

Procedure: 6.2.2p. (V.B.3.a)

Residency

Revised: March 14, 2017; January 17, 2017; July 15, 2015; January 7, 2015; September 10, 2014; July 16, 2014; March 27, 2014; July 17, 2013; May 25, 2011; January 1, 2011; November 9, 2010

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I. PURPOSE:

All technical colleges in the Technical College System of Georgia (TCSG) will apply residency requirements uniformly and in accordance with the rules and regulations of both the Technical College System of Georgia and the Georgia Student Finance Commission (GSFC).

II. RELATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board
O.C.G.A. § 20-4-14 – TCSG Powers and Duties
O.C.G.A. § 50-36-1
State Board POLICY: 5.1.5. Technical College Calendars
State Board POLICY: 6.2.2. Residency
State Board POLICY: 6.6.1. Student Tuition and Fees
GSFC Rules and Regulations

III. APPLICABILITY:

All technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Academic Year: See definition in State Board POLICY 5.1.5. Technical College Calendars.

Accrediting Agency: an association or agency recognized to function as an evaluator of the quality of the educational institutions and programs.

Alternative Study: 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.

Associate Degree: 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 90 quarter or 60 semester hours of college credit.

Award Year: four consecutive quarters beginning with the summer term and ending with the spring term. Beginning Fall Semester 2011, the award year will consist of a fall and spring semester with a shorter summer semester.

Continuously Enrolled: a student who 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 quarter or semester. A student who is not enrolled for two or more consecutive academic quarters or semesters is not considered to be a Continuously Enrolled student. Participation in eligible Alternative Study programs are not considered to be breaks in enrollment.

Degree: a two-year Associate Degree conferred on students by a postsecondary institution upon completion of a unified program of study in academic discipline at the Undergraduate level.

Dependent Student: 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 tax return lists the individual as “dependent.”

Diploma: a credential indicating satisfactory completion of training in an academic program of study offered by a postsecondary institution that is not an Associate Degree.

Domicile: 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 the intent to remain permanently or indefinitely.

Eligible High School: any private or public secondary educational institution in the state of Georgia that is authorized to grant high school diplomas and is on the TCSG approved accreditation agency list.

Eligible Non-Citizen: 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); “Victim of human trafficking,” T-Visa holder (T-1, T-2, T-3, etc.), 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.

Full-Time: enrollment for the equivalent of at least 12 quarter or semester hours of postsecondary credit of a Matriculated student at a college in the Technical College System of Georgia.

Full-Time Employment: an individual who 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: 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 State Board of the Technical College System of Georgia.

Georgia Student Finance Commission (GSFC): the agency responsible for administering postsecondary educational student financial aid programs for the State of Georgia.

Independent Student: 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: a status granted to a student, in accordance with the policies of the State Board of the Technical College System of Georgia, who has been determined to be eligible to pay tuition at the in-state rate.

International Tuition Classification: a status granted to a student, in accordance with the policies of the State Board of the Technical College System of Georgia, who has been determined to be ineligible to pay tuition at either the In-State Tuition Classification rate or the Out-of-State Tuition Classification rate.

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

Matriculated: a student who is fully admitted and enrolled in a college in the Technical College System of Georgia, in a unified academic program of study leading to a Degree, Diploma, or Certificate. Retroactively gaining Matriculated status will not establish retroactive eligibility.

Military Personnel: 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: a person who is not a United States born or naturalized citizen of the United States.

Non-Resident: 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 for which the person is intending to enroll at a technical college.

Out-of-State Tuition Classification: the status granted to a student, in accordance with the policies of the State Board of 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 Exemption: an exemption 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 State Board of the Technical College System of Georgia.

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

Postsecondary Educational Institution: an institution of higher education above the high school level.

Reciprocity: Students domiciled in an out-of-state county bordering Georgia, enrolling in a program offered at a location approved by the TCSG, and for which the offering institution has been granted permission to award Reciprocity exemptions.

Residence: 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.

Technical Certificate of Credit: a credential indicating satisfactory completion of training in an academic program of study offered by a postsecondary education institution which is not a Diploma or an Associate Degree.

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

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

V. ATTACHMENTS: N/A

VI. PROCEDURE:

- A. Each college shall be responsible for the verification of the lawful presence in the United States of every successfully admitted student applying for Georgia resident tuition status as required by state and federal immigration laws. Verification procedures shall comply with O.C.G.A. § 50-36-1.
- B. Determining a student's residency status must be based on the existence of surrounding objective circumstances that indicate a student's intent to maintain a permanent presence, or Domicile, in the State of Georgia. No single factor is conclusive. Similarly, there is no predetermined number of factors required to be met. The following indicators may be considered when documenting the Domicile of an individual, but this is not an exhaustive list:
- 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 of business, professional, or other licenses.
 - Location of checking, savings, or other banking accounts.
 - Citizenship Requirements:
 - A student meets the Citizenship Requirements, for purposes of this procedure and the related policies, if he or she is a United States Citizen, born or naturalized.
 - A student meets the Citizenship requirements, for purposes of this procedure and the related policies, if he or she is an Eligible Non-Citizen, according to the Federal Title IV definition.
 - Ineligible Non-Citizens: A Non-Citizen cannot qualify for in-state tuition. However, in the discretion of the President of the college the international tuition may be waived in favor of an out of state tuition rate for a Non-Citizen who has been verified as lawfully present in the United States in accordance with state and federal immigration laws.

C. Georgia Residency

1. Dependent Students:

- A Dependent Student meets the Georgia Residency Requirements, for purposes of this procedure and the related policies, 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 for which the student is seeking in-state tuition, and
- Such student graduated from an Eligible High School located in the State of Georgia; or
- The Parent claimed the student as a dependent on the Parent's most recent federal income tax return.
- A Dependent Student meets the Georgia Residency Requirements, for purposes of this procedure and related policies, 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 for which the student is seeking in-state tuition, provided that the appointment was not made to avoid payment of Out-of-State Tuition.

2. Independent Students:

- An Independent Student meets the Georgia Residency requirements, for purposes of this procedure and the related policies, 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 for which the student is seeking In-State Tuition.
- It is presumed that no Independent Student shall have gained or acquired Georgia Residency, for purposes of this procedure and the related policies, while attending a TCSG college without clear evidence of having established a Domicile in the State of Georgia for purposes other than attending a TCSG college.

D. Retaining Georgia Residency

- 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 the purposes of this procedure and the related policies, establishes Domicile outside the State of Georgia, such student shall continue to retain his or her status as a Georgia Resident, for purposes of this procedure and the related policies, as long as such student remains Continuously Enrolled in a TCSG college.
- Independent Students: If an Independent Student who was correctly determined to meet Georgia Residency requirements, for purposes of this procedure and the related policies, 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 In-State Tuition.

E. Eligibility for Out of State Tuition Exemptions:

1. Students in the following classifications are eligible for Out of State Tuition Exemption. These exemptions do not affect the student's eligibility for the HOPE Scholarship or Grant, except for exemptions for military personnel and their dependents as provided for in the GSFC regulations:

- Employees, their spouses, and their children who move to Georgia for employment with a new or expanding industry as defined in OCGA 20-4-40;
- Full-time employees of the Technical College System of Georgia, their spouses, and dependent children;
- Full-time teachers in a public school, a military base, or a public postsecondary college, their spouses, and dependent children;

- United States military personnel stationed in Georgia and on active duty and their dependents living in Georgia;
- United States military personnel, spouses and dependent children reassigned outside Georgia, who remain continuously enrolled and on active military status;
- United States military personnel and their dependents that are Domiciled in Georgia, but are stationed outside the State;
- Students who are Domiciled in out-of-state counties bordering on Georgia counties and who are enrolled in a Technical College with a local reciprocity agreement;
- Career consular officers and their dependents that are citizens of the foreign nation which their consular office represents, and who are living in Georgia under orders of their respective governments. This exemption shall apply only to those consular officers whose nations operate on the principle of educational reciprocity with the United States.
- Members of a uniformed military service of the United States who, within thirty-six (36) months of separation from such service, enroll in an academic program and demonstrate an intent to become domiciled in Georgia. This exemption may also be granted to their spouses and dependent children. This exemption also applies to recipients of transferred GI Bill benefits who within thirty-six (36) months of the transferor's separation from the uniformed military service of the United States enroll in an academic program and demonstrate an intent to become domiciled in Georgia. An individual or former service member so described retains the exemption if enrolled at the expiration of the thirty-six month window and remains continuously enrolled (other than during regularly scheduled breaks) and uses educational benefits, even if the student enrolls in multiple programs.
- Students using transferred GI Bill while the transferor is on active duty who demonstrate an intent to become domiciled in Georgia and students using the Marine Gunnery John David Fry Scholarship who demonstrate an intent to become domiciled in Georgia.
- Students who are described as covered individuals in 38 U.S.C 3679(c).
- Students who are dually enrolled and participating in Move On When Ready.

Notwithstanding any provision in this procedure, no person who is unlawfully present in the United States shall be eligible for any exemption of the tuition differential.

VII. RECORD RETENTION:

Documents collected pursuant to this procedure are subject to the Georgia Records Retention Schedule. http://www.georgiaarchives.org/records/retention_schedules