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Championing Equity: Systemwide AB 540 FAQ



California
Community
Colleges

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IMMIGRANTS
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TRANSFORMING LIVES THROUGH EDUCATION

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Introduction

[AB 540](#), California’s landmark legislation regarding in-state tuition has been in place since 2001, establishing [Education Code Section 68130.5](#). Since then, AB 540 has been expanded three times to meet the needs of today’s student population. These expansions include [AB 2000](#) (2014), [SB 68](#) (2017), and most recently [SB 1141](#) (2022). **Within this FAQ, the term “AB 540” will be used to refer collectively to all of the expansions of the Educational Code.**

AB 540 allows eligible students, including undocumented individuals, to be exempted from nonresident tuition and access state-based financial aid. Yet thousands of eager students who want to pursue higher education have been unable to achieve their academic and career goals. This has been caused by confusion over the requirements, lack of accurate information, and uneven implementation of in-state tuition at California colleges and universities.

At the [AB 540 20-Year Anniversary: Celebration & Call to Action](#) in October of 2021, we celebrated our collective successes, highlighted promising practices, and provided clear steps to expand equitable access to higher education for undocumented students in California. Among the important outcomes of the conference was the formation of the AB 540 Intersegmental Workgroup (ISWG) to resolve [Key Discrepancies in the Implementation of AB 540/SB 68](#).

This systemwide AB 540 FAQ is the result of that intersegmental workgroup. It was co-created by leaders from Immigrants Rising, the CCC Chancellor’s Office, the CSU Chancellor’s Office, and the UC Office of the President. Additionally, the Intersegmental Workgroup included undocumented students, resource center coordinators, UndocuLiaisons¹, residency and financial aid personnel, and subject matter experts². The AB 540 FAQ was subsequently reviewed and approved by the legal counsels of the CCC, CSU, and UC systems and will be updated on a regular basis to ensure consistency with legislative and system directives.

The goal of the systemwide AB 540 FAQ is to increase alignment in the implementation of AB 540 and streamline the processing between the CCCs, CSUs, and UCs, as well as at individual campuses. While the FAQ is not legal advice, it was created to be a central reference point for practitioners at secondary and post-secondary levels to effectively and equitably implement this important policy. We also hope that it more effectively guides personnel at high schools, adult schools, non-credit programs, and college access community-based organizations that serve incoming students to the CCC, CSU, and UC systems.

These efforts are an essential step in ensuring that all eligible students who are college ready can adequately and accurately prepare to pursue their educational goals in California, regardless of their immigration status.

Disclaimer: This document does not and is not intended to provide legal advice. You should not rely exclusively on this document for information about your institution’s policies and practices. Check with the CCC Chancellor’s Office, CSU Chancellor’s Office, or UC Office of the President for any updates/changes.

1 [UndocuLiaisons](#) are located on California community college campuses to provide answers and support for undocumented students of all nationalities and backgrounds.

2 [Roster of the Intersegmental AB 540 Workgroup](#)

Overview

1. What is Assembly Bill 540 (or AB 540)?

AB 540 is a California law passed in 2001 which created Education Code Section 68130.5. This was later modified in 2014 with the passage of [AB 2000](#) (Gomez); in 2017 with the passage of [SB 68](#) (Lara); and most recently in 2022 with the passage of [SB 1141](#) (Limon). It allows certain eligible students, including those who are undocumented, to pay in-state tuition fees at a California Community College (CCC), California State University (CSU), and University of California (UC). This law does not apply to private universities. AB 540 benefits students who are attending a CCC, CSU, or UC. Students can take classes to pursue an undergraduate or graduate degree, credential, or certificate, but are not required to complete a program or degree to be eligible. For more information about the legislation, please refer to [Education Code Section 68130.5](#).

2. Has AB 540 been expanded since 2001?

Yes. AB 540 has been expanded three times since its original passage in 2001, which only considered attendance and graduation from a California high school.

- A. In 2014, AB 2000 expanded AB 540 (Ed Code 68130.5) to students who graduated early from a California High School with the equivalent of three or more years of credits.
 - i. CCC and CSU Policy: If a student graduated early, they must have attended California elementary or secondary schools for a cumulative total of three or more years.
 - ii. UC Policy: Students are only required to have graduated early with three or more years of credits.
- B. In 2017, SB 68 expanded AB 540 (Ed Code 68130.5) a second time. SB 68 kept the elements of AB 540 and AB 2000, while also increasing the scope of student eligibility to include students who are attending and completed a course of study at California adult schools or credit and noncredit courses at California Community College.
- C. In 2022, SB 1141 further expanded AB 540 (Ed Code 68130.5) by removing the two-year cap on credit courses at California Community Colleges.

3. Does a student have to apply for AB 540, AB 2000, SB 68, or SB 1141 separately?

No. Students only apply for AB 540 because each of these bills was incorporated into Ed Code Section 68130.5, expanding AB 540 eligibility. **For purposes of this FAQ, we will ONLY refer to AB 540, which includes all of the expanded eligibility requirements** allowing recipients to pay in-state tuition.

4. What are the benefits of AB 540?

Eligible students will receive the following benefits:

- A. Are exempted from paying out-of-state tuition. This is important because the cost of out-of-state tuition & fees is often three times as expensive as in-state tuition.
- B. Can apply for and receive application fee waivers at the CSU or UC.
- C. Can apply for and be admitted to EOP&S or EOP programs.
- D. Can apply for and receive state-based financial aid, including public college and university financial aid, through the California Dream Act application. If an undocumented student does not meet AB 540 eligibility requirements, they will not be eligible to receive state-based financial aid (state grants & public college and university financial aid).

5. What are the eligibility criteria for AB 540?

To be eligible for AB540, students must meet the following criteria (a-d):

- A. Have an immigration status that allows the student to be eligible: Undocumented and DACA recipients, T and U visa holders³, U.S. citizens, and lawfully present immigrants. (For specific details, see next section.);
- B. Total attendance (or attainment of credits earned) in California is equivalent to three or more years of full-time attendance at California high schools, California adult schools, campuses of the California Community Colleges (noncredit or credit courses), or a combination of these.
 - i. Note: Students can now complete all three years of attendance through credit courses at California Community Colleges due to the passage of SB 1141.
- C. Completion of a course of study. This requirement can be met in the following ways:
 - i. Graduation from a California high school or equivalent (diploma, certificate of completion, GED, HiSet, or TASC).
 - ii. Attainment of an associate degree from a California Community College.
 - iii. Fulfillment of the minimum transfer requirements established for the University of California or the California State University for students transferring from a California community college.
- D. Filing of a Nonresident Exemption Request Affidavit (AB 540 Affidavit) stating that the student has filed an application to legalize the student's immigration status, or will file an application as soon as the student is eligible to do so. Students must submit an AB 540 Affidavit to each college or university they wish to attend and have it approved by the appropriate department.

6. Are graduate students eligible for AB 540?

Yes, students at the undergraduate or graduate level at the CSUs and UCs are eligible if they meet the above criteria.

7. Are U.S. citizens and Legal Permanent Residents able to apply for AB 540?

Yes. AB 540 is also open to U.S. citizens and Legal Permanent Residents, as well as other lawfully present immigrants in the United States.

Immigration Status

Disclaimer: Immigration laws, education code provisions, and regulations regarding residency for tuition purposes are very complex. Therefore it is important to refer to and comply with the specific residency requirements and guidance offered by the CCC Chancellor's Office, the CSU Chancellor's Office, and the UC Office of the President. This document only provides general guidance and is not intended to be, nor should it be construed as legal advice. Check with the appropriate system for final guidance.

³ [See Question 8:](#) UC provides limited duration residence to T and U visa holders

8. What immigration statuses are eligible for a nonresident tuition exemption in California through AB 540? See this [Glossary of In-State Tuition Terms](#) for more information.

- A. Undocumented or out-of-status
- B. DACA recipients
- C. T visa⁴
- D. U visa⁵
- E. Temporary Protected Status (TPS)
- F. Violence Against Women Act (VAWA)
- G. Refugees
- H. Asylees
- I. U.S. Citizens, Legal Permanent Residents (LPR), and other lawfully present immigrants in the United States
- J. Special Immigrant Juvenile
- K. Others as identified in the Education Code.

9. Which immigration statuses are NOT eligible for in-state tuition through AB 540 in California?

- A. International students (e.g., those studying on a J or F visa)
- B. All “non-immigrant” visa holders not listed above
- C. Others as identified in the Education Code.

Nonimmigrant Visas

10. What is a nonimmigrant visa?

A **nonimmigrant visa** (NIV) is a **temporary** visa, typically for purposes of tourism, business, work, study, medical treatment, or humanitarian protection (e.g., B, BCC, F, J). **Immigrant visas** are issued to foreign nationals who intend to live **permanently** in the United States⁶.

“Out of Status” or “Not Active” Visas

Disclaimer: This document is not intended to be, nor should it be construed as legal advice. For information regarding a student’s immigration status, seek legal advice from a qualified immigration professional.

11. Is a nonimmigrant visa “out of status” and “not active” if the individual has overstayed their authorized period of stay and/or if the visa has expired?

In general, yes. When an individual overstays their visa—i.e., does not depart the U.S. on time, assuming no other immigration protections, that individual becomes undocumented⁷.

4 UC Policy: T visa holders may establish residence outside AB 540

5 UC Policy: U visa holders may establish residence outside AB 540, however will be required to prove eligibility for AB 540 in order to receive aid through the CA Dream Act

6 Visit this [Department of State website](#) for a directory of visa categories.

7 If an individual does not leave the country after their authorized period of stay expires, their visa may be canceled and there may be other consequences such as (in the worst-case scenario) deportation.

A. What is an authorized period of stay?

- i. A visa's period of stay sets forth in a visa or the corresponding I-94 determines how long someone has permission to stay in the U.S.

B. How can an authorized period of stay be verified?

- i. Passport: In the passport, the visa is a physical stamp or sticker that indicates that someone is eligible to apply for entry to the U.S. in a specific immigration category.
- ii. Date vs. Duration of Status ("D/S"): Most visa holders have a specific date on which the authorized period of stay expires. However, some visas, such as the F-1 student visa, admit individuals for a "duration of status." This means that a student may stay in the U.S. for the duration of their program, course of study, or temporary work assignment to the U.S., plus any additional grace periods that may be authorized afterward. Once a student graduates from a course of study, drops or 'stops out' of school and stays beyond a grace period, the individual would be considered **undocumented** and no longer have permission to be in the U.S.
- iii. Form I-94: Some people receive a "Form I-94" upon entry into the U.S., which may be electronic or may be a small rectangular card that is separate from the visa. The I-94 will state how long an individual is allowed to remain in the U.S.
- iv. 10-year multiple entry visa: Many visitor visas are issued for a period of 10 years; however, most only allow someone to be in the U.S. for a maximum of six months at a time. That means that if the visitor visa is **unexpired, but the individual stays in the U.S. beyond their 6-month authorized period of stay**, they are considered **undocumented** and no longer have permission to be in the U.S.
- v. Border Crossing Card ("BCC"): The BCC is a visitor visa that is issued as a laminated card, similar to an ID. It is valid for travel until the expiration date on the front of the card, usually ten years. However, typically an individual can only stay in the U.S. for 30 days (or 6 months if requested). If an individual **stays in the U.S. beyond their authorized period of stay**, they are considered **undocumented** and no longer have permission to be in the U.S.
- vi. Visa Waiver Program (VWP): Tourist or business travelers who are citizens of participating countries may be eligible to visit the U.S. without a visa. Visits must be 90 days or less.

Attendance Requirements at CA Schools

12. What are the attendance requirements for AB 540?

A student must attend a minimum of **three years, or complete the equivalent of three years of coursework**, at a school in California. Coursework can be a combination of California high school, adult school, or community college (noncredit or credit) classes. Coursework must have been completed after the passage of AB 540 in 2001.

- A. *The two-year maximum on for-credit courses taken at California community colleges was repealed by SB 1141, effective January 1, 2023. Students may now use a full three years of attendance in credit courses at California community colleges to meet this requirement.*

13. What if a student graduated from a California high school (completing three years worth of high school credits), but did not attend three years at a California high school?

If a student has taken the equivalent of three years of credits from a CA high school AND graduated from a CA high school, their attendance at CA elementary and middle school(s) can be counted toward the three years of total attendance.

14. Which types of schools count towards attendance requirements?

- A. High schools, including charter schools, established by the CA State Board of Education
- B. Adult schools established by a California:
 - i. County Office of Education
 - ii. Unified School District/High School District
 - iii. Department Of Corrections and Rehabilitation
- C. Institutions within the California Community College system

15. Can attendance at the CSU or UC count toward the three years of attendance?

No. Attendance at a CSU or UC will not meet the AB 540 attendance requirements.

16. What is full-time attendance or the equivalent of three years of coursework?

This chart was created to help individuals calculate attendance for full-time or part-time equivalents should the college or university wish to verify coursework.

Type of School	3 years full-time attendance	1 year full-time attendance
High school ⁸	165 credits	55 credits
Adult School	1260 classroom hours	420 classroom hours
Community College: Noncredit Courses	1260 classroom hours	420 classroom hours
Community College: Credit Courses	72 semester credit units OR 108 quarter credit units	24 semester credit units OR 36 quarter credit units

17. Does a student have to take classes full time for their attendance to count? Or can their classes be taken at the part-time equivalent?

No. A student can take classes on a part-time basis as long as they complete the equivalent of 3 years of full-time attendance. Refer to the rubric above for equivalency.

Noncredit Courses

18. What is a noncredit course?

Noncredit courses are classes offered by a California Community College noncredit program through the Continuing Education Division (or noncredit division). Not all California Community Colleges offer noncredit courses, but many do. They are intended for adult students who want to build and improve skills in math, English, and more. **Noncredit courses include but are not limited to** ESL, citizenship, personal enrichment, workforce preparation, adults with disabilities, and short-term vocational skills. A limited number of noncredit programs at the CCC offer GED or high school equivalency preparation programs. It is important to note that

⁸ Some high schools use their own credit threshold. High school must attest that their threshold is the equivalent to three years of full-time attendance.

noncredit courses do not count toward an associate or bachelor's degree, but can lead to a noncredit state certificate.

19. Are noncredit courses offered as hours or credits?

Noncredit courses are usually offered with hours, not credits. Upon completion of a course, students will receive a grade of pass, no pass, or satisfactory progress—not a letter grade (A-F).

However, a small number of CCCs do offer noncredit courses with semester or quarter units. Upon completion of a course, students could receive a grade of pass or no pass and a letter grade (A-F).

20. How are hours or credits (semester) or units (quarter) for noncredit courses calculated towards the 420 hours?

This depends on the school a student attended. There is no standard formula for converting semester credits or quarter units into hours across all colleges or systems. Some noncredit programs do not report hours, but only report credits that are non-degree applicable. Therefore, each community college must determine the conversion between a unit and a credit. The standard practice for converting credits into hours is to calculate how many hours are spent in the classroom. It is best to get verification/proof of attendance from the registrar or a school official outlining the number of hours spent in the classroom.

21. Will noncredit classes show on a student's community college transcript?

This will depend on the community college the student is attending. Some community college noncredit programs have an official transcript that contains noncredit course enrollments, grades, and certificates earned. For the most part, noncredit courses do not appear on the college's official transcript, which documents attendance in credit courses. However, some colleges do offer separate noncredit transcripts.

22. How can attendance in a noncredit course be verified?

Attendance records from the registrar or admissions and records office should be obtained. If this is not available, the student should be directed to check with the instructor or school official to obtain documentation of attendance throughout the course. Once the teacher has documented the hours, this can be printed out and certified by the registrar.

Adult School Courses

23. What is an Adult School course?

Adult education is a public education program for all adults that offer free to low-cost classes for adults 18 and older. Students can earn a high school diploma or high school equivalency certificate; learn about jobs, how to speak English, or become a U.S. citizen.

24. Are Adult School courses offered as hours or credits?

Most Adult School courses are offered as hours, not credits. However, GED or high school equivalency programs will be calculated as credits.

25. How can a student prove their attendance in an Adult School course?

Attendance records from the registrar or records office can be used to verify the duration of enrollment. Contact information is available through the [California Adult Education Provider Directory](#). If this is not

available, the student should be directed to obtain documentation of their attendance throughout the course from their instructor. Once their instructor has documented the hours, it should be certified by the registrar.

26. Is getting a GED equivalent to 420 hours?

No. Earning a GED is based on passing tests for specific sets of knowledge. There are no set hours assigned to earning a GED at the statewide level. Students who earn a GED would meet the requirement related to the completion of a course of study. However, they would still need to document their attendance to meet the requirements related to attendance at California schools.

When and Where Students Can Take Their Classes

27. Does all their coursework have to be taken at the same school?

No. Their coursework can be taken at a California High School, Adult School, California Community College (noncredit or credit courses), or a combination of these schools.

28. Does the order in which a student takes their classes matter towards meeting their attendance requirements?

No. Students are not required to take classes in a specific order and can attend high school, adult school, or a California Community College (credit or noncredit courses) as needed. Students are not prevented from using classes at an adult school or noncredit program after they have taken college-level courses to meet AB 540 eligibility.

29. May students use repeated courses to meet the attendance or credit requirements?

No, students are not able to count units from repeated classes toward the AB 540 threshold. However, students can attend noncredit classes or adult school classes that will increase their knowledge and are not repeating a subject the student already passed.

Dual & Concurrent Enrollment

30. What is dual enrollment and can students count these classes towards AB 540 eligibility?

[Dual enrollment](#) allows high school students to enroll in college classes while still in high school or high school programs. Classes through dual enrollment can count toward high school graduation requirements. However, a student can only use California Community College coursework towards the attendance requirements for AB 540 if the coursework does not replace a high school class needed to meet their graduation requirements.

31. What is concurrent enrollment and can students count these classes towards AB 540 eligibility?

[Concurrent enrollment](#) is a subset of dual enrollment that allows students to take classes at a college or university while being enrolled at their primary institution (high school, adult school, or CCC noncredit courses). However, coursework from the college or university does not count toward their graduation requirements at the primary institution.

Only classes taken through concurrent enrollment at the California Community Colleges can be used towards the attendance requirements for AB 540.

32. Can students admitted as “part-time special admit” students count their attendance towards AB 540 eligibility?

It depends. There are two laws that allow individuals who are nonresidents to participate in dual and or concurrent enrollment programs if they meet specific eligibility. Once determined to be eligible, they would be classified as “part-time special admit” students.

- A. [AB 2364](#) allows eligible students to enroll in California Community Colleges, and have their nonresident fees waived, as long as they are attending a California high school.
- B. [SB 554](#) allows eligible students to enroll in credit courses at the California Community Colleges and have their nonresident fees waived, as long as they are attending a high school program at a California adult school or noncredit program.

As long as the California community college coursework is not being counted to meet high school graduation requirements, it could be used to meet the attendance requirements for AB 540.

Diploma, Degree, and Transfer Requirements

33. What are the diploma, degree, or transfer requirements a student needs to meet eligibility for AB 540?

A student must have completed one of the following in California:

- A. High school diploma
- B. Certificate of completion of high school, General Equivalency Diploma (GED), High School Equivalency (HiSet), or Testing Assessing Secondary Completion (TASC)
- C. Associate degree from a California Community College
- D. Minimum transfer requirements to the [California State University \(CSU\)](#) or [University of California \(UC\)](#).

34. Does having a high school diploma from another country prevent a student from being eligible for AB 540?

No. Possession of a foreign high school diploma does not prevent a student from being classified as an AB 540 student provided they meet all other eligibility requirements.

35. Can a student repeat high school or GED coursework in California if they already have a high school diploma from another country?

Yes. A student can take high school classes (or classes towards a GED) in California after completing high school in another country to meet the attendance requirement for AB 540. However, any high school coursework completed in another country would not qualify for the attendance requirement for AB 540 eligibility.

36. Can a student be eligible for AB 540 if they have a high school diploma or its equivalent from another state?

Yes. Attending high school in another state does not preclude them from eligibility. But an out-of-state high school diploma or its equivalent does not meet the degree requirements for AB 540. A student would need the equivalent of three years of attendance as described above (in Question 17) and would have to obtain coursework towards an Associate’s Degree or meet minimum transfer requirements from a California Community College.

37. Can a student repeat high school or GED coursework in California if they already have a high school diploma or GED from another state?

- A. **CCC and CSU Policy:** No. Students who already earned a high school diploma or the equivalent from another state may not repeat courses to obtain a California high school diploma or the equivalent in order to be granted AB 540. A student can only use coursework that does not repeat previous high school or GED class requirements such as college-level courses or other noncredit or adult courses.
- B. **UC Policy:** Students with a high school degree from out of state are able to complete adult school coursework, even though it is duplicative. However, they still need to have the equivalent of three years of attendance as described above.

California Residency for Tuition Purposes

38. Does AB 540 make a student a “resident for tuition purposes” in California?

No. Meeting eligibility for AB 540 is only an exemption from paying out-of-state tuition. It does not make a student a resident of California for tuition purposes.

Remember: The qualifications for becoming a “resident of California for tuition purposes” are different from the qualifications for becoming a resident of California and they vary by system.

39. If students are not eligible for in-state tuition through AB 540, are there instances when they might be classified as a resident for tuition purposes? Are there other paths for them to pursue in-state tuition?

Possibly. Students should consult with their college or university regarding how to establish “CA residency for tuition purposes” and/or other options available to them. Based on their status, a student might meet the requirements for legal presence (including, but not limited to DACA, TPS, T or U visa, and Special Immigrant Visa). Please refer to the specific residency requirements and guidance offered by the CCC Chancellor’s Office, the CSU Chancellor’s Office, or the UC Office of the President.

It is important to remember that students who are not classified as AB 540 will not have eligibility for state based-financial aid through the California Dream Act.

40. Why would some students who are applying for AB 540 be considered a “resident for tuition purposes” in California?

CA Residence for Tuition Purposes policies vary between the UC, CSU, and CCC systems. For detailed information, individuals should be referred to system-wide policies:

- A. [CCC policy](#)
- B. [CSU policy](#)
- C. [UC policy](#)

At the highest level, students must be able to document the eligibility requirements per the college or university of their choice which include:

- D. Legal presence in the state; (This includes individuals with DACA or Temporary Protected Status, T or U visa holders, Legal Permanent Residents, U.S. Citizens, and others)
- E. Continuous physical and lawful presence in the state for 366 days (based on designated dates by the college or university);

- F. Intent and capacity to remain in California indefinitely;
- G. Financial Independence (UC policy)

It is important to note that students who are classified as “residents for tuition purposes” might not automatically be considered for state-based financial aid. The student will have to contact their college or university for specific details.

DACA, TPS, and U Visa

41. Are students who have DACA, TPS, or U visas eligible for AB 540?

It depends. Some students who have DACA, TPS, or U visas are classified as a “CA resident for tuition purposes” in California. Students should check with their admissions and records office at the CCC or CSU, or the registrar’s office at the UC, to clarify their residency status.

42. What is the difference between meeting eligibility for AB 540 and meeting “residency for tuition purposes” in California as an undocumented student?

Meeting the eligibility for AB 540 will exempt students from paying out-of-state tuition fees and allows a student to be considered for state-based financial aid under the California Dream Act, including financial aid from public colleges and universities.

Meeting residency for tuition purposes in California as someone with legal presence in the state grants a student in-state tuition. However, if a student is applying for financial aid through the California Dream Act, they will also need to meet eligibility for AB 540.

For more information about meeting residency for tuition purposes including AB 540 requirements, students should contact the admissions and records or registrar’s office at the CCC, CSU, or UC they want to attend.

43. Can students who have DACA, TPS, or a U visa, receive state-based financial aid?

Students can receive state financial aid through the California Dream Act application ONLY if they meet the eligibility for AB 540.

If a student meets the eligibility for AB 540 and has applied for financial aid through the CA Dream Act Application, but has not been notified of their award, the college should verify that the student has been properly classified as AB 540. If they have been misclassified as a resident, they will not be able to receive any financial aid.

Process: Meeting Eligibility Requirements

Affidavit/Application Process

44. How does a student prove they met the AB540 eligibility requirements?

It depends. All students need to complete and submit a signed AB 540 Nonresident Tuition Exemption Affidavit. However, the process differs slightly within each system.

- A. CCC campuses: Students fill out the AB 540 Affidavit testifying that they meet the requirements. They submit the signed and completed form directly to the college they intend to enroll in. In some cases, students may be asked to provide supplemental information by a college in addition to the affidavit.
- B. CSU campuses: Students may submit their AB 540 Affidavit directly to the college or university they are applying to. In some cases, students will be asked to fill out a residency questionnaire prior to completing the affidavit.
- C. UC campuses: The first step is to complete a Statement of Legal Residence and those who appear to qualify for AB 540 will be contacted to complete the affidavit.

All CSUs and UCs require a student to provide documentation of attendance and degree requirements (e.g., official transcripts or attendance records). At the CCCs, it varies. Some CCCs require documentation to accompany the affidavit, while others only require a student to certify that all the information they provided on the affidavit is true.

45. Where does a student find the AB 540 Nonresident Tuition Exemption?

Each public higher education institution in California has its own affidavit which a student can find on the school's website or listed below.

- A. [California Community Colleges](#)
- B. [California State University](#)
- C. [University of California](#)

Proof of Attendance

46. How does a student prove that they met the three-year attendance requirement for AB 540?

In addition to submitting a signed AB 540 Affidavit, a student may be asked to submit additional documentation to prove their attendance. Some examples of what colleges and universities may request include but are not limited to the following:

- A. **High school:** official high school transcript
- B. **Adult school:** official transcript or attendance records which show the specific hours for each class
- C. **Noncredit classes at a CCC**
 - i. Units or Credits: official transcript or attendance records of noncredit courses
 - ii. Hours: attendance records that show the specific hours attended for each class
- D. **Credit classes at a CCC:** official transcript

Proof of Degree Requirements

47. How does a student prove they met the degree requirements for AB 540?

- A. **High school:** high school diploma or official transcripts
- B. **High school equivalency:** General Equivalency Diploma (GED), High School Equivalency (HiSet) or Testing Assessing Secondary Completion (TASC) or certificate of completion
- C. **Minimum transfer requirements:** official transcript from CCC & Formal Admission letter to a CSU or UC
- D. **Associate degree:** diploma and/or official transcripts from CCC

Timing and Process of AB 540 Approval

48. When should a student submit their affidavit and transcripts/attendance records?

It depends. Students should check with each college or university where they are applying in order to become aware of the best time to submit their affidavit and any necessary proof.

As a rule, students should submit their affidavit to each school as part of the enrollment process because it will affect their tuition and fees. In some cases, it will also affect their ability to receive a financial aid award or access to services that require proof of AB 540 status.

Some important benchmarks within the enrollment process include

- A. Applying for admissions;
- B. Receiving financial aid award;
- C. Submitting their Admission Acceptance Offer or Intent to Register;
- D. Applying to EOP&S or EOP;
- E. Prior to their orientation;
- F. By the beginning of their semester or quarter; or
- G. Final deadline set by college or university to process the affidavit

Remember: This process can vary between systems and among schools. Students can face consequences if the affidavit is not received by specified benchmarks. Each college or university can provide accurate timelines for their students.

49. Is a student required to pay anything to be considered for in-state tuition under AB 540? Is there a processing fee?

There is no fee for processing their AB 540 Affidavit. However, there might be a fee when a student requests official transcripts to prove attendance and degree requirements.

50. When will a student know about the status of their AB 540 Affidavit?

A student should contact the Office of Admissions (CCC & CSU) or Office of the Registrar (UC) after submitting their affidavit and accompanying documents to confirm it has been received. If a student has not heard back within 3-5 weeks, they should contact them again to check on the status.

51. Can a student apply for admission to a CCC, CSU, or UC before all of their AB 540 requirements are met?

Yes. Students are not required to meet all requirements when they apply. But, all requirements for AB 540 must be met prior to enrollment in order to be considered for in-state tuition. Students should check with their school for details.

52. When is the last day a student can submit their AB 540 Affidavit for approval?

This varies by college or university. Specific dates should be posted on the Admissions website and clearly communicated to incoming students because it can have serious implications if the deadline is missed.

- A. CCC Policy: Check with the specific school or district.

- B. CSU Policy: A student can submit their AB 540 Affidavit and necessary paperwork by the last day of the semester or quarter for approval. For the CSU, any documents received after the last day of the term will be processed for the following term.
- C. UC Policy: Deadlines to submit are campus-specific, but most campuses allow you to submit up until the last day of the term for which you intend to apply for the exemption. Contact the Registrar's office at your campus for specific information.

53. What are the implications for incoming students if they do not submit their AB 540 Affidavit?

- A. They will continue to be charged out-of-state fees;
- B. Their financial aid, if they have any, will not be disbursed;
- C. Their classes could be dropped for lack of payment.

54. Can AB 540 be awarded retroactively, such as for a semester or academic year that has already ended?

- A. CCC Policy: If a student is determined to be eligible for this exemption subsequent to the payment of nonresident tuition, the tuition paid must be refunded to the student.
- B. CSU Policy: If a student paid out-of-state tuition in previous terms, the CSU is unable to grant retroactive requests. Students cannot be awarded an AB 540 exemption retroactively.
- C. UC Policy: Students can be approved for AB 540 retroactively for one academic year.

AB 540 & Financial Aid

Disclaimer: The California Student Aid Commission (CSAC) is the state agency responsible for determining students' eligibility for state-based financial aid. This document only provides general guidance and is not intended to be, nor should it be construed as legal advice. Check with CSAC for final guidance.

55. Does a student need to be eligible for AB 540 to receive state-based financial aid through the California Dream Act?

Yes. The student must meet eligibility for AB 540 to receive financial aid through the California Dream Act or campus-based funds.

56. Can a student apply for state-based financial aid through the California Dream Act before all of their AB540 requirements are met?

Yes. A student should meet the March 2 priority deadline for the California Dream Act Application if they know that they will meet eligibility for AB 540 by the time they enroll during the upcoming year. Students attending the California Community Colleges should meet the September 2 deadline if they missed the March 2 priority deadline.

57. What steps does a student need to take to ensure they get their financial aid?

Students must review their school's portal for important messages and action items regarding financial aid and/or AB 540 status.

If there are no action items and/or no financial aid application on file, the student should:

- A. Contact the financial aid office and clarify the status of their application;

- B. Verify that they completed the correct application (FAFSA or CADAA).
- C. Ensure they meet the eligibility and are classified as AB 540 students.

If the student is not classified as an AB 540 student, they should turn in an AB 540 Affidavit with any necessary documentation (e.g. official transcripts or attendance records) to the admissions department at their CCC or CSU, or the registrar's office at their UC.

If a student is classified as a "resident for tuition purposes" in California but believes they meet the eligibility for AB 540 for financial aid purposes, they should immediately check with the admissions department at their CCC or CSU or the registrar's office at their UC to complete the necessary steps to be classified as an AB 540 student.

Acknowledgments

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California Community Colleges Chancellor's Office

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The California Community College's mission is to provide students with the knowledge and background necessary to compete in today's economy at the 116 community colleges throughout the state.

Immigrants Rising

immigrantsrising.org

Immigrants Rising empowers undocumented young people to achieve educational and career goals through personal, institutional, and policy transformation.

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The University's fundamental missions are teaching, research, and public service throughout its system of 10 campuses, five medical centers, and three affiliated national laboratories.

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