

Solutions for California Community Colleges: Education Code 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.

This section provides an overview of California Education Code 76140 (EC 76140), including eligibility requirements, a roadmap to implementation, promising practices, and case studies of how this law is implemented in California Community Colleges (CCC).

What is Education Code 76140?

California [Education Code 76140](#) is a law enacted in 1976 that allows nonresident students taking six units or less to be exempt from all or parts of the fees if they meet specific eligibility criteria. Board approval is required to implement EC 76140 as a district policy.

California Community Colleges that implemented EC 76140 have documented that this policy is a viable and useful pathway for undocumented and other eligible students to build eligibility for in-state tuition through AB 540.

Students who qualify for AB 540 do not have to pay nonresident fees. To qualify for AB 540, students must meet two requirements: 1) Length of time and coursework completed per school and 2) degree completion, unit requirements, GED, or other. For more information on requirements, download the [AB 540 Quick Guide](#) and check out our [In-State Tuition Tool](#) to calculate student's eligibility for in-state tuition.

Who is eligible?

Based on [EC 76140](#), a student can qualify if they meet the following criteria:

- They are deemed a nonresident, including documented nonresidents and undocumented students.
 - International students are not included because F1 Visas require they enroll in 12 units or more.
- They are a nonresident who is both a citizen and resident of a foreign country and has demonstrated a financial need for the exemption.
- They are taking six units or less per semester.

We encourage you to contact the community college campuses that have implemented EC 76140 to learn more about why the scope of interpretation worked for their district.

Roadmap to Implementation

Based on our research with several community colleges that have implemented this policy, we recommend the following steps to implement EC 76140 at your campus.

1. Getting Started: Preparing for the Passage of EC 76140

- a. Step 1: Build an implementation team on your campus that will work together to enact EC 76140.
- b. Step 2: Gather data on the number of nonresident students in your campus and district who could benefit from EC 76140.
- c. Step 3: Develop your rationale for potential revenue generated and increase in enrollment.
- d. Step 4: Develop a proposal to share with the board of trustees.
- e. Step 5: Obtain board of trustee approval, which is required by all campuses to implement EC 76140 in your district.

2. Implementing EC 76140 After Receiving Board Approval

- a. Step 1: Update board policies and Administrative Procedures (AP) 5030 Fees.
- b. Step 2: Develop a process for how students are coded and charged fees.
- c. Step 3: Conduct UndocuALLY Trainings on EC 76140 and develop a case management system to effectively triage services.
- d. Step 4: Inform the Community.
- e. Step 5: Financial Assistance for low-income students who cannot afford resident fees.
- f. Step 6: Evaluate the implementation process.

3. Promising Practices: Additional Considerations for Successful Implementation of EC 76140

- a. Build campuswide and districtwide support.
- b. Engage key allies at multiple levels, including higher-level executives.
- c. Prioritize student-centered and data-driven advocacy.
- d. Provide additional support for students through braided funding and current programming.
- e. Develop strong connections with current and prospective students.
- f. Be thoughtful about implementation.

Case Studies

[Click here](#) to read the case studies conducted in May 2023 at two CCC Districts that successfully implemented EC 76140.

California Community Colleges that have implemented EC 76140

[This list](#) of CCCs that have already implemented EC 76140 was developed through a short survey sent to all California Community Colleges in the spring of 2023. Our intention for this list is to increase awareness of the campuses where students can access more affordable tuition fees through EC 76140. We also know that cross-campus learning is ideal for replicating promising practices across the system.

If your campus has successfully implemented EC 76140, please help us ensure this list is accurate by completing [a short survey](#).

What's Next?

We hope this resource has provided you with the necessary information to speak about EC 76140 with confidence, including its benefits to your students, campus, and community. Use our [Preparing for the Passage of EC 76140](#) and [Implementing EC 76140 After Receiving Board Approval](#) to build more pathways for college-ready students to fulfill their educational goals.

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.