

House Bill 1091

By: Representatives Hembree of the 67th, Cox of the 102nd, Hatfield of the 177th, Harbin of the 118th, Burns of the 157th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
2 postsecondary education, so as to revise requirements for attaining residency status for
3 purposes of tuition; to provide for definitions; to provide that students shall have graduated
4 from an eligible high school or home study program in this state to be eligible for HOPE
5 scholarships and grants; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
10 education, is amended by revising Code Section 20-3-66, relating to determination of
11 resident status of students for tuition or fees, as follows:

12 "20-3-66.

13 ~~For the purposes of determining resident status for tuition or fees, no person who has~~
14 ~~attained the legal age of majority shall be deemed to have gained residence while attending~~
15 ~~any educational institution in this state as a full-time student, as such status is defined by~~
16 ~~the board of regents, in the absence of a clear demonstration that he has established~~
17 ~~domicile in this state and has otherwise complied with the rules governing the residency~~
18 ~~status of students as adopted by the board. The residence, for tuition or fee purposes, of any~~
19 ~~person receiving regular financial assistance from his parent, or whose parent's income was~~
20 ~~taken into account by any private or governmental agency furnishing financial educational~~
21 ~~assistance to such person, including scholarships, loans, or otherwise, shall be the same as~~
22 ~~that of his parent. In the event such person's parents have separate domiciles, his residence~~
23 ~~for tuition or fee purposes shall be the domicile of the parent furnishing him the greater~~
24 ~~financial assistance or the parent having the larger income if neither furnishes such~~
25 ~~assistance.~~

1 (a) As used in this Code section, the term:

2 (1) 'Dependent student' means an individual under the age of 24 who receives financial
3 support from a parent or U.S. court appointed legal guardian, and such parent or guardian
4 claims such individual as a dependent on his or her most recent federal or state income
5 tax return.

6 (2) 'Emancipated' means a minor who, under certain circumstances, may be treated by
7 the law as an adult. A student reaching the age of 18 shall not qualify for consideration
8 of reclassification by virtue of having become emancipated unless he or she can
9 demonstrate financial independence and domicile independent of his or her parents.

10 (3) 'Independent student' means an individual who is not claimed as a dependent on the
11 federal or state income tax returns of a parent or U.S. court appointed legal guardian, and
12 such parent or guardian has ceased to provide support and right to that individual's care,
13 custody, and earnings.

14 (b)(1) An independent student who has established and maintained a domicile in the
15 State of Georgia for a period of at least 12 consecutive months immediately preceding the
16 first day of classes for the term shall be classified as in-state for tuition purposes. No
17 student shall gain or acquire in-state classification while attending any postsecondary
18 educational institution in this state without clear evidence of having established domicile
19 in Georgia for purposes other than attending a postsecondary educational institution in
20 this state.

21 (2) If an independent student classified as in-state for tuition purposes relocates out of
22 state temporarily but returns to the State of Georgia within 12 months of the relocation,
23 such student shall be entitled to retain his or her in-state tuition classification.

24 (c)(1) A dependent student shall be classified as in-state for tuition purposes if such
25 dependent student's parent has established and maintained domicile in the State of
26 Georgia for at least 12 consecutive months immediately preceding the first day of classes
27 for the term.

28 (2) A dependent student shall be classified as in-state for tuition purposes if such
29 student's U.S. court appointed legal guardian has established and maintained domicile
30 in the State of Georgia for at least 12 consecutive months immediately preceding the first
31 day of classes for the term, provided that appointment was not made to avoid payment
32 of out-of-state tuition, and such guardian can provide clear evidence of having established
33 and maintained domicile in the State of Georgia for a period of at least 12 consecutive
34 months immediately preceding the first day of classes for the term.

35 (3) If the parent or U.S. court appointed legal guardian of a dependent student currently
36 classified as in-state for tuition purposes establishes domicile outside of Georgia after
37 having established and maintained domicile in the State of Georgia, such student may

1 retain his or her in-state tuition classification as long as such student remains
 2 continuously enrolled in a public postsecondary educational institution in this state,
 3 regardless of the domicile of such student's parent or U.S. court appointed legal
 4 guardian."

5 SECTION 2.

6 Said chapter is further amended by revising Code Section 20-3-519, relating to definitions
 7 relative to HOPE scholarships and grants, as follows:

8 "20-3-519.

9 As used in this part, the term:

10 (1) 'Academic year' means a period of time, typically nine months, in which a full-time
 11 student is expected to complete the equivalent of at least two semesters' or three quarters'
 12 academic work.

13 (2) 'Advanced degree' means a master's degree, specialist's degree, or doctorate in
 14 education conferred by an approved postsecondary institution upon completion of a
 15 unified program of study at the graduate level.

16 (3) 'Approved teacher education program' means a program offered by a public or private
 17 postsecondary institution which program has been approved by the Georgia Professional
 18 Standards Commission.

19 (4) 'Certificate' or 'diploma' means a credential, other than a degree, indicating
 20 satisfactory completion of training in a program of study offered by an eligible public
 21 postsecondary institution.

22 (5) 'Critical shortage field' means an area of study or an area of specialized expertise for
 23 which a shortage of qualified teachers or educators exists in Georgia, designated as such
 24 by the Georgia Student Finance Commission.

25 (6) 'Eligible high school' means a public or private secondary school which is:

26 (A) Located in Georgia and accredited as such by:

- 27 (i) The Southern Association of Colleges and Schools;
- 28 (ii) The Georgia Accrediting Commission;
- 29 (iii) The Georgia Association of Christian Schools;
- 30 (iv) The Association of Christian Schools International;
- 31 (v) The Georgia Private School Accreditation Council;
- 32 (vi) The Accrediting Commission for Independent Study; or
- 33 (vii) The Southern Association of Independent Schools; or

34 (B) Located in another state and accredited by one of the following regional agencies:

- 35 (i) The Southern Association of Colleges and Schools;
- 36 (ii) The New England Association of Schools and Colleges;

- 1 (iii) The Middle States Association of Colleges and Schools;
- 2 (iv) The North Central Association of Colleges and Schools;
- 3 (v) The Northwestern Association of Schools and Colleges;
- 4 (vi) The Western Association of Schools and Colleges;
- 5 (vii) The Alabama Independent School Association; or
- 6 (viii) The Southern Association of Independent Schools.

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

- 8 (A) A unit of the University System of Georgia;
- 9 (B) A branch of the Georgia Department of Technical and Adult Education or an
- 10 affiliated institution which is controlled by a local board of education;
- 11 (C) A private independent nonprofit postsecondary institution eligible for tuition
- 12 equalization grants in accordance with the provisions of subparagraph (A) of paragraph
- 13 (2) of Code Section 20-3-411; or
- 14 (D) A private proprietary postsecondary institution eligible for tuition equalization
- 15 grants in accordance with the provisions of subparagraph (C) of paragraph (2) of Code
- 16 Section 20-3-411.

17 (8) 'Eligible private postsecondary institution' means an eligible postsecondary institution

18 which meets the criteria set out in subparagraph (C) or (D) of paragraph (7) of this Code

19 section.

20 (9) 'Eligible public postsecondary institution' means an eligible postsecondary institution

21 which meets the criteria set out in subparagraph (A) or (B) of paragraph (7) of this Code

22 section.

23 (9.1) 'First professional degree program' means a nonundergraduate degree program that

24 meets the requirements established by the program regulations promulgated by the

25 Georgia Student Finance Commission which, at a minimum, shall include, but not be

26 limited to, the following:

- 27 (A) Accepts students after the completion of the sophomore or junior year; and
- 28 (B) Results in the award of a nonundergraduate degree.

29 (10) 'Freshman student' means a student at a postsecondary institution who has attempted

30 less than 46 quarter hours or less than 31 semester hours and who graduated from an

31 eligible high school in this state or completed a home study program in this state meeting

32 the requirements of subsection (c) of Code Section 20-2-690.

33 (11) 'Full-time student' means a matriculated student attending a postsecondary

34 educational institution and enrolled for at least 12 semester hours or the equivalent in any

35 given semester or quarter.

36 (12) 'Grade point average' means the numbered grade average calculated using a 4.0

37 scale.

1 (12.1) 'Half-time student' means a matriculated student attending a postsecondary
2 educational institution and enrolled for six to 11 semester hours or the equivalent in any
3 given semester or quarter.

4 (13) 'HOPE grant' means a Helping Outstanding Pupils Educationally grant for education
5 awarded in accordance with Code Section 20-3-519.5.

6 (14) 'HOPE scholarship' means a Helping Outstanding Pupils Educationally scholarship
7 for education awarded in accordance with Code Sections 20-3-519.2 or 20-3-519.3.

8 (15) 'HOPE teacher's scholarship' means a Helping Outstanding Pupils Educationally
9 scholarship for education awarded in accordance with Code Section 20-3-519.8.

10 (16) 'HOPE GED voucher' means a Helping Outstanding Pupils Educationally general
11 educational development (GED) diploma voucher for postsecondary education awarded
12 in accordance with Code Section 20-3-519.6.

13 (17) 'Junior student' means a student at a postsecondary institution who has attempted
14 at least 91 quarter hours but less than 136 quarter hours or at least 61 semester hours but
15 less than 91 semester hours and who graduated from an eligible high school in this state
16 or completed a home study program in this state meeting the requirements of subsection
17 (c) of Code Section 20-2-690.

18 (18) 'Mandatory fees' means fees approved by the Georgia Student Finance Commission
19 that are charged by a postsecondary institution to every student enrolled in that
20 institution, regardless of the student's program of study.

21 (19) 'Matriculated status' means being recognized as a student in a defined program of
22 study leading to a degree, diploma, or certificate at a postsecondary institution.

23 (19.1) 'Part-time student' means a matriculated student attending a postsecondary
24 educational institution and enrolled for less than 12 semester hours or the equivalent in
25 any given semester or quarter and who has never been enrolled for 12 or more semester
26 hours or the equivalent in any given semester or quarter.

27 (20) 'PROMISE teacher's scholarship' means a scholarship awarded in accordance with
28 Code Section 20-3-519.7.

29 (21) 'Quarter hours' includes each quarter hour attempted, whether remedial or for credit
30 toward a degree, certificate, or diploma.

31 (22) 'Semester hours' includes each semester hour attempted, whether remedial or for
32 credit toward a degree, certificate, or diploma.

33 (23) 'Senior student' means a student at a postsecondary institution who has attempted
34 at least 136 quarter hours but less than 191 quarter hours or at least 91 semester hours but
35 less than 128 semester hours and who graduated from an eligible high school in this state
36 or completed a home study program in this state meeting the requirements of subsection
37 (c) of Code Section 20-2-690.

1 (24) 'Sophomore student' means a student at a postsecondary institution who has
2 attempted at least 46 quarter hours but less than 91 quarter hours or at least 31 semester
3 hours but less than 61 semester hours and who graduated from an eligible high school in
4 this state or completed a home study program in this state meeting the requirements of
5 subsection (c) of Code Section 20-2-690.

6 (25) 'Title IV' means Title IV of the Higher Education Act of 1965, as amended, 20
7 U.S.C.A. Section 1070, et seq."

8 **SECTION 3.**

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