

The House Committee on Higher Education offers the following substitute to HB 16:

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 by
13 revising Code Section 20-3-66, relating to the determination of in-state resident status of
14 students for tuition or fees relative to postsecondary education, 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 an equivalent high school in
 29 another state; or

30 (ii) Has received a general educational development (GED) diploma awarded by the
 31 Technical College System of Georgia or the equivalent of a general education
 32 development (GED) diploma awarded by the Technical College System of Georgia
 33 from another state; and

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

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

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

45 provided, however, that the term 'student from a foster home situation' shall not mean a
 46 noncitizen.

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

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

50 (ii) Has received a general educational development (GED) diploma awarded by the
 51 Technical College System of Georgia or received the equivalent of a general
 52 educational development (GED) diploma awarded by the Technical College System
 53 of Georgia from another 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.;

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 a
 73 noncitizen or an individual who is or for any period within the last 12 consecutive months
 74 has been incarcerated in any correctional institution, detention center, jail, or other similar
 75 facility after having been convicted of a crime.

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) Any student from a foster home or any student from a homeless situation shall be
 109 classified as in-state for tuition purposes. Upon the classification of any such student as
 110 in-state for tuition purposes, such student shall maintain such classification until the earlier
 111 occurrence of the completion of a baccalaureate degree or ten years.

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

120 SECTION 3.

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

124 "20-3-330.

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

128 SECTION 4.

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

131 "20-4-21.

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

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

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

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

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

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

154 **SECTION 5.**

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