



TO: Chief Executive Officers
Chief Business Officers
Chief Instructional Officers
Chief Student Services Officers

FROM: Laura L. Hope,
Executive Vice Chancellor, Educational Services and Support

RE: Tutoring Apportionment and Basic Skills

Since many colleges are currently working through how they will create varying conditions and levels of support for students in order to afford them access to transfer-level coursework in math and English as a result of AB 705, the Chancellor's Office has conducted a review of Education Code, title 5, and previous guidance to clarify the current apportionment and curricular status of these interventions.

Issue:

As a result of Assembly Bill (AB) 705, colleges are closely examining the compliance issues related to tutoring and non-credit co-requisite models. Both are widely considered appropriate and well-documented ways of improving the likelihood of student success, especially among some students who will now be directly placed into transfer-level English and quantitative reasoning/mathematics courses, as well as those students in English as a Second Language courses.

1. Supervised Tutoring and Apportionment:

With tutoring, title 5 is very clear and affirms that colleges may only claim apportionment for supervised tutoring when the specific conditions have been met as outlined in 58170.

Apportionment for Tutoring Apportionment may be claimed in accordance with [Chancellor's Office guidance from April 2006](#) and amended by the Board of Governors in 2018.

- (a) The individual student tutoring is conducted through a designated learning center.
- (b) The designated learning center is supervised by a person who meets the minimum qualifications prescribed by section 53415.

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(c) All tutors successfully complete instruction in tutoring methods and the use of appropriate written and mediated instructional materials, including supervised practice tutoring. This requirement may be waived by the chief instructional or student services officer on the basis of advanced degrees or equivalent training. Academic credit and apportionment for coursework in tutoring methods for purposes of this section shall be limited to two semester or three quarter units of credit, or 96 noncredit hours. All tutors shall be approved by a faculty member from the discipline or disciplines in which the student will tutor.

(d) All students receiving individual tutoring have enrolled in a noncredit course carrying Taxonomy of Programs number 4930.09, which is entitled “Supervised Tutoring.”

(e) Students enroll in the Supervised Tutoring course, through registration procedures established pursuant to section 58108, after referral by a counselor or an instructor on the basis of an identified learning need. (Revised as of September 2018 by the Board of Governors and being considered by the Department of Finance).

These conditions are still in place as colleges consider ways to support students outside of the classroom, and this memorandum serves as a reminder about the requirements to provide effective service and to collect apportionment.

In addition to these conditions, however, some practitioners have raised questions regarding the appropriateness of providing apportionment opportunities to colleges for tutoring activity beyond basic skills, since many more students will be placed into transfer-level English and quantitative reasoning courses but will also need additional support. As a result of these questions, the Chancellor’s Office has reviewed the Education Code language [\(EC 84757 \(b\)\)](#), which specifies,

“No state apportionment shall be made for any course or class that is not set forth in subdivision (a) and for which no credit is given.” This language is generally responsible for the opinion that apportionment may not be claimed for student hours accumulated in a non-credit supervised tutoring course in support of a transfer-level course since transfer-level courses are not one of the categories in subdivision (a). Title 5 notes as a companion to 58172 that “only in limited circumstances, such as English as a Second Language (ESL) and basic skills, may colleges offer non-credit supplemental learning assistance courses in support of credit courses.” As a result, the Chancellor’s Office has provided previous guidance that supervised tutoring apportionment may only be collected from students seeking help in “basic skills” courses because it is one of the nine categories included in the “limited circumstance” mentioned in the regulation.

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That paradigm worked under pre-AB 705 conditions; however, with the shift away from thousands of basic skills enrollments, the Chancellor's Office has evaluated the language and determined that claiming apportionment in a supplemental learning course called "supervised tutoring" in order for students to develop the skills necessary for them to be successful is appropriate and permissible. To that end, the Chancellor's Office has determined that colleges may collect apportionment for non-credit supervised tutoring hours in which students are strengthening basic skills even if they are seeking support for such skills in transfer-level courses. However, the apportionment can only be claimed for the following: communication/literacy skills, quantitative reasoning skills, and critical thinking skills. Students seeking support for any of these skills, regardless of the course, endeavor to master a basic skill; therefore, claiming apportionment for the development of any of these areas in a supervised tutoring course is appropriate. However, all of the conditions previously noted under Section 58050, 59402, 58168, and 58170 must be met. This memorandum constitutes a change to the guidance related to those sections, not to the regulations. The only change is to the interpretation that colleges may collect apportionment for support in transfer-level courses through supervised tutoring. One of the most important aspects of those regulatory sections is that colleges "accurately and rigorously monitor positive attendance" and disallow any activities for apportionment that do not fit the criteria of communication/literacy, quantitative reasoning, and critical thinking. Reporting hours for checking email, doing homework, conducting research, or other activities not already specific could result in an audit finding against the college.

2. Noncredit Co-Requisites:

The implementation of AB 705 has also raised questions about the ability of colleges to implement non-credit co-requisite courses and pair them with transfer-level courses in order to amplify the likelihood of students succeeding in transfer-level English or quantitative reasoning/mathematics. AB 705 encourages the use of concurrent supports to ensure that more students who are placed into transfer-level English and quantitative reasoning/mathematics will succeed. As it relates to title 5, these courses can be categorized as a "supplemental learning assistance" and are subject to the guidelines published by the Chancellor's Office in April of 2006.

In that document, the Chancellor's Office notes that five regulations in title 5 govern supplemental learning assistance: [58170](#), [58172](#), [58164](#), [58009](#), [58050](#), and [59402](#). The guidance also notes that supplemental learning assistance is designed to "further the students' ability to succeed in the "primary" or "parent" course and its outline identifies the parent course with which it is linked." As it relates to Section 58172, the memorandum, notes that "apportionment for supplemental learning assistance may be claimed for credit supplemental courses in support

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of primary/parent credit courses, or for noncredit supplemental courses, in any of the nine noncredit eligible areas outlined in Education Code section 84757, in support of primary/parent noncredit courses. The key element of this statement is that the course is designed to promote success in the primary/parent course. If the course is created as noncredit, it must specifically be designed to address skills enumerated in [EC 84757](#) (a): parenting, basic skills, English as a second language, immigrant education, disability education, short-term vocational programs, programs for older adults, programs in home economics, health and safety education. For courses that are designed as credit, that is not the case. However, the supplemental learning assistance guidelines still apply. Colleges building co-requisite models should be familiar with the conditions outlined by the Chancellor's Office in 2006 and is available here.

These clarifications are effective immediately for local implementation and planning. For any questions, please contact Vice Chancellor Alice Perez at aperez@cccoco.edu.

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