

House Bill 665

By: Representatives Beverly of the 143rd, Mitchell of the 88th, Bruce of the 61st, Cannon of the 58th, Thomas of the 39th, 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 rules for the determination of eligibility for in-state tuition rates at institutions of
3 higher education; to provide that students without lawful immigration status and students
4 other than nonimmigrant aliens as defined in federal law shall be classified as in-state for
5 tuition purposes subject to certain conditions and to provide for such conditions; to provide
6 for rules for the determination of eligibility for HOPE scholarships and grants at institutions
7 of higher education; to provide that students without lawful immigration status and students
8 other than nonimmigrant aliens as defined in federal law shall be eligible for HOPE
9 scholarships and grants subject to certain conditions and to provide for such conditions; to
10 amend Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to
11 verification requirements, procedures, and conditions, exceptions, regulations, and criminal
12 and other penalties for violations, so as to provide that verification of lawful presence in the
13 United States shall not be required for determinations of eligibility for admission, for in-state
14 tuition rates, and for scholarships, loans, and grants pursuant to Article 7 of Chapter 3 of
15 Title 20 by the Board of Regents of the University System of Georgia, the State Board of the
16 Technical College System of Georgia, the board of commissioners of the Georgia Student
17 Finance Commission, and the board of directors of the Georgia Student Finance Authority;
18 to provide for rules for the determination of eligibility for in-state tuition rates at institutions

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19 of higher education; to provide for related matters; to repeal conflicting laws; and for other
20 purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in
24 Code Section 20-3-66, relating to determination of in-state resident status of students for
25 tuition or fees, by revising subsection (d) as follows:

26 "(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, noncitizen
27 ~~Noncitizen~~ students shall not be classified as in-state for tuition purposes unless the
28 student is legally in this state and there is evidence to warrant consideration of in-state
29 classification as determined by the board of regents.

30 (2) Lawful permanent residents, refugees, asylees, or other eligible noncitizens as
31 defined by federal Title IV of the federal Higher Education Act of 1965, as amended, and
32 related regulations may be extended the same consideration as citizens of the United
33 States in determining whether they qualify for in-state classification.

34 (3)(A) Notwithstanding any other law to the contrary, a student other than one
35 classified as a nonimmigrant alien within the meaning of 8 U.S.C. Section 1101 shall
36 be classified as in-state for tuition purposes if he or she satisfies all of the following
37 conditions:

38 (i) Has attended a high school located in this state or a home study program meeting
39 the requirements of Code Section 20-2-690 for at least one full school year;

40 (ii) Has obtained a high school diploma, general educational development diploma,
41 or a high school equivalency certificate accredited by the State of Georgia; and

42 (iii) Has registered as an entering student at, or is currently enrolled at, an institution
 43 of higher education located in this state that is accredited by an accrediting agency
 44 recognized by the United States Department of Education.

45 (B)(i) A student without lawful immigration status shall be classified as in-state for
 46 tuition purposes if he or she satisfies each of the conditions provided for in
 47 subparagraph (A) of this paragraph and files an affidavit with the institution of higher
 48 education at which he or she has registered as an entering student, or is currently
 49 enrolled, attesting that he or she has filed an application with the proper authorities
 50 to legalize his or her immigration status or will file such an application as soon as he
 51 or she is eligible to do so.

52 (ii) Student information obtained in the implementation of this subparagraph shall be
 53 confidential and shall not be disclosed to any local, state, or federal agency, including
 54 law enforcement agencies, or any other entity excepted as provided by law.

55 (4) International students who reside in the United States under nonimmigrant alien
 56 status within the meaning of 8 U.S.C. Section 1101 conditioned at least in part upon
 57 intent not to abandon a foreign domicile shall not be eligible for in-state classification."

58 **SECTION 2.**

59 Said title is further amended by revising Code Section 20-3-519.1, relating to eligibility for
 60 scholarships or grants, as follows:

61 "20-3-519.1.

62 (a) A student is eligible for any scholarship or grant described in this part if the student:

63 (1) Meets residency requirements by:

64 (A)(i) Being classified as a legal resident of Georgia as established by the program
 65 regulations promulgated by the Georgia Student Finance Commission which shall be
 66 based upon the in-state tuition policy of the board of regents and the in-state tuition
 67 guidelines set by the Technical College System of Georgia; and

68 (ii)(I) If the student was classified as a legal resident of Georgia at the time of
 69 graduation from high school or from a home study program meeting the
 70 requirements of Code Section 20-2-690, then the student must have met the
 71 requirements set forth in division (i) of this subparagraph for a period of at least 12
 72 months immediately prior to the first day of classes for which the scholarship or
 73 grant is to be awarded; or

74 (II) If the student was not classified as a legal resident at the time of graduation
 75 from high school or from a home study program meeting the requirements of Code
 76 Section 20-2-690, then the student must have met the requirements set forth in
 77 division (i) of this subparagraph for a period of at least 24 months immediately prior
 78 to the first day of classes for which the scholarship or grant is to be awarded; ~~or~~

79 (B) Being classified as a legal resident of Georgia if such student is a member of the
 80 Georgia National Guard; a member of a reserve component of the armed forces of the
 81 United States located in Georgia; or an active duty military service member or the
 82 spouse or dependent child of an active duty military service member and the active duty
 83 military service member is stationed in Georgia or lists Georgia as his or her home of
 84 record; ~~and~~ or

85 (C) Being qualified for in-state tuition classification pursuant to subsection (d) of Code
 86 Section 20-3-66; and

87 (2) Meets all applicable requirements of this part relating to the relevant scholarship or
 88 grant and applicable to the student.

89 (b) A student is ineligible for any scholarship or grant described in this part if the student:

90 (1) ~~Is not a United States citizen or a permanent resident alien who meets the definition~~
 91 ~~of an eligible noncitizen under federal Title IV requirements~~ Resides in the United States
 92 under nonimmigrant alien status within the meaning of 8 U.S.C. Section 1101
 93 conditioned at least in part upon intent not to abandon a foreign domicile;

- 94 (2) Has not complied with United States Selective Service System requirements for
95 registration, if such requirements are applicable to the student;
- 96 (3) Is in default on a federal Title IV educational loan or a State of Georgia educational
97 loan, provided that a student who is otherwise eligible and has fully repaid the defaulted
98 loan will be eligible to obtain a scholarship or grant for future academic terms but not
99 retroactively;
- 100 (4) Owes a refund on a federal Title IV student financial aid program or a Georgia
101 student financial aid program, provided that a student who is otherwise eligible and has
102 fully paid the refund owed will be eligible to obtain a scholarship or grant for future
103 academic terms but not retroactively;
- 104 (5) Has been convicted of a felony offense involving marijuana, a controlled substance,
105 or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free
106 Postsecondary Education Act of 1990,' provided that such ineligibility extends from the
107 date of conviction to the completion of the next academic term;
- 108 (6) Is incarcerated; or
- 109 (7) Does not meet each qualification listed in the Code section relating to the relevant
110 scholarship or grant and applicable to the student."

111 **SECTION 3.**

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

114 "(d) Notwithstanding any other law to the contrary, a student other than a nonimmigrant
115 alien within the meaning of 8 U.S.C. Section 1101 shall be classified as in-state for tuition
116 purposes subject to the same conditions provided for in paragraph (3) of subsection (d) of
117 Code Section 20-3-66."

118 **SECTION 4.**

119 Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to verification
120 requirements, procedures, and conditions, exceptions, regulations, and criminal and other
121 penalties for violations, is amended by revising paragraph (7) of subsection (d) as follows:

122 "(7) For postsecondary education, including the determination of eligibility for
123 admission, for in-state tuition rates, and for scholarships, loans, and grants pursuant to
124 Article 7 of Chapter 3 of Title 20, whereby the Board of Regents of the University
125 System of Georgia, the State Board of the Technical College System of Georgia, the
126 board of commissioners of the Georgia Student Finance Commission, and the board of
127 directors of the Georgia Student Finance Authority shall set forth, or cause to be set forth,
128 policies or regulations, or both, regarding postsecondary benefits that comply with all
129 federal law, including but not limited to public benefits as described in 8 U.S.C. Section
130 1611, 1621, or 1623."

131 **SECTION 5.**

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