

Senate Bill 561

By: Senators Harp of the 29th, Staton of the 18th, Adelman of the 42nd, Henson of the 41st and Wiles of the 37th

**AS PASSED SENATE**

**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 provide for certain definitions;  
3 to correct a scrivener's error; to provide for students in professional level programs; to  
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **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 striking paragraphs (7) and (8) of  
9 Code Section 20-3-519, relating to definitions relating to HOPE scholarships and grants, and  
10 inserting in lieu thereof new paragraphs (7) and(8) and adding a new paragraph (9.1) to read  
11 as follows:

12 "(7) 'Eligible postsecondary institution' means a school which is:

13 (A) A unit of the University System of Georgia;

14 (B) A branch of the Georgia Department of Technical and Adult Education or an  
15 affiliated institution which is controlled by a local board of education;

16 (C) A private independent nonprofit postsecondary institution eligible for tuition  
17 equalization grants in accordance with the provisions of subparagraph (A) of paragraph  
18 (2) of Code Section 20-3-411; or

19 (D) A private proprietary postsecondary institution eligible for tuition equalization  
20 grants in accordance with the provisions of subparagraph (C) of paragraph (2) of Code  
21 Section 20-3-411.

22 (8) 'Eligible private postsecondary institution' means an eligible postsecondary institution  
23 which meets the criteria set out in subparagraph (C) or (D) of paragraph (7) of this Code  
24 section."

25 "(9.1) 'First professional degree program' means a nonundergraduate degree program that  
26 meets the requirements established by the program regulations promulgated by the

1 Georgia Student Finance Commission which, at a minimum, shall include, but not be  
 2 limited to, the following:

3 (A) Accepts students after the completion of the sophomore or junior year; and

4 (B) Results in the award of a nonundergraduate degree."

5 **SECTION 2.**

6 Said part is further amended by striking Code Section 20-3-519.2, relating to eligibility  
 7 requirements for a HOPE scholarship at a public postsecondary institution, and inserting in  
 8 lieu thereof a new Code Section 20-3-519.2 to read as follows:

9 "20-3-519.2.

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

12 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
 13 resident of Georgia as established by the program regulations promulgated by the Georgia  
 14 Student Finance Commission which shall be based upon the in-state tuition policy of the  
 15 board of regents and the in-state tuition guidelines set by the Department of Technical  
 16 and Adult Education;

17 (2) Meet achievement standards by:

18 (A) Having graduated from an eligible high school while meeting the curriculum  
 19 requirements of his or her program of study in 1993 or thereafter and meeting the  
 20 requirements set out in the applicable subsection and paragraph of Code Section  
 21 20-2-157; or

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

23 (i) Did not graduate from high school or complete a home study program meeting the  
 24 requirements of subsection (c) of Code Section 20-2-690, having received the general  
 25 educational development (GED) diploma awarded by the Georgia Department of  
 26 Technical and Adult Education after June 30, 1993, provided that such student shall  
 27 only be eligible for a HOPE scholarship pursuant to subsection (e) of ~~the~~ this Code  
 28 section;

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

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

7 (3) Meet enrollment standards by being admitted, enrolled, and classified as an  
 8 undergraduate student in a matriculated status.

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

11 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
 12 resident of Georgia as established by the program regulations promulgated by the Georgia  
 13 Student Finance Commission which shall be based upon the in-state tuition policy of the  
 14 board of regents and the in-state tuition guidelines set by the Department of Technical  
 15 and Adult Education;

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

17 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
 18 institution:

19 (i) At the end of the quarter or semester in which the student has attempted 45 quarter  
 20 hours or 30 semester hours if such student is a full-time student; or

21 (ii) At the end of three consecutive quarters or semesters if such student is a part-time  
 22 student and has maintained part-time student status for three consecutive quarters or  
 23 semesters; 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 being admitted, enrolled, and classified as an  
 28 undergraduate student in a matriculated status ~~or, in the case of an otherwise eligible~~  
 29 ~~student who is classified as a professional level student rather than an undergraduate~~  
 30 ~~student, being accepted into the professional level program of study prior to receiving a~~  
 31 ~~baccalaureate degree.~~

32 (c) To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate or first  
 33 professional degree at a public postsecondary institution shall:

34 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
 35 resident of Georgia as established by the program regulations promulgated by the Georgia  
 36 Student Finance Commission which shall be based upon the in-state tuition policy of the

1 board of regents and the in-state tuition guidelines set by the Department of Technical  
2 and Adult Education;

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 being admitted, enrolled, and classified as an  
11 undergraduate student in a matriculated status or, in the case of an otherwise eligible  
12 student who is classified as a first professional level degree student rather than an  
13 undergraduate student, being accepted into the first professional level degree program of  
14 study prior to receiving a baccalaureate degree.

15 (d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or a  
16 first professional degree at a public postsecondary institution shall:

17 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
18 resident of Georgia as established by the program regulations promulgated by the Georgia  
19 Student Finance Commission which shall be based upon the in-state tuition policy of the  
20 board of regents and the in-state tuition guidelines set by the Department of Technical  
21 and Adult Education;

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

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

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

29 (3) Meet enrollment standards by being admitted, enrolled, and classified as an  
30 undergraduate student in a matriculated status or, in the case of an otherwise eligible  
31 student who is classified as a first professional level degree student rather than an  
32 undergraduate student, being accepted into the first professional level degree program of  
33 study prior to receiving a baccalaureate degree.

34 (e)(1)(A) A full-time student who fails to maintain a cumulative grade point average  
35 of at least 3.0 at the end of the quarter or semester in which the student has attempted  
36 45 quarter hours or 30 semester hours may attend the next 45 quarter or 30 semester  
37 hours without a HOPE scholarship. An otherwise eligible full-time student who regains

1 a cumulative grade point average of at least 3.0 at the end of a quarter or semester in  
2 which the full-time student has attempted 90 or 135 quarter hours or 60 or 90 semester  
3 hours may requalify for a HOPE scholarship.

4 (B) An otherwise eligible part-time student who regains or attains a cumulative grade  
5 point average of at least 3.0 at the end of a quarter or semester in which the part-time  
6 student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may  
7 attain or requalify for a HOPE scholarship.

8 (2) In addition to other requirements, and regardless of quarter hours or semester hours  
9 of coursework attempted, a student who fails to possess a cumulative grade point average  
10 of at least 3.0 at the end of each spring quarter or semester or at the end of three  
11 consecutive quarters or semesters for a part-time student pursuant to paragraph (2) of  
12 subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such  
13 time as the student regains or attains a cumulative grade point average of at least 3.0 at  
14 one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30,  
15 60, or 90 semester hour grade point average checkpoints, at which time the student will  
16 regain or attain eligibility if other terms and conditions in this Code section are also  
17 satisfied.

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

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

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

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

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

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

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

32 ~~(3) For purposes of this subsection, attempted hours shall include hours for courses taken~~  
33 ~~pursuant to Code Section 20-2-161.1.~~

34 (h)(1) Subject to the amounts appropriated by the General Assembly and provisions  
35 relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE  
36 scholarship awarded under this Code section shall include tuition, approved mandatory

1 fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester,  
2 except as otherwise provided for in paragraph (2) of this subsection.

3 (2) Effective beginning with the fall quarter or semester commencing after July 1, 2004,  
4 the amount of mandatory fees paid shall be equal to such amount or amounts that were  
5 paid on January 1, 2004, except as otherwise provided for in Code Section 50-27-13."

### 6 SECTION 3.

7 Said part is further amended by striking Code Section 20-3-519.3, relating to eligibility  
8 requirements for a HOPE scholarship at a private postsecondary institution, and inserting in  
9 lieu thereof a new Code Section 20-3-519.3 to read as follows:

10 "20-3-519.3.

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

13 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
14 resident of Georgia as established by the program regulations promulgated by the Georgia  
15 Student Finance Commission;

16 (2) Meet achievement standards by:

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

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

22 (i) Did not graduate from high school or complete a home study program meeting the  
23 requirements of subsection (c) of Code Section 20-2-690, having received the general  
24 educational development (GED) diploma awarded by the Georgia Department of  
25 Technical and Adult Education after June 30, 1993, provided that such student shall  
26 only be eligible for a HOPE scholarship pursuant to subsection (e) of this Code  
27 section;

28 (ii) Completed a home study program meeting the requirements of subsection (c) of  
29 Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a  
30 cumulative grade point average of at least 3.0 at an eligible public postsecondary  
31 institution at the end of the quarter or semester in which the student has attempted 45  
32 quarter hours or 30 semester hours, provided that such student shall be eligible to  
33 receive a retroactive HOPE scholarship for such student's freshman year to be paid  
34 at the end of the freshman year; or

35 (iii) Graduated from a high school which is not an eligible high school, earning a  
36 cumulative grade point average of at least 3.0 at an eligible public postsecondary

1 institution at the end of the quarter or semester in which the student has attempted 45  
 2 quarter hours or 30 semester hours, provided that such student shall be eligible to  
 3 receive a retroactive HOPE scholarship for such student's freshman year to be paid  
 4 at the end of the freshman year; and

5 (3) Meet enrollment standards by:

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

8 (B) Being registered for and attending classes as at least a half-time student for 14 days  
 9 or more after the last day of the institution's drop and add period.

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

12 (1) Meet residency requirements by meeting the requirements to be classified as a legal  
 13 resident of Georgia as established by the program regulations promulgated by the Georgia  
 14 Student Finance Commission;

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

16 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary  
 17 institution:

18 (i) At the end of the quarter or semester in which the student has attempted 45 quarter  
 19 hours or 30 semester hours if such student is a full-time student; or

20 (ii) At the end of three consecutive quarters or semesters if such student is a half-time  
 21 student and has maintained part-time student status for three consecutive quarters or  
 22 semesters; and

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

26 (3) Meet enrollment standards by:

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

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

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

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

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

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

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

8 (3) Meet enrollment standards by:

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

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

16 (d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or first  
17 professional 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;

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

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

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

28 (3) Meet enrollment standards by:

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

34 (B) Being registered for and attending classes as at least a half-time student for 14 days  
35 or more after the last day of the institution's drop and add period.

36 (e)(1)(A) An otherwise eligible full-time student who fails to maintain a cumulative  
37 grade point average of at least 3.0 at the end of the quarter or semester in which the

1 student has attempted 45 quarter hours or 30 semester hours may attend the next 45  
2 quarter hours or 30 semester hours without a HOPE scholarship. A full-time student  
3 who regains a cumulative grade point average of at least 3.0 at end of the quarter or  
4 semester in which the full-time student has attempted 90 quarter hours or 60 semester  
5 hours may requalify for a HOPE scholarship. A full-time student who regains a  
6 cumulative grade point average of at least 3.0 at the end of the quarter or semester in  
7 which the full-time student has attempted 135 quarter hours or 90 semester hours may  
8 requalify for a HOPE scholarship.

9 (B) An otherwise eligible half-time student who regains or attains a cumulative grade  
10 point average of at least 3.0 at the end of a quarter or semester in which the half-time  
11 student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may  
12 attain or requalify for a HOPE scholarship.

13 (2) In addition to other requirements, and regardless of quarter or semester hours of  
14 coursework attempted, a student who fails to possess a cumulative grade point average  
15 of at least 3.0 at the end of each spring quarter or semester or at the end of three  
16 consecutive quarters or semesters for a half-time student pursuant to paragraph (2) of  
17 subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such  
18 time as the student regains or attains a cumulative grade point average of at least 3.0 at  
19 one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30,  
20 60, or 90 semester hour grade point average checkpoints, at which time the student will  
21 regain or attain eligibility if other terms and conditions in this Code section are also  
22 satisfied.

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

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

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

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

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

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

35 ~~(3) For purposes of this subsection, attempted hours shall include hours for courses taken~~  
36 ~~pursuant to Code Section 20-2-161.1.~~

1 (g)(1) Except as provided for in paragraph (2), subject to the amounts appropriated by  
2 the General Assembly and provisions relating to the scholarship shortfall reserve  
3 subaccount in Code Section 50-27-13, a HOPE scholarship awarded under this Code  
4 section shall be not less than \$3,000.00 for any academic year.

5 (2) Effective beginning with the fall quarter or semester commencing after July 1, 2004,  
6 subject to the amounts appropriated by the General Assembly and provisions relating to  
7 the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE  
8 scholarship awarded under this Code section shall be not less than \$1,500.00 for half-time  
9 enrollment and \$3,000.00 for full-time enrollment for any academic year."

10 **SECTION 4.**

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