



# University System of Georgia

## Policy for Classification of Students

### for

## Tuition Purposes and Out-of-State Waivers

Under the Constitution and laws of Georgia, the Board of Regents of the University System of Georgia was created to govern, control and manage a system of public institutions providing quality higher education for the benefit of Georgia citizens. The state, in turn receives a substantial benefit from individuals who are attending or who have attended these institutions through their significant contributions to the civic, political, economic, and social advancement of the citizens of the State of Georgia.

The Board of Regents has adopted the following policies governing the classification of students as in-state and out-of-state for tuition purposes. (Effective Fall 2007)

### 403.02 Classification Status for Tuition Purposes

#### A. United States Citizens

- 1) a. 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. It is presumed that no student shall have gained or acquired 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 postsecondary educational institution in this state.
  - b. A dependent student shall be classified as “in-state” for tuition purposes if either i) the 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 the student has graduated from a Georgia high school or ii) the 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 the parent claimed the student as a dependent on the parent’s most recent federal income tax return.
  - c. A dependent student shall be classified as “in-state” for tuition purposes if a U.S. 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 appointment was not made to avoid payment of out-of-state tuition and the U.S. court-appointed legal 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.
- 2) a. If an independent student classified as “in-state” relocates temporarily but returns to the State of Georgia within 12 months, the student shall be entitled to retain in-state tuition classification.
  - b. If the parent or U.S. court-appointed legal guardian of a dependent student currently classified as “in-state” for tuition purposes establishes domicile outside of Georgia after having established and maintained domicile in the State of Georgia, the student may retain in-state tuition classification as long as the student remains continuously enrolled in a public postsecondary educational institution in the state, regardless of the domicile of the parent or U.S. court-appointed legal guardian.

#### B. Noncitizens

Noncitizens initially shall not be classified as “in-state” for tuition purposes unless there is evidence to warrant consideration of in-state classification. 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 are not eligible for in-state classification.

## 704.041 Out-of-State Tuition Waivers

Under certain conditions an institution may award out-of-state tuition differential waivers and assess in-state tuition for nonresidents of Georgia.

- A. Academic Common Market. (<http://www.sreb.org/programs/acm/acmindex.asp>) Students selected to participate in a program offered through the Academic Common Market.
- B. International and Superior Out-of-State Students. International students and superior out-of-state students selected by the institutional president or an authorized representative, provided that the number of such waivers in effect does not exceed 2% of the equivalent full-time students enrolled at the institution in the fall term immediately preceding the term for which the out-of-state tuition is to be waived.
- C. University System Employees and Dependents. Full-time employees of the University System, their spouses, and their dependent children.
- D. Medical/Dental Students and Interns. Medical and dental residents and medical and dental interns at the Medical College of Georgia (BR Minutes, 1986-87, p. 340).
- E. Full-Time School Employees. Full-time employees in the public schools of Georgia or of the Department of Technical and Adult Education, their spouses, and their dependent children. Teachers employed full-time on military bases in Georgia shall also qualify for this waiver (BR Minutes, 1988-89, p. 43).
- F. Career Consular Officials. Career consular officers, their spouses, and their dependent children who are citizens of the foreign nation that their consular office represents and who are stationed and living in Georgia under orders of their respective governments.
- G. Military Personnel. Military personnel, their spouses, and their dependent children stationed in or assigned to Georgia and on active duty. The waiver can be retained by the military personnel, their spouses, and their dependent children if the military sponsor is reassigned outside of Georgia, as long as the student(s) remain(s) continuously enrolled and the military sponsor remains on active military status (BR Minutes, February 2004).
- H. Research University Graduate Students. Graduate students attending the University of Georgia, the Georgia Institute of Technology, Georgia State University, and the Medical College of Georgia, which shall be authorized to waive the out-of-state tuition differential for a limited number of graduate students each year, with the understanding that the number of students at each of these institutions to whom such waivers are granted, shall not exceed the number assigned below at any one point in time:

University of Georgia	80
Georgia Institute of Technology	60
Georgia State University	80
Medical College of Georgia	20
- I. Border County Residents. Residents of an out-of-state county bordering a Georgia county in which the reporting institution or a Board-approved external center of the University System is located.
- J. National Guard Members. Full-time members of the Georgia National Guard, their spouses, and their dependent children. (BR Minutes, April, 1998, pp. 16-17).
- K. Students enrolled in University System institutions as part of Competitive Economic Development Projects. Students who are certified by the Commissioner of the Georgia Department of Economic Development as being part of a competitive economic development project.
- L. Students in Georgia-Based Corporations. Students who are employees of Georgia-based corporations or organizations that have contracted with the Board of Regents through University System institutions to provide out-of-state tuition differential waivers.
- M. Students in Pilot Programs. Students enrolled in special pilot programs approved by the Chancellor. The Chancellor shall evaluate institutional requests for such programs in light of good public policy and the best interests of students. If a pilot program is successful, the tuition program shall be presented to the Board for consideration.
- N. Students in ICAPP<sup>®</sup> Advantage (<http://www.icapp.org/>) programs. Any student participating in an ICAPP<sup>®</sup> Advantage program.

- O. Direct Exchange Program Students. Any international student who enrolls in a University System institution as a participant in a direct exchange program that provides reciprocal benefits to University System students.
- P. Economic Advantage. As of the first day of classes for the term, an economic advantage waiver may be granted to a dependent or independent student who can provide clear evidence that the student or the student's parent, spouse, or U.S. court-appointed guardian has relocated to the State of Georgia to accept full-time, self-sustaining employment and has established domicile in the State of Georgia. Relocation to the state must be for reasons other than enrolling in an institution of higher education. This waiver will expire 12 months from the date the waiver was granted.

As of the first day of classes for the term, an economic advantage waiver may be granted to a student possessing a valid employment-related visa status who can provide clear evidence of having relocated to the State of Georgia to accept full-time, self-sustaining employment. Relocation to the state must be for reasons other than enrolling in an institution of higher education. These individuals would be required to show clear evidence of having taken all legally permissible steps toward establishing legal permanent residence in the United States and the establishment of legal domicile in the State of Georgia. Students currently receiving a waiver who are dependents of a parent or spouse possessing a valid employment-sponsored visa may continue to receive the waiver as long as they can demonstrate continued efforts to pursue an adjustment of status to U.S. legal permanent resident (BR Minutes, June 2006).

- Q. Recently Separated Military Service Personnel. Members of a uniformed military service of the United States who, within 12 months of separation from such service, enroll in an academic program and demonstrate an intent to become a permanent resident of Georgia. This waiver may be granted for not more than one year (BR Minutes, June 2004).
- R. Nonresident Student. As of the first day of classes for the term, a nonresident student whose parent, spouse, or U.S. court-appointed legal guardian has maintained domicile in Georgia for at least 12 consecutive months so long as the student can provide clear evidence showing the relationship to the parent, spouse, or U.S. court-appointed legal guardian has existed for at least 12 consecutive months immediately preceding the first day of classes for the term.

If the parent, spouse, or U.S. court-appointed legal guardian of a continuously enrolled nonresident student establishes domicile in another state after having maintained domicile in the State of Georgia for the required period, the nonresident student may continue to receive this waiver as long as the student remains continuously enrolled in a public postsecondary educational institution in the state, regardless of the domicile of the parent or U.S. court-appointed legal guardian.

Requests for tuition waivers must be received in the appropriate office no later than the last day to pay fees for the term for which the out-of-state tuition is to be waived. Petitions or requests for waivers submitted after that date will not be considered for the term.  
*Waivers must be renewed annually unless otherwise noted.*