

House Bill 16

By: Representatives Scott of the 76th, Gilliard of the 162nd, Schofield of the 60th, Bentley of the 139th, Beasley-Teague of the 65th, 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 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 in
13 Chapter 3, relating to postsecondary education, by revising Code Section 20-3-66, relating
14 to the determination of in-state resident status of students for tuition or fees, as follows:

15 "20-3-66.

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

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

19 (2) '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) 'Independent student' means an individual who is not claimed as a dependent on the
24 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 (4) 'Student from a foster home situation' means an individual who:

28 (A)(i) Has graduated from a Georgia high school or received a general educational
 29 development (GED) diploma awarded by the Technical College System of Georgia;

30 or

31 (ii) Has graduated from the equivalent of a Georgia high school in a state adjacent to
 32 this state or received the equivalent of a general educational development (GED)
 33 diploma as awarded by the Technical College System of Georgia from a state adjacent
 34 to this state; and

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

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

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

46 (5) 'Student from a homeless situation' means an individual who:

47 (A)(i) Has graduated from a Georgia high school or received a general educational
 48 development (GED) diploma awarded by the Technical College System of Georgia;

49 or

50 (ii) Has graduated from the equivalent of a Georgia high school in a state adjacent to
 51 this state or received the equivalent of a general educational development (GED)
 52 diploma as awarded by the Technical College System of Georgia from a state adjacent
 53 to this state; and

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

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

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

60 (I) A local educational agency homeless liaison, as provided for under the
 61 McKinney-Vento Homeless Assistance Act, codified at 42 U.S.C. Section 11301,
 62 et seq., of this state or a state adjacent to this state;

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

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

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

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

71 (VI) Such other similar professional;

72 provided, however, that the term 'student from a homeless situation' shall not mean an
 73 individual who is or for any period within the last 12 consecutive months has been
 74 incarcerated in any jail, correctional institution, or similar facility for the detention of
 75 violators of laws of this state.

76 (b)(1) An independent student who has established and maintained a domicile in the
 77 State of Georgia for a period of at least 12 consecutive months immediately preceding the
 78 first day of classes for the term shall be classified as in-state for tuition purposes. No
 79 student shall gain or acquire in-state classification while attending any postsecondary
 80 educational institution in this state without clear evidence of having established domicile
 81 in Georgia for purposes other than attending a postsecondary educational institution in
 82 this state.

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

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

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

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

93 (2) A dependent student shall be classified as in-state for tuition purposes if such
 94 student's United States court appointed legal guardian has established and maintained
 95 domicile in the State of Georgia for at least 12 consecutive months immediately
 96 preceding the first day of classes for the term, provided that such appointment was not

97 made to avoid payment of out-of-state tuition, and such guardian can provide clear
 98 evidence of having established and maintained domicile in the State of Georgia for a
 99 period of at least 12 consecutive months immediately preceding the first day of classes
 100 for the term.

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

108 (d) Students from a foster home or homeless situation shall be classified as in-state for
 109 tuition purposes. Once the status of such students has been classified as in-state, such
 110 students shall maintain such classification until completion of a baccalaureate degree.

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

119 SECTION 3.

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

123 "20-3-330.

124 To the extent permitted by federal act, scholarships, loans, and grants provided for under
 125 this part shall not consider state funded foster care assistance as income for purposes of
 126 calculating financial aid or determining need."

127 SECTION 4.

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

130 "20-4-21.

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

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

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

136 ~~(a)~~(b) Any postsecondary technical school operated by a local board of education, an area
137 postsecondary technical education board, or the Technical College System of Georgia shall
138 be authorized to charge tuition fees in conformity with the rules and regulations
139 promulgated by the State Board of the Technical College System of Georgia; provided,
140 however, that students from a foster home or homeless situation shall be classified as
141 in-state for tuition purposes and once the status of such students has been classified as
142 in-state such students shall maintain such classification until the completion of a diploma,
143 certificate, or baccalaureate degree, whichever shall occur first, at a branch of the Technical
144 College System of Georgia.

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

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

153 **SECTION 5.**

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