

INFORMATION FOR FACULTY ABOUT AB540 STUDENTS

This document explains what AB540 status is and gives faculty specific recommendations for advising AB540 students. Students and the faculty who advise them need to understand the unique situation of AB540 students regarding admissions, financial aid, off-campus activities and travel, and the documentation requirements for certain careers. You will also find information about how faculty can support AB540 students in their educational pursuits.

WHAT IS AB540?

It is a California law passed in 2001. Any student who meets the following three requirements shall be exempt from paying nonresident tuition at all public colleges and universities in California:

- Attended a high school in California for three or more academic years,
- 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),
- Enroll in an accredited California institution of higher education
- Is not a “nonimmigrant” with a student visa, visitor visa, etc.

In addition, students without legal status must complete an affidavit stating that they have filed or will file an application to legalize their immigration status as soon as they are eligible to do so. AB540 status applies to citizens, permanent residents, and individuals without lawful immigration status but who are in the process of legalizing their status or who state they will do so when eligible. The U.S. citizens who may benefit from AB540 include legal residents of states other than California who will benefit from resident tuition rates because of the law.

Although AB540 students are able to pay resident tuition in public universities in the state of California, those without lawful immigration status are not eligible to receive certain forms of financial aid (i.e. federal aid). AB540 students may not be eligible for many forms of student employment on campus, including positions covered by grants from the federal government.

What is the CA DREAM ACT?

In 2011, two additional bills (AB130 and AB131) were passed and are known as the DREAM Act. The DREAM Act allows students who qualify for AB540 status to access state financial aid and scholarships that are not federally funded.

What is Differed Action for Childhood Arrivals (DACA)?

DACA is a federal executive order that allows some undocumented young people who came to the U.S. as children and have pursued education or military service here to benefit from protection from deportation and live in the U.S. with work authorization for 2 years. In order to qualify for DACA, individuals must fulfill the following requirements:

- have come to the U.S. before the age of 16
- be under 31 when applying for DACA
- have resided continuously in the U.S. since June 15, 2007
- have been present in the U.S. on June 15th, 2012
- be currently enrolled in school, have received a high school diploma or GED, or been honorably discharged from the U.S. Armed Forces of Coast Guard

DACA does not provide a path to legalization, but it can protect some students from deportation and allow them to live and work legally in the U.S. Students who are eligible for DACA should also be eligible for AB540 status.

RECOMMENDATIONS

While students should not be pressured or required to disclose their legal status to University employees or other students, it is very important to let them know ahead of time that there are certain careers that require additional documentation procedures and what these consist of (i.e. background check, fingerprinting, Social Security number). Departments offering some type of accreditation are encouraged to communicate clearly to all new and continuing students about specific documentation requirements to complete such programs. Please consider finding alternative ways for students to satisfy program requirements such as internships where students may be asked to provide valid social security numbers (for those students who have not applied to or qualify for Deferred Action).

Please consider including documentation requirements, if any, in your syllabi. Faculty members directing field trips, community service classes, any politically-related activity, and other off-campus activities are also advised to inform students of any specific documentation they may need or any risks they may face.

Prospective applicants should be made aware of AB540 and related legislation that may benefit them, as well program requirements that may limit their ability to graduate.

SUPPORTING AB540 STUDENTS

As stated above, students should not be required or pressured to disclose their legal status. However, faculty members play a supportive role in students' academic lives. AB540 students are members of our University community, and professors play an essential role in creating a class environment in which all students feel supported and respected academically and personally. This is particularly important to the University's mission of improving retention rates and better serving our student population.

Including a general statement in your syllabus, or distributing information in your classes about resources available for AB540 students may make a difference.

S.U.R.G.E. (Students United to Reach Goals in Education) is a CSULA student organization founded on the principle of promoting higher education among both high school and college students regardless of legal status. Their mission is to encourage and increase the number of students attending and graduating from institutions of higher education through community involvement, scholarships and political activism and advocacy. Their website is available at: www.calstatela.edu/orgs/surge/

For more guidance on our campus, you can contact the following two staff members:

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For more information about AB540 and resources for AB540 students, see:

www.calstatela.edu/univ/ab540/
www.e4fc.org/images/E4FC_CADAGuide.pdf
www.ab540.com/index.html
www.maldef.org/education/public_policy/ab540/index.html
www.csac.ca.gov/dream_act.asp
www.lacashforcollege.org/resources_files/2012%20AB540%20Guide%20FINAL.pdf