

House Bill 131

By: Representatives Carpenter of the 4<sup>th</sup>, Washburn of the 144<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, Houston of the 170<sup>th</sup>, Tran of the 80<sup>th</sup>, and others

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 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 "Workforce Development Act."

10 **SECTION 2.**

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

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

- 16 (1) 'Dependent student' means an individual under the age of 24 who receives financial  
17 support from a parent or United States court appointed legal guardian.
- 18 (2) 'Eligible unit' means a unit of the University System of Georgia, which shall include  
19 all units of the University System of Georgia except any such unit which, for the two  
20 most recent academic years, did not admit all academically qualified applicants.
- 21 (3) 'Emancipated' means a minor who, under certain circumstances, may be treated by  
22 the law as an adult. A student reaching the age of 18 shall not qualify for consideration  
23 of reclassification by virtue of having become emancipated unless he or she can  
24 demonstrate financial independence and domicile independent of his or her parents.
- 25 ~~(3)~~(4) 'Independent student' means an individual who is not claimed as a dependent on  
26 the federal or state income tax returns of a parent or United States court appointed legal  
27 guardian and whose parent or guardian has ceased to provide support and right to that  
28 individual's care, custody, and earnings.
- 29 (5) 'Opportunity student' means an individual who:
- 30 (A) Has graduated from a Georgia high school or obtained a state approved high school  
31 equivalency (HSE) diploma;
- 32 (B) Has independently established and continuously maintained domicile in this state  
33 since January 1, 2013, up to the present time, or is the dependent child of a parent who  
34 has established and continuously maintained domicile in this state since January 1,  
35 2013, up to the present time;
- 36 (C) Is not a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101;
- 37 (D) Is a verified recipient of Deferred Action for Childhood Arrivals (DACA) by the  
38 United States Department of Homeland Security; and
- 39 (E) 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 101 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 ~~(4)~~(8) 'Student from a homeless situation' means an individual United States citizen who:

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

54 (ii) Has received a HiSET or state approved high school equivalency (HSE) diploma  
55 awarded by the Technical College System of Georgia or the equivalent from another  
56 state; and

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

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

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

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

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

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

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

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

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

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

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

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

93 (f) Except as provided for in subsection (g) of this Code section, opportunity students shall  
 94 be classified for opportunity tuition; provided, however, that for seven years following an  
 95 opportunity student's first admission to an eligible unit of the University System of  
 96 Georgia, the opportunity tuition factor rate first applied to such student shall be applied to  
 97 the student irrespective of whether the student is subsequently admitted to another eligible

98 unit of the University System of Georgia; and provided, further, that the opportunity tuition  
 99 for such opportunity student shall not be less than 101 percent or more than 110 percent of  
 100 the current academic year standard undergraduate in-state tuition of the eligible unit of the  
 101 University System of Georgia in which the opportunity student is currently enrolled.

102 (g) An eligible unit of the University System of Georgia shall give priority consideration  
 103 to enrollment applications by qualified students who are classified for in-state tuition over  
 104 applications by qualified opportunity students and may defer enrollment of qualified  
 105 opportunity students until all timely applications by qualified students who are classified  
 106 for in-state tuition have been accepted, deferred, or rejected."

107 **SECTION 3.**

108 Said title is further amended in Code Section 20-4-21, relating to tuition fees, revising  
 109 subsection (a) and by adding a new subsection to read as follows:

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

112 (1) 'Eligible program' means a program offered at a unit of the Technical College System  
 113 of Georgia, which shall include all programs offered at all units of the Technical College  
 114 System of Georgia except any such program which, for the two most recent academic  
 115 years, did not admit all academically qualified applicants.

116 (2) 'Opportunity student' means an individual who:

117 (A) Is enrolled in or has applied for admission to a unit of the Technical College  
 118 System of Georgia;

119 (B) Has graduated from a Georgia high school or obtained a state approved high school  
 120 equivalency (HSE) diploma;

121 (C) Has independently established and continuously maintained domicile in this state  
 122 since January 1, 2013, up to the present time, or is the dependent child of a parent who  
 123 has established and continuously maintained domicile in this state since January 1,  
 124 2013, up to the present time;

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

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

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

131 (3) 'Opportunity tuition' means the amount equal to the current academic year standard  
132 out-of-state tuition for an eligible program multiplied by the applicable opportunity  
133 tuition factor rate; provided, however, that the opportunity tuition shall not be less than  
134 101 percent or more than 110 percent of such unit's current academic year standard  
135 in-state tuition.

136 (4) 'Opportunity tuition factor rate' means the percentage amount established by the State  
137 Board of the Technical College System of Georgia against which the current academic  
138 year standard out-of-state tuition is multiplied for the unit of the Technical College  
139 System of Georgia. The opportunity tuition factor rate may be different for each unit of  
140 the Technical College System of Georgia.

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

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

144 (ii) Has received a HiSET or state approved high school equivalency (HSE) diploma  
145 awarded by the Technical College System of Georgia or the equivalent from another  
146 state; and

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

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

151 and

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

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

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

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

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

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

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

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

173 "(e)(1) Except as provided for in paragraph (2) of this subsection, opportunity students  
174 shall be classified for opportunity tuition; provided, however, that for seven years  
175 following an opportunity student's first admission to a unit of the Technical College  
176 System of Georgia, the opportunity tuition factor rate first applied to such student shall  
177 be applied to the student irrespective of whether the student is subsequently admitted to  
178 another unit of the Technical College System of Georgia; and provided, further, that the  
179 opportunity tuition for such opportunity student shall not be less than 101 percent or more

180 than 110 percent of the current academic year standard in-state tuition of the unit of the  
181 Technical College System of Georgia in which the opportunity student is currently  
182 enrolled.

183 (2) An eligible program of the Technical College System of Georgia shall give priority  
184 consideration to enrollment applications by qualified students who are classified for  
185 in-state tuition over applications by qualified opportunity students and may defer  
186 enrollment of qualified opportunity students until all timely applications by qualified  
187 students who are classified for in-state tuition have been accepted, deferred, or rejected.

188 (3) Nothing in this Code section shall be construed to require in-state tuition  
189 classification for individuals not lawfully present in Georgia."

190

#### **SECTION 4.**

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