

House Bill 920

By: Representative Clark of the 98th

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, including but not limited to students who are undocumented for federal
3 immigration purposes, shall be eligible for waivers of out-of-state tuition and fees subject to
4 certain conditions and to provide for such conditions; to amend Code Section 50-36-1 of the
5 Official Code of Georgia Annotated, relating to verification requirements, procedures, and
6 conditions, exceptions, regulations, and criminal and other penalties for violations, so as to
7 require the Board of Regents of the University System of Georgia, the State Board of the
8 Technical College System of Georgia, the board of commissioners of the Georgia Student
9 Finance Commission, and the board of directors of the Georgia Student Finance Authority
10 to provide for rules for the determination of eligibility for in-state tuition rates and waivers
11 of out-of-state tuition and fees at institutions of higher education; to provide for related
12 matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

18 ~~"(d) 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. Lawful permanent residents, refugees,~~
21 ~~asylees, or other eligible noncitizens as defined by federal Title IV regulations may be~~
22 ~~extended the same consideration as citizens of the United States in determining whether~~
23 ~~they qualify for in-state classification. International students who reside in the United~~
24 ~~States under nonimmigrant status conditioned at least in part upon intent not to abandon~~
25 ~~a foreign domicile shall not be eligible for in-state classification.~~

26 (d)(1) Except as provided in subsections (b) and (c) of this Code section, a student,
 27 including, but not limited to, a student who is undocumented for federal immigration
 28 purposes, shall qualify for a waiver of out-of-state tuition and fees if he or she satisfies
 29 all of the following conditions:

30 (A) Attended a secondary school in this state for three consecutive years immediately
 31 before graduating from a high school in this state;

32 (B) Applied for enrollment in a postsecondary educational institution in this state
 33 within 24 months after high school graduation; and

34 (C) Submitted to the postsecondary educational institution an official transcript
 35 verifying such student's attendance record and graduation from a high school in this
 36 state.

37 (2) Tuition and fees charged to a student who qualifies for the out-of-state tuition and fee
 38 waiver under this subsection shall not exceed the tuition and fees charged to a resident
 39 student. The waiver is applicable for 110 percent of the required credit hours of the
 40 degree or certificate program for which the student is enrolled. Each postsecondary
 41 educational institution that is part of the University System of Georgia shall report to the
 42 board of regents the number and value of all fee waivers granted annually under this
 43 subsection."

44 **SECTION 2.**

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

47 "(d)(1) Notwithstanding any other law to the contrary, a student, including, but not
 48 limited to, a student who is undocumented for federal immigration purposes, shall qualify
 49 for a waiver of out-of-state tuition and fees if he or she satisfies all of the following
 50 conditions:

51 (A) Attended a secondary school in this state for three consecutive years immediately
 52 before graduating from a high school in this state;

53 (B) Applied for enrollment in a postsecondary educational institution in this state
 54 within 24 months after high school graduation; and

55 (C) Submitted to the postsecondary educational institution an official transcript
 56 verifying such student's attendance record and graduation from a high school in this
 57 state.

58 (2) Tuition and fees charged to a student who qualifies for the out-of-state tuition and fee
 59 waiver under this subsection shall not exceed the tuition and fees charged to a resident
 60 student. The waiver is applicable for 110 percent of the required credit hours of the
 61 degree or certificate program for which the student is enrolled. Each postsecondary

62 educational institution that is part of the Technical College System of Georgia shall report
63 to the State Board of the Technical College System of Georgia the number and value of
64 all fee waivers granted annually under this subsection."

65 **SECTION 3.**

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

69 "(7) For postsecondary education, whereby the Board of Regents of the University
70 System of Georgia, the State Board of the Technical College System of Georgia, the
71 board of commissioners of the Georgia Student Finance Commission, and the board of
72 directors of the Georgia Student Finance Authority shall set forth, or cause to be set forth,
73 policies or regulations, or both, regarding postsecondary benefits that comply with all
74 federal law including but not limited to public benefits as described in 8 U.S.C. Section
75 1611, 1621, or 1623 and in the determination of eligibility for in-state tuition rates and
76 waivers of out-of-state tuition and fees at institutions of higher education including
77 colleges, universities, and technical schools."

78 **SECTION 4.**

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