

The House Committee on Higher Education offers the following substitute to SB 480:

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 certain definitions; to change certain provisions relating to residency requirements for a
4 HOPE scholarship at a public postsecondary institution; to change certain provisions relating
5 to 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 **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.~~

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 2.

14 Said chapter is further amended by revising subparagraph (A) of paragraph (2) of Code
 15 Section 20-3-411, relating to definitions relative to tuition equalization grants at private
 16 colleges and universities, as follows:

17 "(A) A nonproprietary institution of higher education located in this state which is not
 18 a branch of the university system; which is accredited by the Southern Association of
 19 Colleges and Schools; which is not a graduate level school or college of theology or
 20 divinity; and which is not presently receiving state funds under Article 4 of this chapter;
 21 provided, however, that an institution which otherwise meets the requirements of this
 22 definition and of this subpart except for the lack of accreditation by the Southern
 23 Association of Colleges and Schools shall be deemed to be an 'approved school' during
 24 the period that the institution holds candidate for accreditation status with the Southern
 25 Association of Colleges and Schools; provided, further, that, until December 31, 2010,
 26 an institution which was previously accredited by the Southern Association of Colleges
 27 and Schools within the last seven years and which otherwise meets the requirements of
 28 this definition and of this subpart except for the lack of accreditation by the Southern
 29 Association of Colleges and Schools shall be deemed to be an 'approved school';"

30 SECTION 3.

31 Said article is further amended by revising paragraph (6) of Code Section 20-3-519, relating
 32 to definitions relative to HOPE scholarships and grants, as follows:

33 "(6) 'Eligible high school', until December 31, 2010, means a public or private secondary
 34 school which is:

1 (A) Located in Georgia and is currently or within the last two years has been accredited
 2 ~~as such~~ by:

- 3 (i) The Southern Association of Colleges and Schools;
- 4 (ii) The Georgia Accrediting Commission;
- 5 (iii) The Georgia Association of Christian Schools;
- 6 (iv) The Association of Christian Schools International;
- 7 (v) The Georgia Private School Accreditation Council; or
- 8 ~~(vi) The Accrediting Commission for Independent Study; or~~
- 9 ~~(vii) The Southern Association of Independent Schools; or~~

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

- 11 (i) The Southern Association of Colleges and Schools;
- 12 (ii) The New England Association of Schools and Colleges;
- 13 (iii) The Middle States Association of Colleges and Schools;
- 14 (iv) The North Central Association of Colleges and Schools;
- 15 (v) The Northwestern Association of Schools and Colleges;
- 16 (vi) The Western Association of Schools and Colleges;
- 17 (vii) The Alabama Independent School Association; or
- 18 (viii) The Southern Association of Independent Schools.

19 On and after January 1, 2011, 'eligible high school' means a public or private secondary
 20 school which is:

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

- 22 (i) The Southern Association of Colleges and Schools;
- 23 (ii) The Georgia Accrediting Commission;
- 24 (iii) The Georgia Association of Christian Schools;
- 25 (iv) The Association of Christian Schools International;
- 26 (v) The Georgia Private School Accreditation Council;
- 27 (vi) The Accrediting Commission for Independent Study; or
- 28 (vii) The Southern Association of Independent Schools; or

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

- 30 (i) The Southern Association of Colleges and Schools;
- 31 (ii) The New England Association of Schools and Colleges;
- 32 (iii) The Middle States Association of Colleges and Schools;
- 33 (iv) The North Central Association of Colleges and Schools;
- 34 (v) The Northwestern Association of Schools and Colleges;
- 35 (vi) The Western Association of Schools and Colleges;
- 36 (vii) The Alabama Independent School Association; or
- 37 (viii) The Southern Association of Independent Schools."

1 Technical and Adult Education after June 30, 1993, provided that such student shall
2 only be eligible for a HOPE scholarship pursuant to subsection (e) of this Code
3 section;

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

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

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

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

21 (1) Meet residency requirements by: meeting

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

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

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

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

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

5 (ii) At the end of three consecutive quarters or semesters if such student is a part-time
6 student and has maintained part-time student status for three consecutive quarters or
7 semesters; 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 SECTION 5.

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

16 "20-3-519.3.

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

19 (1) Meet residency requirements by: meeting

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

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

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

33 Notwithstanding the foregoing, a dependent child of military personnel stationed in
34 Georgia shall be deemed to be a legal resident of Georgia and, subject to meeting all
35 other eligibility requirements, shall be eligible to receive the HOPE scholarship as a
36 freshman if the student graduated from a high school located in Georgia or from a home

1 study program meeting the requirements of Code Section 20-2-690 that is located in
 2 Georgia:

3 (2) Meet achievement standards by:

4 (A) Having graduated from an eligible high school while meeting the curriculum
 5 requirements of his or her program of study in 1996 or thereafter and meeting the
 6 requirements set out in the applicable paragraph of subsection (b) of Code Section
 7 20-2-157; or

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

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

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

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

28 (3) Meet enrollment standards by:

29 (A) Being admitted, enrolled, and classified as an undergraduate student in a
 30 matriculated status; 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 (b) To be eligible for a HOPE scholarship, a sophomore student seeking an associate or
 34 baccalaureate degree at an eligible private postsecondary institution shall:

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

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

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

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

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

25 (3) Meet enrollment standards by:

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

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

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

32 (1) Meet residency requirements by: meeting

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

36 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 37 graduation from high school or from a home study program meeting the requirements

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

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 90
 12 quarter hours or 60 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:

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

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

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

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

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

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

1 (A) of this paragraph for a period of at least 12 months immediately prior to the first
2 day of classes for which the HOPE scholarship is to be awarded;

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 135
6 quarter hours or 90 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, in the case of an otherwise eligible student who is classified as
13 a first professional degree student rather than an undergraduate student, being accepted
14 into the first professional degree program of study prior to receiving a baccalaureate
15 degree; and

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

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

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

32 (2) In addition to other requirements, and regardless of quarter or semester hours of
33 coursework attempted, a student who fails to possess a cumulative grade point average
34 of at least 3.0 at the end of each spring quarter or semester or at the end of three
35 consecutive quarters or semesters for a half-time student pursuant to paragraph (2) of
36 subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such
37 time as the student regains or attains a cumulative grade point average of at least 3.0 at

1 one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30,
2 60, or 90 semester hour grade point average checkpoints, at which time the student will
3 regain or attain eligibility if other terms and conditions in this Code section are also
4 satisfied.

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

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

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

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

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

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

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

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

26 SECTION 6.

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