

The House Committee on Higher Education offers the following substitute to SB 137:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to
2 postsecondary education, so as to revise the definition of "approved school" for purposes of
3 tuition equalization grants at private colleges and universities; to provide for new definitions;
4 to provide increased grant amounts for eligible students enrolled in certain programs that are
5 directly related to high-demand careers as designated by the Georgia Student Finance
6 Authority; to provide for conforming changes; to provide for related matters; to provide for
7 an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **PART I**

10 **SECTION 1-1.**

11 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
12 education, is amended by revising Code Section 20-3-411, relating to definitions relative to
13 tuition equalization grants at private colleges and universities, as follows:

14 "20-3-411.

15 As used in this subpart, the term:

16 (1) 'Academic year' means a period of time, typically nine months, in which a full-time
17 student is expected to complete the equivalent of at least two semesters' or three quarters'
18 academic work.

19 (2) 'Approved school' means: an approved nonproprietary school or an approved
20 proprietary school.

21 ~~(A) A nonproprietary institution of higher education located in this state which is not~~
22 ~~a branch of the university system, which is not a four-year or graduate level institution~~
23 ~~of higher education that is, or is a part of, a college or university system that is owned~~
24 ~~and operated by a state other than Georgia, which is accredited by the Southern~~
25 ~~Association of Colleges and Schools, which is not a graduate level school or college of~~
26 ~~theology or divinity, and which is not presently receiving state funds under Article 4~~
27 ~~of this chapter, provided, however, that an institution which otherwise meets the~~
28 ~~requirements of this definition and of this subpart except for the lack of accreditation~~
29 ~~by the Southern Association of Colleges and Schools shall be deemed to be an~~
30 ~~'approved school' during the period that the institution holds candidate for accreditation~~
31 ~~status with the Southern Association of Colleges and Schools; provided, further, that~~
32 ~~an institution which otherwise meets the requirements of this definition and of this~~
33 ~~subpart except for the lack of accreditation by the Southern Association of Colleges and~~
34 ~~Schools shall be deemed to be an 'approved school' if such institution was previously~~
35 ~~an 'approved school' under division (iii) of subparagraph (B) of this paragraph within~~
36 ~~the last five years; provided, further, that an institution which was previously accredited~~
37 ~~by the Southern Association of Colleges and Schools within the last seven years and~~
38 ~~which otherwise meets the requirements of this definition and of this subpart except for~~
39 ~~the lack of accreditation by the Southern Association of Colleges and Schools shall be~~
40 ~~deemed to be an 'approved school'; and~~

41 ~~(B)(i) A qualified proprietary institution of higher education located in this state~~
42 ~~which is a baccalaureate degree-granting institution of higher education; which is~~

43 ~~accredited by the Southern Association of Colleges and Schools; which is not a Bible~~
44 ~~school or college (or, at the graduate level, a school or college of theology or~~
45 ~~divinity), which admits as regular students only persons who have a high school~~
46 ~~diploma, a state approved high school equivalency (HSE) diploma, or a degree from~~
47 ~~an accredited postsecondary institution; whose students are eligible to participate in~~
48 ~~the federal Pell Grant program; which has been reviewed and approved for operation~~
49 ~~and for receipt of tuition equalization grant funds by the Georgia Nonpublic~~
50 ~~Postsecondary Education Commission; which is domiciled and incorporated in the~~
51 ~~State of Georgia; which has been in existence in the State of Georgia for at least ten~~
52 ~~years; and which met all of the requirements of this subparagraph by January 1, 2011;~~
53 ~~provided, however, that the criteria for approval for receipt of tuition equalization~~
54 ~~grant funds shall include but not be limited to areas of course study, quality of~~
55 ~~instruction, student placement rate, research and library sources, faculty, support staff,~~
56 ~~financial resources, physical plant facilities resources, and support and equipment~~
57 ~~resources.~~

58 ~~(ii) Any proprietary institution that is otherwise qualified pursuant to division (i) of~~
59 ~~this subparagraph on July 1, 1995, shall be deemed to be eligible for receipt of tuition~~
60 ~~equalization grant funds subject, however, to any subsequent review of such approval~~
61 ~~pursuant to any proper regulations which may thereafter be adopted in accordance~~
62 ~~with paragraph (10) of subsection (b) of Code Section 20-3-250.5 applicable to all~~
63 ~~qualified proprietary institutions:~~

64 ~~(iii) Any proprietary institution of higher education that is otherwise qualified~~
65 ~~pursuant to division (i) of this subparagraph on January 1, 2011, shall continue to be~~
66 ~~an approved school pursuant to this paragraph as long as it continues to meet the~~
67 ~~requirements of division (i) of this subparagraph as such existed on March 14, 2011.~~

68 (3) 'Approved nonproprietary school' means a nonproprietary postsecondary educational
69 institution that is:

- 70 (A) Located in this state;
71 (B) Not a unit of the University System of Georgia or a unit of the Technical College
72 System of Georgia;
73 (C) Not owned and operated by a state other than Georgia;
74 (D) Not a college or graduate level school of ministry, theology, or divinity or a Bible
75 school, Bible college, theological institute, theological seminary, or other postsecondary
76 educational institution which prepares students for ministry;
77 (E) Not presently receiving state funds under Article 4 of this chapter; and
78 (F) Accredited by the Southern Association of Colleges and Schools Commission on
79 Colleges (SACSCOC).
- 80 (4) 'Approved proprietary school' means a proprietary postsecondary educational
81 institution that:
- 82 (A) Is located in this state;
83 (B) Is domiciled and incorporated in this state;
84 (C) Has been in existence in this state for at least ten years;
85 (D) Is a baccalaureate degree-granting postsecondary educational institution;
86 (E) Is a qualified proprietary institution in accordance with regulations established by
87 the Nonpublic Postsecondary Education Commission pursuant to paragraph (10) of
88 subsection (b) of Code Section 20-3-250.5;
89 (F) Is not a college or graduate level school of ministry, theology, or divinity or a Bible
90 school, Bible college, theological institute, theological seminary, or other postsecondary
91 educational institution which prepares students for ministry;
92 (G) Admits as regular students only persons who have a high school diploma, a state
93 approved high school equivalency (HSE) diploma, or a degree from an accredited
94 postsecondary educational institution;
95 (H) Enrolls students who are eligible to participate in the federal Pell Grant program;

96 (I) Is accredited by the Southern Association of Colleges and Schools Commission on
97 Colleges (SACSCOC); and
98 (J) Satisfies all other criteria consistent with this paragraph that are established by the
99 authority for approval for receipt of tuition equalization grant funds, which shall
100 include, but shall not be limited to, areas of course study, quality of instruction, student
101 placement rate, research and library sources, faculty, support staff, financial resources,
102 physical plant facilities resources, and support and equipment resources;
103 provided, however, that a proprietary postsecondary educational institution that met the
104 qualifications provided for in division (2)(B)(i) of this Code section as such existed on
105 January 1, 2011, shall be an approved proprietary school so long as it continues to meet
106 such requirements.

107 ~~(3)~~(5) 'Eligible student' means a person who:

108 (A) Is enrolled in or accepted for enrollment as a full-time undergraduate level student
109 in an approved school or as a graduate level student if funds are specifically
110 appropriated in appropriations Acts of the General Assembly for payment of grants to
111 graduate level students;

112 (B) Is or will be a citizen of Georgia for a period of at least 12 months immediately
113 prior to each date of registration in the approved school;

114 (C) Is not knowingly promoting or engaging in any activity which is determined by the
115 approved school's governing body to be detrimental to the school; and

116 (D) Meets the eligibility requirements for the HOPE program as set forth in
117 paragraph (1) of subsection (a) and in subsection (b) of Code Section 20-3-519.1.

118 ~~(4)~~(6) 'Full-time student' means an undergraduate student who enrolls for a minimum
119 of 12 academic hours, or ten academic hours in the case of a graduate student."

PART II

SECTION 2-1.

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122 Said chapter is further amended by revising Code Section 20-3-412, relating to entitlement
123 to tuition equalization grants as specified in the appropriations Acts and restrictions, as
124 follows:

125 "20-3-412.

126 (a)(1) Except as provided in paragraph (2) of this subsection, each Each eligible student
127 is entitled to a tuition equalization grant each academic year, as specified in
128 appropriations Acts of the General Assembly.

129 (2) Each eligible student shall be eligible for an award not to exceed 150 percent of the
130 regular tuition equalization grant amount each academic year, as specified in
131 appropriations Acts of the General Assembly, if he or she is enrolled in a program of
132 study that is:

133 (A) Eligible for receipt of tuition equalization grant funds; and

134 (B) Is designated by the authority as being directly related to a job or career field that
135 is currently identified by the State Workforce Development Board.

136 (b) No grants shall be made to graduate students unless specifically authorized in
137 appropriations Acts of the General Assembly.

138 (c) It is the intent of the General Assembly and the purpose of this program to provide
139 tuition equalization grants to all Georgia students attending approved schools at all levels
140 and throughout the entire calendar year whenever sufficient funds are available to the state.

141 In no event shall an eligible student receive a tuition equalization grant for more than
142 127 semester hours or 190 quarter hours of his or her undergraduate program."

143

PART III

144

SECTION 3-1.

145 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code
146 Section 20-3-10, relating to sanctuary policies prohibited and penalty for violation, as
147 follows:

148 "(2) 'Private postsecondary institution' means a school which is:

149 (A) A private independent nonproprietary postsecondary institution eligible for tuition
150 equalization grants in accordance with the provisions of ~~subparagraph (A) of~~
151 paragraph ~~(2)~~ (3) of Code Section 20-3-411; or

152 (B) A private proprietary postsecondary institution eligible for tuition equalization
153 grants in accordance with the provisions of ~~subparagraph (B) of~~ paragraph ~~(2)~~ (4) of
154 Code Section 20-3-411."

155

SECTION 3-2.

156 Said chapter is further amended by revising paragraph (10) of subsection (b) of Code
157 Section 20-3-250.5, relating to the administration and general powers and duties of the
158 Nonpublic Postsecondary Education Commission, as follows:

159 "(10) To establish and promulgate regulations for qualified proprietary institutions whose
160 students receive tuition equalization grants in accordance with the criteria set forth in
161 ~~subparagraph (B) of~~ paragraph ~~(2)~~ (4) of Code Section 20-3-411."

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SECTION 3-3.

163 Said chapter is further amended by revising paragraph (3) of Code Section 20-3-360, relating
164 to definitions relative to needs based financial aid program, as follows:

165 "(3) 'Qualified institution' means an institution of the University System of Georgia, an
166 institution of the Technical College System of Georgia, or a nonproprietary institution of

167 higher education eligible for tuition equalization grants in accordance with ~~subparagraph~~
168 ~~(A)~~ of paragraph ~~(2)~~ (3) of Code Section 20-3-411."

169 **SECTION 3-4.**

170 Said chapter is further amended by revising paragraph (7) of Code Section 20-3-519, relating
171 to definitions relative to HOPE scholarships and grants, as follows:

172 "(7) 'Eligible postsecondary institution' means a school which is:

173 (A) A unit of the University System of Georgia;

174 (B) A branch of the Technical College System of Georgia;

175 (C) A private independent nonprofit postsecondary institution eligible for tuition
176 equalization grants in accordance with the provisions of ~~subparagraph (A)~~ of
177 paragraph ~~(2)~~ (3) of Code Section 20-3-411; or

178 (D) A private proprietary postsecondary institution eligible for tuition equalization
179 grants in accordance with the provisions of ~~subparagraph (B)~~ of paragraph ~~(2)~~ (4) of
180 Code Section 20-3-411."

181 **PART IV**

182 **SECTION 4-1.**

183 This Act shall become effective on July 1, 2024.

184 **SECTION 4-2.**

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