

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).¹

- 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,² 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,³ 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.⁴
- 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

¹ 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.)

² 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.

³ 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.

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

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.

- 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.

**Senate Bill 68 Implementation
Supplemental Q & A
2/9/2018**

1. Advisory, attendance requirement, item B states that “Three or more years of full-time high school coursework **and** a total of three or more years of attendance.” Does this mean the student should have 6 years? It is also contradicting the form which says in #2 Column A “3 or more years.”

A: No, a student does not need six years to be eligible under Education Code section 68130.5(a)(1)(B). This provision addresses both a coursework and an attendance requirement, which can both be satisfied within three or more years. The coursework and attendance requirement can be satisfied concurrently.

2. In the exemption application form, under Application: “Specify the college or university”, can we please change “specify” to “Name of.” Often we have students who are confused with “specify.”

A: A change was made in the form to address this concern.

3. In the Form, page 1 bottom of the page: “A year’s equivalence at a California Community College is either a minimum of 24 semester units of credit or 54 quarter units.” Isn’t it supposed to be 36 quarter units which is equivalent to 24? I couldn’t figure out why it is 54 quarter units. Could you please give me some guidance. I am sure that we will get questions regarding this.

A: Yes. The equivalency calculation has been corrected in the form’s footnotes.

4. In reference to a year’s equivalence, what if a student took only one or two semesters at a community college? Can we accept the student’s attendance or does the student have to accumulate the credits or hours in a full academic year?

A: Colleges can accept partial attendance in an academic year. The accumulation of credit and/or non-credit courses in any academic year shall be calculated in reference to a year’s equivalence, and not the amount of credit or non-credit earned per semester or per quarter.

Hypothetical Student A: A student who takes 12 units of credit courses in an academic year has earned the equivalent of a semester towards AB 540 eligibility. The 12 units do not need to be completed within a single semester to count towards eligibility.

Hypothetical Student B:

We have a student who has 2 ½ years at our Adult H.S. and has graduated. She doesn’t have ‘the equivalent’ of three years but does have the diploma. She has also attended credited college classes and has the following:

8 units Fall 16;

8 units Spring 17

4 units Summer 17

6 units Fall 17

26 units total

May the student use any of these units to make up for that one semester? She has never attended credit classes full-time.

Hypothetical Student B is eligible for the exemption. Education Code 68130.5, subdivision (a)(1) states the first of the four eligibility criteria can be met in one of two alternative ways: (A) the accumulation of attendance or credits equivalent to three years of attendance or credits at California high schools, adult schools, or community colleges; or (B) or three or more years of actual full-time high school coursework combined with three or more years of actual high school or secondary school attendance (or a combination of the two) in California. Your student would qualify under (A), but she must also meet the criteria specified in Education Code 68130.5, subdivision (a)(2), (a)(3), and (a)(4), and described in the advisory.

Hypothetical Student C: A student who had foreign school high school attendance but came for junior and senior years to a CA high school, accumulated over 165 credits and graduated. Would this student be eligible for AB540 exemption? Also, has a valid Employment Authorization Card.

We understand 165 credits to be the minimum equivalent of three years of High School. This would qualify under Education Code section 68130.5, subdivision (a)(1)(A) as attainment of credits earned at a high school in California equivalent to three or more years of full-time attainment of credits. The student's valid employment authorization card is not part of this analysis.

5. Do we have permission from the Chancellor's office to modify words in the form to provide more clarification to the students?
A: No. California Code of Regulations, title 5, section 54045.5 subdivision (b), requires students seeking an AB 540 nonresident tuition exemption "to complete the questionnaire form prescribed by the Chancellor." Modifications of the form by districts or colleges are not permissible.
6. Can you clarify what is meant by "upon entering the US" for special immigrant visas? How soon after they enter the US does the student have to settle in CA to be eligible for the exemption?
A: This requirement is found in Education Code section 68075.6, subdivision (b)(1). Neither the legislation nor the committee analysis provides much guidance. However, this phrase should be construed reasonably. A plain language construction of this language would suggest that a refugee who settles in California "upon entering the United States" is someone who has come to California promptly upon entry, or made their first U.S.-based home in California. It would not include someone who resided in another state first. But transitory presence in another state while travelling to California would not preclude a student from the exemption. According to legislative committee analyses of the enacting legislation, the Legislature intended to keep this particular exemption from non-resident tuition for refugees narrow, because this category of refugee is receiving a benefit that nonresident citizens do not receive—an exemption from nonresident tuition without having established California residency for a year.
7. Are SIVs eligible for the CA College Promise Grant?
A: There is currently no funding for the California Promise Grant under Assembly Bill 19. Accordingly, it is premature to respond to this question.
8. On second box of the exemption application form, what if the student has applied for T or U visa status, but it has not been granted yet, would they mark box 1?

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 as defined by federal law and have been granted T or U visa status.

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.

A. The first check box would be for a student with another nonimmigrant visa. If the student has no visa, the third check box applies.

9. Do students have to check at least one box from each column?

A. Yes.

10. If the student has no boxes checked in Column B of the exemption application form, does that make the student ineligible?

A. Yes.

11. It's very possible the student will not know how many credit hours from elementary, middle and HS they completed. What to do then?

A. The best approach would be to rely upon periods of attendance. For community college purposes, self-certification of attendance is sufficient. UC or CSU may require more.

12. If a student marks the last box on the exemption application form regarding transferring to CSU or UC, do we need to do an evaluation to verify that they completed the minimum requirements for transfer?

A. Community colleges may accept self-certification, or may require supporting documentation. The exemption application form states "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."

Note that if this is the only box checked, only up to 2 years at a community college can be counted against the three-year attendance/credit or equivalent requirements. The student would need to demonstrate one additional year.

13. If a student indicates they completed an associate degree at a California community college, does that relieve them from the other CA school requirements (HS, elementary, middle) or is that only for UC/CSU?

A. No. Completion of an associate degree would satisfy 2 years toward the three-year attendance/credit or equivalent requirements. The student would need to demonstrate one additional year.

14. If an F1 student has fallen out of status, would they qualify?
 - A. Students who previously held a valid nonimmigrant visa but who are out of status at the time they execute the exemption application form are eligible for the AB 540 exemption.

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	Column B
<ul style="list-style-type: none"> <input type="checkbox"/> I attended a combination of California high school, adult school, and community college for the equivalent of three (3) years or more.* <input type="checkbox"/> I have three (3) or more years of California high school coursework <i>and</i> attended a combination of California elementary, secondary, and high school of three (3) years or more.† 	<ul style="list-style-type: none"> <input type="checkbox"/> I have graduated or will graduate with a California high school diploma or have the equivalent (i.e. California-issued GED, CHSPE). <input type="checkbox"/> I have completed or will complete an associate's degree from a California Community College. <input type="checkbox"/> 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.

* 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.

† This provision addresses both a coursework and an attendance requirement, which can both be satisfied in three or more years.

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

FULL NAME	CAMPUS ID NUMBER	EMAIL ADDRESS
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SIGNATURE	DATE
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