

House Bill 107

By: Representatives Scott of the 76th, Sharper of the 177th, Jordan of the 77th, Floyd of the 99th, Dawkins-Haigler of the 91st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 provide for in-state tuition at units of the University System of Georgia and branches of the
3 Technical College System of Georgia for youth who are from foster care or homeless
4 situations; to provide a short title; to exclude foster care assistance from consideration as
5 income for purposes of calculating financial aid; to provide for definitions; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Higher Education Access and Success for
10 Homeless and Foster Youth Act."

11 **SECTION 2.**

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

16 "20-3-66.

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

18 (1) 'Dependent student' means an individual under the age of 24 who receives financial
19 support from a parent or United States court appointed legal guardian.

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

24 (3) 'Independent student' means an individual who is not claimed as a dependent on the
25 federal or state income tax returns of a parent or United States court appointed legal

26 guardian and whose parent or guardian has ceased to provide support and right to that
27 individual's care, custody, and earnings.

28 (4) 'Student from a foster home situation' means an individual who:

29 (A)(i) Has graduated from a Georgia high school or received a general educational
30 development (GED) diploma awarded by the Technical College System of Georgia;

31 or

32 (ii) Has graduated from the equivalent of a Georgia high school in a state adjacent to
33 this state or received the equivalent of a general educational development (GED)
34 diploma as awarded by the Technical College System of Georgia from a state adjacent
35 to this state; and

36 (B)(i) For a period of at least 12 consecutive months immediately preceding the first
37 day of enrollment has been committed to the Division of Family and Children
38 Services within the Department of Human Services under Code Section 15-11-212
39 and placed in a family foster home or is placed in accordance with subparagraph
40 (a)(2)(C) of Code Section 15-11-212;

41 (ii) For a period of at least 12 consecutive months immediately preceding the first
42 day of enrollment has been in an independent living program with the placement
43 funded by the Division of Family and Children Services; or

44 (iii) Is an adopted child who was in the permanent legal custody of and placed for
45 adoption by the Division of Family and Children Services following his or her
46 fourteenth birthday.

47 (5) 'Student from a homeless situation' means an individual who:

48 (A)(i) Has graduated from a Georgia high school or received a general educational
49 development (GED) diploma awarded by the Technical College System of Georgia;

50 or

51 (ii) Has graduated from the equivalent of a Georgia high school in a state adjacent to
52 this state or received the equivalent of a general educational development (GED)
53 diploma as awarded by the Technical College System of Georgia from a state adjacent
54 to this state; and

55 (B)(i) Is under the age of 24;

56 (ii) Currently lacks, or during the previous academic year lacked, a fixed, regular, and
57 adequate nighttime residence as described under the McKinney-Vento Homeless
58 Assistance Act, codified at 42 U.S.C. Section 11301, et seq.; and

59 (iii) Has evidence of such status as provided for in division (ii) of this subparagraph
60 from:

61 (I) A local educational agency homeless liaison, as provided for under the
 62 McKinney-Vento Homeless Assistance Act, codified at 42 U.S.C. Section 11301,
 63 et seq., of this state or a state adjacent to this state;

64 (II) The director, or a designee of the director, of an emergency or transitional
 65 shelter, street outreach program, homeless youth drop-in center, or other such
 66 program serving homeless youth or families;

67 (III) The director, or a designee of the director, of a program funded under Part A
 68 of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq.;

69 (IV) The state or tribal organization that administers a state plan under Part B or E
 70 of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq.;

71 (V) Staff of a university accredited under the laws of a state; or

72 (VI) Such other similar professional;

73 provided, however, that the term 'student from a homeless situation' shall not mean an
 74 individual who is or for any period within the last 12 consecutive months has been
 75 incarcerated in any jail, correctional institution, or similar facility for the detention of
 76 violators of laws of this state.

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

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

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

91 (A) The student has graduated from a Georgia high school; or

92 (B) The parent claimed the student as a dependent on the parent's most recent federal
 93 or state income tax return.

94 (2) A dependent student shall be classified as in-state for tuition purposes if such
 95 student's United States court appointed legal guardian has established and maintained
 96 domicile in the State of Georgia for at least 12 consecutive months immediately
 97 preceding the first day of classes for the term, provided that such appointment was not

98 made to avoid payment of out-of-state tuition, and such guardian can provide clear
 99 evidence of having established and maintained domicile in the State of Georgia for a
 100 period of at least 12 consecutive months immediately preceding the first day of classes
 101 for the term.

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

109 (d) Students from a foster home or homeless situation shall be classified as in-state for
 110 tuition purposes. Once the status of such students has been classified as in-state, such
 111 students shall maintain such classification until completion of a baccalaureate degree.

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

120 SECTION 3.

121 Said title is further amended in said chapter by adding a new Code section to Subpart 1 of
 122 Part 3 of Article 7, relating to general provisions relative to the Georgia Student Finance
 123 Authority, to read as follows:

124 "20-3-330.

125 To the extent permitted by federal act, scholarships, loans, and grants provided for under
 126 this part shall not consider state funded foster care assistance as income for purposes of
 127 calculating financial aid or determining need."

128 SECTION 4.

129 Said title is further amended in Chapter 4, relating to vocational, technical, and adult
 130 education, by revising Code Section 20-4-21, relating to tuition fees, to read as follows:

131 "20-4-21.

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

133 (1) 'Student from a foster home situation' shall have the same meaning as provided for
134 in Code Section 20-3-66.

135 (2) 'Student from a homeless situation' shall have the same meaning as provided for in
136 Code Section 20-3-66.

137 ~~(a)~~(b) Any postsecondary technical school operated by a local board of education, an area
138 postsecondary technical education board, or the Technical College System of Georgia shall
139 be authorized to charge tuition fees in conformity with the rules and regulations
140 promulgated by the State Board of the Technical College System of Georgia; provided,
141 however, that students from a foster home or homeless situation shall be classified as
142 in-state for tuition purposes and once the status of such students has been classified as
143 in-state such students shall maintain such classification until the completion of a diploma,
144 certificate, or baccalaureate degree, whichever shall occur first, at a branch of the Technical
145 College System of Georgia.

146 ~~(b)~~(c) Tuition fees charged by postsecondary technical schools operated by local boards
147 of education, area postsecondary technical education boards, and the Technical College
148 System of Georgia shall not be used to supplant existing state or local funding but shall be
149 used for budgeted improvements not funded from existing state and local sources.

150 ~~(c)~~(d) The Technical College System of Georgia shall not withhold from any
151 postsecondary technical school which charges tuition fees as authorized by this Code
152 section any funds which would otherwise be payable by the Technical College System of
153 Georgia to such school by contract, grant, or otherwise."

154 **SECTION 5.**

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