

# TUITION CLASSIFICATION

## Classification of Students for Tuition Purposes

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 substantial benefit from individuals who attend or have attended these institutions through their significant contributions to the civic, political, economic, and social advancement of the citizens of Georgia.

Because the overwhelming proportion of financial support for the operation of the public institutions of higher education in Georgia comes from the citizens through the payment of taxes, the determination of whether a student is classified as a resident or a nonresident of the state for tuition purposes becomes a significant matter. The tuition paid by in-state students covers only about one-fourth of the total cost of their education in the University System. Therefore, Georgia taxpayers are contributing three-fourths of the necessary funds to provide quality education for the citizens of the state.

The practice followed by state colleges and universities of assessing out-of-state students a higher tuition rate is a rational attempt by states to achieve a partial cost equalization between those who have and those who have not recently contributed to the state's economy, even though no precise way exists to determine the degree to which higher tuition charges equalize the cost of educating in-state and out-of-state students.

Courts that have been faced with challenges to residency classification procedures have consistently recognized the right of public institutions of higher education to charge higher rates to out-of-state students and to adopt reasonable criteria for determining the establishment of in-state status.

For the purpose of these regulations, the question to be answered is not primarily whether a student is a resident or nonresident of Georgia, but whether the student should pay University System fees on an in-state basis. The term "resident" is confusing because it may have several definitions as it relates to voter registration, driver's licenses, automobile registration, deeds, contracts, wills, income taxes, and other matters. A student may be a resident of Georgia for some purposes, but not entitled to in-state status for tuition purposes.

The Board of Regents has adopted certain policies governing the classification of students as residents and nonresidents for tuition purposes in keeping with its responsibilities to the citizens of Georgia for an appropriate assessment of fees and reasonable share of the cost of their education. The taxpayers of Georgia are thereby assured that they are not assuming the financial burden of educating persons whose presence in the state is not intended to be permanent.

With these considerations in mind, the Board of Regents has adopted the following policies governing the classification of students for fee payment purposes:

[http://www.usg.edu/policymanual/section4/policy/4.3\\_student\\_residency/](http://www.usg.edu/policymanual/section4/policy/4.3_student_residency/)

### 1. United States Citizens

- a. An independent student who has established and maintained a domicile in the State of Georgia for a period of at least twelve

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 a 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 twelve 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 twelve 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 twelve 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 twelve consecutive months immediately preceding the first day of classes for the term.
  - d. 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.
  - e. 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.
2. 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.
  3. Any student requesting to pay at the in-state tuition rate will be required to provide verification of their lawful presence in the United

States in order to be classified as an in-state student or awarded an out-of-state tuition waiver. See Lawful Presence.