

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on
reverse)

For use by Secretary of State only

STD-400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-1010-01P	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2019 OCT 10 P 12: 28
OFFICE OF
ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 10 2019

11:52 Am

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Board of Governors of the California Community Colleges

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE N/A		TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Tutoring Referrals	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 58170
	REPEAL
TITLE(S) 5	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Authority - Ed. Code section 70901.5	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 30 days after filed w/Secretary of State
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Tanya Bosch - Regulations Coordinator	TELEPHONE NUMBER (916) 445-4826	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Marc A. LeForestier, General Counsel

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ATTACHMENT 2

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES FINAL REVISIONS TO TITLE 5 REGULATIONS: of APPORTIONMENT FOR TUTORING

1. Section 58170 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 58170. Apportionment for Tutoring.

Apportionment may be claimed for individual student tutoring only if all the following conditions are met:

- (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.
- (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 the student, a counselor or an instructor on the basis of an identified learning need.
- (f) An attendance accounting method is established which accurately and rigorously monitors positive attendance.
- (g) Student tutors may be remunerated but may not be granted academic credit for tutoring beyond that stipulated in (c) above.
- (h) The district shall not claim state apportionment for tutoring services for which it is being paid from state categorical funds.

Note: Authority cited: Sections 70901 and 84500, Education Code. Reference: Sections 70901, 84500 and 87356, Education Code.