

House Bill 300

By: Representatives Hembree of the 67<sup>th</sup>, Walker of the 107<sup>th</sup>, and Smith of the 113<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 20-3-411 of the Official Code of Georgia Annotated, relating to  
2 definitions relating to tuition equalization grants at private colleges and universities, so as to  
3 provide that proprietary institutions shall not be eligible to receive tuition equalization grants;  
4 to provide for related matters; 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 Code Section 20-3-411 of the Official Code of Georgia Annotated, relating to definitions  
8 relating to tuition equalization grants at private colleges and universities, is amended by  
9 striking paragraphs (2) and (3) and inserting in lieu thereof new paragraphs (2) and (3) to  
10 read as follows:

11 "(2) 'Approved school' means:

12 (A) A nonproprietary institution of higher education located in this state which is not  
13 a branch of the university system; which is accredited by the Southern Association of  
14 Colleges and Schools; which is not a graduate level school or college of theology or  
15 divinity; and which is not presently receiving state funds under Article 4 of this chapter;  
16 provided, however, that an institution which otherwise meets the requirements of this  
17 definition and of this subpart except for the lack of accreditation by the Southern  
18 Association of Colleges and Schools shall be deemed to be an 'approved school' during  
19 the period that the institution holds candidate for accreditation status with the Southern  
20 Association of Colleges and Schools;

21 (B) A nonproprietary institution of higher education located outside the State of  
22 Georgia which is a four-year or graduate level institution of higher education that is, or  
23 is a part of, a college or university system that is owned and operated by a state other  
24 than Georgia; which is accredited by the Southern Association of Colleges and Schools;  
25 which is not a graduate level school or college of theology or divinity; and which is  
26 located within 50 road miles, by the nearest practical route of travel, of the home

1 residence of one or more eligible students. The term 'home residence,' for purposes of  
 2 this subpart, shall, in the case of a dependent student, mean the principal residence of  
 3 the parent or legal guardian of a student; and

4 (C)(i) A qualified proprietary institution of higher education located in this state  
 5 which is a baccalaureate degree-granting institution of higher education; which is  
 6 accredited by a regional accrediting agency recognized by the United States  
 7 Department of Education; which is not a Bible school or college (or, at the graduate  
 8 level, a school or college of theology or divinity); which admits as regular students  
 9 only persons who have a high school diploma, a general educational development  
 10 (GED) diploma, or a degree from an accredited postsecondary institution; whose  
 11 students are eligible to participate in the federal Pell Grant program; which has been  
 12 reviewed and approved for operation and for receipt of tuition equalization grant  
 13 funds by the Georgia Nonpublic Postsecondary Education Commission; and which  
 14 has been in existence for at least ten years; provided, however, that the criteria for  
 15 approval for receipt of tuition equalization grant funds shall include but not be limited  
 16 to areas of course study, quality of instruction, student placement rate, research and  
 17 library sources, faculty, support staff, financial resources, physical plant facilities  
 18 resources, and support and equipment resources.

19 (ii) Any proprietary institution that is otherwise qualified pursuant to division (i) of  
 20 this subparagraph on July 1, 1995, shall be deemed to be eligible for receipt of tuition  
 21 equalization grant funds subject, however, to any subsequent review of such approval  
 22 pursuant to any proper regulations which may thereafter be adopted in accordance  
 23 with paragraph (10) of subsection (b) of Code Section 20-3-250.5 applicable to all  
 24 qualified proprietary institutions.

25 (iii) Except as set forth in subparagraph (A) of paragraph (3) of this Code section, no  
 26 proprietary institutions shall be deemed eligible for receipt of tuition equalization  
 27 grant funds.

28 (3) 'Eligible student' means a person who:

29 (A) Is enrolled in or accepted for enrollment prior to the fall quarter or semester  
 30 beginning after July 1, 2005, as a full-time undergraduate level student in an approved  
 31 school or as a graduate level student if funds are specifically appropriated in  
 32 appropriations Acts of the General Assembly for payment of grants to graduate level  
 33 students;

34 (B) Is or will be a citizen of Georgia for a period of at least 12 months immediately  
 35 prior to each date of registration in the approved school;

36 (C) Is not knowingly promoting or engaging in any activity which is determined by the  
 37 approved school's governing body to be detrimental to the school; and

1 (D) In the case of an approved school located outside the State of Georgia, is enrolled  
2 or accepted for enrollment therein at an academic level beyond the sophomore  
3 academic classification and whose home residence is, by the nearest practical route of  
4 travel, located within 50 road miles of the approved school and more than 50 road miles  
5 from the nearest four-year institution of the University System of Georgia.”

6 **SECTION 2.**

7 All laws and parts of laws in conflict with this Act are repealed.