

House Bill 896

By: Representatives Trammell of the 132nd, Lopez Romero of the 99th, Dreyer of the 59th, Moore of the 95th, and Clark of the 108th

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 that students other than nonimmigrant aliens as defined in federal law shall be
3 classified as in-state for tuition purposes subject to certain conditions and to provide for such
4 conditions; to amend Code Section 50-36-1 of the Official Code of Georgia Annotated,
5 relating to verification requirements, procedures, and conditions, exceptions, regulations, and
6 criminal and other penalties for violations, so as to require the Board of Regents of the
7 University System of Georgia, the State Board of the Technical College System of Georgia,
8 the board of commissioners of the Georgia Student Finance Commission, and the board of
9 directors of the Georgia Student Finance Authority to provide for rules for the determination
10 of eligibility for in-state tuition rates at institutions of higher education; to provide for related
11 matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
15 Code Section 20-3-66, relating to determination of in-state resident status of students for
16 tuition or fees, by revising subsection (d) as follows:

17 "(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, noncitizen
18 ~~Noncitizen~~ students shall not be classified as in-state for tuition purposes unless the
19 student is legally in this state and there is evidence to warrant consideration of in-state
20 classification as determined by the board of regents.

21 (2) Lawful permanent residents, refugees, asylees, or other eligible noncitizens as
22 defined by federal Title IV regulations may be extended the same consideration as
23 citizens of the United States in determining whether they qualify for in-state
24 classification.

25 (3)(A) Notwithstanding any other law to the contrary, a student other than a
 26 nonimmigrant alien within the meaning of 8 U.S.C. Section 1101 shall be classified as
 27 in-state for tuition purposes if he or she satisfies all of the following conditions:

28 (i) Has attended a high school located in this state for three or more years;

29 (ii) Has obtained a state accredited high school diploma or general educational
 30 development (GED) diploma; and

31 (iii) On or after July 1, 2021, has registered as an entering student at, or is currently
 32 enrolled at, an institution of higher education located in this state that is accredited by
 33 an accrediting agency recognized by the United States Department of Education.

34 (B)(i) A student without lawful immigration status shall satisfy each of the conditions
 35 provided for in subparagraph (A) of paragraph (3) of this subsection and shall file an
 36 affidavit with the institution of higher education at which he or she has registered as
 37 an entering student, or is currently enrolled, attesting that he or she has filed an
 38 application to legalize his or her immigration status or will file such an application as
 39 soon as he or she is eligible to do so.

40 (ii) Student information obtained in the implementation of this subparagraph shall be
 41 confidential and shall not be disclosed to any local, state, or federal agency, including
 42 law enforcement agencies, or any other entity excepted as provided by law.

43 (4) International students who reside in the United States under nonimmigrant status
 44 conditioned at least in part upon intent not to abandon a foreign domicile shall not be
 45 eligible for in-state classification."

46 **SECTION 2.**

47 Said title is further amended in Code Section 20-4-21, relating to tuition fees, by adding a
 48 new subsection to read as follows:

49 "(d) Notwithstanding any other law to the contrary, a student other than a nonimmigrant
 50 alien within the meaning of 8 U.S.C. Section 1101 shall be classified as in-state for tuition
 51 purposes subject to the same conditions provided for in paragraph (3) of subsection (d) of
 52 Code Section 20-3-66."

53 **SECTION 3.**

54 Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to verification
 55 requirements, procedures, and conditions, exceptions, regulations, and criminal and other
 56 penalties for violations, is amended by revising paragraph (7) of subsection (d) as follows:

57 "(7) For postsecondary education, whereby the Board of Regents of the University
 58 System of Georgia, the State Board of the Technical College System of Georgia, the
 59 board of commissioners of the Georgia Student Finance Commission, and the board of

60 directors of the Georgia Student Finance Authority shall set forth, or cause to be set forth,
61 policies or regulations, or both, regarding postsecondary benefits that comply with all
62 federal law including but not limited to public benefits as described in 8 U.S.C. Section
63 1611, 1621, or 1623 and in the determination of eligibility for in-state tuition rates at
64 institutions of higher education including colleges, universities, and technical schools."

65 **SECTION 4.**

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