

## O.C.G.A. § 20-3-66

Current through the 2021 Regular Session of the General Assembly.

### § 20-3-66. Determination of in-state resident status of students for tuition or fees

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

- (1) "Dependent student" means an individual under the age of 24 who receives financial support from a parent or United States court appointed legal guardian.
- (2) "Emancipated" means a minor who, under certain circumstances, may be treated by the law as an adult. A student reaching the age of 18 shall not qualify for consideration of reclassification by virtue of having become emancipated unless he or she can demonstrate financial independence and domicile independent of his or her parents.
- (3) "Independent student" means an individual who is not claimed as a dependent on the federal or state income tax returns of a parent or United States court appointed legal guardian and whose parent or guardian has ceased to provide support and right to that individual's care, custody, and earnings.
- (4) "Student from a homeless situation" means an individual United States citizen who:

**(A)**

- (i) Has graduated from a Georgia high school or an equivalent high school in another state; or
- (ii) Has received a HiSET or general educational development (GED) diploma awarded by the Technical College System of Georgia or the equivalent from another state; and

**(B)**

- (i) Is under the age of 24;
- (ii) Currently lacks, or during the previous academic year lacked, a fixed, regular, and adequate nighttime residence as described under the McKinney-Vento Homeless Assistance Act, codified at 42 U.S.C. Section 11301, et seq., as of January 1, 2021; and
- (iii) Has evidence of such status as provided for in division (ii) of this subparagraph from:
  - (I) A local educational agency homeless liaison, as provided for under the McKinney-Vento Homeless Assistance Act, codified at 42 U.S.C. Section 11301, et seq., as of January 1, 2021;
  - (II) The director, or his or her designee, of an emergency or transitional shelter, street outreach program, homeless youth drop-in center, or other such program serving homeless youth or families;
  - (III) The director, or his or her designee, of a program funded under Part A of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq., as of January 1, 2021;
  - (IV) The state or tribal organization that administers a state plan under Part B or E of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq., as of January 1, 2021;
  - (V) Staff of a university accredited under the laws of this state; or
  - (VI) Such other similar professional, as deemed appropriate by the postsecondary educational institution;

provided, however, that the term "student from a homeless situation" shall not mean an individual who is or for any period within the last 12 consecutive months has been incarcerated in any correctional institution, detention center, jail, or other similar facility after having been convicted of a crime.

**(b)**

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

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

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

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

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

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

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

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

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

## History

Ga. L. 1972, p. 193, § 8; Ga. L. 2008, p. 759, § 1/SB 492; Ga. L. 2021, p. 145, § 1/SB 107.