

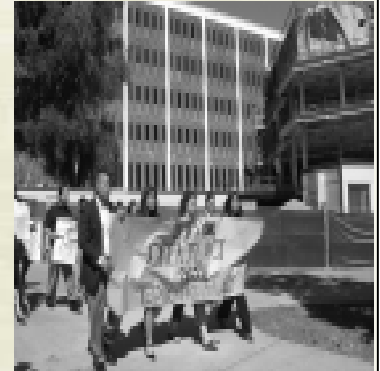
Fact Sheet

ASSEMBLY BILL 540

AB 540, signed into law on October 12, 2001, authorizes any student, including undocumented students who meet specific criteria, to pay in-state tuition at California's public colleges and universities (e.g. California Community College, California State University, and University of California).

AB 540 ELIGIBILITY REQUIREMENTS:

- Students must have attended a California high school for 3 or more years
- Students must have graduated from a California high school or attained the equivalent of a high school diploma
- Students must have registered or currently be enrolled at an accredited institution of higher education in California
- Students must have filed or will file an affidavit as required by individual institutions, stating that they will apply for legal residency as soon as possible
- Students may not be a non-immigrant holding a valid lettered non-immigrant visa. (ex. Student (F visa), Visitor (B visa), etc.).



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NOTE: Assembly Bill 540 "AB 540" applies to any student who meets the criteria as set forth in the legislation. Here, the term is used as it applies specifically to AB 540-eligible undocumented students.

AB 540 AFFIDAVIT - CALIFORNIA NON-RESIDENT TUITION EXEMPTION REQUEST

CALIFORNIA STATE UNIVERSITY (CSU)

Students can request and submit the AB 540 Affidavit to the office of admissions from the campus they will be attending after having been admitted. Students will be re-

quired to submit additional documentation such as high school transcripts and appropriate records of high school graduation or the equivalent.

ADDITIONAL INFORMATION

An Individual Taxpayer Identification Number (ITIN) is a tax processing number issued by the International Revenue Service. It is a nine-digit number that always begins with the number 9 and has a number 7 or 8 in the fourth digit place. An ITIN is not a valid number to access financial aid.

IRS issues ITINs to individuals who are required to have a U.S. taxpayer identification number but who do not have and are not eligible to obtain a Social Security Number (SSN) from the Social Security Administration (SSA).

A student whose parents are undocumented may still fill out the FAFSA, if and only if, the student is documented with a valid SSN.

"As an AB 540 student, I don't even think like other students, that my degree will lead me to financial stability, rather to me its about not having my mother's sacrifice go to waste, and its about showing that people like me can do more than just spend 12 hours a day cleaning after people's garbage."

Israel J. Abarran-Palomono
Mechanical Engineer
Class of 2007
Cal Poly Pomona

CALIFORNIA LAWS

1986: LETICIA A. v. UC REGENTS AND CSU BOARD OF TRUSTEES

In 1986 the Leticia A. law went into effect asking public colleges and universities to treat undocumented students as residents for tuition purposes.

1991: BRADFORD v. UC REGENTS

David Paul Bradford, a UCLA staff person filed suit against UC asking that the original residency statute be declared

unconstitutional. Despite appeals by the UC and CSU systems, Bradford won his case and as a result, undocumented students lost the right to in-state tuition and state financial aid.

2001: ASSEMBLY BILL 540

California's AB 540, authorized by the late Marco A. Firebaugh, is based on high school attendance, and is not an immigration bill.

The bill permits students who complete three years or more

of high school in California and who are pursuing documented status, to be exempt from paying out-of-state tuition.

Unlike Leticia A., AB 540 does not provide state financial aid to undocumented students who are eligible.

PROPOSED LEGISLATION CALIFORNIA DREAM ACT, SB 1 (Cedillo)

If passed, SB 1 will allow California citizens and

undocumented AB 540 students to apply for a community college Board of Governor's (BOG) fee waiver and student aid at California public colleges and universities.



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"AB 540 has broadened my options as far as my future, without it I wouldn't be able to have a proper education"

*Luis Martinez
History Major
Cal Poly Pomona*

FEDERAL LAWS

1974: THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The FERPA is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Any information that a student shares with a college or university is protected by this Act.

1982: PLYLER v. DOE

The U.S. Supreme Court invalidated a Texas law authorizing school districts to bar undocumented students from public elementary and secondary schools.

1996: ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT (IIRIRA)

IIRIRA prohibits undocumented immigrants from accessing any postsecondary

education benefits unless a U.S. citizen or national is eligible for the same benefit.

Any state that provides in-state tuition to undocumented students must also provide in-state tuition to out-of-state residents (both permanent residents and citizens).

AB 540 Liaison Mery Hernandez

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STUDENT ORGANIZATION

STUDENT DEMAND FOR EQUITY IN EDUCATION

DEMANDA ESTUDIANTIL PARA IGUALDAD EDUCACIONAL

(D.E.P.I.E)

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For more information visit: <http://dsa.csupomona.edu/ab540/?setactive=all>