

Senate Bill 178

By: Senators James of the 35th, Rhett of the 33rd and Henson of the 41st

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 provide a short title; to exclude foster care assistance from consideration as  
5 income for purposes of calculating financial aid; to provide for definitions; 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, to read as  
15 follows:

16 "20-3-66.

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

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

20 (2) 'Emancipated' means a minor who, under certain circumstances, may be treated by  
21 the law as an adult. A student reaching the age of 18 shall not qualify for consideration  
22 of reclassification by virtue of having become emancipated unless he or she can  
23 demonstrate financial independence and domicile independent of his or her parents.

24 (3) 'Independent student' means an individual who is not claimed as a dependent on the  
25 federal or state income tax returns of a parent or United States court appointed legal

26 guardian and whose parent or guardian has ceased to provide support and right to that  
 27 individual's care, custody, and earnings.

28 (4) 'Student from a foster home situation' means an individual who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62 (VI) Such other similar professional;

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

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

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

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

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

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

84 (2) A dependent student shall be classified as in-state for tuition purposes if such  
85 student's United States court appointed legal guardian has established and maintained  
86 domicile in the State of Georgia for at least 12 consecutive months immediately  
87 preceding the first day of classes for the term, provided that such appointment was not  
88 made to avoid payment of out-of-state tuition, and such guardian can provide clear  
89 evidence of having established and maintained domicile in the State of Georgia for a  
90 period of at least 12 consecutive months immediately preceding the first day of classes  
91 for the term.

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

99 (d) A student from a foster home situation and a student from a homeless situation shall  
 100 be eligible to pay tuition at the in-state tuition rate. Once a student gains such eligibility  
 101 pursuant to this subsection, such student shall maintain such eligibility as long as such  
 102 student is continuously enrolled pursuant to the continuous enrollment policy of the  
 103 university system.

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

112 **SECTION 3.**

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

116 "20-3-330.

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

120 **SECTION 4.**

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

123 "20-4-21.

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

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

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

129 ~~(a)~~(b) Any postsecondary technical school operated by a local board of education, an area  
 130 postsecondary technical education board, or the Technical College System of Georgia shall  
 131 be authorized to charge tuition fees in conformity with the rules and regulations  
 132 promulgated by the State Board of the Technical College System of Georgia; provided,  
 133 however, that a student from a foster home situation and a student from a homeless

134 situation shall be eligible to pay tuition at the in-state tuition rate. Once a student gains  
135 such eligibility pursuant to this subsection, such student shall maintain such eligibility  
136 pursuant to the continuous enrollment policy of the Technical College System of Georgia.

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

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

145 **SECTION 5.**

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