Tuition Classification

Regents’ Policies Governing Classification of Students for Tuition Purposes: Under the Constitution and the 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 Georgia citizens. The State, in turn, receives substantial benefit from individuals who are attending or who have attended these institutions through their contributions to the civic, political, economic and social advancement of the citizens of Georgia. Because of the overwhelming amount of financial support supplied by the citizens of Georgia, the determination of whether a student is a resident or a non-resident of Georgia is a significant matter. The tuition paid by in-state students covers about one-fourth of the total cost of their education in Georgia. Georgia taxpayers are therefore contributing 75 percent of the funds for quality education in the state. State colleges and universities often assign out-of-state students a higher tuition rate in an attempt to achieve parity between those who have and those who have not contributed to the state’s economy recently. The courts consider the durational residency requirement (usually 12 consecutive months) imposed by most states to be a reasonable period during which the new resident can make tangible or intangible contributions to the state before attending state colleges as an in-state student. The term “resident” is confusing because it can refer to voter registration, driver’s license, automobile registration, income taxes, and other matters. A student may be a resident of Georgia for some purposes, but not entitled to in-state tuition fees. Courts have consistently upheld the right of these institutions to charge out-of-state students higher rates. The courts have also upheld the institution’s right to adopt reasonable criteria for determining in-state status. Through the resident and non-resident fees, the taxpayers of Georgia are assured that they are not assuming the financial burden of educating non-permanent residents.

If a person has moved to the state of Georgia for the purpose of attending a Georgia educational institution, it is difficult for that person to prove his/her intent to become a legal resident of the state. (The American Heritage Dictionary of the English Language defines intent in the following manner: n. 1. That which is intended; aim; purpose.)

Verification of Lawful Presence

Each University System institution shall verify the lawful presence in the United States of every successfully admitted person applying for resident tuition status as defined in Section 7.3 of the University System of Georgia Board of Regents Policy Manual which can be found at http://www.usg.edu/policymanual/.

Institutions may use a number of different methods to verify the lawful presence of their students. The methods include the following:

- A Certified U.S. Birth Certificate showing the student was born in the U.S. or a U.S. territory. A photocopy is not acceptable.
- A U.S. Certificate of Naturalization (USCIS form N-550 or N-570).
- A U.S. Certificate of Citizenship (USCIS form N-560 or N-561).
- A U.S. Certificate of Birth Abroad issued by the Department of State (DS-1350) or a Consular Report of Birth Abroad (FS-240).
- A current U.S. Passport.
- A current Driver’s License issued by the State of Georgia after January 1, 2008 for a term greater than two years.
- A current ID issued by the State of Georgia after January 1, 2008.
- A current Military ID (service member only, not dependent). A photocopy is not acceptable.
- A current, valid Permanent Resident Card (USCIS form I-151 or I-551)

The Office of Student Affairs of the University System of Georgia has developed a web page to provide students, parents and high school counselors with information about the lawful presence requirement. This page can be accessed by going to http://www.usg.edu/student_affairs/students/verification_of_lawful_presence.

Petition for Classification of Students for Tuition Purposes

1. If a person is 18 years of age or older, he or she may register as an in-state student only upon showing that he or she has been a legal resident of Georgia for a period of at least 12 months immediately preceding the date of registration.

Exceptions:

a. A student who previously held residency status in the State of Georgia but moved from the state then returned to the state in 12 or fewer months.

2. A student must independently make an income of $11,880 to be considered for in-state residency approval (For more details about this rule set by the BOR, visit this website http://aspe.hhs.gov/poverty/index.cfm). If the student is baring his/her petition on his/her parent, guardian or spouse, the income rule would apply to the person supporting the dependent student.

3. No emancipated minor or other person 18 years of age or older shall be deemed to have gained or acquired in-state status for tuition purposes while attending any educational institution in this state, in the absence of a clear demonstration that he or she has in fact established legal residence in this state.

4. If a parent or legal guardian of a student changes his or her legal residence to another state following a period of legal residence in Georgia, the student may retain his or her classification as an in-state student as long as he or she remains continuously enrolled in the University System of Georgia, regardless of the status of his or her parent or legal guardian.

5. In the event that a legal resident of Georgia is appointed by a court as guardian of a nonresident minor, such minor will be considered as an in-state student providing the guardian can provide proof that he or she has been a resident of Georgia for the period of 12 months immediately preceding the date of the court appointment.

6. Aliens shall be classified as nonresident students, provided, however, that an alien who is living in this country under an immigration document permitting indefinite or permanent residence shall have the same privilege of qualifying for in-state tuition as a citizen of the United States upon proving 12-month residency period in Georgia.

Due to the requirement that a person prove his/her intent to become a legal resident of the state of Georgia, his/her petition may not be approved. The burden of proof is always on the student, and documentation is absolutely necessary to prove any claims. If his/her petition for legal residency for tuition purposes is denied, the student may appeal the decision to the Tuition Classification Committee.

SEMESTER DEADLINES for submitting a Petition for Classification of Students for Tuition Purposes:

Fall Semester - August 1st
Spring Semester - November 1st
Summer Semester - April 1st

Student Responsibilities

1. Student Responsibility to Register under Proper Classification

- The responsibility of being classified under the proper tuition classification belongs to the student. If there is any question of his/her right to in-state tuition status, it is his/her obligation, within the deadlines set on the Residency website, to raise the question with the administrative officials of the institution in which he/she is registering and have it officially determined. The burden always rests with the student to submit information and documents necessary to
support his/her contention that he/she qualifies for a particular tuition classification under Regents’ regulations.

2. **Official Change of Tuition Status** - Every student classified as a nonresident shall retain that status until he/she petitions for reclassification in the form prescribed by the institution and shall be officially reclassified in writing as an in-state student by the proper administrative officers. No more than one application may be filed for a given semester.

3. **Reclassification** - Every student who has been granted in-state tuition as a legal resident of Georgia shall be reclassified as an out-of-state student whenever he/she reports, or there have been found to exist, circumstances indicating a change in legal residence to another state.

## Out-of-State Tuition Waivers

An institution may waive out-of-state tuition and assess in-state tuition for:

1. **Academic Common Market.** Students selected to participate in a program offered through the Academic Common Market (http://www.usg.edu/academics/academic_common_market).

2. **Presidential.** Presidential waivers are divided into three categories: (1) academic, (2) international, and (3) athletic. Students selected by the institutional president or an authorized representative, provided that the number of such waivers in effect does not exceed 2 percent 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. Out-of-state students may apply by completing the Application for Scholarships and the University Honors Program found at http://GeorgiaSouthern.edu/admissionscholarships. International students may apply on the International Admissions page at the following address: http://admissions.georgiasouthern.edu/wp-content/uploads/2012/05/IntDivScholarship.pdf. Student athletes should speak with their recruiting coach.

3. **University System Employees and Dependents.** Full-time employees of the University System, their spouses, and their dependent children.

4. **Full-Time Public School Employees.** Full-time employees in the public schools of Georgia or of the Technical College System of Georgia, their spouses, and their dependent children.

5. **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.

6. **Military Personnel.** 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/or dependent child remain in Georgia and the sponsor remains on active military duty; or
   c. Active military personnel and his/her their spouse and/or dependent children who are stationed in a state contiguous to the Georgia border and who live in Georgia.

7. **Georgia 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.

8. **International and Domestic Exchange Program.** Any student who enrolls in a University System institution as a participant in an international or domestic direct exchange program that provides reciprocal benefits to University System students.

9. **Economic Advantage.** As of the first day of classes for the term, an Economic Advantage waiver may be granted under the following conditions:
   - **U.S. Citizens, Permanent Residents, and Other Eligible Non-Citizens**
     i. **Independent Students**
        Dependent students providing clear and convincing evidence that the student’s parent or U.S. court-appointed legal guardian relocated to the state of Georgia to accept full-time, self-sustaining employment. The relocation must be for reasons other than enrolling in an institution of higher education and appropriate steps to establish domicile in the state must be taken. The employment upon which the relocation was based must be held at the time the waiver is awarded.
     ii. **Independent Students**
        Independent students providing clear and convincing evidence that they, or their spouse, relocated to the state of Georgia to accept full-time, self-sustaining employment. The relocation must be for reasons other than enrolling in an institution of higher education and appropriate steps to establish domicile in the state must be taken. The employment upon which the relocation was based must be held at the time the waiver is awarded.
     iii. **U.S. refugees, asylees, and other eligible noncitizens** as defined by the federal Title IV regulations may be extended the same consideration for the Economic Advantage waiver as citizens and lawful permanent residents of the United States.

   Waiver eligibility for the above qualifying students expires twelve (12) months from the date the waiver is awarded.

   - **Non-Citizens**
     i. **Dependent Students**
        Non-citizen dependent students providing clear and convincing evidence that the parent, or U.S. court-appointed legal guardian relocated to the state of Georgia to accept full-time, self-sustaining employment and entered the state in a valid, employment-authorized status. The relocation must be for reasons other than enrolling in an institution of higher education and appropriate steps to establish domicile in the state must be taken. The employment upon which the relocation was based must be held at the time the waiver is awarded. Additionally, the non-citizen dependent student must provide clear evidence that the parent, or U.S. court-appointed legal guardian, is taking legally permissible steps to obtain lawful permanent resident status in the United States.
     ii. **Independent Students**
        Non-citizen independent students must provide clear and convincing evidence that they, or their spouse, relocated to the state of Georgia to accept full-time, self-sustaining employment and entered the state in a valid, employment-authorized status. The relocation must be for reasons other than enrolling in an institution of higher education and appropriate steps to establish domicile in the state must be taken. The employment upon which the relocation was based must be held at the time the waiver is awarded. Additionally, non-citizen independent students must provide clear evidence that they, or their spouse, are taking legally permissible steps to obtain lawful permanent resident status in the United States.

   Waiver eligibility for the above qualifying students may continue provided full-time, self-sustaining employment in Georgia and the employment-authorized status are maintained. Furthermore, there must be continued evidence of Georgia domicile and efforts to pursue an adjustment to United States lawful permanent resident status.
10. **Recently Separated Military Service Personnel.** Members of a uniformed military service of the United States who, within 3 years/36 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 also be granted to their spouses and dependent children. There is no limit to the number of terms a student may be awarded the Recently Separated Military Personnel waiver provided the student remains continuously enrolled.

11. **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:
   - **Student under 24**
     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.
   - **Student 24 or Older**
     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.

12. **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.


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**Special Institutional Fee Waiver**

**Special Institutional Fee Waiver for Active Duty U.S. Military Students**

This fee waiver eliminates the Special Institutional Fee charged by University System of Georgia institutions. If approved to receive the waiver, the active duty military member will be awarded the waiver for three consecutive terms (one academic year).

**Eligibility:**

- Members of the United States Reserve Components serving on active duty or full-time training duty.
- Members of the Georgia National Guard who are employed full-time by the Georgia National Guard.
- Members of the Georgia National Guard who have been called into active service by the Governor of the State of Georgia.

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**Waiver of Mandatory Fees**

**Waiver of Mandatory Fees for U.S. Military Reserve and Georgia National Guard Combat Veterans**

1. **Eligibility.** Eligible participants must be Georgia residents who are active members of the U.S. Military Reserve and/or the Georgia National Guard and were deployed overseas for active service in a location or locations designated by the U.S. Department of Defense as combat zones on or after September 11, 2001 and served for a consecutive period of 181 days, or who received full disability as a result of injuries received in such combat zone, or were evacuated from such combat zone due to severe injuries during any period of time while on active service. Additionally, eligible participants must meet the admissions requirements of the applicable USG institution and be accepted for admission.

2. **Benefits.** Eligible participants shall receive a waiver of all mandatory fees charged by USG institutions including, but not limited to, intercollegiate athletic fees, student health services fees, parking and transportation (where such fees are mandated for all students), technology fees, student activity fees, fees designated to support leases on facilities such as recreation centers, parking decks, student centers and similar facilities, and any other such mandatory fees for which all students are required to make payment. Students receiving this waiver shall be eligible to use the services and facilities these fees are used to provide. This benefit shall not apply to housing, food service, any other elective fees, special fees or other user fees and charges (e.g., application fees).

An institution may waive mandatory fees, excluding technology fees, for:

1. Students who reside or study at another institution.
2. Students enrolled in practicum experiences (e.g., student teachers) or internships located at least 50 miles from the institution.
3. Students enrolled in distance learning courses or programs who are not also enrolled in on-campus courses nor residing on campus. If a student is enrolled in courses from more than one institution during the same term, only the home institution will charge the approved technology fee to the student. Students who participate in distance education offerings as transient students will not be charged a technology fee by the transient institution. No separate technology fee shall be established for collaborative distance learning courses or programs.
4. Students enrolled at off-campus centers, except that the institution shall be authorized to charge select fees to these students for special services subject to approval by the Board of Regents.