Georgia Residency Requirements for State Programs at Private Institutions

REGULATIONS – 500.

2022 - 2023 Award Year

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GSFC | Georgia Student Finance Commission
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502. Overview.

Regulations for the Georgia Residency Requirements for State Programs at Private Institutions were adopted by the Board of Commissioners of the Georgia Student Finance Commission (GSFC) for the purpose of determining the residency status of students applying for aid from one or more of the State Programs administered by GSFC. These regulations are primarily used by Private Eligible Postsecondary Institutions located in Georgia to determine the eligibility of their students for certain State Programs and the staff of GSFC.

Any residency requirement included in the regulations that govern a specific State Program, for which a student's eligibility is being determined, shall supersede the regulations of the Georgia Residency Requirements for State Programs at Private Eligible Postsecondary Institutions.

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503. Definitions. (Electronic Link)

504. Citizenship Requirements.

504.1. United States Citizens and EligibleNon-Citizens.

1. A student must be a United States Citizen, born or naturalized, or an Eligible Non-Citizen, according to the Federal Title IV Regulations, as of the first day of classes of the school term for which assistance from one or more StatePrograms is sought.

504.2. Ineligible Statuses.

1. A student does not meet the citizenship requirements, for purposes of the State Programs, if he or she holds an F1 or F2 or M1 student visa, a J1 or J2 exchange visitor visa, a B1 or B2 visitor visa, a G series visa, or any other classification considered an ineligible status or not included in the definition of an Eligible Non-Citizen in the Federal Title IV Regulations.

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505. Georgia Residency Requirements.

505.1. Georgia Residency.

1. A student, Dependent or Independent, must meet the citizenship requirements of *Section 504*, in addition to the requirements of *Section 505*, in order to meet the eligibility requirements for State Programs.

2. Additional information regarding the process and procedures for determining a student's residency status is provided in *Section 509. Appendix – Determining Residency*.

505.2. Dependent Students.

1. A Dependent Student meets the Georgia Residency requirements, for purposes of the State Programs, if his or her Parent or Legal Guardian has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately prior to the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from one or more State Programs, and

    a. Such student graduated from an Eligible High School located in the State of Georgia; or

    b. Such Parent claimed the student as a Dependent on the Georgia Resident Parent's most recent federal income tax return.

2. A Dependent Student who does not meet the Georgia Residency requirements at the time of high school graduation, Home Study completion or High School Equivalency diploma date, or was not claimed on the Georgia Resident Parent's most recent federal income tax return, must meet such Georgia Residency requirements for 24 consecutive months immediately prior to the first day of classes of the school term for which the student is seeking assistance from one or more State Programs.

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3. A Dependent Child of Military Personnel shall be treated as a Georgia Resident for purposes of HOPE Scholarship, Zell Miller Scholarship, Zell Miller Grant, HOPE Grant, and Tuition Equalization Grant (TEG) eligibility, if the Military Personnel is stationed in Georgia on Active Duty or lists Georgia as his or her home of record.

505.3. Independent Students.

1. An Independent Student meets the Georgia Residency requirements, for purposes of the State Programs, if he or she has established and maintained Domicile in the State of Georgia for at least 12 consecutive months immediately prior to the first day of classes of the school term (semester or quarter) for which the student is seeking assistance from one or more State Programs.

2. An Independent Student who has not established and maintained Domicile in the State of Georgia, for at least 12 consecutive months immediately prior to the first day of classes of the school term, must meet such Georgia Residency requirements for 24 consecutive months immediately prior to the first day of classes of the school term for which the student is seeking assistance from one or more State Programs.

3. Military Personnel and his or her Military Spouse shall be treated as a Georgia resident for purposes of HOPE Scholarship, Zell Miller Scholarship, Zell Miller Grant, HOPE Grant, and TEG eligibility, if the Military Personnel is stationed in Georgia on Active Duty or lists Georgia as his or her home of record.

4. No Independent Student shall have gained or acquired Georgia Residency, for purposes of State Programs, while attending any postsecondary institution located in the State of Georgia without clear evidence of having established Domicile in the State of Georgia for purposes other than attending a postsecondary institution in Georgia.

505.4. HOPE Program Students.

1. Members of the Georgia National Guard shall be treated as a Georgia resident for purposes of HOPE Scholarship, Zell Miller Scholarship, Zell Miller Grant and HOPE Grant eligibility.

2. Members of a reserve component of the United States Armed Forces, assigned to a reserve unit located in Georgia, shall be treated as a Georgia resident for purposes of HOPE Scholarship, Zell Miller Scholarship, Zell Miller Grant and HOPE Grant eligibility.

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506. Retaining Georgia Residency.

506.1. Dependent Students.

1. If the Parent or Legal Guardian of a Dependent Student who was correctly determined to meet Georgia Residency requirements, for purposes of State Programs, later establishes Domicile outside the State of Georgia, such student shall continue to retain his or her status as a Georgia Resident, for purposes of State Programs, as long as such student remains Continuously Enrolled at an Eligible Postsecondary Institution.

506.2. Independent Students.

1. If an Independent Student, who was correctly determined to meet Georgia Residency requirements, for purposes of State Programs, temporarily relocates outside the State of Georgia, but within 12 months returns to the State of Georgia and Enrolls in an Eligible Postsecondary Institution, such student shall retain his or her status as a Georgia Resident, for purposes of State Programs.

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507. Records Retention Requirements.

507.1. Length of Retention.

1. An Eligible Postsecondary Institution shall maintain accurate records, books, documents, and other evidence concerning Georgia Residency, including, but not limited to individual student files for whichever is longer:

    a. Three years after the Award Year in which State Programs funds were awarded; or

    b. For such other period as required by an applicable statute, rule, or regulation; or

    c. Such other time as requested in writing by GSFC or the Georgia Student Finance Authority (GSFA).

507.2. Documentation.

1. Documentation contained within an individual student's file or record, which supports the original determination of a student's eligibility must be retained by the Eligible Postsecondary Institution and available for review by GSFC or GSFA on the Eligible Postsecondary Institution's campus, located within the State of Georgia, for at least three years after the most recent Award Year for which the student received aid from one or more State Programs.

2. Eligible Postsecondary Institutions are permitted to maintain these documents in an imaged media format. The imaged media format must be capable of reproducing an accurate, legible, and complete copy of the original document.

    a. Such documentation may include, but is not limited to, copies of permanent resident alien cards, income tax returns, or applications for student financial aid.

        i. Documentation regarding a student's eligibility is not limited to files, records, and other information received and maintained by the Eligible Postsecondary Institution.

        ii. Documentation supporting a student's eligibility that is received and maintained by the Eligible Postsecondary Institution's admissions office, registrar's office, business office, or other administrative operations of the Eligible Postsecondary Institution must be available to GSFC or GSFA for the purpose of a Compliance Review.

    3. It is the Eligible Postsecondary Institution's responsibility to resolve any inconsistencies or conflicting information within a student's records, prior to awarding or disbursing funds from State Programs to the student.

507.3. Extended Retention.

1. An Eligible Postsecondary Institution may be required to retain student records involved in a Compliance Review, audit, or investigation for more than the three-year retention period set forth in *Section 507.1*. If the three-year retention period expires before the issue in question is resolved, the Eligible Postsecondary Institution must continue to retain all associated records until resolution is reached.

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508. Administrative Reviews and Exceptions.

508.1. Administrative Reviews.

1. The Georgia Residency Requirements for State Programs regulations are applied to each student considered for funds from State Programs by appropriate officials of Eligible Postsecondary Institutions and by the administrative staff of GSFC or GSFA.

2. If a student believes a rule or regulation was incorrectly applied in his or her case, the student has the right to file an Administrative Review with GSFC or GSFA. The administrative staff will review the case and determine whether the rule or regulation was applied correctly and notify the student and Eligible Postsecondary Institution of the determination.

3. In order for an Administrative Review to be considered, the student must submit a written request for an Administrative Review to GSFC or GSFA within 45 calendar days of receiving notice of denial from the Eligible Postsecondary Institution or GSFC.

    a. If additional information is requested from the student, it must be provided within the time frame specified by GSFC or GSFA.

    b. The administrative staff decides a case based only on documentation provided, rather than a personal presentation.

508.2. Exceptions.

1. Requests for Exceptions to the Georgia Residency Requirements for State Programs are not considered, reviewed, or granted under any circumstances.

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509. Appendix – Determining Residency.

1. Determining a student's Residency status must be based upon the existence and nature of surrounding objective circumstances, which indicate the person's intent to maintain a permanent presence (Domicile) in the State of Georgia. No one factor can serve as full documentation of a person's Domicile. Neither should a predetermined number of factors be required. However, some factors may be given more weight than others.

2. The following indicators may be considered when determining the Domicile of an individual, but this list should not be considered all-inclusive:

    a. Location of employment;

    b. Location of voter registration;

    c. Location of property, including home purchase, and taxes paid thereon;

    d. State where the individual filed and paid state income taxes;

    e. Address and other information on federal and state income tax returns;

    f. State where the person's automobile title is registered and the payment of property taxes or registration fees thereon;

    g. Address on driver's license or other state-issued documentation and state of issuance;

    h. Reason for initially coming to Georgia;

    i. State of issuance for business, professional, or other licenses; or

    j. Location of checking, savings, or other banking accounts.

3. In order to gain eligibility for State Programs, a student must establish Domicile in the State of Georgia and maintain such Domicile for twelve consecutive months immediately preceding the first day of classes of the school term for which he or she is seeking assistance from one or more State Programs.

    a. The twelve-month period does not begin until the individual has actually established a status of Domicile in Georgia.

4. A person does not have to live in Georgia for any specific period of time before establishing a Domicile in Georgia, nor does just living in Georgia for twelve consecutive months automatically establish a Domicile in the state.

a. For example, a person may move to Georgia and shortly thereafter he or she may take sufficient actions to establish a Domicile in Georgia. However, he or she would not meet the Georgia Residency requirements for purposes of the State Programs until twelve monthslater.

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