

Senate Bill 492

By: Senators Bulloch of the 11th and Harp of the 29th

AS PASSED

**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 that enrollment in
9 postsecondary courses at a branch of the Georgia Department of Technical and Adult
10 Education will not count against the hourly caps for HOPE grants; 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 **SECTION 1.**

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

17 "20-3-66.

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

1 ~~that of his parent. In the event such person's parents have separate domiciles, his residence~~
2 ~~for tuition or fee purposes shall be the domicile of the parent furnishing him the greater~~
3 ~~financial assistance or the parent having the larger income if neither furnishes such~~
4 ~~assistance.~~

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

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

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 and:

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

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

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

evidence of having established and maintained domicile in the State of Georgia for a period of at least 12 consecutive months immediately preceding the first day of classes for the term.

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

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

SECTION 2.

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

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

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

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

(B) Located in another state and accredited by one of the following regional or state accrediting entities ~~agencies~~:

- (i) The Southern Association of Colleges and Schools;
- (ii) The New England Association of Schools and Colleges;
- (iii) The Middle States Association of Colleges and Schools;
- (iv) The North Central Association of Colleges and Schools;

- (v) The Northwestern Association of Schools and Colleges;
(vi) The Western Association of Schools and Colleges;
(vii) The Alabama Independent School Association; ~~or~~
(viii) The Southern Association of Independent Schools; or
(ix) The Florida Council of Independent Schools."

SECTION 3.

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

"20-3-519.2.

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

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

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

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

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

(2) Meet achievement standards by:

(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1993 or thereafter and meeting the

requirements set out in the applicable subsection and paragraph of Code Section 20-2-157; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4.

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

"20-3-519.3.

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

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

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

(B)(i) If the student was classified as a legal resident of Georgia at the time of 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 24 months immediately prior to the first
8 day of classes for which the HOPE scholarship is to be awarded.

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

15 (2) Meet achievement standards by:

16 (A) Having graduated from an eligible high school while meeting the curriculum
17 requirements of his or her program of study in 1996 or thereafter and meeting the
18 requirements set out in the applicable paragraph of subsection (b) of Code Section
19 20-2-157; or

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

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

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

34 (iii) Graduated from a high school which is not an eligible high school, earning a
35 cumulative grade point average of at least 3.0 at an eligible public postsecondary
36 institution at the end of the quarter or semester in which the student has attempted 45
37 quarter hours or 30 semester hours, provided that such student shall be eligible to

1 receive a retroactive HOPE scholarship for such student's freshman year to be paid
2 at the end of the freshman year; and

3 (3) Meet enrollment standards by:

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

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

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

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

11 (A) Meeting the requirements to be classified as a legal resident of Georgia as
12 established by the program regulations promulgated by the Georgia Student Finance
13 Commission; 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 24 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:

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

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

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

35 (3) Meet enrollment standards by:

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

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

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

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

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

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

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

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

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

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

(3) Meet enrollment standards by:

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

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

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

(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 24 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 at the end of the quarter or semester in which the student has attempted 135
17 quarter hours or 90 semester hours; and

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

21 (3) Meet enrollment standards by:

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

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

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

1 which the full-time student has attempted 135 quarter hours or 90 semester hours may
2 requalify for a HOPE scholarship.

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

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

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

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

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

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

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

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

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

35 (g)(1) Except as provided for in paragraph (2) of this subsection, subject to the amounts
36 appropriated by the General Assembly and provisions relating to the scholarship shortfall

1 reserve subaccount in Code Section 50-27-13, a HOPE scholarship awarded under this
2 Code section shall be not less than \$3,000.00 for any academic year.

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

8 9 **SECTION 4A.**

10 Said chapter is further amended by adding a new paragraph (5.1) and revising paragraph (7)
11 of Code Section 20-3-519, relating to definitions regarding HOPE scholarships and grants,
12 as follows:

13 "(5.1) 'Dual credit enrollment' means enrollment by a student in a postsecondary course
14 in which an agreement has been established between an eligible high school and an
15 eligible postsecondary institution wherein the student earns Carnegie units of credit that
16 count toward both high school graduation requirements and postsecondary coursework
17 requirements."

18 "(7) 'Eligible postsecondary institution' means a school which is:

19 (A) A unit of the University System of Georgia;

20 (B) A branch of the Georgia Department of Technical and Adult Education ~~or an~~
21 ~~affiliated institution which is controlled by a local board of education;~~

22 (C) A private independent nonprofit postsecondary institution eligible for tuition
23 equalization grants in accordance with the provisions of subparagraph (A) of paragraph
24 (2) of Code Section 20-3-411; or

25 (D) A private proprietary postsecondary institution eligible for tuition equalization
26 grants in accordance with the provisions of subparagraph (C) of paragraph (2) of Code
27 Section 20-3-411."

28 **SECTION 4B.**

29 Said chapter is further amended by revising subsection (e) of Code Section 20-3-519.5,
30 relating to eligibility for HOPE grants at a branch of the Georgia Department of Technical
31 and Adult Education, as follows:

32 "(e) No student may receive HOPE grants for more than 95 quarter hours or 63 semester
33 hours of attempted coursework, except as provided for in subsection (f) of this Code
34 section. No student may receive more than a cumulative total of 190 quarter hours or 127
35 semester hours of combined HOPE scholarships and grants, unless in accordance with
36 Code Sections 20-3-519.2 and 20-3-519.3. For purposes of this subsection, attempted

1 hours shall not include hours for courses taken pursuant to ~~Code Section 20-2-161.1~~ and
2 paid for by a HOPE grant while a student is participating in dual credit enrollment with
3 both an eligible high school and a branch of the Department of Technical and Adult
4 Education or a unit of the University System of Georgia. The Department of Technical and
5 Adult Education or the University System of Georgia, as applicable, shall verify that the
6 student is enrolled in an eligible high school and shall notify the Georgia Student Finance
7 Commission of the student's participation in dual credit enrollment."

8 **SECTION 5.**

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