

The House Committee on Higher Education offers the following substitute to SB 492:

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 add an additional accrediting entity to the definition of the term "eligible
4 high school"; to change certain provisions relating to residency requirements for a HOPE
5 scholarship at a public postsecondary institution; to change certain provisions relating to
6 residency requirements for a HOPE scholarship at a private postsecondary institution; to
7 provide that postsecondary level course hours taken prior to high school graduation will
8 count towards hourly caps under certain conditions; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "20-3-66.

16 ~~For the purposes of determining resident status for tuition or fees, no person who has~~
17 ~~attained the legal age of majority shall be deemed to have gained residence while attending~~
18 ~~any educational institution in this state as a full-time student, as such status is defined by~~
19 ~~the board of regents, in the absence of a clear demonstration that he has established~~
20 ~~domicile in this state and has otherwise complied with the rules governing the residency~~
21 ~~status of students as adopted by the board. The residence, for tuition or fee purposes, of any~~
22 ~~person receiving regular financial assistance from his parent, or whose parent's income was~~
23 ~~taken into account by any private or governmental agency furnishing financial educational~~
24 ~~assistance to such person, including scholarships, loans, or otherwise, shall be the same as~~
25 ~~that of his parent. In the event such person's parents have separate domiciles, his residence~~
26 ~~for tuition or fee purposes shall be the domicile of the parent furnishing him the greater~~

S. B. 492 (SUB)

1 ~~financial assistance or the parent having the larger income if neither furnishes such~~
2 ~~assistance.~~

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

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

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

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

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

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

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

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

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

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

16 SECTION 2.

17 Said chapter is further amended by revising paragraph (6) of Code Section 20-3-519, relating
 18 to definitions applicable to HOPE scholarships and grants, as follows:

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

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

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

28 (B) Located in another state and accredited by one of the following regional or state
 29 accrediting entities 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

- 1 (viii) The Southern Association of Independent Schools; or
 2 (ix) The Florida Council of Independent Schools."

3 SECTION 3.

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

6 "20-3-519.2.

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

9 (1) Meet residency requirements by: meeting

10 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 11 established by the program regulations promulgated by the Georgia Student Finance
 12 Commission which shall be based upon the in-state tuition policy of the board of
 13 regents and the in-state tuition guidelines set by the Department of Technical and Adult
 14 Education; 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 Notwithstanding the foregoing, a dependent child of military personnel stationed in
 26 Georgia shall be deemed to be a legal resident of Georgia and, subject to meeting all
 27 other eligibility requirements, shall be eligible to receive the HOPE scholarship as a
 28 freshman if the student graduated from a high school located in Georgia or from a home
 29 study program meeting the requirements of Code Section 20-2-690 that is located in
 30 Georgia;

31 (2) Meet achievement standards by:

32 (A) Having graduated from an eligible high school while meeting the curriculum
 33 requirements of his or her program of study in 1993 or thereafter and meeting the
 34 requirements set out in the applicable subsection and paragraph of Code Section
 35 20-2-157; or

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

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

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

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

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

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

24 (1) Meet residency requirements by meeting

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

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

8 (ii) At the end of three consecutive quarters or semesters if such student is a part-time
 9 student and has maintained part-time student status for three consecutive quarters or
 10 semesters; and

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

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

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

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

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

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

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

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

35 (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary
 36 institution at the end of the quarter or semester in which the student has attempted 90
 37 quarter hours or 60 semester hours; 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 being admitted, enrolled, and classified as an
 5 undergraduate student in a matriculated status or, in the case of an otherwise eligible
 6 student who is classified as a first professional degree student rather than an
 7 undergraduate student, being accepted into the first professional degree program of study
 8 prior to receiving a baccalaureate degree.

9 (d) To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or a
 10 first professional degree at a public 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 which shall be based upon the in-state tuition policy of the board of
 15 regents and the in-state tuition guidelines set by the Department of Technical and Adult
 16 Education; and

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

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

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

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

34 (3) Meet enrollment standards by being admitted, enrolled, and classified as an
 35 undergraduate student in a matriculated status or, in the case of an otherwise eligible
 36 student who is classified as a first professional degree student rather than an

1 undergraduate student, being accepted into the first professional degree program of study
2 prior to receiving a baccalaureate degree.

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

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

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

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

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

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

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

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

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

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

1 (3) Notwithstanding anything herein to the contrary, attempted hours shall include all
 2 postsecondary level course hours taken prior to high school graduation if such student
 3 does not qualify for the HOPE scholarship as an entering freshman based solely on his
 4 or her grade point average. As used in this paragraph, the term 'postsecondary level
 5 course hours' means hours accepted by the student's eligible postsecondary institution for
 6 credit when the student enters as a freshman.

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

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

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

22 SECTION 4.

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

25 "20-3-519.3.

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

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

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

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

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

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

12 (2) Meet achievement standards by:

13 (A) Having graduated from an eligible high school while meeting the curriculum
 14 requirements of his or her program of study in 1996 or thereafter and meeting the
 15 requirements set out in the applicable paragraph of subsection (b) of Code Section
 16 20-2-157; or

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

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

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

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

37 (3) Meet enrollment standards by:

- 1 (A) Being admitted, enrolled, and classified as an undergraduate student in a
 2 matriculated status; and
- 3 (B) Being registered for and attending classes as at least a half-time student for 14 days
 4 or more after the last day of the institution's drop and add period.
- 5 (b) To be eligible for a HOPE scholarship, a sophomore student seeking an associate or
 6 baccalaureate degree at an eligible private postsecondary institution shall:
- 7 (1) Meet residency requirements by: ~~meeting~~
- 8 (A) Meeting the requirements to be classified as a legal resident of Georgia as
 9 established by the program regulations promulgated by the Georgia Student Finance
 10 Commission; and
- 11 (B)(i) If the student was classified as a legal resident of Georgia at the time of
 12 graduation from high school or from a home study program meeting the requirements
 13 of Code Section 20-2-690, then the student must have met the requirements set forth
 14 in subparagraph (A) of this paragraph for a period of at least 12 months immediately
 15 prior to the first day of classes for which the HOPE scholarship is to be awarded; or
 16 (ii) If the student was not classified as a legal resident at the time of graduation from
 17 high school or from a home study program meeting the requirements of Code Section
 18 20-2-690, then the student must have met the requirements set forth in subparagraph
 19 (A) of this paragraph for a period of at least 12 months immediately prior to the first
 20 day of classes for which the HOPE scholarship is to be awarded;
- 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:
- 24 (i) At the end of the quarter or semester in which the student has attempted 45 quarter
 25 hours or 30 semester hours if such student is a full-time student; or
- 26 (ii) At the end of three consecutive quarters or semesters if such student is a half-time
 27 student and has maintained part-time student status for three consecutive quarters or
 28 semesters; 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; and
- 35 (B) Being registered for and attending classes as at least a half-time student for 14 days
 36 or more after the last day of the institution's drop and add period.

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

3 (1) Meet residency requirements by: meeting

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

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

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

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

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

24 (3) Meet enrollment standards by:

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

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

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

34 (1) Meet residency requirements by: meeting

35 (A) Meeting the requirements to be classified as a legal resident of Georgia as
36 established by the program regulations promulgated by the Georgia Student Finance
37 Commission; 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 135
 14 quarter hours or 90 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:

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

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

26 (e)(1)(A) An otherwise eligible full-time student who fails to maintain a cumulative
 27 grade point average of at least 3.0 at the end of the quarter or semester in which the
 28 student has attempted 45 quarter hours or 30 semester hours may attend the next 45
 29 quarter hours or 30 semester hours without a HOPE scholarship. A full-time student
 30 who regains a cumulative grade point average of at least 3.0 at the end of the quarter
 31 or semester in which the full-time student has attempted 90 quarter hours or 60
 32 semester hours may requalify for a HOPE scholarship. A full-time student who regains
 33 a cumulative grade point average of at least 3.0 at the end of the quarter or semester in
 34 which the full-time student has attempted 135 quarter hours or 90 semester hours may
 35 requalify for a HOPE scholarship.

36 (B) An otherwise eligible half-time student who regains or attains a cumulative grade
 37 point average of at least 3.0 at the end of a quarter or semester in which the half-time

1 student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may
2 attain or requalify for a HOPE scholarship.

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

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

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

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

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

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

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

25 (3) Notwithstanding anything herein to the contrary, attempted hours shall include all
26 postsecondary level course hours taken prior to high school graduation if such student
27 does not qualify for the HOPE scholarship as an entering freshman based solely on his
28 or her grade point average. As used in this paragraph, the term 'postsecondary level
29 course hours' means hours accepted by the student's eligible postsecondary institution for
30 credit when the student enters as a freshman.

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

35 (2) Effective beginning with the fall quarter or semester commencing after July 1, 2004,
36 subject to the amounts appropriated by the General Assembly and provisions relating to
37 the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE

1 scholarship awarded under this Code section shall be not less than \$1,500.00 for half-time
2 enrollment and \$3,000.00 for full-time enrollment for any academic year."

3 **SECTION 5.**

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