



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

403.02 CLASSIFICATION OF STUDENTS FOR TUITION PURPOSES

Description of Terms Used in the Policy

1. **Dependent Student** – an individual under the age of 24 who receives financial support from a parent or United States court appointed legal guardian.
2. **Emancipated** – a minor who, under certain circumstances, may be treated by the law as an adult. A student reaching the age of 18 shall not qualify for consideration of reclassification by virtue of having become emancipated unless he or she can demonstrate financial independence and domicile independent of his or her parents
3. **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 and whose parent or guardian has ceased to provide support and rights to that individuals' care, custody, and earnings.

The other terms used in the Tuition Classification Policy can be found in the Glossary of Terms for Classification of Students for Tuition Purposes.

United States Citizens

A. Independent Students

1. 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.

No student shall gain or acquire 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 a postsecondary educational institution in this state.

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

B. Dependent Students

1. A dependent student shall be classified as in-state for tuition purposes if such 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 (a) the student has graduated from a Georgia high school; or (b) the parent claimed the student as a dependent on the parent's most recent federal or state income tax return.

2. A dependent student shall be classified as in-state for tuition purposes such student's 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 for the term, provided that such 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.

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

Noncitizen Students

A noncitizen student shall not be classified as in-state for tuition purposes unless the student is legally in this state and there is evidence to warrant consideration of in-state classification as determined by the Board of Regents. 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 shall not be eligible for in-state classification.

O.C.G.A. 20-3-66 approved/effective 07/01/2008 (Board Minutes 8-2008)

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 Technical College System of Georgia (BR Minutes, October 2008), 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
 - a. the military sponsor is reassigned outside of Georgia, and the student(s) remain(s) continuously enrolled and the military sponsor remains on active military status;
 - b. the military sponsor is reassigned out-of-state and the spouse and dependent children remain in Georgia and the sponsor remains on active military duty; or
 - c. active military personnel and their spouse and dependent children who are stationed in a state contiguous to the Georgia border and who live in Georgia. (BR Minutes, February 2009).

- 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. Students domiciled in an out-of-state county bordering Georgia, enrolling in a program offered at a location approved by the Board of Regents and for which the offering institution has been granted permission to award Border County waivers (BR Minutes, October 2008).
- J. National Guard and U.S. Military Reservists. Active members of the Georgia National Guard, stationed or assigned to Georgia or active members of a unit of the U.S. Military Reserves based in Georgia, and their spouses and their dependent children (BR Minutes, October 2008).
- 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. Terminated October 2008.
- N. Students in ICAPP[®] Advantage (<http://www.icapp.org/>) programs. Any student participating in an ICAPP[®] Advantage program.
- O. International and Domestic Exchange Programs. Any student who enrolls in a University System institution as a participant in an international and domestic direct exchange program that provides reciprocal benefits to University System students (BR Minutes, October 2008).
- P. Economic Advantage. As of the first day of classes for the term, an economic advantage waiver may be granted to a U.S. citizen or U.S. legal permanent resident who is a dependent or independent student and can provide clear evidence that the student or the student's parent, spouse, or U.S. court-appointed legal 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. For U.S. citizens or U.S. legal permanent residents, 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 an independent non-citizen 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 employment reasons and not for the purpose of enrolling in an institution of higher education. These individuals would be required to show clear evidence of having taken legally permissible steps toward establishing legal permanent residence in the United States and the establishment of legal domicile in the State of Georgia. Independent non-citizen students may continue to receive this waiver as long as they maintain a valid employment-related visa status and can demonstrate continued efforts to establish U.S. legal permanent residence and legal domicile in the State of Georgia.

A dependent non-citizen student who can provide clear evidence that the student's parent, spouse, or U.S. court-appointed legal guardian possesses a valid employment-related visa status and can provide clear evidence of having relocated to the State of Georgia to accept full-time, self-sustaining employment is also eligible to receive this waiver. Relocation to the state must be for employment reasons and not for the purpose of enrolling in an institution of higher education. These individuals must be able to show clear evidence of having taken legally permissible steps toward establishing legal permanent residence in the United States and the establishment of legal domicile in the State of Georgia. Non-citizen students currently receiving a waiver who are dependents of a parent, spouse, or U.S. court-appointed legal guardian possessing a valid employment-related visa status may continue to receive the waiver as long as they can demonstrate that their parent, spouse or U.S. court-appointed legal guardian is maintaining full-time, self-sustaining employment in Georgia and is continuing efforts to pursue an adjustment of status to U.S. legal permanent resident and the establishment of legal domicile in the State of Georgia (BR Minutes, amended October 2008).

- 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 domiciled in Georgia. This waiver may also be granted to their spouses and dependent children. This waiver may be granted for not more than one year (BR Minutes, June 2004, amended October 2008).
- R. Nonresident Student. As of the first day of classes for the term, a nonresident student can be considered for this waiver under the following conditions:

Dependent Student. If the parent, or U.S. court-appointed legal guardian has maintained domicile in Georgia for at least 12 consecutive months and the student can provide clear and legal evidence showing the relationship to the parent, 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. Under Georgia code legal guardianship must be established prior to the student's 18th birthday (BR Minutes, October 2008).

Independent Student. If the student can provide clear and legal evidence showing relations to the spouse and the spouse has maintained domicile in Georgia for at least 12 consecutive months immediately preceding the first day of classes for the term. This waiver can remain in effect as long as the student remains continuously enrolled (BR Minutes, October 2008).

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, spouse or U.S. court-appointed legal guardian (BR Minutes, June 2006, amended October 2008).

- S. Vocational Rehabilitation Waiver. Students enrolled in a University System of Georgia institution based on a referral by the Vocational Rehabilitation Program of the Georgia Department of Labor (BR Minutes, October 2008).

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.