

House Bill 1810

By: Representatives Mobley of the 69<sup>th</sup> and Drenner of the 66<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia  
2 Annotated, relating to HOPE scholarships and grants, so as to extend eligibility for the HOPE  
3 scholarship to undocumented immigrants; to provide a definition of undocumented  
4 immigrant; to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
8 relating to HOPE scholarships and grants, is amended by adding a new paragraph (26) at the  
9 end of Code Section 20-3-519, relating to definitions, to read as follows:

10 "(26) 'Undocumented immigrant' means an individual or, if the individual is under 18  
11 years of age, a parent or legal guardian of such individual maintaining a domicile within  
12 the State of Georgia for a period of at least 12 months immediately preceding the date of  
13 registration at an eligible postsecondary institution who, but for the lack of  
14 documentation permitting indefinite or permanent residence, could be classified as a legal  
15 resident of Georgia. An individual meeting the requirements of this paragraph shall be  
16 deemed a legal resident of Georgia for the purpose of determining initial eligibility for  
17 the HOPE scholarship and shall be subject to all other residency requirements established  
18 by the Georgia Student Finance Commission."

19 style="text-align:center">**SECTION 2.**

20 Said part is further amended by striking paragraph (1) of Code Section 20-3-519.1, relating  
21 to ineligibility, in its entirety and inserting a new paragraph (1) to read as follows:

22 "(1) Is not a United States citizen, an undocumented immigrant, or a permanent resident  
23 alien who meets the definition of an eligible noncitizen under federal Title IV  
24 requirements;"



1 (b) To be eligible for a HOPE scholarship, a sophomore student seeking an associate or  
2 baccalaureate degree at an eligible public postsecondary institution shall:

3 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
4 resident of Georgia as established by the program regulations promulgated by the Georgia  
5 Student Finance Commission which shall be based upon the in-state tuition policy of the  
6 board of regents and the in-state tuition guidelines set by the Department of Technical  
7 and Adult Education or by meeting the requirements to be classified as an undocumented  
8 immigrant as set forth in Code Section 20-3-519;

9 (2) Meet achievement standards by meeting the following criteria:

10 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
11 institution at the end of the quarter or semester in which the student has attempted 45  
12 quarter hours or 30 semester hours; and

13 (B) Maintaining satisfactory academic progress in a course of study in accordance with  
14 the standards and practices used for federal Title IV programs by the postsecondary  
15 institution in which the student is enrolled; and

16 (3) Meet enrollment standards by being admitted, enrolled, and classified as an  
17 undergraduate student in a matriculated status or, in the case of an otherwise eligible  
18 student who is classified as a professional level student rather than an undergraduate  
19 student, being accepted into the professional level program of study prior to receiving a  
20 baccalaureate degree.

21 (c) To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate degree  
22 at a public postsecondary institution shall:

23 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
24 resident of Georgia as established by the program regulations promulgated by the Georgia  
25 Student Finance Commission which shall be based upon the in-state tuition policy of the  
26 board of regents and the in-state tuition guidelines set by the Department of Technical  
27 and Adult Education or by meeting the requirements to be classified as an undocumented  
28 immigrant as set forth in Code Section 20-3-519;

29 (2) Meet achievement standards by meeting the following criteria:

30 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
31 institution at the end of the quarter or semester in which the student has attempted 90  
32 quarter hours or 60 semester hours; and

33 (B) Maintaining satisfactory academic progress in a course of study in accordance with  
34 the standards and practices used for federal Title IV programs by the postsecondary  
35 institution in which the student is enrolled; and

36 (3) Meet enrollment standards by being admitted, enrolled, and classified as an  
37 undergraduate student in a matriculated status or, in the case of an otherwise eligible

1 student who is classified as a professional level student rather than an undergraduate  
2 student, being accepted into the professional level program of study prior to receiving a  
3 baccalaureate degree.

4 (d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate degree  
5 at a public postsecondary institution shall:

6 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
7 resident of Georgia as established by the program regulations promulgated by the Georgia  
8 Student Finance Commission which shall be based upon the in-state tuition policy of the  
9 board of regents and the in-state tuition guidelines set by the Department of Technical  
10 and Adult Education or by meeting the requirements to be classified as an undocumented  
11 immigrant as set forth in Code Section 20-3-519;

12 (2) Meet achievement standards by meeting the following criteria:

13 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
14 institution at the end of the quarter or semester in which the student has attempted 135  
15 quarter hours or 90 semester hours; and

16 (B) Maintaining satisfactory academic progress in a course of study in accordance with  
17 the standards and practices used for federal Title IV programs by the postsecondary  
18 institution in which the student is enrolled; and

19 (3) Meet enrollment standards by being admitted, enrolled, and classified as an  
20 undergraduate student in a matriculated status or, in the case of an otherwise eligible  
21 student who is classified as a professional level student rather than an undergraduate  
22 student, being accepted into the professional level program of study prior to receiving a  
23 baccalaureate degree.

24 (e) A student who fails to maintain a cumulative grade point average of at least 3.0 at the  
25 end of the quarter or semester in which the student has attempted 45 quarter hours or 30  
26 semester hours may attend the next 45 quarter or 30 semester hours without a HOPE  
27 scholarship. An otherwise eligible student who regains a cumulative grade point average  
28 of at least 3.0 at the end of a quarter or semester in which the student has attempted 90  
29 quarter hours or 135 quarter hours or 60 semester hours or 90 semester hours may requalify  
30 for a HOPE scholarship.

31 (f) For students eligible for a HOPE scholarship under this Code section, no minimum  
32 number of hours of enrollment is required.

33 (g)(1) Except as set out in paragraph (2) of this subsection, a student may receive the  
34 HOPE scholarship until the first of these events:

35 (A) The student has earned a baccalaureate degree; or

36 (B) The student has attempted at any postsecondary institution a total of 190 quarter  
37 hours or 127 semester hours.

1 (2) A student enrolled in an undergraduate degree program designed to be more than 190  
 2 quarter hours or 127 semester hours in length is eligible to receive the HOPE scholarship  
 3 for the lesser of:

4 (A) A total of 225 attempted quarter hours or 150 attempted semester hours; or

5 (B) The number of hours required for graduation if the student has a 3.0 cumulative  
 6 grade point average of at least 3.0 after the term in which the student attempted 190  
 7 quarter hours or 127 semester hours.

8 (h) Subject to the amounts appropriated by the General Assembly and provisions relating  
 9 to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE  
 10 scholarship awarded under this Code section shall include tuition, approved mandatory  
 11 fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester."

#### 12 SECTION 4.

13 Said part is further amended by striking Code Section 20-3-519.3, relating to eligibility, in  
 14 its entirety and inserting in lieu thereof the following:

15 "20-3-519.3.

16 (a) To be eligible for a HOPE scholarship, an entering freshman student seeking an  
 17 associate or baccalaureate degree at an eligible private postsecondary institution shall:

18 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
 19 resident of Georgia as established by the program regulations promulgated by the Georgia  
 20 Student Finance Commission or by meeting the requirements to be classified as an  
 21 undocumented immigrant as set forth in Code Section 20-3-519;

22 (2) Meet achievement standards by:

23 (A) Having graduated from an eligible high school while meeting the curriculum  
 24 requirements of his or her program of study in 1996 or thereafter and meeting the  
 25 requirements set out in the applicable paragraph of subsection (b) of Code Section  
 26 20-2-157; or

27 (B) In the case of a student who is otherwise qualified but:

28 (i) Did not graduate from high school or complete a home study program meeting the  
 29 requirements of subsection (c) of Code Section 20-2-690, having received the general  
 30 educational development (GED) diploma awarded by the Georgia Department of  
 31 Technical and Adult Education after June 30, 1993;

32 (ii) Completed a home study program meeting the requirements of subsection (c) of  
 33 Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a  
 34 cumulative grade point average of at least 3.0 at an eligible public postsecondary  
 35 institution at the end of the quarter or semester in which the student has attempted 45  
 36 quarter hours or 30 semester hours, provided that such student shall be eligible to

1 receive a retroactive HOPE scholarship for such student's freshman year to be paid  
2 at the end of the freshman year; or

3 (iii) Graduated from a high school which is not an eligible high school, earning a  
4 cumulative grade point average of at least 3.0 at an eligible public postsecondary  
5 institution at the end of the quarter or semester in which the student has attempted 45  
6 quarter hours or 30 semester hours, provided that such student shall be eligible to  
7 receive a retroactive HOPE scholarship for such student's freshman year to be paid  
8 at the end of the freshman year; and

9 (3) Meet enrollment standards by:

10 (A) Being admitted, enrolled, and classified as an undergraduate student in a  
11 matriculated status; and

12 (B) Being registered for and attending classes as a full-time student for 14 days or  
13 more after the last day of the institution's drop and add period.

14 (b) To be eligible for a HOPE scholarship, a sophomore student seeking an associate or  
15 baccalaureate degree at an eligible private postsecondary institution shall:

16 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
17 resident of Georgia as established by the program regulations promulgated by the Georgia  
18 Student Finance Commission or by meeting the requirements to be classified as an  
19 undocumented immigrant as set forth in Code Section 20-3-519;

20 (2) Meet achievement standards by meeting the following criteria:

21 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
22 institution at the end of the quarter or semester in which the student has attempted 45  
23 quarter hours or 30 semester hours; and

24 (B) Maintaining satisfactory academic progress in a course of study in accordance with  
25 the standards and practices used for federal Title IV programs by the postsecondary  
26 institution in which the student is enrolled; and

27 (3) Meet enrollment standards by:

28 (A) Being admitted, enrolled, and classified as an undergraduate student in a  
29 matriculated status or, in the case of an otherwise eligible student who is classified as  
30 a professional level student rather than an undergraduate student, being accepted into  
31 the professional level program of study prior to receiving a baccalaureate degree; and

32 (B) Being registered for and attending classes as a full-time student for 14 days or  
33 more after the last day of the institution's drop and add period.

34 (c) To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate degree  
35 at an eligible private postsecondary institution shall:

36 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
37 resident of Georgia as established by the program regulations promulgated by the Georgia

1 Student Finance Commission or by meeting the requirements to be classified as an  
2 undocumented immigrant as set forth in Code Section 20-3-519;

3 (2) Meet achievement standards by meeting the following criteria:

4 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
5 institution at the end of the quarter or semester in which the student has attempted 90  
6 quarter hours or 60 semester hours; and

7 (B) Maintaining satisfactory academic progress in a course of study in accordance with  
8 the standards and practices used for federal Title IV programs by the postsecondary  
9 institution in which the student is enrolled; and

10 (3) Meet enrollment standards by:

11 (A) Being admitted, enrolled, and classified as an undergraduate student in a  
12 matriculated status or provided that in the case of an otherwise eligible student who is  
13 classified as a professional level student rather than an undergraduate student, have  
14 been accepted into the professional level program of study prior to receiving a  
15 baccalaureate degree; and

16 (B) Being registered for and attending classes as a full-time student for 14 days or  
17 more after the last day of the institution's drop and add period.

18 (d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate degree  
19 at an eligible private postsecondary institution shall:

20 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
21 resident of Georgia as established by the program regulations promulgated by the Georgia  
22 Student Finance Commission which shall be based upon the in-state tuition policy of the  
23 board of regents and the in-state tuition guidelines set by the Department of Technical  
24 and Adult Education or by meeting the requirements to be classified as an undocumented  
25 immigrant as set forth in Code Section 20-3-519;

26 (2) Meet achievement standards by meeting the following criteria:

27 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
28 institution at the end of the quarter or semester in which the student has attempted 135  
29 quarter hours or 90 semester hours; and

30 (B) Maintaining satisfactory academic progress in a course of study in accordance with  
31 the standards and practices used for federal Title IV programs by the postsecondary  
32 institution in which the student is enrolled; and

33 (3) Meet enrollment standards by:

34 (A) Being admitted, enrolled, and classified as an undergraduate student in a  
35 matriculated status or, in the case of an otherwise eligible student who is classified as  
36 a professional level student rather than an undergraduate student, being accepted into  
37 the professional level program of study prior to receiving a baccalaureate degree; and

1 (B) Being registered for and attending classes as a full-time student for 14 days or  
2 more after the last day of the institution's drop and add period.

3 (e) An otherwise eligible student who fails to maintain a cumulative grade point average  
4 of at least 3.0 at the end of the quarter or semester in which the student has attempted 45  
5 quarter hours or 30 semester hours may attend the next 45 quarter hours or 30 semester  
6 hours without a HOPE scholarship. A student who regains a cumulative grade point  
7 average of at least 3.0 at end of the quarter or semester in which the student has attempted  
8 90 quarter hours or 60 semester hours may requalify for a HOPE scholarship. A student  
9 who regains a cumulative grade point average of at least 3.0 at the end of the quarter or  
10 semester in which the student has attempted 135 quarter hours or 90 semester hours may  
11 requalify for a HOPE scholarship.

12 (f)(1) Except as set out in paragraph (2) of this subsection, a student may receive a  
13 HOPE scholarship until the first of these events:

14 (A) The student has earned a baccalaureate degree; or

15 (B) The student has attempted at any postsecondary institution a total of 190 quarter  
16 hours or 127 semester hours.

17 (2) A student enrolled in an undergraduate degree program designed to be more than 190  
18 quarter hours or 127 semester hours in length is eligible to receive a HOPE scholarship  
19 for the lesser of:

20 (A) A total of 225 attempted quarter hours or 150 attempted semester hours; or

21 (B) The number of hours required for graduation if the student has a cumulative grade  
22 point average of at least 3.0 after the term in which the student attempted 190 quarter  
23 hours or 127 semester hours.

24 (g) Subject to the amounts appropriated by the General Assembly and provisions relating  
25 to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE  
26 scholarship awarded under this Code section shall be not less than \$3,000.00 for any  
27 academic year."

## 28 SECTION 5.

29 Said part is further amended by striking paragraph (1) of subsection (a) of Code Section  
30 20-3-519.5, relating to eligibility, in its entirety and inserting in lieu thereof the following:

31 "(1) Meet residency requirements by meeting the requirements to be classified as a legal  
32 resident of Georgia as established by the program promulgated by the Georgia Student  
33 Finance Commission which shall be based upon the in-state tuition policy of the board  
34 of regents and the in-state tuition guidelines set by the Department of Technical and  
35 Adult Education or by meeting the requirements to be classified as an undocumented  
36 immigrant as set forth in Code Section 20-3-519; and "

