

Date of Hearing: January 11, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1187 (Irwin) – As Amended January 3, 2022

SUBJECT: Community colleges: tutoring

SUMMARY: Expands the type of noncredit courses eligible for apportionment to include supervised tutoring for all credit and noncredit courses offered by California Community Colleges (CCC). Specifically, **this bill:**

- 1) Permits CCC districts to claim state apportionment funds for supervised tutoring offered for credit and noncredit courses, as authorized by regulations to be adopted by the board of governors (BOG) by July 31, 2023.
- 2) Requires any regulations adopted by the BOG regarding supervised funding and eligibility for state funding to be compliant with Education Code Section 78213 and to not limit the type of course that qualifies for apportionment funded supervised tutoring,
- 3) Makes clarifying and conforming technical changes.

EXISTING LAW:

- 1) Establishes the CCC under the administration of the BOG of the CCC, as one of the segments of public postsecondary education in California. The CCC shall be comprised of community college districts (Education Code (EDC) Section 70900).
- 2) Establishes that CCC districts are under the control of a board of trustees, known as the governing board, who has the authority to establish, maintain, operate, and govern one or more community colleges, within its district as specified. Permits districts to establish policies for and the approval of courses of instruction and educational programs (EDC Section 70902).
- 3) Permits state funding to be dispersed to the CCC annually in the Budget Act approved by the State Legislature and the Governor. The funding will be allocated to CCC districts and subsequently campuses through an array of complex funding formulas, as defined, including a formula that provides funding per full-time equivalent student (EDC Section 84750.4).
- 4) Permits CCC districts to claim state apportionment funding for noncredit courses if they are one of the following:
 - a) Parenting classes, as defined;
 - b) Courses in elementary and secondary basic skills including remedial academic courses or classes in reading, mathematics, and language arts;
 - c) Classes in English as a second language;
 - d) Courses for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes, as defined;

- e) Education programs for persons with substantial disabilities;
- f) Short-term vocational programs with high employment potential;
- g) Education programs for elder adults;
- h) Education programs in home economics;
- i) Courses in Health and safety education (EDC Section 84757).

FISCAL EFFECT: Unknown.

COMMENTS: *Background.* The California Community College (CCC) is the largest system of higher education in the United States and is comprised of 116 colleges serving roughly 1.8 million students. As a member of the state's three – tier public higher education system, the CCC is unique as it enrolls any student capable of benefiting from instruction (1960 California Master Plan on Higher Education). Despite being the entry point for millions of Californians on their academic and economic prosperity journey, students at the CCC have struggled to achieve their education and economical goals. Recent data from the CCC 2019 Student Success Scorecard, revealed over a six year period, 48.9% of student's earned a degree, certificate, or successfully transferred to a four – year university. With data from the Public Policy Institute of California projecting California's workforce requiring an additional 1.1 million bachelor degrees by 2030 to remain economically competitive, it is paramount to address barriers preventing students from matriculating to a degree.

In recent years, the State Legislature has provided legislation to address financial barriers to accessing higher education and has also taken steps to address academic barriers preventing students from completing a degree. One of the barriers preventing students from obtaining a degree or certificate at the CCC was remedial education. Since the CCC mission is to provide education to all who seek instruction, enrollment pathways were established to filter students into math and English courses based on the student's knowledge of key subjects. In 2016, the Public Policy Institute issued a report, *Preparing Students for Success in California's Community Colleges*, which found 80% of student entering the CCC were placed into remedial courses or below college – level courses, in math and English. Math and English courses are often prerequisite or gateway courses which must be completed for a student to move along their educational pathways towards a degree and beginning below college level can be debilitating to a student's morale. The same PPIC report from 2016, identified only 16% of students who began in remedial education earned a certificate or associate degree within six years and only 24% successfully transferred to a four-year university.

In 2017, the Legislature partnered with the CCC to address remedial education as a barrier to degree obtainment passing AB 705 (Irwin), Chapter of 745, Statutes of 2017, which codified the CCC Chancellor's Vision for Success by "minimizing the disproportionate impact on students created through inaccurate placement processes". AB 705 (Irwin) specifically required the CCC to place students into math and English courses that maximized the probability that the student would successfully complete the course within a year. AB 705 (Irwin) represented a pivotal point in the history of student placement in courses as it moved away a narrow assessment approach to admission to a broad holistic approach of examining a student's competency through multiple measurements. Since its implementation, the CCC has experienced a steady decline in remedial course offerings and an increase in enrollment in transfer-level and credit-bearing math and

English courses. To safeguard student success as the CCC districts transitioned from remedial education, the CCC Chancellor's Office (CCCCO) issued a memo in July 2018(AA 18-40) encouraging campuses to implement co-curricular or concurrent supports, such as supervised tutoring, to assist students in successfully completing transfer-level or credit-bearing math and English courses.

Need for this measure. According to the Author, "AB 1187 will increase access to supervised tutoring at the California Community Colleges by authorizing colleges to claim apportionment for students receiving assistance in credential/degree-applicable and transfer-level courses. This funding is crucial for campuses to assist students who have experienced learning loss associated with the COVID-19 pandemic and need additional support. Current law states that colleges can claim apportionment funding for supervised tutoring in remedial basic skills courses, such as remedial English or math, but not for credit-bearing courses. Colleges need flexibility to use supervised tutoring to support student learning as they implement new placement practices required by AB 705 (Irwin), which will increasingly shift more students from remedial to credit-bearing courses. AB 1187 will provide colleges flexibility and support them in using supervised tutoring as a tool for raising student achievement and success across the course catalog."

Supervised tutoring as a concurrent support. For purposes of this analysis co-curricular, corequisite model, and concurrent supports shall be used interchangeably to define any academic support provided to students alongside the transfer-level or credit-bearing course. As mentioned previously, the CCCO encouraged campuses to implement concurrent supports for students enrolling in transfer-level or credit-bearing courses who previously would have been placed in remedial education. However, to preserve local control and provide local intervention tailored to assist local student population, the CCCO did not define how to implement academic supports; and as a result a spectrum of supports were provided to students across the 116 campuses. Despite the diversity of supports, research has proven students placed in academic supports in conjunction with credit-bearing college courses far outperform their remedial counterparts.

In 2013, the California Acceleration Project joined the national conversation on the need for remedial education reform. Specifically, advocates of remedial education reform heralded the need for unprepared college students to be placed in college-level courses with additional concurrent support. Since 2013, a surfeit of research has been conducted demonstrating the efficacy of throughput rates of students enrolled in concurrent supports over remedial education. Beginning in 2015, Tennessee public colleges and universities removed remedial courses and instead offered students college-level courses with additional supports. In the first semester after full implementation, the Tennessee Board of Regents reported completion rates for college-level English had doubled and completion rates for college-level math had quadrupled. Furthermore students were completing college-level English and math courses in half the time it would have taken them to complete traditional remediation courses.

After AB 705 (Irwin), the PPIC conducted an investigation on the CCC implementation of placing students into college-level or transfer level courses. In, *A New Era of Student Access at California Community Colleges*, the PPIC found first-time English students who began in a corequisite course in fall 2019, had a 58% successfully completion rate on their first try; whereas 28% of students who began in a remedial English course successfully completed a transfer-level or credit-bearing English course within one year. In math, the PPIC reported 49% of students who enrolled in a corequisite model transfer-level statistics, liberal arts math (SLAM) course, successfully completed the course in one – term; whereas, 8% of students who began in a

remedial math course successfully completed a SLAM transfer-level course within one year. For students enrolled in a transfer-level business, science, technology, engineering, and math (BSTEM) course, 39% of those enrolled in a corequisite model successfully completed the course in one term. Comparatively, 5% of those who began in a remedial math course successfully completed a BSTEM transfer-level course within one year. Regardless of the method of support offered by the college campus, students who enroll in academic supports in addition to their transfer-level or credit-bearing course have higher completion rates and advance from gateway courses in a shorter time than their remedial counterparts.

Qualifying for apportionment funding. Education Code Section 84757 prescribes limited circumstances by which state funding or apportionment funding may be provided for noncredit courses and under the Education Code apportionment funding may not be collected by CCC for supervised tutoring. However, under California Code of Regulations Title 5, Section 58168, supervised tutoring is eligible for apportionment funding only in a noncredit course offered for remedial education. The California Code of Regulations Title 5, Section 58172 further explains that supplemental learning assistance or supervised tutoring is also eligible for state apportionment for credit-bearing course if the assistance is part of the course offered to all students or if the learning assistance is optional and is intended to strengthen a student skill and reinforce mastery of concepts taught in another course. After the passage of AB 705 (Irwin) and the transition away from remedial education, questions began to arise from CCC districts as to whether noncredit supervised tutoring courses were eligible for state apportionment.

To address the confusion from districts, the CCCO issued a memo in January 2019 (AA 19-05), which clarified 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”. Therefore, under current regulations, colleges may collect state funding for noncredit supervised tutoring in which students are strengthening communication/literacy skills, quantitative reasoning skills, and critical thinking skills even if the tutoring is affiliated with a transfer-level course. In fall 2020, the CCC enrolled 22,265 students in 268 supervised tutoring courses systemwide and to date, it is unclear how many of these courses qualified for state funding.

Committee Comments. Given the existence of CCCO memos interpreting California Code of Regulations as permitting community colleges to claim apportionment for supervised tutoring, one may pause and question the need for clarification in Education Code. However, confusion remains among college districts as to whether the current interpretation of the California Code of Regulations is enough to claim apportionment for courses that expand student skills in communication/literacy, quantitative reasoning, and critical thinking. Linking courses to expanding these skills can be difficult and not all transfer-level or college credit courses would qualify for state funded supervised tutoring. For example, a transfer-level ethnic studies course would not qualify for state funded supervised tutoring despite expanding a student’s critical thinking skills. AB 1187 seeks to ensure that supervised tutoring courses, regardless of the type of course it supports, would qualify for state funding. By expanding apportionment to include supervised tutoring for all courses, AB 1187 equitably goes beyond assisting in the implementation of AB 705 (Irwin) and addresses support for all CCC students regardless of their educational goals.

Prior Legislation.

AB 1935 (Irwin) of 2018, which was held in the Senate Appropriations Committee, would have enabled supervised tutoring for basic skills and for degree applicable and transfer-level courses offered at the CCC eligible for state apportionment funding.

SB 1009 (Wilk) of 2018, which was held in Senate Appropriations Committee, would have enabled community colleges to claim state apportionment funding for supervised tutoring for certain courses, as defined.

AB 705 (Irwin), Chapter of 745, Statutes of 2017, requires community college districts to maximize the probability that a student will be placed in and complete transfer – level or college credit in math and English within a one-year timeframe by utilizing multiple measures to achieve this goal.

REGISTERED SUPPORT / OPPOSITION:**Support**

Antelope Valley Community College District
Association of California Community College Administrators
Community College League of California
Contra Costa Community College District
Kern Community College District
Mt. San Jacinto Community College District
Palo Verde Community College District
Peralta Community College District
San Bernardino Community College District
San Diego Community College District
The Institute for College Access and Success
Yuba Community College District

Opposition

None on file.

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