



TO: Chief Executive Officers
Chief Instructional Officers
Chief Student Services Officers
Academic Senate for the California Community Colleges

FROM: John Stankas, Vice Chancellor, Educational Services and Support, Academic Affairs,
Equitable Student Learning, Experience & Impact Office

RE: Implementation Guidance for Supervised Tutoring Regulations Revisions

The purpose of this memorandum is to provide guidance regarding the implementation of the Board of Governor’s regulatory revisions to the Supervised Tutoring requirements. The regulation becomes effective 30 days from the 11-02-2023 filing date or **December 2, 2023**. Pursuant to California Code of Regulations, section 52010, college districts may conform their policies and procedures to the regulatory requirements within one hundred and eighty (180) days of the effective date.

Background

Supervised Tutoring has been available to California Community College students since 1984 and has supported students in the pursuit of their academic goals. Supervised Tutoring is a method of instruction that involves student tutors who have been successful in a particular subject being trained to serve as a tutor and provide supervised tutoring to help peers succeed in that same subject. By receiving additional academic support from their peers, tutored students are more likely to persist and reach their educational goals.

Historically, Supervised Tutoring has been focused on students enrolled in Basic Skills and English as a Second Language (ESL) courses, for which colleges receive noncredit state apportionment for Supervised Tutoring. This limitation meant that colleges did not receive funding to provide supervised tutoring for degree-applicable or transfer-level courses. When California lawmakers took historic action to eliminate longstanding inequities in student access to transfer-level English and math courses by adopting Assembly Bill 705 (AB 705), that important and necessary policy change reduced the number of students enrolling in basic skills courses and increased enrollment in transfer-level mathematics and English. When AB 705 was passed in 2017 and implemented in 2019, colleges were allowed to more broadly apply Supervised Tutoring to cases in which “students are strengthening basic skills” in transfer-level courses developing students’ “communication/literacy skills, quantitative reasoning skills, and critical thinking skills”.

This regulatory revision aligns with the developmental education reform transformation underway and helps ensure students receive appropriate academic support while in transfer-level courses.

District Responsibilities

Local policies, procedures, and standards should be reviewed to ensure alignment with the regulatory changes. Specific areas to review should include:

- New section 58160(b) “Districts shall provide access to supervised tutoring for students who need or desire extra academic support when enrolled in transfer-level mathematics or English coursework to maximize the probability that a student will enter and complete coursework in English and mathematics within a one-year timeframe of their initial attempt (This includes all courses where the demonstration of critical thinking, composition or computation are required).”
 - By adjusting subdivisions (a)(11) and (b), the proposed regulatory scheme aligns with implementing statute and expands state apportionment for supervised tutoring for the statutorily defined courses.
 - Section 58168(b) has been modified, in part, to clarify that supervised tutoring must be “coordinated,” not conducted, through a designated learning center “and may be conducted either in person or virtually.” The section requires that a dedicated faculty member meets the minimum qualifications and be available to monitor the needs of the students and tutors either within a dedicated space or dispersed through various modalities across the institution. Student tutors may be paid for their services under the proposed regulatory action; however, this determination is left to district policy.
 - Minimum Qualifications of Tutoring Faculty: Supervised Tutoring must take place under the supervision of a qualified faculty member who has earned a Master’s Degree in one subject matter being tutored or in education/instructional psychology or other disciplines with an emphasis in adult learning theory, as detailed in California Code of Regulations, Title 5, Section 53415. Tutors, both in-person and virtual, must be able to contact the supervising faculty member in real time to provide assistance or support.
- Section 58168(h) explains and clarifies the role of classified staff.

Attendance Accounting for Tutoring Courses

Attendance in supervised tutoring courses generates full time equivalent students (FTES) on a positive attendance basis. A tutorial center may offer tutoring assistance between a tutor and tutee when they are separated by distance and are using on-line or other synchronous “real time” technologies such as videoconference, web conference, audio conference, etc. When the tutor and tutee are separated such that one or the other is not physically present in the tutoring center, the supervisor must be able to monitor the communication and a mechanism must be in place to accurately track positive attendance hours. If both the tutor and tutee are not physically present in the tutorial center, the district must ensure and be able to document, if audited, that the supervisor monitored the interaction of the tutoring session for attendance accounting purposes.

There is an administratively approved exception to the 50-minute minimum class session requirement for Positive Attendance courses in which students work at their own pace, such as some Open Entry/Open Exit credit classes and noncredit Supervised Tutoring courses. In such cases, the minutes attended by an individual student can be added together and the total divided by 50 to calculate the hours of attendance to be reported for that student.

Tutoring Funded with State Categorical Funds

No state apportionment shall be claimed for tutoring courses being fully paid for by state categorical funds. To be eligible for apportionment, some portion of the direct education costs for the course must be paid for using district unrestricted general fund dollars (as indicated in prior legal opinions, this portion should be more than a trivial amount). The term “direct education cost” includes all expenses specifically traceable to a class, such as the salaries and benefits of the instructor, instructional assistants or aides, and non-instructional staff directly supporting the class (e.g., proctors); instructional materials and supplies and equipment, along with any other direct expense or cost required for the particular class in question. Districts should have a policy in place that outlines what portion of the direct education costs for a course will be paid using unrestricted general fund dollars where a district intends to claim FTES for apportionment. These decisions should be made in the context of an established district policy.

Summary of Regulatory Changes

Section	Summary
“State Apportionment for Noncredit Courses, Noncredit Classes, and Support Services.” (section 58160)	<ul style="list-style-type: none">Updated the exclusive list of noncredit courses, noncredit classes, and support services that are eligible for state apportionment funding.
“Criteria for Supervised Tutoring.” (section 58168)	<ul style="list-style-type: none">Clarified the coordination of Supervised TutoringClarified Supervision of facultyClarified the role of Classified Staff
“Apportionment for Tutoring” (section 58170)	<ul style="list-style-type: none">Section removed
“Minimum Qualifications for Learning Assistance Instructors” (section 53415)	<ul style="list-style-type: none">Clarified the minimum qualifications

Contact

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