colleges there are students with diverse disabilities with various functional and educational challenges, some with fluid and volatile cognitive swings (e.g. LD, Head Trauma, ADHD, Epilepsy, etc.), others with no cognitive or sensory limitations at all (e.g. amputated limb), and some with a combination of both. **The research design does not address any one of them. Thus the validity problem.** Instead the above mentioned bills and CCC's new funding formula strongly encourage colleges and college districts to proceed quickly to place these students in transfer classes, using high school course work, and/or grades, and/or GPA, or self-report if transcripts are not available. **However, these sources of placement too are another problem in that they are known to be unreliable statewide when dealing with students with disabilities.** In this context, there is a lack of statewide, uniform synchronicity between a particular high school's course content and the local college course content in math and English, due often to high school modified instructional content, all resulting in the study's reliability problem across statewide College District areas. Exasperating this, the CCCCCO gives little guidance in AB 705's implementation, leaving the colleges to do as they see fit. This lack of guidance, coupled with the funding incentives mentioned above and more proposed for the future, financially push colleges to rid themselves of all remedial classes without noting the problems mentioned immediately above. **Also not noted is that the carefully selected Remedial class, simulating the targeted Transfer class closely, provides DSPS with the optimal learning environment to utilize the methodology of developing effective, unique, and relevant learning strategies for individuals with these certain sub-categories of disability, all in real time and all described in detail in this position paper. As such, the appropriate remedial class itself becomes an integral part of the reasonable accommodation.** In addition, as also detailed in the paper, because of the methodology of the appropriate remedial classes' tight coordination with DSPS staff and the appropriate classes' tight coordination with the content of the college's transfer class, off-sourcing the remedial class to Continuing Education and other off-campus educational entities is rarely conducive.

Thus at an increasing number of colleges, the above mentioned students are unable to adequately access needed remedial classes because: 1) there are so few left; or 2) the student has technically qualified for transfer level classes in English and math and is not permitted to access them; or 3, the remedial classes have been completely eliminated. **In these instances, AB 705's laudable intent to create equity among students produces the opposite effect – inequitable access for certain students with specific disabilities.** A court of law, hearing a complaint from such a student who had been refused a necessary remedial class, would ask

how the study's general data on 'DSPS Students' would validly and reliably relate to the particular complaining student's specific disability with its unique functional limitations. **The study has no real answer for this question because of the above mentioned validity and reliability problems when it comes to the sub categories of specific students with specific disabilities described herein.** Local colleges' limited research, again detailed in the paper, cannot correct all this. Some have tried, but have not met the benchmarks of adequate research, again detailed in the paper. It is a statewide problem, needing a statewide resolution.

The modest resolution to all the above is that the CCCCCO give written guidance to **all** California Community Colleges to the effect **that students with cognitive processing or sensory processing disabilities described herein be able to access appropriate remedial classes at least one semester before, and in cases of those disabilities being severe, at least two semesters before their transfer level classes, even though they otherwise qualify to enroll in those transfer classes; and that these same students be able to access concurrent, embedded support classes while enrolled in those transfer classes. If this cannot be done, then a legislative Amendment to AB 705 should be sought.** As stated by AB 705's research team, student numbers in these sub categories are so low that their research design could not validly measure them. Thus it follows that allowing such few numbers to take these needed remedial classes at our colleges **would not slow the overall acceleration rate of the colleges' transfer course completion.** the **resolution is also in line with the California Code of Regulations, Section 55526 a**, which reads in part: - "Student Success and Support Program services for students with disabilities shall be appropriate to their needs, and colleges shall, where necessary, make. . .use of alternative tests, methods, or procedures to accommodate the needs of such students. . ." **The resolution is also in line with Connecticut's Senate Bill 40 (SB40), a bill similar to AB 705, particularly SB 40's Amendment recognizing the importance of non-embedded Remedial Classes.**

DSPS's main task is to provide its students with equal access in all postsecondary educational environments. Secondly DSPS keeps colleges from losing money to successful disability rights complaints related to Section 504 of the National Rehabilitation Act and the ADA settled in the courtroom. Thus it is a win for everyone to provide certain students with specific disabilities mentioned herein, who are otherwise capable, with a clear and hopeful pathway to a degree through the types of remedial and support classes mentioned in this paper, classes which create an optimal learning environment for the development of well-crafted reasonable accommodations most useful in their transfer class. As such, these classes themselves become an integral part of the reasonable accommodation process.

FOOTNOTES.

1. Assembly Bill No. 705, CHAPTER 745, An act to amend Section 78213 of the Education Code by Assembly Person Jacqui Irwin, relating to Community Colleges; Irwin, Seymour-Campbell Student Success Act of 2012: matriculation: assessment; Section 1, Second paragraph, lines 1-4; approved and filed October 13th, 2017.
2. California Community Colleges: “Comparative Throughput Analysis for AB 705 Compliance: Disaggregation by EOPS and DSPS Student Populations”; Executive Summary, Introduction, page 3, 2nd paragraph, lines 4-6; published October, 2018.
3. California Community Colleges: “Comparative Throughput Analysis for AB 705 Compliance: Disaggregation by EOPS and DSPS Student Populations”; Executive Summary, Introduction, page 3, 3rd paragraph, lines 4-5; published October, 2018.
4. The California Acceleration Project’s “Getting There: Are California Community College’s Maximizing Student Completion of Transfer Level Math and English”; page 23, paragraph 3; published September, 2019.
5. California Community Colleges: “Comparative Throughput Analysis for AB 705 Compliance: Disaggregation by EOPS and DSPS Student Populations”; DSPS Summary of Throughput Rates for Pre-calculus by DSPS, page 15, 2nd paragraph, lines 1-5; published October, 2018
6. California Community Colleges: “Comparative Throughput Analysis for AB 705 Compliance: Disaggregation by EOPS and DSPS Student Populations”; ‘Conclusion’, page 17, footnote 11, lines 1-2; published October, 2018
7. California Community Colleges: “Comparative Throughput Analysis for AB 705 Compliance: Disaggregation by EOPS and DSPS Student Populations”; Executive Summary, Conclusion, Page 4, lines 4-6; published October, 2018
8. Barclays Official California Code of Regulations, Title 5, Division 6, Chapter 6, Subchapter 6, Article 3, Section 55526, Accommodations; lines 1-3; September, 2019
9. Senate Bill 40 (SB 40), Connecticut, Bill Analysis as Amended by Senate, ‘An Act Concerning College Readiness and Completion’, Effective Date: July 7th, 1012.
10. California Community colleges: “Comparative Throughput Analysis for AB 705 Compliance: Disaggregation by EOPS and DSPS Student Populations”; Conclusion, page 17, lines 1-4; published October, 2018.

Author of Position Paper.

Dr. Rick Scuderi, Director of DSPS (Retired), Los Angeles Mission College
CAPED Past President and Former Legislative Chairperson