



CALIFORNIA COMMUNITY COLLEGES

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**NOTICE OF PROPOSED RULEMAKING
AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING
APPORTIONMENT FOR TUTORING**

Notice published July 3, 2018

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on July 16, 2018, at 1102 Q Street, Sacramento, California. The Board meeting will commence at the hour of 9:00 a.m., or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Christina Castro, 1102 Q Street, Suite 4500 Sacramento, CA 95811-6549, ccastro@cccco.edu, 916-323-5889, no less than five working days prior to the meeting. The Chancellor's Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. No oral comments will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific subdivision of the proposed regulation that each of your comments addresses and to arrange your comments in the same order as the proposed regulation. Please send your comments to:

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

Comments may also be submitted by facsimile at 916-322-9030 or by email at regcomments@cccco.edu.

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on August 17, 2018. All written comments received by CCCCO staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be provided to those persons who provided contact information and submitted written comments relevant to the proposed regulatory action, or who provided oral comments at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Education Code sections 66700, 70901, 70901.5, 84500

Reference: Education Code sections 70901, 70901.5, 70902, 84500, and 87356

INFORMATIVE DIGEST

In response to a request from the California Community Colleges (CCC) Chancellor to identify barriers to student success, apportionment and student self-referral for supervised tutoring rose to the top of named barriers. Supervised tutoring is an important academic support service and an effective tool for colleges to support student in-class learning. It also supports the goals outlined in the California Community Colleges *Vision for Success* document and Guided Pathways framework, which emphasize the importance of engaging students early and providing them with the academic support needed to achieve their education goals.

Supervised tutoring is a method of instruction that involves student tutors who are successful in a particular subject or discipline and receive specific training in tutoring methods. The tutors assist one or more students in need of intensive supplemental instruction. It falls under the noncredit coursework category and generates apportionment funds for the colleges at a reduced rate of \$3,010 per FTES (full time equivalent student) for the 2016-17 fiscal year. The regular apportionment rate for credit coursework was \$5005 per FTES for the same year.

Current title 5 regulations require faculty or a counselor to make student referrals to a supervised tutoring course based on an “identified learning need.” As a result, students cannot self-refer themselves. Against this backdrop, community colleges have limited options for increasing intensive instructional support services to students who need this vitally important academic assistance. The regulatory and statutory changes will significantly expand access to “Supervised Tutoring” for community college students and will enable them to be more successful in courses leading to degrees and certificates.

The proposed revision to the California Code of Regulations, title 5, section 58170 is also prepared in support of proposed legislation, Assembly Bill (AB) 1935. Assembly Member Irwin, which would increase student access to supervised tutoring by authorizing noncredit apportionment for supervised tutoring to assist students in degree-applicable and transfer-level courses. Sponsorship for this bill was approval by the Board of Governors at the March 2018 meeting. AB 1935 would increase student access to supervised tutoring by authorizing noncredit apportionment for supervised tutoring to assist students in credential/degree applicable and transfer-level courses.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: None

Cost or savings to state agencies: The proposed changes may result in cost savings to the state by reducing the number of students who repeat courses, therefore reducing duplicative apportionment for course repetition.

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code:
None

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

Cost or savings in federal funding to state agencies: None

The effect of the adoption of the proposed regulations will not impose increased costs or new costs to community college districts that are required to be reimbursed under section 17561 of the Government Code. Such determination will be made a formal part of the public hearing at the time and place described above. Furthermore, other than indicated, there are no direct costs or indirect costs, or savings to any state agency, no costs or savings in federal funding to the state and no non-discretionary costs or savings to local agencies.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

LeBaron Woodyard, Dean
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
E-mail: LWoodyar@cccco.edu

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

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

[Board of Governors Meetings Agenda](#)

or [Legal - Regulations](#).

Those who receive the Board of Governors Agenda package for the July 16, 2018 meeting can find a further description of the proposal and the full text of the regulations.

You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.