

HOUSE SUBSTITUTE TO SENATE BILL 107

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 the Technical
3 College System of Georgia for youth who are from homeless situations; to provide for the
4 waiver of tuition and all fees, including customary rooming and board fees, for qualifying
5 foster and adopted students by units of the Technical College System of Georgia, subject to
6 certain exceptions; to provide for such exceptions; to provide for the Technical College
7 System of Georgia to waive costs for qualifying foster and adopted individuals to obtain a
8 GED; to provide for student qualifications; to provide for the involvement and duties of the
9 Division of Family and Children Services; to provide for the involvement of the State Board
10 of the Technical College System of Georgia; to provide for a statement of purpose; to urge
11 the Board of Regents of the University System of Georgia to adopt similar waiver provisions
12 for the benefit of youth who age out of foster care; to provide for certain homeless students
13 to be classified for in-state tuition; to provide for definitions; to provide for construction; to
14 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
15 other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-3-66, relating to the determination of in-state resident status of 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 homeless 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) Is under the age of 24;

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

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

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

(II) The director, or his or her designee, of an emergency or transitional shelter, street outreach program, homeless youth drop-in center, or other such program serving homeless youth or families;

(III) The director, or his or her designee, of a program funded under Part A of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq., as 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 this state; or

(VI) Such other similar professional, as deemed appropriate by the postsecondary educational institution;

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 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 2.

Said title is further amended by repealing Code Section 20-3-660, relating to program of grants created, terms and conditions, applications, eligibility, duties of the Division of Family and Children Services, expenses and fees covered, and report by the Education Coordinating Council, and enacting a new Code Section 20-3-660 to read as follows:

"20-3-660.

(a) It is the policy of the General Assembly that resources of this state should be committed to support benefits and positive outcomes for youth who age out of foster care. A postsecondary education can benefit these youth, many of whom who have come from places of great disadvantage; however, too few have been able to realize the benefit. Therefore, the General Assembly establishes this program to support as many of these youth as possible in realizing the benefits of postsecondary education. The General Assembly urges and recommends that the Board of Regents adopt substantially similar

tuition waiver programs for these youth to realize the benefits of postsecondary education in the University System of Georgia.

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

(1) 'Public postsecondary educational institution' means any unit of the Technical College System of Georgia.

(2) 'Waiver program' or 'program' means the program provided for in this Code section.

(c) Tuition and all fees, including, but not limited to, any fees, costs, or charges relating to customary housing, meal, or room and board programs, for any undergraduate program of any public postsecondary educational institution shall be waived as provided for in this Code section for each foster child or adopted child who meets the following requirements:

(1)(A) The student's family receives state funded adoption assistance as provided in Code Section 49-5-8;

(B) The student is currently in the custody of the Division of Family and Children Services of the Department of Human Services as provided in Code Section 15-11-212;

(C) The student is participating in the Division of Family and Children Services independent living program in accordance with applicable policies and procedures; or

(D) The student is an adopted child who was in the permanent legal custody of and placed for adoption by the Division of Family and Children Services following the child's fourteenth birthday, including any such student who, at the time of application to a public postsecondary educational institution, resides outside of Georgia due to such placement.

(2) The student is currently enrolled full-time or part-time in a public postsecondary educational institution or, within three years of receiving his or her high school diploma or general educational development (GED) diploma, the student has been accepted for admission to a public postsecondary educational institution;

(3) The student remains in good standing and meets the standard for satisfactory academic progress as defined by the public postsecondary educational institution and as applied to undergraduate students generally;

(4) The student has not reached the age of 28;

(5) The student completes a simplified application process established by the Division of Family and Children Services, which shall include completion of the Free Application for Federal Student Aid (FAFSA) to determine the level of need and eligibility for state and federal financial aid programs; provided, however, that a student who is presumptively eligible to participate in the waiver program shall be permitted to provisionally participate in the waiver program for a period of up to 30 days pending the student's completion of the application process; and

(6) The student is a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements.

(d) For each student who meets the requirements provided for in subsection (c) of this Code section, such student's public postsecondary educational institution shall waive tuition and all fees as necessary to cover all assessed costs of attendance, as defined in 20 U.S.C. Section 1087ll, that are not covered by all available federal and nonfederal student aid sources identified in the student's Student Aid Report from the United States Department of Education excepting student loans and any work-study program provided for in 42 U.S.C. 2751-2756b.

(e) For each individual who meets the requirements provided for in paragraph (1) of subsection (c) of this Code section, the Technical College System of Georgia shall provide for the waiver of all tuition and fees necessary to cover the full cost for such individual to obtain a general educational development (GED) diploma, provided that such costs are limited to GED preparation courses provided by the Technical College System of Georgia and GED tests facilitated by the Technical College System of Georgia.

(f) The Division of Family and Children Services shall:

(1) Advertise the availability of the waiver program and ensure that the children and young adults leaving foster care, foster parents, and any other applicable resources are informed of the availability of the waiver program and the related application procedures;

(2) Provide application forms to participate in the waiver program to all children and young adults leaving foster care;

(3) Provide assistance to students attempting to complete the application process;

(4) Report the number of students participating in the waiver program on October 1 of each year to the Office of Planning and Budget and the Office of the Child Advocate;

(5) Report nonidentifying data on graduation rates of students participating in the waiver program by November 30 each year to the Office of Planning and Budget and the Office of the Child Advocate; and

(6) Promulgate such rules and regulations as may be required to carry out the provisions of this Code section.

(g) The State Board of the Technical College System of Georgia shall adopt policies creating an expedited and simplified process to work in collaboration with Division of Family and Children Services and to enroll eligible students with a simplified process involving minimal paperwork.

(h) Nothing in this Code section shall be construed to:

(1) Guarantee acceptance of or entrance into any public postsecondary educational institution for a foster child or adopted child;

(2) Limit the participation of a student who is a foster child or adopted child in any other program of financial assistance for postsecondary education;

(3) Restrict any public postsecondary educational institution or the Division of Family and Children Services from accessing other sources of financial assistance, except loans, that may be available to a foster child or adopted child who meets the eligibility requirements of the waiver program; or

202 SECTION 3.

206 (a) As used in this Code section, 'student from a homeless situation' shall have the same
207 meaning as provided for in Code Section 20-3-66.

217 ~~(b)(c)~~ Tuition fees charged by postsecondary technical schools operated by local boards
218 of education, area postsecondary technical education boards, and the Technical College
219 System of Georgia shall not be used to supplant existing state or local funding but shall be
220 used for budgeted improvements not funded from existing state and local sources.

221 ~~(c)~~(d) The Technical College System of Georgia shall not withhold from any
222 postsecondary technical school which charges tuition fees as authorized by this Code
223 section any funds which would otherwise be payable by the Technical College System of
224 Georgia to such school by contract, grant, or otherwise."

225 **SECTION 4.**

226 This Act shall become effective on July 1, 2021.

227 **SECTION 5.**

228 All other laws or parts of laws that conflict with this Act are repealed.