

October 9, 2017

Mr. Eloy Ortiz Oakley
Chancellor, California Community Colleges
1102 Q Street, 6th Floor
Sacramento, CA 95811

RE: Request Repeal of Section 58003.3, Title 5 of the California Code of Regulations

Dear Chancellor Oakley,

On behalf of the signatory community college districts and organizations on this letter, we urge you to take immediate steps to eliminate Section 58003.3, Title 5 of the California Code of Regulations.

The section as written states: “For the purposes of crediting community college attendance for apportionments from the State School Fund, a community college district may claim the attendance of students living in California who have been lawfully admitted to the United States in accordance with all applicable laws of the United States and enrolled in noncredit courses.”

Section 58003.3, Title 5 of the California Code of Regulations is harmful to undocumented students, those seeking legal residency, and to the California Community College system for several reasons, as outlined below.

- Singling out undocumented students wishing to enroll in noncredit courses creates inequality within the California Community College System. Undocumented students are permitted to enroll in credit courses and even receive financial relief through such initiatives as AB 540, AB 131, and SB 1210. This title 5 language is out of step with AB 540 criteria that provide for specific undocumented students to attend community college at in-state rates and qualify for state aid. Noncredit students deserve the same equitable treatment and educational access as their credit counterparts.
- Noncredit programs provide affordable and accessible education in critical areas such as basic education, including literacy and numeracy for those at the lowest skill levels, English-as-a-Second Language, vocational training, and adult High School Diploma and equivalency programs. Because people in the United States who lack basic literacy are less likely to take advantage of the healthcare system and are more prone to suffer from food insecurity, limiting access to obtaining noncredit courses that provide survival language and basic skills will directly negatively impact the health and safety of the most vulnerable communities in the State.
- The inability of undocumented students, who are parents of children attending K-12 schools, to access noncredit education negatively impacts children’s success at school. Noncredit education for parents benefits the most economically disadvantaged communities and minority groups. The topics of noncredit parenting education include nutrition, family literacy, parental advocacy, and community resources. These courses are vital to the success of immigrant families in transforming their lives and integrating into their community.
- The issue of inequality is especially evident in denying services to undocumented students in community college noncredit programs; whereas similar adult education programs provided by K-12 districts remain accessible to all students regardless of their immigration status.

- This is significantly concerning if noncredit programs were not able to claim attendance for undocumented students. Districts would then bear the entire cost of serving undocumented students and essentially making it impossible to serve them in noncredit programs. The result will be a large population with no access to education or training, which provides no benefit to a community.

The abovementioned Title 5 regulations are inconsistent with other legislation, current California public policy goals, and the Chancellor's Office position on preserving access to higher education. California Community Colleges pride themselves on being welcoming, affordable, and inclusive institutions. It is important to work together to ensure that all members of our community are provided access to higher education. Therefore, we strongly urge you to initiate the repeal of Section 58003.3, Title 5.

Sincerely,