

The House Committee on Higher Education offers the following substitute to HB 120:

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 certain students shall be deemed opportunity students and shall be classified for
3 opportunity tuition, subject to certain conditions; to provide for such conditions; to provide
4 for the calculation of opportunity tuition; to provide for priority consideration for students
5 classified for in-state tuition; to provide definitions; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
10 Code Section 20-3-66, relating to determination of in-state resident status of students for
11 tuition or fees, by revising subsections (a) and (d) and by adding new subsections to read as
12 follows:

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

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

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16 (2) 'Eligible unit' means a unit of the University System of Georgia, which shall include
17 all units of the University System of Georgia except any such unit which, for the two
18 most recent academic years, did not admit all academically qualified applicants.

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

23 ~~(3)~~(4) 'Independent student' means an individual who is not claimed as a dependent on
24 the federal or state income tax returns of a parent or United States court appointed legal
25 guardian and whose parent or guardian has ceased to provide support and right to that
26 individual's care, custody, and earnings.

27 (5) 'Opportunity student' means an individual who:

28 (A) Has graduated from a Georgia high school or obtained a valid Georgia general
29 educational development (GED) diploma;

30 (B) Has independently established and continuously maintained domicile in this state
31 since January 1, 2013, up to the present time, or is the dependent child of a parent who
32 has established and continuously maintained domicile in this state since January 1,
33 2013, up to the present time;

34 (C) Has not reached the age of 30 years at the time of initial application for admission
35 to an eligible unit of the University System of Georgia;

36 (D) Is not a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101;

37 (E) Is a verified recipient of Deferred Action for Childhood Arrivals (DACA) by the
38 United States Department of Homeland Security; and

39 (F) Has not been convicted of a felony, a high and aggravated misdemeanor, or three
40 or more other misdemeanors, and does not otherwise pose a threat to national security
41 or public safety.

42 (6) 'Opportunity tuition' means the amount equal to the current academic year standard
43 undergraduate out-of-state tuition for the eligible unit of the University System of
44 Georgia multiplied by the applicable opportunity tuition factor rate; provided, however,
45 that the opportunity tuition shall not be less than 100 percent or more than 110 percent
46 of such eligible unit's current academic year standard undergraduate in-state tuition.

47 (7) 'Opportunity tuition factor rate' means the percentage amount established by the
48 board of regents against which the eligible unit's current academic year standard
49 undergraduate out-of-state tuition is multiplied. The opportunity tuition factor rate may
50 be different for each eligible unit of the University System of Georgia."

51 "(d)(1) Noncitizen students shall not be classified as in-state for tuition purposes unless
52 the student is legally in this state and there is evidence to warrant consideration of in-state
53 classification as determined by the board of regents. Lawful permanent residents,
54 refugees, asylees, or other eligible noncitizens as defined by federal Title IV regulations
55 may be extended the same consideration as citizens of the United States in determining
56 whether they qualify for in-state classification. International students who reside in the
57 United States under nonimmigrant status conditioned at least in part upon intent not to
58 abandon a foreign domicile shall not be eligible for in-state classification.

59 (2) Nothing in this Code section shall be construed to require in-state tuition
60 classification for individuals not lawfully present in Georgia.

61 (e) Except as provided for in subsection (f) of this Code section, opportunity students shall
62 be classified for opportunity tuition; provided, however, that for seven years following an
63 opportunity student's first admission to an eligible unit of the University System of
64 Georgia, the opportunity tuition factor rate first applied to such student shall be applied to
65 the student irrespective of whether the student is subsequently admitted to another eligible
66 unit of the University System of Georgia; and provided, further, that the opportunity tuition
67 for such opportunity student shall not be less than 100 percent or more than 110 percent of

68 the current academic year standard undergraduate in-state tuition of the eligible unit of the
69 University System of Georgia in which the opportunity student is currently enrolled.
70 (f) An eligible unit of the University System of Georgia shall give priority consideration
71 to enrollment applications by qualified students who are classified for in-state tuition over
72 applications by qualified opportunity students and may defer enrollment of qualified
73 opportunity students until all timely applications by qualified students who are classified
74 for in-state tuition have been accepted, deferred, or rejected."

75 **SECTION 2.**

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

78 "(d)(1) As used in this Code section, the term:

79 (A) 'Eligible program' means a program offered at a unit of the Technical College
80 System of Georgia, which shall include all programs offered at all units of the
81 Technical College System of Georgia except any such program which, for the two most
82 recent academic years, did not admit all academically qualified applicants.

83 (B) 'Opportunity student' means an individual who:

84 (i) Is enrolled in or has applied for admission to a unit of the Technical College
85 System of Georgia;

86 (ii) Has graduated from a Georgia high school or obtained a valid Georgia general
87 educational development (GED) diploma;

88 (iii) Has independently established and continuously maintained domicile in this state
89 since January 1, 2013, up to the present time, or is the dependent child of a parent
90 who has established and continuously maintained domicile in this state since
91 January 1, 2013, up to the present time;

92 (iv) Has not reached the age of 30 years at the time of initial application for
93 admission to a unit of the Technical College System of Georgia;

- 94 (v) Is not a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101;
95 (vi) Is a verified recipient of Deferred Action for Childhood Arrivals (DACA) by the
96 United States Department of Homeland Security; and
97 (vii) Has not been convicted of a felony, a high and aggravated misdemeanor, or
98 three or more other misdemeanors, and does not otherwise pose a threat to national
99 security or public safety.
- 100 (C) 'Opportunity tuition' means the amount equal to the current academic year standard
101 out-of-state tuition for an eligible program multiplied by the applicable opportunity
102 tuition factor rate; provided, however, that the opportunity tuition shall not be less than
103 100 percent or more than 110 percent of such unit's current academic year standard
104 in-state tuition.
- 105 (D) 'Opportunity tuition factor rate' means the percentage amount established by the
106 State Board of the Technical College System of Georgia against which the current
107 academic year standard out-of-state tuition is multiplied for the unit of the Technical
108 College System of Georgia. The opportunity tuition factor rate may be different for
109 each unit of the Technical College System of Georgia.
- 110 (2) Except as provided for in paragraph (3) of this subsection, opportunity students shall
111 be classified for opportunity tuition; provided, however, that for seven years following
112 an opportunity student's first admission to a unit of the Technical College System of
113 Georgia, the opportunity tuition factor rate first applied to such student shall be applied
114 to the student irrespective of whether the student is subsequently admitted to another unit
115 of the Technical College System of Georgia; and provided, further, that the opportunity
116 tuition for such opportunity student shall not be less than 100 percent or more than 110
117 percent of the current academic year standard in-state tuition of the unit of the Technical
118 College System of Georgia in which the opportunity student is currently enrolled.
- 119 (3) An eligible program of the Technical College System of Georgia shall give priority
120 consideration to enrollment applications by qualified students who are classified for

121 in-state tuition over applications by qualified opportunity students and may defer
122 enrollment of qualified opportunity students until all timely applications by qualified
123 students who are classified for in-state tuition have been accepted, deferred, or rejected.
124 (4) Nothing in this Code section shall be construed to require in-state tuition
125 classification for individuals not lawfully present in Georgia."

126 **SECTION 3.**

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