

Getting Started: Preparing for the Passage of EC 76140

This resource is part of the [Building Pathways to AB 540](#) resource series that discusses opportunities available for different educational institutions to build pathways for individuals who do not yet meet the eligibility for AB 540.

The passage of Education Code 76140 (EC 76140) at the campus level is a crucial step for California Community Colleges (CCC) in supporting undocumented students by [building pathways to AB 540](#). Many CCCs that have already implemented [EC 76140](#) on their campuses have seen this policy as a viable and useful pathway for undocumented and other eligible students to build eligibility for in-state tuition through AB 540. This resource gives you step-by-step guidance on advocating for the passage of EC 76140 on your campus.

STEP ONE: Build an implementation team on your campus that will work together to enact EC 76140.

The purpose of the implementation team is to develop the strategy, timeline, proposal, and steps to implement EC 76140 in your respective district. To enact EC 76140, the implementation team needs to develop a proposal with a strong rationale that will be presented and approved by the Board of Trustees to update the Administrative Procedure (AP) 5030 Fees. If your campus has an existing tiger team or undocumented student task force, recruit them to join the Implementation team. The tiger team will be a team of great allies to support with coding student fees on the back end and automating the process once the policy is adopted. [Click here](#) to learn more about the **Implementation Team Roles and Responsibilities**.

A successful implementation team:

- Ensures representation of students and executive-level administrators, as well as personnel from undocumented student services, admissions and records, financial aid, and institutional research. It also clearly defines the roles and responsibilities of each member.
- Elevates undocumented students' voices, participation, and leadership throughout the entire process.
- Develops an implementation plan with clearly outlined goals, timelines, and tasks. We recommend following the pre and post-implementation plans listed below.
- Has a standing meeting time that allows for maximum participation.
- Develops a strong proposal that includes data, student testimonials, fiscal impact, and a rationale for how enrollment will increase fee generation.
- Seeks buy-in from campus administration and board of trustees (BOT). If possible, it seeks to develop an ally within the BOT.
- Commits to "going the extra mile" to overcome roadblocks and build inclusive practices.
- Commits to the district equity plan.

STEP TWO: Gather data on the number of nonresident students in your campus and district who could benefit from EC 76140.

Work with your executive-level administrative allies to request a **query** from the enrollment services admissions and records office or the institutional research and effectiveness office **with the number of nonresident students eligible for EC 76140 within 1-3 years:**

- Who applied but did not enroll in courses.
- Who applied and enrolled in 6 units (or less).
- Who enrolled in noncredit free courses.

In addition, connect with high schools, adult schools, noncredit programs, ESL programs, and family engagement program liaisons **for an estimated number of additional incoming students who could benefit from EC 76140.**

- The number of incoming nonresident students from high schools and adult schools.

Tips when gathering data:

- **It would be ideal to gather this data from the past three years;** however, if you are unable to gather data from that far back, data from the current academic year works fine.
- **It is critical to have someone on your task force who can provide or request this data.**
- **The dean or director of admissions records or the dean or director of institutional research should make this request.** The protection of student privacy and data is a high priority for college campuses. Data requests from higher-level colleagues who already manage this data make it easier to access this information.
- **Consider having an administrator ally request data on all fees approved by BOT within the last ten years.**
- **Contact ESL program directors from your campus and local adult schools to inquire how many students could benefit from this new policy.**

STEP THREE: Develop your rationale for potential revenue generated and increase in enrollment.

Work with your executive-level administrative allies to develop an analysis of the fiscal impact at your district and a rationale for potential new revenue generated. You can view Allan Hancock's presentation [here](#) on how access can be expanded and new revenue can be generated.

Talking points that address the fiscal impact of EC 76140:

- This policy will remove fiscal barriers for documented nonresidents and undocumented students who do not qualify for AB 540 to attend college. Thus, enrollment will increase significantly from these student groups.
- EC 76140 attracts "new students" who would not have been able to afford the nonresident fees and enroll in college (or stay enrolled consistently). The increase in enrollment by these "new students" will generate FTES for the district.
- By increasing the pathway for students to become eligible for AB 540, campuses can increase the supplemental allocation of the [Student Centered Funding Formula](#).

- By removing fiscal barriers, nonresident students will be able to take courses consistently. Thus, student enrollment and retention will increase, and the revenue generated will be stable and consistent.
- EC 76140 opens the door for incoming students from high schools, adult programs, and ESL programs to enroll.

Recognizing that nonresident fees can prevent student enrollment and degree completion:

Campuses that have experienced resistance to implementation were met with concerns that revenue from nonresident fees would be “lost” by reducing tuition fees to resident fees. Although EC 76140 reduces fees, **it’s imperative to note that the current nonresident fees are cost-prohibitive, meaning students either cannot afford to enroll or they enroll but stop taking courses due to high costs.** Thus, **revenue is lost** because enrollment of nonresident students is not consistent or stable. Thousands of would-be students are not enrolling because these fees are not affordable.

Deeper dive and rationale for query data:

1. The number of nonresident students who applied but did not enroll in credit courses. *This number will bring in new resident fees (FTEs) and supplemental funds.*
2. The number of nonresident students who applied and enrolled in 6 units or less. *This number would reduce revenue from nonresident fees. However, **the overall revenue generated would be higher because retention rates for these students would increase.** Students at risk of inconsistent attendance due to unaffordable nonresident fees will now be more likely to enroll consistently.*
3. The number of nonresident students who are enrolled in noncredit free courses. *This number could bring in resident fees, FTEs, supplemental funds, and an increase in enrollment.*
4. The number of incoming nonresident students from high schools and adult schools. *This number will bring in previously untapped resident fees, FTEs, and supplemental funds, and increased enrollment.*

STEP FOUR: Develop a proposal to share with the board of trustees.

Develop a proposal requesting to update the district’s Administrative Procedure (AP) 5030. The proposal should include data gathered from your query highlighting the number of students who will benefit from EC 76140, the fiscal impact, revenue gained, and how enrollment will increase. Once this has been reviewed and approved by executive administrative allies, they will share this proposal with the board of trustees and request a meeting to present the proposal.

There are 24 California Community Colleges that charge in-state tuition to all students enrolled in 6 units or less. You can view **sample proposals and Administrative Procedure (AP) 5030 language from institutions that were successful in implementing EC 76140 [here](#).**

STEP FIVE: Obtain board of trustee approval, which is required by all campuses to implement EC 76140 in your district.

To prepare for this meeting, the implementation team should:

- Identify a champion on the board of trustees and a higher-level colleague from the executive administrative leadership team who can check the pulse of the BOT and provide recommendations on the best time to present this proposal at the BOT meeting.
- Prepare students to provide testimonials to the BOT, highlighting the tuition barriers they currently face and how they will benefit from the implementation of EC 76140.

- Create a presentation that includes:
 - An overview of what is EC 76140, who qualifies, and how students will apply once implemented.
 - Tuition barriers for nonresident students.
 - Data on the number of students who would benefit from EC 76140, revenue generated, and increase in enrollment.
 - Student testimonials.
 - Benefits to the students, school district, and community.
- Executive leadership should work with the president to share the proposal and request to be added to the board meeting agenda.
- Send all board members a quick overview of the policy and its benefits.

What's Next?

Once you've completed all five steps above and received the board approval, you are now ready to implement the EC 76140 on your campus! Use the [Implementing EC 76140 After Receiving Board Approval](#) to prepare your campus for implementation of EC 76140. It might also be helpful to review the [case studies](#) of community colleges that recently adopted EC 76140.

The [Building Pathways to AB 540](#) resource series was co-created by Nancy Jodaitis and Gladys Puente Valentine, who collaborated on the research, writing, and envisioning. Gladys served as a community researcher with Immigrants Rising and formally was the Undocumented Student Coordinator at Sierra College. The layout and design is by Grace Yeo, with copyediting support from Keziah Aurin.

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Immigrants Rising helps you make decisions based on your potential, not your perceived limits. Visit our website so you can see what's possible: immigrantsrising.org. For inquiries regarding this resource, please contact Nancy Jodaitis, Director of Higher Education at nancy@immigrantsrising.org. Published 3/2024.