

House Bill 1091 (COMMITTEE SUBSTITUTE) (AM)

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 relating to in-state tuition; to provide
3 for definitions; to change certain provisions relating to residency requirements for a HOPE
4 scholarship at a public postsecondary institution; to change certain provisions relating to
5 residency requirements for a HOPE scholarship at a private postsecondary institution; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**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.~~

H. B. 1091 (SUB)

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 United States court appointed legal guardian, and such parent
4 or guardian claimed such individual as a dependent on his or her most recent federal or
5 state income 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 United States court appointed legal
12 guardian and whose parent or guardian has ceased to provide support and right to that
13 individual's care, 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 United States court appointed legal guardian has established and maintained
30 domicile in the State of Georgia for at least 12 consecutive months immediately
31 preceding the first day of classes for the term, provided that such appointment was not
32 made to avoid payment of out-of-state tuition, and such guardian can provide clear
33 evidence of having established and maintained domicile in the State of Georgia for a
34 period of at least 12 consecutive months immediately preceding the first day of classes
35 for the term.

36 (3) If the parent or United States court appointed legal guardian of a dependent student
37 currently classified as in-state for tuition purposes establishes domicile outside of the

1 State of Georgia after having established and maintained domicile in the State of Georgia,
 2 such student may retain his or her in-state tuition classification so long as such student
 3 remains continuously enrolled in a public postsecondary educational institution in this
 4 state, regardless of the domicile of such student's parent or United States court appointed
 5 legal guardian.

6 (d) Noncitizen students shall not be classified as in-state for tuition purposes unless the
 7 student is legally in this state and there is evidence to warrant consideration of in-state
 8 classification as determined by the board of regents. Lawful permanent residents, refugees,
 9 asylees, or other eligible noncitizens as defined by federal Title IV regulations may be
 10 extended the same consideration as citizens of the United States in determining whether
 11 they qualify for in-state classification. International students who reside in the United
 12 States under nonimmigrant status conditioned at least in part upon intent not to abandon
 13 a foreign domicile shall not be eligible for in-state classification."

14 SECTION 2.

15 Said chapter is further amended by revising Code Section 20-3-519.2, relating to eligibility
 16 requirements for a HOPE scholarship at a public postsecondary institution, as follows:

17 "20-3-519.2.

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

20 (1) Meet residency requirements by: meeting

21 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 22 established by the program regulations promulgated by the Georgia Student Finance
 23 Commission which shall be based upon the in-state tuition policy of the board of
 24 regents and the in-state tuition guidelines set by the Department of Technical and Adult
 25 Education; and

26 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 27 graduation from high school or from a home study program meeting the requirements
 28 of Code Section 20-2-690, then the student must have met the requirements set forth
 29 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
 30 prior to the first day of classes for which the HOPE scholarship is to be awarded; or
 31 (ii) If the student was not classified as a legal resident at the time of graduation from
 32 high school or from a home study program meeting the requirements of Code Section
 33 20-2-690, then the student must have met the requirements set forth in subparagraph
 34 (A) of this paragraph for a period of at least 12 months immediately prior to the first
 35 day of classes for which the HOPE scholarship is to be awarded.

1 Notwithstanding the foregoing, a dependent child of military personnel stationed in
 2 Georgia shall be deemed to be a legal resident of Georgia and, subject to meeting all
 3 other eligibility requirements, shall be eligible to receive the HOPE scholarship as a
 4 freshman if the student graduated from a high school located in Georgia or from a home
 5 study program meeting the requirements of Code Section 20-2-690 that is located in
 6 Georgia;

7 (2) Meet achievement standards by:

8 (A) Having graduated from an eligible high school while meeting the curriculum
 9 requirements of his or her program of study in 1993 or thereafter and meeting the
 10 requirements set out in the applicable subsection and paragraph of Code Section
 11 20-2-157; or

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

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

19 (ii) Completed a home study program meeting the requirements of subsection (c) of
 20 Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a
 21 cumulative grade point average of at least 3.0 at an eligible public 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, provided that such student shall be eligible to
 24 receive a retroactive HOPE scholarship for such student's freshman year to be paid
 25 at the end of the freshman year; or

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

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

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

36 (1) Meet residency requirements by: meeting

1 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 2 established by the program regulations promulgated by the Georgia Student Finance
 3 Commission which shall be based upon the in-state tuition policy of the board of
 4 regents and the in-state tuition guidelines set by the Department of Technical and Adult
 5 Education; and

6 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 7 graduation from high school or from a home study program meeting the requirements
 8 of Code Section 20-2-690, then the student must have met the requirements set forth
 9 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
 10 prior to the first day of classes for which the HOPE scholarship is to be awarded; or
 11 (ii) If the student was not classified as a legal resident at the time of graduation from
 12 high school or from a home study program meeting the requirements of Code Section
 13 20-2-690, then the student must have met the requirements set forth in subparagraph
 14 (A) of this paragraph for a period of at least 12 months immediately prior to the first
 15 day of classes for which the HOPE scholarship is to be awarded;

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.

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

31 (1) Meet residency requirements by meeting

32 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 33 established by the program regulations promulgated by the Georgia Student Finance
 34 Commission which shall be based upon the in-state tuition policy of the board of
 35 regents and the in-state tuition guidelines set by the Department of Technical and Adult
 36 Education; and

1 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 2 graduation from high school or from a home study program meeting the requirements
 3 of Code Section 20-2-690, then the student must have met the requirements set forth
 4 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
 5 prior to the first day of classes for which the HOPE scholarship is to be awarded; or
 6 (ii) If the student was not classified as a legal resident at the time of graduation from
 7 high school or from a home study program meeting the requirements of Code Section
 8 20-2-690, then the student must have met the requirements set forth in subparagraph
 9 (A) of this paragraph for a period of at least 12 months immediately prior to the first
 10 day of classes for which the HOPE scholarship is to be awarded;

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

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

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

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

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

25 (1) Meet residency requirements by meeting

26 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 27 established by the program regulations promulgated by the Georgia Student Finance
 28 Commission which shall be based upon the in-state tuition policy of the board of
 29 regents and the in-state tuition guidelines set by the Department of Technical and Adult
 30 Education; and

31 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 32 graduation from high school or from a home study program meeting the requirements
 33 of Code Section 20-2-690, then the student must have met the requirements set forth
 34 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
 35 prior to the first day of classes for which the HOPE scholarship is to be awarded; or
 36 (ii) If the student was not classified as a legal resident at the time of graduation from
 37 high school or from a home study program meeting the requirements of Code Section

1 20-2-690, then the student must have met the requirements set forth in subparagraph
 2 (A) of this paragraph for a period of at least 12 months immediately prior to the first
 3 day of classes for which the HOPE scholarship is to be awarded;

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

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

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

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

16 (e)(1)(A) A full-time student who fails to maintain a cumulative grade point average
 17 of at least 3.0 at the end of the quarter or semester in which the student has attempted
 18 45 quarter hours or 30 semester hours may attend the next 45 quarter or 30 semester
 19 hours without a HOPE scholarship. An otherwise eligible full-time student who regains
 20 a cumulative grade point average of at least 3.0 at the end of a quarter or semester in
 21 which the full-time student has attempted 90 or 135 quarter hours or 60 or 90 semester
 22 hours may requalify for a HOPE scholarship.

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

27 (2) In addition to other requirements, and regardless of quarter hours or semester hours
 28 of coursework attempted, a student who fails to possess a cumulative grade point average
 29 of at least 3.0 at the end of each spring quarter or semester or at the end of three
 30 consecutive quarters or semesters for a part-time student pursuant to paragraph (2) of
 31 subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such
 32 time as the student regains or attains a cumulative grade point average of at least 3.0 at
 33 one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30,
 34 60, or 90 semester hour grade point average checkpoints, at which time the student will
 35 regain or attain eligibility if other terms and conditions in this Code section are also
 36 satisfied.

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

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

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

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

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

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

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

15 (h)(1) Subject to the amounts appropriated by the General Assembly and provisions
16 relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE
17 scholarship awarded under this Code section shall include tuition, approved mandatory
18 fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester,
19 except as otherwise provided for in paragraphs (2) and (3) of this subsection.

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

23 (3) Paragraph (2) of this subsection shall not apply to an eligible public postsecondary
24 institution established by law on or after January 1, 2004. For any eligible public
25 postsecondary institution established on or after January 1, 2004, the amount of the
26 mandatory fees paid shall be equal to such amount or amounts initially approved for that
27 new eligible public postsecondary institution for its first year of operation by action of
28 the board of regents or the Department of Technical and Adult Education, as applicable,
29 except as otherwise provided for in Code Section 50-27-13."

30 SECTION 3.

31 Said chapter is further amended by revising Code Section 20-3-519.3, relating to eligibility
32 requirements for a HOPE scholarship at a private postsecondary institution, as follows:

33 "20-3-519.3.

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

36 (1) Meet residency requirements by meeting

1 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 2 established by the program regulations promulgated by the Georgia Student Finance
 3 Commission; and

4 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 5 graduation from high school or from a home study program meeting the requirements
 6 of Code Section 20-2-690, then the student must have met the requirements set forth
 7 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
 8 prior to the first day of classes for which the HOPE scholarship is to be awarded; or
 9 (ii) If the student was not classified as a legal resident at the time of graduation from
 10 high school or from a home study program meeting the requirements of Code Section
 11 20-2-690, then the student must have met the requirements set forth in subparagraph
 12 (A) of this paragraph for a period of at least 12 months immediately prior to the first
 13 day of classes for which the HOPE scholarship is to be awarded.

14 Notwithstanding the foregoing, a dependent child of military personnel stationed in
 15 Georgia shall be deemed to be a legal resident of Georgia and, subject to meeting all
 16 other eligibility requirements, shall be eligible to receive the HOPE scholarship as a
 17 freshman if the student graduated from a high school located in Georgia or from a home
 18 study program meeting the requirements of Code Section 20-2-690 that is located in
 19 Georgia;

20 (2) Meet achievement standards by:

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

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

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

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 at least a half-time student for 14 days
13 or 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~~

17 (A) Meeting the requirements to be classified as a legal resident of Georgia as
18 established by the program regulations promulgated by the Georgia Student Finance
19 Commission; and

20 (B)(i) If the student was classified as a legal resident of Georgia at the time of
21 graduation from high school or from a home study program meeting the requirements
22 of Code Section 20-2-690, then the student must have met the requirements set forth
23 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
24 prior to the first day of classes for which the HOPE scholarship is to be awarded; or

25 (ii) If the student was not classified as a legal resident at the time of graduation from
26 high school or from a home study program meeting the requirements of Code Section
27 20-2-690, then the student must have met the requirements set forth in subparagraph
28 (A) of this paragraph for a period of at least 12 months immediately prior to the first
29 day of classes for which the HOPE scholarship is to be awarded;

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

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

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

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

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

4 (3) Meet enrollment standards by:

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

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

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

11 (1) Meet residency requirements by: ~~meeting~~

12 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 13 established by the program regulations promulgated by the Georgia Student Finance
 14 Commission; and

15 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 16 graduation from high school or from a home study program meeting the requirements
 17 of Code Section 20-2-690, then the student must have met the requirements set forth
 18 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
 19 prior to the first day of classes for which the HOPE scholarship is to be awarded; or

20 (ii) If the student was not classified as a legal resident at the time of graduation from
 21 high school or from a home study program meeting the requirements of Code Section
 22 20-2-690, then the student must have met the requirements set forth in subparagraph
 23 (A) of this paragraph for a period of at least 12 months immediately prior to the first
 24 day of classes for which the HOPE scholarship is to be awarded;

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

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

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

32 (3) Meet enrollment standards by:

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

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

3 (d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or first
4 professional degree at an eligible private postsecondary institution shall:

5 (1) Meet residency requirements by: ~~meeting~~

6 (A) Meeting the requirements to be classified as a legal resident of Georgia as
7 established by the program regulations promulgated by the Georgia Student Finance
8 Commission; and

9 (B)(i) If the student was classified as a legal resident of Georgia at the time of
10 graduation from high school or from a home study program meeting the requirements
11 of Code Section 20-2-690, then the student must have met the requirements set forth
12 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
13 prior to the first day of classes for which the HOPE scholarship is to be awarded; or

14 (ii) If the student was not classified as a legal resident at the time of graduation from
15 high school or from a home study program meeting the requirements of Code Section
16 20-2-690, then the student must have met the requirements set forth in subparagraph
17 (A) of this paragraph for a period of at least 12 months immediately prior to the first
18 day of classes for which the HOPE scholarship is to be awarded;

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

20 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary
21 institution at the end of the quarter or semester in which the student has attempted 135
22 quarter hours or 90 semester hours; 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 first professional degree student rather than an undergraduate student, being accepted
30 into the first professional degree program of study prior to receiving a baccalaureate
31 degree; and

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **SECTION 4.**

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