



## **Tuition Classification FAQ's**

### **General Questions**

1.Q. Are the Board of Regents Tuition Classification policies based upon Georgia law?

A. Yes, the Board of Regents tuition classification policies reflect the requirements for in-state classification as required by O.C.G.A. 20-3-66 passed by the Georgia Legislature in July 2008.

2.Q. If a campus uses other admission applications in addition to the common application, are there specific questions related to tuition classification which must be asked on those applications?

A. The Office of Student Affairs is responsible for reviewing and updating the questions contained in the tuition classification section of the online common application. These questions are reviewed on an annual basis to ensure they result in applicant information sufficient for an accurate tuition classification determination to be made and reflect current Board of Regents policy and Georgia law. It is the responsibility of any campus utilizing any other applications, either online, paper, undergraduate or graduate, to ensure the tuition classification questions on those other applications are consistent with the common application questions. A campus may ask additional questions related to tuition classification on their application, but all other applications must include the questions asked on the common GAcollege411 application.

3.Q. Does the University System Office provide a standard petition form?

A. The University System Office provides a standard petition form which is available as a Word document and as a PDF document on the USG Faculty and Staff Tuition Classification Resource Page. The Word document may be customized by institutions with their institution logo and other information specific to their institution. The petition form is also available to the public as a PDF document in Tuition and Financial



Aid section of both the Students and the High School Counselors, Graduation Coaches and Advisors sections of the Student Affairs website.

**4.Q. Does the University System Office provide sample waiver application forms?**

**A. The University System Office provides sample waiver forms which can be found on the USG Faculty and Staff Tuition Classification Resource Page. The sample waiver forms may be customized by the institutions.**

**5.Q. Are days or months counted when determining if a student has been domiciled in Georgia for the required period of twelve continuous months immediately preceding the first day of classes for the term an in-state classification is sought?**

**A. Board of Regents policy 4.3.2 states that domicile must have been established and maintained in the state for a period of at least twelve consecutive months immediately preceding the first day of classes for the term in order for a student to be classified as in-state. As a result, months, not days, are counted when determining if a student has been domiciled in the state for a sufficient period of time. In other words, a student who established domicile on August 30th, 2010 could be considered for in-state classification for a term that begins on August 15th, 2011.**

**6.Q. Can an individual qualify for in-state status based solely on his/her marriage to a Georgia resident?**

**A. A student cannot be classified as in-state based solely on his/her marriage to a Georgia resident. Just as a student does not automatically lose his/her Georgia residency by marrying an individual from another state, it cannot be presumed that a student has assumed the domicile of his/her spouse solely by virtue of marriage. A student must demonstrate that he/she has established and maintained domicile in Georgia for the 12 consecutive months immediately prior to the first day of classes for the term the in-state classification is sought in order to be classified as in-state. When determining if a student has been domiciled in the state, marriage to a Georgia resident**



would be one factor considered and would potentially help establish the student's reason for coming to and/or remaining in the state. A student may be awarded the Nonresident Student Waiver based on his/her marriage to an individual who has been domiciled in the state for at least 12 consecutive months immediately preceding the first day of classes.

7.Q. What should be taken into consideration when evaluating a student who is under the age of 24 and is claiming to be independent?

A. Board of Regents policy 4.3.2.1 defines a dependent student as “an individual under the age of 24 who receives financial support from a parent or United States court-appointed legal guardian” and an independent student as “an individual who is not claimed as a dependent on the federal or state income tax returns of a parent or United State court-appointed legal guardian, and whose parent or guardian has ceased to provide support and rights to that individual's care, custody, and earnings.”

A student who is under the age of 24 is assumed to be dependent, and therefore assumes the domicile of his/her parent(s) or US court-appointed guardian, unless they provide proof that they are not receiving support from their parent(s) or US court-appointed guardian. Consequently, a student under the age of 24 may be considered as an independent student if he/she provides documentation showing income and/or non-parental financial support sufficient to live in Georgia. We recommend viewing the Federal Poverty Guidelines (<http://aspe.hhs.gov/poverty/index.shtml>) to determine an amount that may be considered sufficient to live in the state. Students are not required to meet the actual dollar amount as the amount may be adjusted based on factors specific to a local area and the student's specific situation. Income and non-parental financial support may include income earned through employment, benefits provided by the state of Georgia, such as food stamps, and support provided by others (relatives, boyfriend/girlfriend, etc) such as free or reduced room and board. Support originating from outside of the state cannot be taken into consideration as this indicates the maintenance of ties outside of the state. Students who are claimed as a dependent on the taxes of his/her parent(s) typically cannot be considered independent.



**8.Q. Can a student who has moved to the state and whose only source of income is from a trust be classified as in-state?**

**A. In order to be classified as an in-state student, a student must demonstrate that he/she has established and maintained domicile in the state for at least 12 consecutive months immediately preceding the first day of classes for the term the in-state classification is sought. A dependent student's domicile is assumed to be that of his/her parents unless they demonstrate that they are independent. Income from a trust may be taken into consideration when determining if a student is independent; however, the student would still need to demonstrate that they have established and maintained domicile in the state for 12 consecutive months immediately preceding the first day of classes. In other words, although a student may be considered independent based on the trust income, if the documentation indicates they moved to the state to attend school and/or have not taken sufficient steps to suggest that domicile has been established and maintained, an in-state classification would not be warranted. Georgia residents would be expected to have filed state income tax on any income earned as a result of the trust.**

**9.Q. If an applicant informs a campus that he/she mistakenly answered a question in the tuition classification section of the admission application incorrectly, should he/she be required to complete a petition or may the information be corrected in another way?**

**A. An institution may permit an applicant to submit a notarized statement to correct an error in answering a tuition classification question on the application. The notarized statement may be used in these situations in lieu of a completed petition.**

**10.Q. Can a student under the age of 24 be considered for in-state classification based upon a step-parent?**

**A. A dependent student may be evaluated as a dependent of a step-parent provided the step-parent and parent file their taxes jointly and claim the child as a dependent. In order to be classified as in-state, documentation would also need to be provided showing the step-parent had established and maintained domicile in Georgia for the 12**



consecutive months immediately preceding the term the in-state classification is requested.

11.Q. Can a student over the age of 24 who was previously classified as in-state at one institution retain that classification if they move outside of Georgia and then apply to another institution?

A. BOR Policy allows an independent student classified as in-state to retain that classification if they relocate out of state TEMPORARILY but then return to Georgia within 12 months of leaving the state.

BOR policy also allows a dependent student to remain classified as in-state even if the domicile of his/her parent changes, provided the student remains continuously enrolled.

BOR policy does not allow an independent student who moves from Georgia and establishes their domicile outside of the state to be classified as in-state when transferring from one USG institution to another, even if remaining continuously enrolled when transferring.

12.Q. Can a dependent student who was classified as an in-state student at a TCSG institution be granted in-state status upon transferring to a USG institution if his/her parents have since moved out-of-state?

A. Yes, provided the dependent student remains continuously enrolled during his/her transition from the TCSG institution to the USG institution, the student may be evaluated based on his/her circumstances while enrolled as an in-state student at the TCSG institution. The student would need to provide overwhelming evidence that he/she would have been eligible for an in-state classification as outlined in BOR Policy 4.3.2 at that time and the student must have remained continuously enrolled.



**13.Q. Can a General Education Diploma (GED) awarded in Georgia be considered the equivalent of graduation from a Georgia high school for the purpose of determining dependent student eligibility for in-state as outlined in BOR policy 4.3.4?**

**A. Yes, a GED awarded in Georgia may be considered the equivalent of graduation from a Georgia high school for the purpose of determining the eligibility of a dependent student for in-state classification.**

**14.Q. What Georgia Code requires any individual who drives in the state to obtain a Georgia driver's license within 30 days of establishing residency?**

**A. Official Code of Georgia Annotated (O.C.G.A.) 40-5-20 states "any person who is a resident of this state for 30 days shall obtain a Georgia driver's license before operating a motor vehicle in this state."**

**15.Q. Can a USG undergraduate student classified as in-state retain that classification when graduating and then immediately enrolling as a graduate student?**

**A. Yes, a USG student who originally qualified as an in-state dependent student based on his or her Georgia-domiciled parent or U.S. court-appointed legal guardian may retain that classification upon graduating and then immediately enrolling in a graduate program. The student may be classified as an in-state graduate student provided:**

- There is no evidence that the original classification was made in error; and,**
- The student remained continuously enrolled when graduating and then reenrolling.**



## **Non-Citizen Students**

**1.Q.** What categories of non-citizens may be considered for in-state classification?

**A.** [Board of Regents policy 4.3.2.3](#) addresses the tuition classification of students who are not citizens of the United States. According to the policy, “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.” A list of eligible categories of noncitizens that may be considered for in-state classification and the necessary documentation may be found in Table 1 of the [Manual for Determining Tuition Classification and Awarding Out-of-State Tuition Waivers](#). Additional information regarding “eligible noncitizens” may be found in Volume 1 - Student Eligibility, Chapter 2 - Citizenship, of the [Federal Student Aid Handbook](#) maintained by the United States Department of Education. Noncitizen students who are not in a status listed in Table 1, including those who are unable to provide documentation of their current, legal status in the United States must not be classified as in-state.

Students who are in a current, legal status in the United States may be considered for an out-of-state tuition waiver. Those students who are not in a current, legal status may not be awarded an out-of-state tuition waiver.

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**2.Q.** Can a student in Temporary Protected Status (TPS) be classified as an in-state student?

**A.** No, Temporary Protected Status (TPS) is not a category of eligible non-citizen as defined by the Federal Title IV regulations. Therefore, per Georgia code (O.C.G.A. 20-3-66) and Board of Regents policy 4.3.2.3, students in this status are not eligible to be classified as in-state.

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**3.Q.** Can a student who has applied for asylum be classified as an in-state student?

**A.** Students who have applied for asylum may not be considered for in-state classification until they provide documentation showing they have been granted asylum.

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**4.Q.** Can a student who has applied for lawful permanent resident status be classified as an in-state student?



**A.** Students who have applied for lawful permanent resident status cannot be considered for in-state classification until they have been granted lawful permanent resident status, unless they are currently in a status which falls under “eligible noncitizen” as defined by the Federal Title IV regulations.

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**5.Q.** Can a lawful permanent resident be considered for an in-state classification if he/she only recently become a permanent resident?

**A.** Yes, due to the processing time it usually takes for an application for lawful permanent residency to be approved by USCIS, a student is not required to be in that status for the twelve months prior to the first day of classes for the term he/she wishes to be classified as in-state. The student must be a lawful permanent resident at the time the in-state classification is granted and the student must meet the other requirements for in-state classification as outlined in BOR policy.

### **Military Students**

**1.Q.** Should all students who are a member of the military, or a dependent of a member of the military, initially be classified as out-of-state and required to petition for in-state classification?

**A.** No, students who are a member of the military, or a dependent of a member of the military, should not be automatically initially classified as out-of-state and required to complete a petition in order to be considered for in-state classification unless information provided by the student on his/her application indicates the student, or the dependent student’s parent, has maintained ties to another state and/or has not assumed the responsibilities of an individual domiciled in Georgia (i.e. registering vehicle in the state, paying state income taxes, etc). If all of the information provided on the application indicates that domicile has been established and maintained in Georgia for the 12 consecutive months immediately preceding the first day of classes for the term, then the student should be classified as in-state. Members of the military stationed and/or living in Georgia but listing another state as their state of legal residence for the purpose of filing (or not filing) state income taxes, typically will not meet the requirements for an in-state classification; however, the military member and/or his/her dependent may be eligible for the Military Personnel out-of-state tuition waiver.



**2.Q. Can a Georgia-domiciled military member, or a dependent of a Georgia-domiciled military member, be classified as in-state if the military member is reassigned or stationed outside of the state?**

**A. Yes, Section 511 of the Servicemembers Civil Relief Act (SCRA) states that “a servicemember shall neither lose nor acquire a residence or domicile for purpose of taxation with respect to the person, personal property, or income of the servicemember by reason of being absent or present in any tax jurisdiction of the United States solely in compliance with military orders.” In other words, a member of the military who was last domiciled in Georgia shall not lose Georgia domicile as a result of moving as required by military orders.**

**3.Q. Can the spouse of a military member be classified as in-state if his/her spouse lists their state of legal residence as another state?**

**A. One spouse does not automatically assume the residency of his/her spouse. The student should be considered for in-state classification based upon his/her own status and actions. If the student can provide evidence that he/she has established and maintained domicile in the state for at least 12 continuous months immediately preceding the first day of classes, then an in-state classification would be warranted, regardless of the state of residency of the military member.**