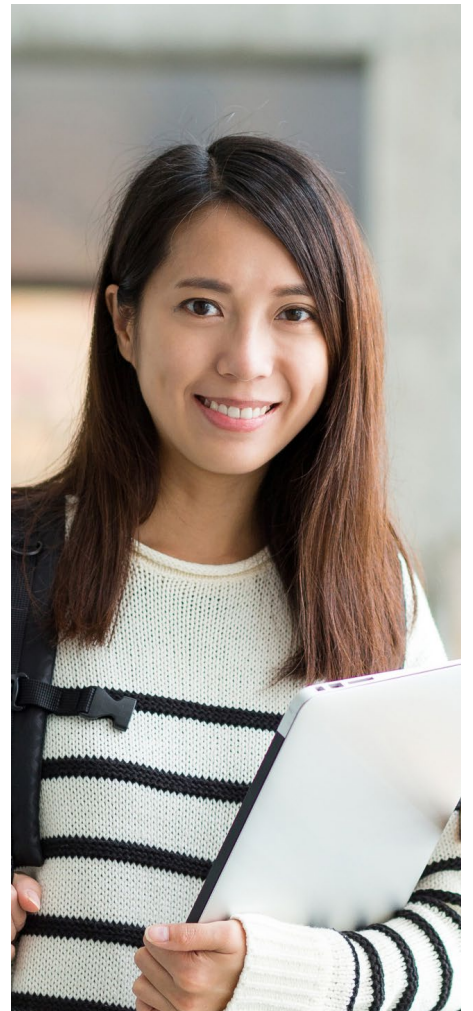


Revised Date: March 2025

# Championing Equity: Systemwide AB 540 FAQ



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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 AB 540 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 AB 540 FAQ<sup>1</sup> 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, UndocuLiaisons<sup>2</sup>, residency and financial aid personnel, and subject matter experts<sup>3</sup>. The AB 540 FAQ has been reviewed 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 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 AB 540 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, noncredit 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 is an informational resource to assist in identifying the current policies of each higher education system at the time of this publication. This document does not and is not intended to provide legal advice, nor to establish policy. Representatives of the CCC Chancellor’s Office, CSU Chancellor’s Office, or UC Office of the President are available to assist in better understanding policies and laws (state and federal) applicable to each institution, as well as to address any updates and changes.

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1 The first edition of the AB 540 FAQ was published in May 2023.

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

3 [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 the AB 540 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 and 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 and public college and university financial aid).

## 5. Is students' personal information provided to colleges and universities for AB 540 eligibility protected?

There are state and federal laws protecting student data. Federal regulations (FERPA) prohibit the release of student records unless specific requirements are met. For specifics, refer to this [overview](#) and [legal guidance](#). Additionally, SB 54 (California Values Act) mandated the Attorney General to publish [model policies](#) "limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools...and ensuring that they remain safe and accessible to all California residents, regardless of immigration status." This includes guidance on gathering and handling student information and responding to requests to access student records for immigration enforcement records. [AB 21](#) (Access to Higher Education for Every Student Bill) required public schools (including CSU and CCC) and independent institutions and requested the UC to adopt and implement the policies by March 1, 2019.

Each public higher education system also provides guidance on handling student information that aims to limit cooperation with federal immigration enforcement unless required by law. See [CCC](#), [CSU](#), and [UC](#) guidance to learn more.

## 6. What are the eligibility criteria for AB 540?

To be eligible for AB 540, 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 holders<sup>4</sup>, U.S. citizens, and lawfully present immigrants. For additional details about each status, see Question 8.
- B. Total attendance (or attainment of credits earned) in California that 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.

**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 Tuition Exemption Request (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. Beginning with the 2024-25 California Dream Act Application, AB 540 Affidavits will be embedded within the application and sent directly to all colleges and universities the student listed<sup>5</sup>.

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<sup>4</sup> See Question 8: UC provides limited duration residence to T and U visa holders

<sup>5</sup> UC residency offices will accept the AB 540 Affidavit from the CA Dream Act Application (CADAA), and will not require students to complete a separate UC AB 540 Affidavit.

## 7. 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.

## 8. 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.

## 9. 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<sup>6</sup>
- C. T visa<sup>7</sup>
- D. U visa<sup>8</sup>
- E. Temporary Protected Status (TPS)
- F. Humanitarian Parole
- G. Violence Against Women Act (VAWA)
- H. Refugees
- I. Asylees
- J. U.S. Citizens, Legal Permanent Residents (LPR), and other lawfully present immigrants in the United States
- K. Special Immigrant Juvenile
- L. Others as identified in the Education Code.

## 10. 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.

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6 DACA recipients are able to establish residence outside of AB 540 at CCC, CSU and UC.

7 For UC, T visa holders may establish residence outside AB 540.

8 For UC, U visa holders may establish residence outside AB 540.

## Nonimmigrant Visas

### 11. 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 States.<sup>9</sup>

### “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.

### 12. 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 undocumented<sup>10</sup>.

#### 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).

<sup>9</sup> Visit this [Department of State website](#) for a directory of visa categories.

<sup>10</sup> 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.

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 California Schools

### 13. 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.

- 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.*

### 14. 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 California high school AND graduated from a California high school, their attendance at California elementary and middle school(s) can be counted toward the three years of total attendance.

### 15. Which types of schools count towards attendance requirements?

- A. High schools, including charter schools, established by the California 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

### 16. 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.

### 17. 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	165 credits <sup>11</sup>	55 credits
Adult School	1260 classroom hours	420 classroom hours

<sup>11</sup> There's a broad number of credits required across the state to obtain a high school degree, with the 165 credits being the average. Some high schools use their own credit threshold, and must confirm that their threshold is the equivalent to three years of full-time attendance.



Type of School	3 years full-time attendance	1 year full-time attendance
Community College: Noncredit Courses	1260 classroom hours	420 classroom hours
Community College: Credit Courses	72 semester credit units <b>OR</b> 108 quarter credit units	24 semester credit units <b>OR</b> 36 quarter credit units

**18. 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***

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

**20. 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).

**21. 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.

**22. 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.

### **23. 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***

### **24. 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.

### **25. 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.

### **26. 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.

### **27. 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***

### **28. 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.

### **29. 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.

### 30. 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 and Concurrent Enrollment***

### 31. 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.

### 32. 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.

### 33. 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**

### 34. 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 **CSU** or **UC**.

**35. 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.

**36. 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.

**37. 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.

**38. 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

**39. 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.

#### **40. 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 “California 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.

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

California Residence for Tuition Purposes policies vary between the CCC, CSU, and UC 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 (CSU and 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**

#### **42. 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 “California 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.

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

The determination of residency for tuition purposes affects whether a student pays in-state or out-of-state tuition fees. Students who don’t meet the residency requirements for tuition purposes may meet different residency exceptions that allow students to pay in-state tuition.

Being eligible for the nonresident tuition exemption under Education Code 68130.5 (AB 540) exempts students from paying out-of-state tuition and 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. These students are still nonresidents for tuition purposes, but they are exempt from nonresident tuition. If a student is applying for financial aid through the California Dream Act, they will also need to meet eligibility for AB 540.

Being classified as a California resident for tuition purposes means that a student meets the requirements in Education Code 68000. Resident students are only required to pay the in-state tuition rate.

For more information about being classified as a resident for tuition purposes or as AB 540—especially for individuals with DACA, TPS, or U visas—students should contact the admissions and records or registrar's office at the CCC, CSU, or UC they want to attend.

#### **44. Can students with DACA, TPS, or a U visa receive state-based financial aid?**

**CCC Policy:** Students with DACA, TPS, or a U visa can receive state financial aid through the California Dream Act Application ONLY if they meet the eligibility for AB 540.

**CSU Policy:** Students with a U visa can only receive state-based financial aid through AB 540 or if they meet the requirements for residency for tuition purposes.

**UC Policy:** Students who have a U Visa can receive state-based financial aid through AB 540 or if they meet and maintain residency requirements through [Residence Policy Guidelines](#).

If a DACA, TPS, or U Visa student believes they meet the eligibility for AB 540 and has applied for financial aid through the California Dream Act Application but has not been notified of their award, they should contact the financial aid department. The student must be properly classified to receive financial aid through the California Dream Act. If they are classified or misclassified as a resident, **they might not be able to receive any financial aid.**

## **Process: Meeting Eligibility Requirements**

### **Affidavit/Application Process**

#### **45. How does a student prove they met the AB 540 eligibility requirements?**

It depends. All students must have a completed and signed AB 540 Nonresident Tuition Exemption Affidavit on file at the school. Beginning with the 2024-25 California Dream Act Application, AB 540 Affidavits will be embedded within the application and sent directly to all of the colleges and universities that the student listed.<sup>12</sup>

However, the process differs slightly within each system.

- A. **CCC Policy:** Students can fill out the AB 540 Affidavit independently and submit the signed form directly to the college they intend to enroll in. Completing the affidavit is equivalent to testifying that they meet the requirements. Some CCCs require additional documentation, while others only require the affidavit as confirmation that all the information on the affidavit is true.

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<sup>12</sup> UC residency offices will accept the AB 540 Affidavit from the CA Dream Act Application (CADAA), and will not require students to complete a separate UC AB 540 Affidavit.

Starting in 2024-25, if a student successfully completes the California Dream Act Application, including all questions related to eligibility for AB 540, the affidavit will be sent directly to all of the colleges and universities that the student listed. The student will not be required to complete a separate affidavit.

- B. **CSU Policy:** Students may submit their AB 540 Affidavit directly to the college or university they are applying to. They must also submit official transcripts or attendance records to the Admissions Department. If a student's residency status is undetermined, they will be required to complete the CSU Residency Questionnaire. If determined to be eligible, their AB 540 Affidavit will be processed. Starting in 2024-25, if a student successfully completes the California Dream Act Application, the affidavit will be sent directly to all colleges and universities the student listed. In that case, the student will not be required to complete a separate affidavit.
- C. **UC Policy:** The first step is to complete the Statement of Legal Residence. Beginning in Fall 2024, UC applicants are asked to submit the Systemwide Statement of Legal Residence in December to help them better understand their residency tuition status prior to admissions decisions in the spring. However, a majority of the campus UC residency offices will use the affidavit submitted by students within the California Dream Act Application in lieu of the UC AB 540 Affidavit starting in 2024-25. Students will continue to be routed through the Statement of Legal Residence. Contact the campus you plan to attend for specific instructions. Students will also be required to submit official transcripts.

#### 46. Where does a student find the AB 540 Nonresident Tuition Exemption Affidavit?

Students can get the AB 540 Affidavit from each public higher education system, on their campus' website, or generate one through the California Dream Act Application.<sup>13</sup>

- A. **Systemwide:** Each public higher education institution in California has its own affidavit (linked below). Students can also find it on their school's website.
  - i. [California Community Colleges](#)
  - ii. [California State University](#)
  - iii. [University of California](#)
- B. **California Dream Act Application:** Students who successfully complete the California Dream Act Application starting in 2024-25 will have the AB 540 Affidavit sent directly to all of the colleges and universities the student listed on the application.<sup>14</sup>

## Proof of Attendance

#### 47. 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

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<sup>13</sup> For the UC, students will be asked to complete the Statement of Legal Residence and be offered the UC AB540 Affidavit. If the student has completed the AB 540 Affidavit via the CA Dream Act Application, then they are not required to also complete the UC AB 540 Affidavit.

<sup>14</sup> UC residency offices will still require the student to complete a Statement of Legal Residence. However, all campuses will accept the AB 540 Affidavit from California Dream Act Application, starting in 2024-25.

- D. **Credit classes at a CCC:** official transcript

## Proof of Degree Requirements

### 48. 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 and 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

### 49. When should a student submit their affidavit and transcripts/attendance record

It depends. Students should check with each college or university they are applying to about the best time to submit their affidavit and any necessary documents. 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. However, if a student successfully completes the CA Dream Act Application starting in 2024-25, the affidavit will be received at all of the schools the student listed on the application. Students applying to a UC will be sent a UC AB 540 Affidavit once they complete their Statement of Legal Residence. If they have completed the AB Affidavit via the CA Dream Act Application (CADAA), then they are not required to complete the separate UC affidavit. All UC residency offices have been instructed to use the CADAA AB 540 Affidavit in lieu of the UC Affidavit starting in 2024-25.

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. Before their orientation;
- F. By the beginning of their semester or quarter; or
- G. A final deadline set by the 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.

### 50. 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.



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

A student should contact the Office of Admissions (CCC and CSU) or the Office of the Registrar (UC) after submitting their affidavit and/or accompanying documents to confirm it has been received. If a student has not heard back within 3-5 weeks, they should contact the appropriate office again to check on the status. Students who successfully completed a California Dream Act Application starting in 2024-25 should check with the school to ensure the affidavit was received by the Admissions or Registrar's Office.

### 52. 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.

### 53. 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.

### 54. 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.

### 55. 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:** If a student paid nonresident supplemental tuition in previous term(s), the UC cannot grant retroactive requests. AB 540 exemption cannot be applied retroactively.

## AB 540 and 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.

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

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

**CSU Policy:** The student must 1) meet eligibility for AB 540 or 2) have a U visa and meet the requirements for residency for tuition purposes.

**UC Policy:** The student must 1) meet eligibility for AB 540 to receive financial aid through the California Dream Act or campus-based funds, 2) be eligible for a limited duration Resident Classification for one year through [Residence Policy Guidelines](#); or 3) satisfy UC residence requirements in future years.

## **57. Beginning in 2024-25, if a student fill out the CA Dream Act Application, do they need to submit a separate affidavit to the college or university they plan to attend?**

It depends. If a student successfully completes the 2024-25 California Dream Act Application, the AB 540 Affidavit embedded within that application will be sent to all colleges and universities the student listed. However, it would be wise for the student to confirm that the AB 540 Affidavit was received and properly routed to the Admissions or Registrar's Office.

Students applying to the UC will still need to complete the Statement of Legal Residence. All UC residency offices have been instructed to use the affidavit submitted by students within the California Dream Act Application in lieu of the UC AB 540 Affidavit, starting in 2024-25.

## **58. Beginning in 2024-25, what if a student successfully completed the CA Dream Act Application, including all questions regarding AB 540, but the college or university states they do not have the AB 540 Affidavit?**

**CCC and CSU Policy:** If the student has proof that they successfully completed the two steps listed below, they should not be required to submit a second affidavit. [AB 1540](#) states that the CCC and CSU cannot require a student to submit an additional affidavit beyond the one that was submitted through the California Dream Act Application. To ensure the CCC and CSU receives the student's AB 540 Affidavit, the student must:

- A. Successfully complete the California Dream Act Application, including all questions for the AB 540 Affidavit; and
- B. Listed the specific CCC and CSU on their application.

**UC Policy:** The student should contact the residency office of the UC they plan to attend for further instructions.

## **59. Can a student apply for state-based financial aid through the California Dream Act before all of their AB 540 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.

## **60. 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

### Systemic Partners

#### California Community Colleges Chancellor's Office

[cccco.edu](http://cccco.edu)

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.

#### California State University Office of the Chancellor

[calstate.edu](http://calstate.edu)

California State University prepares its students and alumni to create California's future through its 23 campuses.

#### Immigrants Rising

[immigrantsrising.org](http://immigrantsrising.org)

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

#### University of California Office of the President

[ucop.edu](http://ucop.edu)

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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