

## How To Use This Document

This model tutoring regulations document is intended to be a customizable document that state agency tutoring program administrators can use to produce rules and regulations to meet the context of their state and their tutoring program needs.

This document includes model regulations for states with legislation mandating a statewide tutoring program. Language in the regulations may need to be adjusted for state pilot programs or other statewide models of scaled tutoring implementation. States should use this as a starting point and adapt based on the needs of their specific program, related legislation, and existing regulations. In the following sections, brackets with **[yellow highlights]** identify places where a state agency staff would need to insert specifics on their program and all CAPITAL LETTERS indicate additional notes or considerations for each section.

The model regulations include the following sections:

### Model Tutoring Regulations: Statewide Program

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## Model Tutoring Regulations: Statewide Program

### 1.00 Regulatory Authority and Purpose

1.01 These rules shall be known as the [state agency] rules governing the [tutoring program].

1.02 These rules are enacted pursuant to [State Board]'s authority under [relevant state law].

### 2.00 Definitions

2.01 "Agency" means the [state agency].

2.02 "Approved Vendor" means a vendor providing tutoring services within the state that has been added to [state agency]'s vetted tutor list.

2.03 "High-dosage tutoring" or "high-impact tutoring" means tutoring that is aligned with the following criteria based on existing research:

2.03.1 Tutoring is individualized: low student-to-tutor ratio (not higher than 4:1);

2.03.2 Tutoring is intensive: three to five sessions per week, for at least fifteen to sixty minutes per session;

2.03.3 Tutoring is sustained: fifty hours of tutoring (over thirty six weeks, with some effective tutoring programs lasting for at least ten weeks);

2.03.4 Tutoring is based on high-quality instruction materials, as defined in 2.05.

2.03.5 Provided by a consistent tutor or limited, consistent set of tutors throughout the school year;

2.03.6 Tutoring occurs during the school day: school-embedded programs have significantly higher likelihood of student attendance than after-school programs; and

2.03.7 Tutoring should incorporate direct instruction by tutors/mentors using high-quality instructional materials (see 2.05) and formative assessments aligned with grade-level content and Tier 1 classroom instruction. Tutoring is not homework help.

2.04 "Dosage" means the primary measure of student participation for students eligible to participate in a tutoring program, and includes:

2.04.1 The total duration (in hours) of tutoring a student receives in an academic year;

2.04.2 The total count (number) of tutoring sessions a student receives in an academic year.

2.05 “High-quality instructional materials” means curricular resources that:

2.05.1 Are included on [state agency]’s approved curriculum list. CONSIDERATION: IF A STATE DOES NOT CREATE AN APPROVED CURRICULUM LIST CONSIDER USING THE BELOW DEFINITION UNLESS HIGH-QUALITY INSTRUCTIONAL MATERIALS ARE OTHERWISE DEFINED BY THE STATE.

2.05.2 Uses instructional resources and formative assessments fully aligned to [state]’s grade-level content standards for what students should know and be able to do at the end of each school year;

2.05.3 Provide guidance and support for program implementation;

2.05.4 Include a high level of student and teacher interaction;

2.05.5 Are designed to devote the large majority of time to the major work of the grade/course;

2.05.6 Help students develop conceptual understanding, procedural skill and fluency, and application;

2.05.7 Make meaningful and purposeful connections that promote focus and coherence by connecting practice standards with content that is emphasized in the Standards; and

2.05.8 Offer assessment opportunities that genuinely measure progress and elicit direct, observable evidence of the degree to which students can independently demonstrate the assessed grade-specific Student Standards.

2.06 “High-quality tutors” means individuals who are:

2.06.1 Recruited and trained through [state agency]’s tutoring training program;

2.06.2 Staff of an approved vendor; and/or

2.06.3 Current teachers.

2.06.4 Trained paraprofessionals.

2.06.5 Other trained personnel as approved by a local education agency.

2.07 “Eligible LEAs and public charter schools” through the 20[XX]-[XX] school year, eligible LEAs and public charter schools means those serving students most in need, as defined by student assessment scores, or other indicators determined by the [state agency]. Beginning in the 20[XX]-[XX] school year, all LEAs and public charter schools are eligible.

CONSIDERATION: FOR STATES THAT HAVE STATEWIDE MANDATES ON PROVIDING TUTORING, IF ALLOWABLE UNDER THE LEGISLATION SEAS SHOULD CONSIDER A PHASED-IN APPROACH TO PILOT AND THEN SCALE THE PROGRAM STATEWIDE FOCUSING ON STUDENTS WITH THE GREATEST NEED FIRST.

2.08 “Eligible Student” means a student who did not score on grade level on the most recent [state-designated assessment(s)], on an end-of-course assessment instrument, or is otherwise deemed at-risk by a school or district.

CONSIDERATION: STUDENT ELIGIBILITY CAN BE DEFINED AT THE STATE LEVEL OR LEFT MORE FLEXIBLE FOR DISTRICTS AND SCHOOLS TO DETERMINE. STATES SHOULD ESTABLISH A MINIMUM REQUIREMENT FOR WHICH STUDENTS ARE ELIGIBLE TO ENSURE THOSE MOST NEEDING SERVICES RECEIVE THEM.

### 3.00 Implementation of Program

3.01 The [tutoring program] is a grant opportunity to empower districts to implement or strengthen robust tutoring programs for students across the state. Through [tutoring program] grants, districts can flexibly design local tutoring supports within the grant framework to meet the tenets of high-impact tutoring that drives strong outcomes for students.

3.02 The [state agency] shall run a competitive grant application process on a [timeframe] basis for eligible LEAs and public charter schools to award funds.

CONSIDERATION: A STATE AGENCY MAY RUN A COMPETITIVE GRANT APPLICATION OR DEVELOP A FUNDING ALLOCATION MODEL FOR ELIGIBLE LEAS DEPENDENT ON THE TUTORING PROGRAM DESIGN AND THE STATE’S THEORY OF ACTION.

3.03 Interested LEAs and public charter schools must apply by the specified deadline to be eligible for funds.

3.04 Awarded LEAs and public charter schools must launch tutoring at the beginning of [expected start date] and tutoring for students must last the length of the semester.

3.05 The [tutoring program] will provide up to \$[insert funding amount] per eligible student. The final per-student award amount will vary by district and public charter school based on identified student needs, availability of funding, or other considerations set forth in the [state agency's] grant application.

3.06 Awarded LEAs and public charter schools must determine student eligibility and selection processes. Such processes must consider without limitation the academic performance of student groups across grades and subjects within a district or public charter school. Where available and feasible, districts and public charter schools should consider student state assessment results as part of their eligibility and selection process.

CONSIDERATION: ADJUST AS NEEDED BASED ON STATE TUTORING LEGISLATION AND FLEXIBILITY AROUND HOW STUDENT ELIGIBILITY IS DEFINED AND DETERMINED.

## 4.00 LEA Duties

4.01 LEAs that want to receive funding must submit a program plan to [state agency] aligned with high-dosage tutoring as defined in 2.03 and the following additional criteria:

4.01.1 Tutoring programming is data-driven with student results, characteristics, and progress guiding decision-making;

4.01.2 Tutoring programming uses assessments throughout the school year to monitor student progress; and

4.01.3 High-quality trained tutors provide the tutoring as defined in 2.06.

4.02 Each LEA that receives funding must submit their final plan to the [state agency] and make publicly available their tutoring program plan on their LEA website.

4.03 LEAs must comply with all state and federal allowable uses of funding and may spend tutoring program funds on:

4.03.1 Hiring or contracting for tutors or providing stipends or other incentives to qualified tutoring candidates to ensure maximum tutoring capacity as defined in 2.06;

4.03.2 Contracting for products and services related to high-dosage tutoring from the [state agency's] approved vendors list;

4.03.3 Covering administrative expenses; and

4.03.4 Covering costs associated with tech-enabled tutoring solutions, such as licenses, software, and related devices.

4.04 LEAs must provide a funding match to support the high-dosage tutoring program funding distributed by the [state agency].

CONSIDERATION: STATES MAY CONSIDER FOREGOING THE REQUIREMENT OF A FUNDING MATCH IF ADEQUATE STATE FUNDING IS AVAILABLE OR A FUNDING MATCH IS NOT ALIGNED WITH STATE OR LEA GOALS.

4.05 LEAs must implement the approved tutoring program plan with fidelity ensuring that eligible students receive the specified dosage of high-dosage tutoring services.

4.06 LEAs must collect relevant data as specified in 7.00 Accountability, Data Collection, Reporting, and Continuous Improvement.

## 5.00 SEA Duties and Supports

5.01 The [state agency] shall:

5.01.1 Administer the [tutoring program] including the approval of LEA and public charter school plans and release of funding;

5.01.2 Establish any additional criteria for distributing grants from the fund;

5.01.3 Award and distribute program grants, subject to available funding;

5.01.4 Identify and communicate allowable uses for grant funding, as permitted by state and federal law;

5.01.5 Approve and make publicly available on their website LEA and public charter school tutoring program plans;

5.01.6 Publish a list of vetted tutoring vendors;

5.01.7 Create reporting templates, procedures, and definitions for reporting metrics for LEAs or public charter schools to use in collecting and reporting tutoring-related data to the [state agency]. To the extent possible [state agency] must leverage existing reporting processes and systems to reduce the reporting burden on LEAs and public charter schools; and

5.01.8 Provide training, technical assistance, and guidance, including, but not limited to, the

topic of sustaining high-dosage tutoring through existing funding streams to LEAs and participating public charter schools conducting in-school high-dosage tutoring.

5.01.8.1 With a priority focus on effective schedule management.

## 6.00 State-vetted List of Tutoring Vendors

6.01 Annually by [date] the [state agency] shall vet tutoring vendors and publish an approved list that may be used by participating LEAs and public charter schools.

6.02 Criteria that must be considered for vendors include, but are not limited to:

6.02.1 Vendor experience in providing high-dosage tutoring services;

6.02.2 Types of student performance data collected;

6.02.3 Evidence of impact on student outcomes;

6.02.3.1 Tutoring programs can demonstrate impact through either adherence to their model design by aligning with the components of high-dosage tutoring as defined in 2.03 or by having evidence of positive and statistically significant gains in student learning outcomes based on a well-designed randomized controlled trial ("RCT") or quasi-experimental design ("QED") that provides the basis for evidence of causal program impact and which is conducted by an external third-party researcher.

6.02.4 Grade levels and content areas served;

6.02.5 Tutor experience and content expertise;

6.02.6 Per student cost; and

6.02.7 Tutoring models used (in-person, virtual, hybrid).

6.03 If LEAs and public charter schools are contracting for tutoring services and funded through the [tutoring program], they must contract with approved vendors as established on [state agency]'s vetted tutoring vendor list.

6.03.1 LEAs and public charters may elect to provide tutoring services directly to students without the use of a vetted tutoring vendor through the [tutoring program]. LEAs and public charters must provide tutoring services in accordance with 3.00 and 4.00 of this section and must collect and report relevant data as specified in 7.00 of this section.

6.04 The [state agency] must publish the vetted list of high-dosage tutoring vendors on its website and share with districts and public charter schools as part of the application for the [tutoring program].

## 7.00 Accountability, Data Collection, Reporting, and Continuous Improvement

7.01 All LEA or public charter schools receiving a grant for this program must submit a report to the [state agency] using the [state agency]'s template and data guidance. A LEA or public charter school must annually report the following information:

7.01.1 The number of unique students who participated in the high-dosage tutoring program, and related student metrics including tutoring subject, grade-level, attendance, dosage, prior performance on the state assessment, and demographic information;

7.01.1.1 Dosage as defined in 2.04;

7.01.2 How the LEA maintained consistent access for participating students to non-core academic instruction;

7.01.3 How program grant funding was used by the LEA and a summary of other resources, if any, used to provide high-dosage tutoring;

7.01.4 The academic achievement results or other criteria used to identify eligible students in the high-dosage tutoring program; and

7.01.5 The impact on student academic and non-academic outcomes associated with the LEA's program including interim assessments or other outcomes metrics.

7.01.6 Additional private, federal or local funds used to support high-dosage tutoring.  
CONSIDERATION: IF A STATE HAS MANDATED TUTORING FOR SPECIFIC STUDENTS BUT HAS NOT ATTACHED FUNDING TO SUPPORT THESE EFFORTS SEAS COULD CONSIDER ASKING FOR ALL FUNDS SOURCES USED TO SUPPORT TUTORING AND BROADEN 7.01 REPORTING REQUIREMENT TO INCLUDE ALL ELIGIBLE LEAS/CHARTER SCHOOLS NOT JUST THOSE RECEIVING A GRANT.

7.01.7 [Compliance with any other legislation provisions]

7.02 A LEA or public charter school receiving a grant for this program must notify parents and list high-dosage tutoring as an academic offering on the school report card.



7.03 On an annual basis the [state agency] will report district-level data to the state board on the following:

7.03.1 Data regarding participating public school students' access to high-dosage tutoring and program implementation, including geography, grade span and subject based on LEA or participating public charter school program requirements, including without limitation:

7.03.1.1 How data required under the subdivision has changed over time;

7.03.1.2 The number of students who received high-dosage tutoring;

7.03.1.3 The dosage and attendance of student who received high-dosage tutoring in the program; and

7.03.1.4 The number of students eligible for high-dosage tutoring.

7.03.2 Data on achievement and growth outcomes from participating students;

7.03.3 Program successes and challenges;

7.03.4 Recommendations for policy changes in future years in order to ensure every child in [state] can access high-dosage tutoring as needed;

7.03.5 Overview of actions taken to support every LEA such that high-dosage tutoring is available to every eligible child in [state].