

# AB 540

## California Nonresident Tuition Exemption

### GENERAL INFORMATION

Any student, other than one with United States Citizenship and Immigration Services (USCIS) **nonimmigrant** visa status (see exception below for students who have been granted T or U visa status), who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the University of California, and the California State University (all public colleges and universities in California).<sup>1</sup>

- A student is exempt from paying nonresident tuition if the student meets *all* of the following four requirements:
  1. The student must have:
    - attended a combination of California high school, adult school, and California Community College for the equivalent of three years or more,<sup>2</sup> or
    - attained credits earned in California from a California high school equivalent to three or more years of full-time high school course work **and** attended a combination of elementary, middle and/or high schools in California for a total of three or more years,<sup>3</sup> and
  2. The student must have:
    - graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency exam), or
    - completed an associate degree from a California Community College, or
    - completed the minimum requirements at a California Community College for transfer to the California State University or the University of California, and
  3. The student must register as an entering student at, or current enrollment at, an accredited institution of higher education in California, and
  4. The student must file an affidavit with the college or university stating that if the student is a non-citizen without current or valid immigration status, the student has filed an application to legalize immigration status, or will file an application as soon as the student is eligible to do so.
- Students who are nonimmigrants who are victims of trafficking, domestic violence, and other serious crimes who have been granted T or U visa status, under Title 8 of the United States Code, sections 1101(a)(15)(T) or (U) are eligible for this exemption.<sup>4</sup>
- Students who are nonimmigrants, other than those with T or U visa status as noted above, [for example, those who hold F (student) visas, B (visitor) visas, etc.] are not eligible for this exemption.
- A year's equivalence at a California Community College is a minimum of 24 semester units of credit or 36 quarter units of credit. For noncredit courses, a year's attendance is a minimum of 420 hours, 210 hours for a semester, and 140 hours a quarter.

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<sup>1</sup> This exemption to the requirement to pay the nonresident tuition fee is often referred to "AB 540" after the Assembly Bill which enacted the exemption. (Ed. Code, § 68130.5.)

<sup>2</sup> In 2018, Senate Bill 68 was enacted to further expand the AB 540 exemption to allow adult school and noncredit course work to establish eligibility.

<sup>3</sup> In 2014, Assembly Bill 2000 was enacted amending Education Code section 68130.5 to allow this additional flexibility in meeting the requirements for the exemption.

<sup>4</sup> In 2012, Assembly Bill 1899 was enacted into law exempting holders of T and U visas from paying nonresident tuition. (Ed. Code, § 68122.)

- The accumulation of credit and/or non-credit in any academic year shall be calculated in reference to a year's equivalence. Partial completion in an academic year is allowed. (Example: 12 units of credit courses in an academic year is equal to a semester for purposes of determining eligibility.)
- Attendance in credit courses at a California Community College towards the attendance requirements shall not exceed two years of full-time attendance.
- The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required under law.
- Students eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
- Nonresident students meeting the criteria will be exempted from the payment of nonresident tuition, but they will *not* be classified as California residents. They continue to be "nonresidents".
- The California Dream Act extends Cal Grant A and B Entitlement awards, Cal Grant C awards, the California Promise Grant (formerly known as the BOG fee waiver), Chaffee grants, and institutional financial aid to students that meet these criteria as well as the applicable criteria for eligibility for specific types of financial aid.
- AB540 does not provide federal student financial aid eligibility for undocumented students. These students remain ineligible for federal financial aid.

## **PROCEDURES FOR REQUESTING THIS EXEMPTION FROM NONRESIDENT TUITION**

**California Community Colleges:** Complete the form entitled California Nonresident Tuition Exemption Request. Submit it to the Admissions Office at the community college where you are enrolled or intend to enroll. You may be required to submit additional documentation. Call the college Admissions Office if you have questions.

**University of California:** The University of California (UC) campuses each have their own nonresident tuition exemption application and affidavit forms. Requests are not to be submitted until you have been admitted to a UC campus and have filed both a Statement of Intent to Register and also a Statement of Legal Residence. For campus-specific instructions regarding documentation and deadline dates, contact the campus personnel knowledgeable about AB 540 classifications:

<http://undoc.universityofcalifornia.edu/campus-support.html>

**California State University:** Complete the form on California Nonresident Tuition Exemption Request. Contact the Office of Admission and Records at the CSU campus where you are enrolled or intend to enroll for instructions on submission, deadline information, and additional requirements. You will be required to submit final high school transcripts and appropriate records of high school graduation or the equivalent, if you have not done so already. Call the Office of Admissions and Records at the campus if you have questions.

Rev. 2/18

## **CALIFORNIA NONRESIDENT TUITION EXEMPTION REQUEST**

# (AB 540 as amended by Education Code section 68130.5, Effective Jan. 1, 2018)

## INSTRUCTIONS

Complete and sign this form to request exemption from nonresident tuition charged to nonresident students. Once determined to be eligible, you will continue to receive the exemption as long as you fulfill eligibility requirements or until the College or University no longer offers this exemption. Applying for this exemption does not alter your responsibility to pay, by the campus deadline, any nonresident tuition and associated fees that may be due before your eligibility is determined.

## APPLICATION

I, the undersigned, am applying for the California Nonresident Tuition Exemption at \_\_\_\_\_ (College or University) and declare that the following apply to me.

### 1.) Check one box only:

I have a current nonimmigrant visa (not including a T and U visa) as defined by federal law. *Nonimmigrants have been admitted to the U.S. on a temporary visa and include, but are not limited to, foreign students (holding F visas) and exchange visitors (holding J visas).*

I have a current nonimmigrant visa and have been granted T or U visa status as defined by federal law.

I do NOT have a current, nonimmigrant visa as defined by federal law.

*This includes, among others, U.S. citizens, permanent residents, DACA recipients, and individuals without current or valid immigration status.*

### 2.) Select all items that apply to you from each column:

#### Column A

- I attended a combination of California high school, adult school, and community college for the equivalent of three (3) years or more.<sup>5</sup>
- I have three (3) or more years of California high school coursework *and* attended a combination of California elementary, secondary, and high school of three (3) years or more.<sup>6</sup>

#### Column B

- I have graduated or will graduate with a California high school diploma or have the equivalent (i.e. California-issued GED, CHSPE).
- I have completed or will complete an associate's degree from a California Community College.
- I have completed or will complete the minimum requirements at a California Community College for transfer to the California State University or the University of California.

Please provide information on the schools you attended and referenced above, including the dates

<sup>5</sup> A year's equivalence at a California community college is either a minimum of 24 semester units of credit or 36 quarter units of credit. For noncredit courses, a year's attendance is a minimum of 420 class hours per year (a semester is equivalent to a minimum of 210 hours and a quarter is equivalent to a minimum of 140 hours). Full-time attendance at a California adult school is a minimum of 420 hours of attendance for each school year.

<sup>6</sup> This provision addresses both a coursework and an attendance requirement, which can both be satisfied in three or more years.

you attended and the number of credits obtained or hours completed:

Name of CA School	Type of School (high school, adult school or community college)	City	From (Month/Year)	To (Month/Year)	Number of Credits or Hours

Applicants must submit, as part of this form, official transcripts/attendance records that validate any of the information above as requested by the College, District, or University residence official.

**AFFIDAVIT:**

By signing this document below, I hereby state that if I am a non-citizen without a current or valid immigration status, I have filed an application to legalize my immigration status or will file an application as soon as I am eligible to do so.

**DECLARATION OF TRUE AND ACCURATE INFORMATION:**

I, the undersigned, declare under penalty of perjury that the information I have provided on this form is true and accurate. I understand that this information will be used to determine my eligibility for the California Nonresident Tuition Exemption. I further understand that if any of the above information is found to be false, I will be liable for payment of all nonresident tuition charges from which I was exempted and may be subject to disciplinary action by the College or University.

<b>FULL NAME</b>	<b>CAMPUS ID NUMBER</b>	<b>EMAIL ADDRESS</b>
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<b>SIGNATURE</b>	<b>DATE</b>
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