

House Bill 7

By: Representatives Scott of the 76th, Gilliard of the 162nd, Park of the 101st, Bentley of the 139th, and Nelson of the 125th

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 exclude foster care assistance from consideration as income for purposes of
5 calculating financial aid; to provide for definitions; to provide a short title; 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 by
13 revising Code Section 20-3-66, relating to the determination of in-state resident status of
14 students for tuition or fees relative to postsecondary education, as follows:

"20-3-66.

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

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

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

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

(4) 'Student from a foster home situation' means an individual United States citizen who:

(A)(i) Has graduated from a Georgia high school or an equivalent high school in another state; or

(ii) Has received a HiSet or general educational development (GED) diploma awarded by the Technical College System of Georgia or the equivalent from another state; and

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

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

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

44 (5) 'Student from a homeless situation' means an individual United States citizen who:

45 (A)(i) Has graduated from a Georgia high school or an equivalent high school in
46 another state; or

47 (ii) Has received a HiSet or general educational development (GED) diploma
48 awarded by the Technical College System of Georgia or the equivalent from another
49 state; and

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

51 (ii) Currently lacks, or during the previous academic year lacked, a fixed, regular, and
52 adequate nighttime residence as described under the McKinney-Vento Homeless
53 Assistance Act, codified at 42 U.S.C. Section 11301, et seq. as of January 1, 2021;
54 and

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

57 (I) A local educational agency homeless liaison, as provided for under the
58 McKinney-Vento Homeless Assistance Act, codified at 42 U.S.C. Section 11301,
59 et seq. as of January 1, 2021;

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

63 (III) The director, or a designee of the director, of a program funded under Part A
64 of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq. as
65 of January 1, 2021;

(IV) The state or tribal organization that administers a state plan under Part B or E of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq. as of January 1, 2021;

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

(VI) Such other similar professional;

provided, however, that the term 'student from a homeless situation' shall not mean an individual who is or for any period within the last 12 consecutive months has been incarcerated in any correctional institution, detention center, jail, or other similar facility after having been convicted of a crime.

(b)(1) An independent student who has established and maintained a 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 shall be classified as in-state for tuition purposes. No student shall gain or acquire in-state classification while attending any postsecondary educational institution in this state without clear evidence of having established domicile in Georgia for purposes other than attending a postsecondary educational institution in this state.

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

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

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

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

(2) A dependent student shall be classified as in-state for tuition purposes if such student's United States court appointed legal guardian has established and maintained domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes for the term, provided that such appointment was not 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) Any student from a foster home situation or any student from a homeless situation shall be classified as in-state for tuition purposes. Upon the classification of any such student as in-state for tuition purposes, such student shall maintain such classification until the earlier occurrence of the completion of a baccalaureate degree or ten years.

~~(d)~~(e) 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 3.

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

"20-3-330.

To the extent permitted by federal law, state funded foster care assistance shall not be considered as income in calculating financial aid or determining need for purposes of any scholarships, loans, and grants provided for under this part."

SECTION 4.

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

"20-4-21.

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

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

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

~~(a)~~(b) Any postsecondary technical school operated by a local board of education, an area postsecondary technical education board, or the Technical College System of Georgia shall be authorized to charge tuition fees in conformity with the rules and regulations promulgated by the State Board of the Technical College System of Georgia; provided, however, that any student from a foster home situation or any student from a homeless situation shall be classified as in-state for tuition purposes. Upon the classification of such student as in-state for tuition purposes, such student shall maintain such classification until the earlier occurrence of the completion of a diploma, certificate, or baccalaureate degree at a branch of the Technical College System of Georgia or ten years.

