

**500. Georgia Residency Requirements
For State Programs**

REGULATIONS

2007- 2008 Award Year



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**Georgia Student Finance Commission
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501. Table of Contents.

SECTION:	PAGE:
502. OVERVIEW.....	3
503. DEFINITIONS.....	4
504. CITIZENSHIP REQUIREMENTS.....	10
505. GEORGIA RESIDENCY REQUIREMENTS.....	11
506. RETAINING GEORGIA RESIDENCY.....	13
507. RECORDS RETENTION REQUIREMENTS.....	14
508. APPEALS AND EXCEPTIONS.....	15

502. Overview.

The 2007-2008 regulations for the Georgia Residency Requirements For State Programs have been adopted by the Board of Commissioners of the Georgia Student Finance Commission for the purpose of determining student eligibility for all State Programs administered by the Commission, as identified herein. These regulations shall be applied by officials of the Commission and officials of Eligible Postsecondary Institutions for all State Programs, however, the specific program regulations of any individual State Program shall supersede these regulations.

Determining a student's residency status must be based upon the existence and nature of surrounding objective circumstances, which indicate the person's intent to maintain a permanent presence (Domicile) in the State of Georgia. No one factor can serve as full documentation of a person's Domicile. Neither should a predetermined number of factors be required. However, some factors may be given more weight than others. The following indicators may be considered when determining documenting the Domicile of an individual, but this list should not be considered all-inclusive.

- Location of employment.
- Location of voter registration.
- Location of property, including home purchase, and taxes paid thereon.
- State for which the individual filed and paid state income taxes.
- Address and other information on federal and state income tax returns.
- State where the person's automobile title is registered and the payment of property taxes thereon.
- Address on driver's license and state of issuance.
- Address on the Georgia Driver's License Bureau ID.
- Reason for initially coming to Georgia.
- State of issuance for business, professional, or other licenses.
- Location of checking, savings, or other banking accounts.

In order to gain eligibility for State Programs, a student must establish Domicile in the State of Georgia and maintain such Domicile for 12 consecutive months immediately preceding the first day of classes of the school term for which he or she is seeking assistance from a State Program. The twelve-month period does not begin until the individual has actually established a status of Domicile in Georgia. A person does not have to live in Georgia for any specific period of time before establishing a Domicile in Georgia, nor does just living in Georgia for twelve consecutive months establish a Domicile in the state. For example, a person may move to Georgia and within the first week he or she may take sufficient actions to establish a Domicile in Georgia. However, he or she would not meet the Georgia Residency requirements for purposes of the State Programs until twelve months later.

503. Definitions.

“Academic Year” means a period of time, usually eight or nine months, during which a Full-Time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

“Accrediting Agency” means an association or agency recognized and approved by the Commission to function as an evaluator of the quality of the educational institutions and programs as described in these regulations.

“Alternative Study” means course work included in college Degree credit-earning programs of study that require travel outside of the State of Georgia, but within the United States.

“Appeal” means a formal written request from a student to the Commission for a review to determine if a State Programs rule, policy, or regulation was applied correctly in the student’s specific case.

“Associate Degree” means a two-year college level Degree conferred on students by a postsecondary institution upon completion of a unified program of study in an academic discipline or major at the Undergraduate level. Associate Degrees typically require a student to earn at least 60 semester or 90 quarter hours of college credit.

“Award Year” means four consecutive quarters or three consecutive semesters, beginning with the summer term and ending with the spring term.

“Baccalaureate Degree” means a four-year college level Degree conferred on students by a postsecondary institution upon completion of a unified program of study in an academic discipline or major at the Undergraduate level. Baccalaureate (Bachelor’s) Degrees typically require a student to earn at least 120 semester or 180 quarter hours of college credit.

“Board” means Board of Commissioners of the Georgia Student Finance Commission.

“Board of Regents” means the governing body overseeing the University System of Georgia.

“Certificate” means a credential indicating satisfactory completion of training in a technical program of study offered by a postsecondary educational institution, which is not an Associate or Baccalaureate Degree.

“Commission” means the Georgia Student Finance Commission.

“Continuously Enrolled” means a student is making satisfactory academic progress toward completion of a degree, diploma, or certificate program of study at an Eligible Postsecondary Institution, and such student is without a break in enrollment of more than one traditional academic semester or quarter. A student who is not enrolled for two or more consecutive traditional academic semesters or quarters is not considered to be a Continuously Enrolled student. Participation in eligible Study Abroad and Alternative Study programs are not considered to be breaks in enrollment.

“Degree” means a two-year Associate Degree or four-year Baccalaureate Degree conferred on students by a postsecondary institution upon completion of a unified program of study in academic discipline or major at the Undergraduate level.

“Dependent Student” means an individual under the age of 24 who receives financial support from a parent or United States court-appointed Legal Guardian whose federal or state income tax return lists the individual as “dependent”.

“Diploma” means a credential indicating satisfactory completion of training in a technical program of study offered by a postsecondary institution, which is not an Associate or Baccalaureate Degree.

“Department of Technical and Adult Education or DTAE” means the system comprised of thirty-four technical colleges located in the State of Georgia that receive public funding and are overseen by the State Board of Technical and Adult Education and the Commissioner of the Department of Technical and Adult Education.

“Domicile” means a person’s present, permanent home where that individual returns following periods of temporary absence. Domicile, once established, shall not be affected by mere transient or temporary physical presence in another state. No individual may have more than one Domicile even though an individual may maintain more than one residence. Temporary residence does not constitute the establishment of one’s Domicile. To acquire Domicile, an individual must demonstrate intent to remain permanently or indefinitely.

“Eligible High School” means any private or public secondary educational institution in the State of Georgia that is authorized to grant high school diplomas and is accredited by the Southern Association of Colleges and Schools, the Georgia Accrediting Commission, the Georgia Association of Christian Schools, the Association of Christian Schools International, the Georgia Private School Accreditation Council, the Accrediting Commission for Independent Study, or the Southern Association of Independent Schools. If the institution is not located in the State of Georgia, then it must be accredited by the Southern Association of Colleges and Schools or one of the following regional agencies: New England Association of Schools and Colleges, Middle States Association of Colleges and

Schools, North Central Association of Colleges and Schools, Northwest Association of Accredited Schools (successor to the Northwest Association of Schools and Colleges), Western Association of Schools and Colleges, the Alabama Independent School Association, or the Southern Association of Independent Schools.

“Eligible Non-Citizen” means a person who, in accordance with the Federal Title IV definition, is a United States permanent resident with a Permanent Resident Card (I-551); or a conditional permanent resident (I-551C); or the holder of an Arrival-Departure Record (I-94) from the Department of Homeland Security showing any one of the following designations: “Refugee”, “Asylum Granted”, “Parolee” (I-94 confirms paroled for a minimum of one year and status has not expired); or “Cuban-Haitian Entrant”. Persons with an F1 or F2 student visa, a J1 or J2 exchange visitor visa, or a G series visa do not meet the definition of an Eligible Non-Citizen.

“Eligible Postsecondary Institution” means: (1) a unit of the University System of Georgia (USG); (2) a branch of the Georgia Department of Technical and Adult Education (DTAE) or (3) a private independent non-profit postsecondary institution located in Georgia that is eligible to participate in the Georgia Tuition Equalization Grant program, which is not a unit of the University System of Georgia (USG), which is not a branch of the Georgia Department of Technical and Adult Education (DTAE), which is not a graduate level school or college of theology or divinity, and which is accredited or holds candidate status for accreditation by the Southern Association of Colleges and Schools; (4) a private proprietary (for-profit) postsecondary institution located in Georgia that is eligible to participate in the Georgia Tuition Equalization Grant program, which is a Baccalaureate Degree granting postsecondary institution, which is accredited by a regional accrediting agency recognized by the United States Department of Education, which is not a Bible school or college (or, at the graduate level, a school or college of theology or divinity), which admits as regular students only persons who have a high school diploma, a General Education Development (GED) diploma, or a Degree from an accredited postsecondary institution, whose students are eligible to participate in the Federal Pell Grant program, which has been reviewed and approved for operation and for receipt of Georgia Tuition Equalization Grant funds by the Georgia Nonpublic Postsecondary Education Commission, and which has been in existence for at least ten years. Once any Eligible Postsecondary Institution has been approved by the United States Department of Education for participation in the Federal Title IV Programs and then such approval is suspended or revoked by the United States Department of Education; such institution is ineligible to participate in the State Programs until approval for participation in Federal Title IV Programs has been restored by the United States Department of Education.

“Exception” means a request from a student to the Commission for a review of the student’s extenuating circumstances and to request approval for State Programs payment, despite not having fulfilled the Georgia Residency regulatory eligibility requirements.

“Federal Title IV Programs” means the student financial aid programs administered by the U.S. Department of Education that are authorized by Title IV of the Higher Education Act of 1965.

“Full-Time” means enrollment for the equivalent of at least 12 quarter or 12 semester hours of postsecondary credit of a Matriculated student at an Eligible Postsecondary Institution.

“Full-Time Employment” means an individual has an annual earned income, reported for tax purposes, that is equivalent to minimum wage earned by working forty hours per week during fifty weeks of work per year.

“Georgia Resident/Georgia Residency” means an individual or the status of such individual who is a United States Citizen or Eligible Non-citizen and is domiciled in the State of Georgia and meets the in-state tuition requirements of the governing body of the public (USG or DTAE) Eligible Postsecondary Institution he or she attends, as specified and limited by these regulations, or meets the requirements of the Georgia Residency policy of the Commission for students attending private (independent) Eligible Postsecondary Institutions, as specified and limited by these regulations.

“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 who has ceased to provide support and right to that individual’s care, custody, and earnings.

“In-State Tuition Classification” means a status granted to a student, in accordance with policies of the Board of Regents or the Department of Technical and Adult Education, who has been determined to be eligible to pay tuition at the in-state rate.

“Legal Guardian” means an individual who has been granted custody of a Dependent Student (under the age of 24) by a court in the United States.

“Matriculated” means a student is fully admitted and enrolled in an Eligible Postsecondary Institution in a unified academic program of study leading to Degree, Diploma, or Certificate. Retroactively gaining Matriculated status will not establish retroactive eligibility.

“Military Personnel” means an active and full-time member of the Armed Forces of the United States, including members of the Army, Navy, Air Force,

Marine Corps, and Coast Guard. Commissioned officers of the Public Health Service or the National Oceanic and Atmospheric Administration on active duty are also considered to be military personnel.

“Non-Citizen” means a person who is not a United States born or naturalized citizen of the United States.

“Non-Resident” means a person who has not established Domicile in the State of Georgia for a period of at least 12 months prior to the first day of classes for the term (semester or quarter) for which the person is intending to enroll at an Eligible Postsecondary Institution in Georgia.

“Out-of-State Tuition Classification” means the status granted to a student, in accordance with the policies of the Board of Regents or the Department of Technical and Adult Education, who has been determined to be ineligible to pay tuition at the In-State Tuition Classification rate.

“Out-of-State Tuition Waiver” means a waiver of the difference in tuition paid by students with an Out-of-State Tuition Classification and those with an In-State Tuition Classification, in accordance with the policies of the Board of Regents or the Department of Technical and Adult Education.

“Parent” means the natural mother or father, adoptive parent, or United States court-appointed legal guardian of a student.

“Postsecondary Educational Institution” means an institution of higher (tertiary) education, public or private, above the high-school level.

“Residency” means the state within the United States of America where an individual currently lives. An individual may be residing in the State of Georgia and may be classified as having established residency in Georgia for securing marital status, a driver’s license, or classification of taxpayer status, but does not meet the qualifications to establish Domicile in the State of Georgia.

“State Programs” means the student financial aid programs (scholarships, grants, and service-cancelable loans) administered by the Commission, as follows: HOPE Scholarship, HOPE GED Grant, and Accel Program at private colleges, Georgia Tuition Equalization Grant, Governor’s Scholarship, Georgia HERO Scholarship, Georgia LEAP Grant, Public Safety Memorial Grant, Law Enforcement Personnel Dependents Grant, North Georgia College and State University ROTC Grant, North Georgia College and State University Military Scholarship/Loan, Georgia Military College State Service Scholarship/Loan, HOPE Teacher Scholarship/Loan, Promise Teacher Scholarship/Loan, Scholarship for Engineering Students, and all Georgia Service-Cancelable Stafford Loan programs.

“Study Abroad” means postsecondary course work that requires travel outside the United States and for which a student earns college Degree credit that is accepted toward a program of study leading to a college Degree. Study Abroad programs are also referred to by some institutions as International-Intercultural Studies.

“Title IV Regulations” means federal regulations governing Title IV of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1998, found in Chapter Six of Title 34 of the Federal Register.

“Tuition” means the charges to a student for instruction without regard to other fees such as technology, activity, athletic, health, etc.

“Undergraduate” means a student who is in attendance at an Eligible Postsecondary Institution and who is in the process of obtaining an Associate Degree, Baccalaureate Degree, Diploma, or Certificate.

“United States Citizen” means a citizen of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands.

“University System of Georgia or USG” means the system comprised of thirty-five colleges and universities located in the State of Georgia that receive public funding and are overseen by the Board of Regents and the Chancellor of the Board of Regents of the University System of Georgia.

504. Citizenship Requirements.

504.1. Citizens and Eligible Non-Citizens.

- a. A student meets the Citizenship Requirements, for purposes of the State Programs administered by the Commission, if he or she is a United States Citizen, born or naturalized, for at least 12 consecutive months immediately preceding the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from a State Program.
- b. A student meets the Citizenship Requirements, for purposes of the State Programs administered by the Commission, if he or she is an Eligible Non-Citizen, according to the Federal Title IV definition, for at least 12 consecutive months immediately preceding the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from a State Program.

504.2. Ineligible Non-Citizens.

A student does not meet the Citizenship Requirements, for purposes of the State Programs administered by the Commission, if he or she is a Non-Citizen with an F1 or F2 student visa, a J1 or J2 exchange visitor visa, a G series visa, or any other classification not included in the definition of an Eligible Non-Citizen in the Federal Title IV Regulations.

505. Georgia Residency Requirements.

505.1. Citizenship and Georgia Residency.

A student, Dependent or Independent, must meet the Citizenship Requirements of **504** of these regulations, in addition to the Georgia Residency Requirements of **505** of these regulations, in order to meet the eligibility requirements for State Programs administered by the Commission.

505.2. Dependent Students.

- a. A Dependent Student meets the Georgia Residency requirements, for purposes of the State Programs administered by the Commission, if his or her Parent has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from a State Program, and:
 1. Such student graduated from an Eligible High School located in the State of Georgia; or
 2. The Parent claimed the student as a dependent on the Parent's most recent federal income tax return.
- b. A Dependent Student meets the Georgia Residency requirements, for purposes of State Programs administered by the Commission, if a 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 of the school term (semester or quarter) for which the student is seeking assistance from a State Program, provided that appointment was not made to avoid payment of Out-of-State Tuition at a University System of Georgia or Department of Technical and Adult Education institution and/or to gain eligibility for a State Program.

505.3. Independent Students.

- a. An Independent Student meets the Georgia Residency requirements, for purposes of the State Programs administered by the Commission, if he or she has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately preceding the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from a State Program.
- b. It is presumed that no Independent Student shall have gained or acquired Georgia Residency, for purposes of State Programs administered by the Commission, while attending any Postsecondary Educational Institution

located in the State of Georgia without clear evidence of having established Domicile in the State of Georgia for purposes other than attending a Postsecondary Educational Institution in Georgia.

506. Retaining Georgia Residency.

506.1. Dependent Students.

If the Parent or United States court-appointed Legal Guardian of a Dependent Student who was correctly determined to meet Georgia Residency requirements, for purposes of State Programs administered by the Commission, establishes Domicile outside the State of Georgia, such student shall continue to retain his or her status as a Georgia Resident, for purposes of State Programs administered by the Commission, as long as such student remains Continuously Enrolled in an Eligible Postsecondary Institution in Georgia.

506.2. Independent Students.

If an Independent Student who was correctly determined to meet Georgia Residency requirements, for purposes of State Programs administered by the Commission, temporarily relocates outside the State of Georgia, but returns to the State of Georgia within 12 months, such student shall retain his or her status as a Georgia Resident, for purposes of State Programs administered by the Commission.

507. Records Retention Requirements.

507.1. Length of Retention.

An Eligible Postsecondary Institution shall maintain accurate records, books, documents and other evidence concerning Georgia Residency, including, but not limited to individual student files for the later of three years after the Award Year in which State Programs funds were awarded; or for such other period as required by an applicable statute, rule, or regulation; or such other time as requested in writing by the Commission.

507.2. Documentation.

Documentation contained within an individual student file or record, which supports the original determination of a student's eligibility made by the institution, should be transferred to the student's file or record for the most current Award Year. Such documentation may include, but is not limited to, copies of Alien Registration Receipt Cards, Income Tax Returns, and applications. As an alternative to the original hard copies, institutions are permitted to maintain these documents in an imaged media format. The imaged media format must be capable of reproducing an accurate, legible, and complete copy of the original document.

507.3. Extended Retention.

An institution may be required to retain student records involved in a program review, audit, or investigation for more than the three-year retention period described above. If the three-year retention period expires before the issue in question is resolved, the institution must continue to retain all associated records until resolution is reached.

508. Appeals and Exceptions.

508.1. Appeals.

The Georgia Residency Requirements For State Programs regulations are applied to each student considered for State Programs funds by appropriate officials of Eligible Postsecondary Institutions and by the administrative staff of the Commission. If a student believes a rule or regulation was incorrectly applied in his/her case, the student has the right to file an Appeal with the Commission. The Commission will review the case and determine whether the rule or regulation was applied correctly and notify the student and institution of the determination.

In order for an Appeal to be considered, the student must write a request for an Appeal to the Commission office within 45 days of receiving notice of denial. If additional information is requested from the student, it must be provided within the time frame specified by the Commission. The Commission decides a case based only on documentation provided, rather than a personal presentation.

508.2. Exceptions.

Requests for Exceptions to the Georgia Residency Requirements For State Programs are not considered, reviewed, or granted under any circumstances.