

Senate Bill 107

By: Senators Strickland of the 17th, Kirkpatrick of the 32nd, Dugan of the 30th, Miller of the 49th and Anderson of the 43rd

**AS PASSED**

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 the Technical  
3 College System of Georgia for youth who are from homeless situations; to provide for the  
4 waiver of tuition and all fees, including customary rooming and board fees, for qualifying  
5 foster and adopted students by units of the Technical College System of Georgia, subject to  
6 certain exceptions; to provide for such exceptions; to provide for the Technical College  
7 System of Georgia to waive costs for qualifying foster and adopted individuals to obtain a  
8 GED; to provide for student qualifications; to provide for the involvement and duties of the  
9 Division of Family and Children Services; to provide for the involvement of the State Board  
10 of the Technical College System of Georgia; to provide for a statement of purpose; to urge  
11 the Board of Regents of the University System of Georgia to adopt similar waiver provisions  
12 for the benefit of youth who age out of foster care; to provide for certain homeless students  
13 to be classified for in-state tuition; to provide for definitions; to provide for construction; to  
14 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
15 other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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17

**SECTION 1.**

18 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
 19 revising Code Section 20-3-66, relating to the determination of in-state resident status of  
 20 students for tuition or fees relative to postsecondary education, as follows:

21 "20-3-66.

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

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

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

29 (3) 'Independent student' means an individual who is not claimed as a dependent on the  
 30 federal or state income tax returns of a parent or United States court appointed legal  
 31 guardian and whose parent or guardian has ceased to provide support and right to that  
 32 individual's care, custody, and earnings.

33 (4) 'Student from a homeless situation' means an individual United States citizen who:

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

36 (ii) Has received a HiSET or general educational development (GED) diploma  
 37 awarded by the Technical College System of Georgia or the equivalent from another  
 38 state; and

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

40 (ii) Currently lacks, or during the previous academic year lacked, a fixed, regular, and  
 41 adequate nighttime residence as described under the McKinney-Vento Homeless  
 42 Assistance Act, codified at 42 U.S.C. Section 11301, et seq., as of January 1, 2021;

43 and

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

46 (I) A local educational agency homeless liaison, as provided for under the  
47 McKinney-Vento Homeless Assistance Act, codified at 42 U.S.C. Section 11301,  
48 et seq., as of January 1, 2021;

49 (II) The director, or his or her designee, of an emergency or transitional shelter,  
50 street outreach program, homeless youth drop-in center, or other such program  
51 servicing homeless youth or families;

52 (III) The director, or his or her designee, of a program funded under Part A of Title  
53 IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq., as of  
54 January 1, 2021;

55 (IV) The state or tribal organization that administers a state plan under Part B or E  
56 of Title IV of the Social Security Act, codified at 42 U.S.C. Section 601, et seq., as  
57 of January 1, 2021;

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

59 (VI) Such other similar professional, as deemed appropriate by the postsecondary  
60 educational institution;

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

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

70 in Georgia for purposes other than attending a postsecondary educational institution in  
71 this state.

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

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

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

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

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

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

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

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

109

## SECTION 2.

110 Said title is further amended by repealing Code Section 20-3-660, relating to program of  
111 grants created, terms and conditions, applications, eligibility, duties of the Division of Family  
112 and Children Services, expenses and fees covered, and report by the Education Coordinating  
113 Council, and enacting a new Code Section 20-3-660 to read as follows:

114 "20-3-660.

115 (a) It is the policy of the General Assembly that resources of this state should be  
116 committed to support benefits and positive outcomes for youth who age out of foster care.  
117 A postsecondary education can benefit these youth, many of whom who have come from  
118 places of great disadvantage; however, too few have been able to realize the benefit.  
119 Therefore, the General Assembly establishes this program to support as many of these  
120 youth as possible in realizing the benefits of postsecondary education. The General  
121 Assembly urges and recommends that the Board of Regents adopt substantially similar

122 tuition waiver programs for these youth to realize the benefits of postsecondary education  
123 in the University System of Georgia.

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

125 (1) 'Public postsecondary educational institution' means any unit of the Technical  
126 College System of Georgia.

127 (2) 'Waiver program' or 'program' means the program provided for in this Code section.

128 (c) Tuition and all fees, including, but not limited to, any fees, costs, or charges relating  
129 to customary housing, meal, or room and board programs, for any undergraduate program  
130 of any public postsecondary educational institution shall be waived as provided for in this  
131 Code section for each foster child or adopted child who meets the following requirements:

132 (1)(A) The student's family receives state funded adoption assistance as provided in  
133 Code Section 49-5-8;

134 (B) The student is currently in the custody of the Division of Family and Children  
135 Services of the Department of Human Services as provided in Code Section 15-11-212;

136 (C) The student is participating in the Division of Family and Children Services  
137 independent living program in accordance with applicable policies and procedures; or

138 (D) The student is an adopted child who was in the permanent legal custody of and  
139 placed for adoption by the Division of Family and Children Services following the  
140 child's fourteenth birthday, including any such student who, at the time of application  
141 to a public postsecondary educational institution, resides outside of Georgia due to such  
142 placement.

143 (2) The student is currently enrolled full-time or part-time in a public postsecondary  
144 educational institution or, within three years of receiving his or her high school diploma  
145 or general educational development (GED) diploma, the student has been accepted for  
146 admission to a public postsecondary educational institution;

- 147 (3) The student remains in good standing and meets the standard for satisfactory  
148 academic progress as defined by the public postsecondary educational institution and as  
149 applied to undergraduate students generally;
- 150 (4) The student has not reached the age of 28;
- 151 (5) The student completes a simplified application process established by the Division  
152 of Family and Children Services, which shall include completion of the Free Application  
153 for Federal Student Aid (FAFSA) to determine the level of need and eligibility for state  
154 and federal financial aid programs; provided, however, that a student who is  
155 presumptively eligible to participate in the waiver program shall be permitted to  
156 provisionally participate in the waiver program for a period of up to 30 days pending the  
157 student's completion of the application process; and
- 158 (6) The student is a United States citizen or a permanent resident alien who meets the  
159 definition of an eligible noncitizen under federal Title IV requirements.
- 160 (d) For each student who meets the requirements provided for in subsection (c) of this  
161 Code section, such student's public postsecondary educational institution shall waive tuition  
162 and all fees as necessary to cover all assessed costs of attendance, as defined in 20 U.S.C.  
163 Section 1087ll, that are not covered by all available federal and nonfederal student aid  
164 sources identified in the student's Student Aid Report from the United States Department  
165 of Education excepting student loans and any work-study program provided for in 42  
166 U.S.C. 2751-2756b.
- 167 (e) For each individual who meets the requirements provided for in paragraph (1) of  
168 subsection (c) of this Code section, the Technical College System of Georgia shall provide  
169 for the waiver of all tuition and fees necessary to cover the full cost for such individual to  
170 obtain a general educational development (GED) diploma, provided that such costs are  
171 limited to GED preparation courses provided by the Technical College System of Georgia  
172 and GED tests facilitated by the Technical College System of Georgia.
- 173 (f) The Division of Family and Children Services shall:

- 174 (1) Advertise the availability of the waiver program and ensure that the children and  
175 young adults leaving foster care, foster parents, and any other applicable resources are  
176 informed of the availability of the waiver program and the related application procedures;  
177 (2) Provide application forms to participate in the waiver program to all children and  
178 young adults leaving foster care;  
179 (3) Provide assistance to students attempting to complete the application process;  
180 (4) Report the number of students participating in the waiver program on October 1 of  
181 each year to the Office of Planning and Budget and the Office of the Child Advocate;  
182 (5) Report nonidentifying data on graduation rates of students participating in the waiver  
183 program by November 30 each year to the Office of Planning and Budget and the Office  
184 of the Child Advocate; and  
185 (6) Promulgate such rules and regulations as may be required to carry out the provisions  
186 of this Code section.
- 187 (g) The State Board of the Technical College System of Georgia shall adopt policies  
188 creating an expedited and simplified process to work in collaboration with Division of  
189 Family and Children Services and to enroll eligible students with a simplified process  
190 involving minimal paperwork.
- 191 (h) Nothing in this Code section shall be construed to:
- 192 (1) Guarantee acceptance of or entrance into any public postsecondary educational  
193 institution for a foster child or adopted child;  
194 (2) Limit the participation of a student who is a foster child or adopted child in any other  
195 program of financial assistance for postsecondary education;  
196 (3) Restrict any public postsecondary educational institution or the Division of Family  
197 and Children Services from accessing other sources of financial assistance, except loans,  
198 that may be available to a foster child or adopted child who meets the eligibility  
199 requirements of the waiver program; or



200 (4) Provide access to a public benefit, as such term is defined in Code Section 50-36-1,  
201 for individuals except as permitted by state and federal law."

202 **SECTION 3.**

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

205 "20-4-21.

206 (a) As used in this Code section, 'student from a homeless situation' shall have the same  
207 meaning as provided for in Code Section 20-3-66.

208 ~~(a)~~(b) Any postsecondary technical school operated by a local board of education, an area  
209 postsecondary technical education board, or the Technical College System of Georgia shall  
210 be authorized to charge tuition fees in conformity with the rules and regulations  
211 promulgated by the State Board of the Technical College System of Georgia; provided,  
212 however, that any student from a homeless situation shall be classified as in-state for tuition  
213 purposes. Upon the classification of such student as in-state for tuition purposes, such  
214 student shall maintain such classification until the earlier occurrence of the completion of  
215 a diploma, certificate, or degree at a unit of the Technical College System of Georgia or ten  
216 years.

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

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

225 **SECTION 4.**

226 This Act shall become effective on July 1, 2021.

227 **SECTION 5.**

228 All other laws or parts of laws that conflict with this Act are repealed.