

Georgia Residency Requirements For State Programs

REGULATIONS – 500.

2010- 2011 Award Year



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502. Overview.

The 2010-2011 regulations for the Georgia Residency Requirements for State Programs were adopted by the Board of Commissioners of the Georgia Student Finance Commission for the purpose of determining the residency status of students applying for aid from one or more of the State Programs administered by the Georgia Student Finance Commission. These regulations are primarily used by eligible private postsecondary institutions located in Georgia to determine the eligibility of their students for certain State Programs and by the staff of the Georgia Student Finance Commission. Any residency requirement included in the regulations that govern a specific State Program, for which a student's eligibility is being determined, shall supersede the regulations of the Georgia Residency Requirements for State Programs.

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503. Definitions.

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“Administrative Review” means a review by Commission staff of an eligibility determination made by an Eligible Postsecondary Institution or by the Commission to determine if a Residency program rule, policy, or regulation was applied correctly in a student’s specific case.

“Authority” means the Georgia Student Finance Authority, the agency responsible for administering certain postsecondary educational student financial aid programs offered by the State of Georgia, and other programs for which funds may be appropriated or assigned to it by the state legislature, or from other sources, from time to time.

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

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

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

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

“Commission” means the Georgia Student Finance Commission, the agency responsible for administering certain postsecondary educational student financial aid programs offered by the State of Georgia, and other programs for which funds may be appropriated or assigned to it by the state legislature, or from other sources, from time to time.

“Compliance Review” means an assessment by the Commission of an Eligible Postsecondary Institution by evaluating the Eligible Postsecondary Institution’s compliance with the regulations governing programs administered by the Commission, in accordance with the Commission’s *Compliance Review Process and Procedures* document.

“Continuously Enrolled” means a student is making academic progress toward completion of a program of study at a postsecondary institution, and such student is without a break in Enrollment of more than one consecutive semester or quarter.

“Dependent Student” means an individual under the age of 24 who receives financial support from a Parent whose most recent federal or state income tax return lists the individual as a dependent.

“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 accommodations do 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 Georgia authorized to grant high school diplomas and is, or within the last two years has been, 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, or the Southern Association of Independent Schools. If the institution is not located in the State of Georgia, then it must be currently accredited by the Southern Association of Colleges and Schools or one of the following entities: 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 Florida Council of Independent Schools. Any high school not meeting the definition of an “Eligible High School” is considered to be an ineligible high school. The provision, allowing eligibility if accredited by the Southern Association of Colleges and Schools within the last two years, is effective until December 31, 2010.

“Eligible Non-Citizen” means a person who, in accordance with the Federal Title IV Program Regulations, 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) 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”. Victims of human trafficking, in accordance with the Victims of Trafficking and Violence Protection Act, may also be considered Eligible Non-Citizens. Persons with an F1 or F2 student visa, a J1 or J2 exchange visitor visa, or a G series visa are not Eligible Non-Citizens.

“Eligible Postsecondary Institution” means an institution that is:

- (1) a unit of the University System of Georgia; or
- (2) a unit of the Technical College System of Georgia: or

- (3) a private independent non-profit postsecondary institution located in Georgia that is eligible to participate in the Tuition Equalization Grant program, which is not a unit of the University System of Georgia, which is not a unit of the Technical College System of Georgia, which is not a Graduate 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 or was previously accredited by the Southern Association of Colleges or Schools within the last seven years and which otherwise meets the requirements of this definition, except for lack of accreditation by the Southern Association of Colleges and Schools; or
- (4) a private proprietary (for-profit) postsecondary institution located in Georgia that is eligible to participate in the 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 college, which is not a Graduate 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 Tuition Equalization Grant funds by the Georgia Nonpublic Postsecondary Education Commission, and which has been in existence for at least ten years.

“Enroll”, “Enrolled”, or “Enrollment” means a student has completed the registration requirements, as defined by the postsecondary institution, except for payment of Tuition and fees.

“Exception” means a formal action by the Commission to waive a specific program regulation for a student.

“Federal Title IV Program(s)” means the student financial aid programs administered by the United States Department of Education that are authorized by Title IV of the Higher Education Act of 1965.

“Federal 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.

“Georgia Resident” or “Georgia Residency” means an individual or the status of such individual who is:

- (1) a United States Citizen or Eligible Non-Citizen; and
- (2) has established a Domicile in the State of Georgia; and
- (3) has obtained In-State Tuition Classification from the USG or TCSG institution in which he or she is Enrolled; or

(4) has been determined to meet the requirements of these regulations by the private Eligible Postsecondary institution in which he or she is Enrolled.

“Graduate” means a postsecondary program of study beyond the Baccalaureate Degree.

“Independent Student” means an individual who is not claimed as a “dependent” on the federal or state income tax returns of a Parent or 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 Technical College System of Georgia, who has been determined to be eligible to pay Tuition at the In-State Tuition Classification 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.

“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-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.

“Non-Standard Term” means a term where all coursework is expected to begin and end within a set period of time, but is not a semester, trimester, or quarter term. Non-Standard terms may be of unequal length within an Award Year.

“Non-Term” means a program of study measuring progress in clock hours, or a program of study measuring progress in credit hours and has courses that do not begin and end within a set period of time, or has courses that overlap, or has sequential courses that do not begin and end within a term.

“Out-of-State Tuition Classification” means the status granted to a student, in accordance with the policies of the Board of Regents or the Technical College System of Georgia, 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 Technical College System of Georgia.

“Parent” means the natural/biological mother or father, adoptive parent, or United States court-appointed Legal Guardian of a student.

“Residency” or “Residence” means the state within the United States 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) as follows: HOPE Scholarship, HOPE Grant, HOPE GED Grant, Accel Program, Georgia Tuition Equalization Grant, 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 Future Officers 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, Georgia National Guard Service Cancelable Loan, and Georgia’s Federal Stafford Loan Programs with Service Cancelable Options, and other programs for which funds may be made available from time to time.

“Technical College System of Georgia” or “TCSG” means the State of Georgia’s unified system of public technical colleges, formally known as the Georgia Department of Technical and Adult Education, which is governed by the Board of Commissioners of the Technical College System of Georgia.

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

“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 State of Georgia’s unified system of public colleges and universities, which is governed by the Board of Regents.

504. Citizenship Requirements.

504.1. United States Citizens and Eligible Non-Citizens.

- a. A student meets the citizenship requirements, for purposes of the State Programs, if he or she is a United States Citizen, born or naturalized, for at least 12 consecutive months immediately proceeding the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from one or more State Programs.
- b. A student meets the citizenship requirements, for purposes of the State Programs, if he or she is an Eligible Non-Citizen, according to the Federal Title IV Regulations, for at least 12 consecutive months immediately proceeding the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from one or more State Programs.

504.2. Ineligible Non-Citizens.

A student does not meet the citizenship requirements, for purposes of the State Programs, if he or she holds 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.

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505. Georgia Residency Requirements.

505.1. Citizenship and Georgia Residency.

- a. A student, Dependent or Independent, must meet the citizenship requirements of *Section 504* of these regulations, in addition to the requirements of *Section 505* of these regulations, in order to meet the eligibility requirements for State Programs.
- b. Additional information regarding the process and procedures for determining a student's residency status is provided in *Section 509. Appendix – Determining Residency.*

505.2. Dependent Students.

- a. A Dependent Student meets the Georgia Residency requirements, for purposes of the State Programs, if his or her Parent has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately prior to the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from one or more State Programs, and:
 1. Such student graduated from an Eligible High School located in the State of Georgia; or
 2. Such 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, if his or her United States court-appointed Legal Guardian has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately prior to 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 Out-of-State Tuition Classification at a USG or TCSG institution and/or to gain eligibility for a State Programs.

505.3. Independent Students.

- a. An Independent Student meets the Georgia Residency requirements, for purposes of the State Programs, 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 one or more State Programs.

- b. No Independent Student shall have gained or acquired Georgia Residency, for purposes of State Programs, while attending any postsecondary 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 institution in Georgia.

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506. Retaining Georgia Residency.

506.1. Dependent Students.

If the Parent or Legal Guardian of a Dependent Student who was correctly determined to meet Georgia Residency requirements, for purposes of State Programs, 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, as long as such student remains Continuously Enrolled in an Eligible Postsecondary Institution.

506.2. Independent Students.

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

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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 or the Authority.

507.2. Documentation.

- a. Documentation contained within an individual student file or record, which supports the original determination of a student's eligibility must be retained by the institution and available for review by the Commission or Authority on the institution's campus, located within the State of Georgia, for at least three years after the most recent Award Year for which the student received aid from one or more State Programs. Eligible Postsecondary 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.
- b. Such documentation may include, but is not limited to, copies of permanent resident alien cards, income tax returns, and applications for student financial aid. Documentation regarding a student's eligibility is not limited to files, records, and other information received and maintained by the institution's student financial aid office. Documentation supporting a student's eligibility that is received and maintained by the institution's admissions office, registrars office, business office, and other administrative operations of the institution must be available to the Commission or Authority for the purpose of a Compliance Review. It is the institution's responsibility to resolve any inconsistencies or conflicting information within a student's records, prior to awarding or disbursing funds from State Programs to the student.

507.3. Extended Retention.

An Eligible Postsecondary Institution may be required to retain student records involved in a 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. Administrative Reviews and Exceptions.

NEW

508.1. Administrative Reviews.

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

In order for an Administrative Review to be considered, the student must submit a written request for an Administrative Review to the Commission or Authority 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 or Authority. The administrative staff 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.

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509. Appendix – Determining Residency.

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 twelve consecutive months immediately proceeding the first day of classes of the school term for which he or she is seeking assistance from one or more State Programs. 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 shortly thereafter 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.