

Military Waiver - Active Duty Military Personnel

General FAQs

1.Q. Can a student who is not verified to be lawfully present in the United States be eligible for the Active Duty Military Personnel waiver?

A. No, per [BOR Policy 7.3.4.1](#), *Out-of-State Tuition Waivers*, only those students verified to be lawfully present using one of the approved methods provided on the [USG Lawful Presence Verification Methods Chart](#) may be awarded the Active Duty Military Personnel waiver or any other USG out-of-state tuition waiver.

2.Q. Can a noncitizen student qualify for the Active Duty Military Personnel waiver?

A. U.S. citizens and noncitizens who meet the Active Duty Military Personnel waiver requirements are eligible provided they are verified to be lawfully present in the United States using one of the approved methods provided on the [USG Lawful Presence Verification Methods Chart](#).

3.Q. Can a child of an active duty service member initially qualify for the Active Duty Military Personnel waiver if he/she has aged out of the military's definition of "dependent" but meets all other waiver requirements?

A. While students turning 21 may no longer be considered dependent according to the definition used by the military, the University System of Georgia considers students to be dependent until they reach the age of 24. Therefore, students who have aged out of dependent status according to the military's definition, may still meet initial waiver award requirements until they reach the age of 24.

4.Q. Can a student qualify for the Active Duty Military Personnel waiver based on marriage to a same-sex, qualifying spouse?

A. Yes, through their [July 24, 2014 "Dear Colleague" letter](#), the U.S. Department of Education provided notification that, following the Supreme Court's decision in *United States v. Windsor* case, the Department determined that "any legal marriage that is recognized by the jurisdiction in which the marriage was celebrated will be recognized without regard to whether the marriage is between persons of the same sex or opposite sex...". The letter further explains that this interpretation directly applies to section 135 of the Higher Education Act (HEA) of 1965 which

requires that any state receiving assistance under the Act charge active military personnel stationed in the state, as well as their spouse and dependent children, no more than the in-state tuition rate, regardless of their state of residence. Since the Active Duty Military Personnel waiver is the mechanism through which a nonresident spouse of a service member stationed in or assigned to Georgia pays at the in-state tuition rate, a same-sex spouse can be eligible for the Active Duty Military Personnel waiver.

5.Q. Can an individual in a domestic partnership or civil union with a service member be granted the Active Duty Military Personnel waiver?

A. No, the [July 24, 2014 “Dear Colleague” letter](#) issued by the U.S. Department of Education states that their ruling to recognize same-sex marriages “applies only to marriages and does not apply to registered domestic partnerships, civil unions, or similar formal relationships recognized under state law.”

6.Q. Can students receiving the Active Duty Military Personnel waiver be eligible for the HOPE Scholarship or Zell Miller Scholarship?

A. Per the HOPE Scholarship and Zell Miller Scholarship regulations provided by the Georgia Student Finance Commission, a student receiving the USG’s Active Duty Military Personnel waiver may, under certain conditions, be treated as a Georgia resident for the purpose of determining eligibility for the HOPE Scholarship and Zell Miller Scholarship. Additional information can be found in the [HOPE Scholarship Program Regulations](#) and the [Zell Miller Scholarship Program Regulations](#). Questions regarding HOPE and Zell Miller Scholarship eligibility should be directed to the Georgia Student Finance Commission or your institution’s financial aid office.

7.Q. Can an institution accept a copy or make a copy of a U.S. military ID for the purpose of granting an Active Duty Military Personnel waiver?

A. No, United States Code Title 18, Chapter 33, Section 701 prohibits unauthorized photocopying, reproduction, or possession of Uniformed Services ID (military ID) cards. The USG position on copying and retaining copies of military ID’s is in agreement with an article in the Fall 2009 issue of The Reporter published by the Judge Advocate General’s Corps. The guidance in the “Ask the Expert” article states... “both federal law and DOD (Department of Defense) regulation prohibit the unauthorized photocopying of military ID, with the key word being ‘unauthorized’. Members (of the Armed Forces) may allow photocopying of their ID card to facilitate DOD benefits. Photocopying is unauthorized in all other instances.”

DOD benefits are provided by Federal government agencies to members of the Armed Forces as a condition of service to the United States. One of the most familiar is medical benefits and military identification cards can be photocopied by hospitals and doctors providing services under the medical benefit. In contrast, the provision of in-state tuition to military personnel or their families by USG institutions is not a DOD benefit.

If a military ID is presented, the [Confirmation of Review of Military ID Worksheet](#) should be utilized to document the review of the military identification card. A completed worksheet is considered appropriate documentation in lieu of a copy of a military identification card.

It is recommended that institutions develop a process for handling copies of military ID's that may be received by mail, email or fax. This process should include acknowledging receipt of the document and informing the student that the institution cannot accept it. The copy of the military ID should be destroyed.

Institutions should review the [August 23, 2012 memo](#) sent by the Office of Student Affairs for additional information.

8.Q. Can a student initially awarded the Active Duty Military Personnel waiver as a dependent child of an active duty service member continue to receive the waiver upon turning 24?

A. Yes, a student initially awarded the Active Duty Military Personnel waiver based on their parent/U.S. court-appointed legal guardian may continue to receive the waiver upon turning 24 provided he/she remains continuously enrolled. The definition of "continuous enrollment" is provided in the [Tuition Classification Glossary of Terms](#).

9.Q. Can a student initially awarded the Active Duty Military Personnel waiver, based on the assignment of his/her parent/U.S. court-appointed legal guardian to Georgia, continue to receive the waiver if his/her parent/guardian is reassigned to another state?

A. Yes, a student initially awarded the Active Duty Military Personnel waiver, based on the assignment of his/her parent/U.S. court-appointed legal guardian to Georgia, can continue to receive the waiver provided the student remains continuously enrolled. The definition of "continuous enrollment" is provided in the [Tuition Classification Glossary of Terms](#).

10.Q. Can a student initially qualifying for the Active Duty Military Personnel waiver, based on using transferred VA education benefits, continue to be eligible for the waiver if the VA education benefits are not used in subsequent terms?

A. Yes, a student initially qualifying for the Active Duty Military Personnel waiver, based on using transferred VA education benefits, is eligible to continue to receive the waiver provided he/she remains continuously enrolled. The definition of “continuous enrollment” is provided in the [Tuition Classification Glossary of Terms](#).

11.Q. Can a student initially qualifying for the Active Duty Military Personnel waiver, based on using transferred VA education benefits, continue to be eligible for the waiver if his/her active duty parent/U.S. court-appointed legal guardian separates or retires from military service?

A. Yes, a student initially qualifying for the Active Duty Military Personnel waiver is eligible to continue to receive the waiver if the individual upon whom the waiver is based separates or retires from active duty service, provided the student remains continuously enrolled. The definition of “continuous enrollment” is provided in the [Tuition Classification Glossary of Terms](#).

Waiver Provision “a” FAQs

1.Q. Can an active duty military service member, stationed in or assigned to Georgia but living in another state, be eligible for the Active Duty Military Personnel waiver?

A. Yes, provision “a” of the Active Duty Military Personnel waiver states that the waiver can be awarded to “military personnel, their spouses, and their dependent children, stationed in or assigned to Georgia and on active duty”. Living and/or residing in Georgia is not a waiver eligibility requirement to qualify under provision “a”.

Waiver Provision “b” FAQs

1.Q. If a dependent student will not use VA educational benefits, can he/she initially qualify for the Active Duty Military Personnel waiver if his/her military parent/U.S. court-appointed legal guardian is re-stationed or reassigned outside of Georgia while the student is still in high school in Georgia?

A. Yes, condition “b” of the Active Duty Military Personnel waiver states that a dependent student may initially qualify for the waiver if his/her military parent/U.S. court-appointed legal guardian is re-stationed or reassigned outside of Georgia, provided the student remains continuously enrolled in a Georgia high school, Technical College System of Georgia institution

and/or a University System of Georgia institution. The definition of “continuous enrollment” is provided in the [USG Tuition Classification Glossary](#).

Waiver Provision “c” FAQs - No questions regarding waiver provision “c” have been received at this time.

Waiver Provision “d” FAQs - No questions regarding waiver provision “d” have been received at this time.

Waiver Provision “e” FAQs

1.Q. Can a GED earned in Georgia substitute for the one year of high school attendance required under provision “e” of the Active Duty Military Personnel waiver?

A. No, condition “e” of the Active Duty Military Personnel waiver specifies that the student must have completed at least a year of high school in Georgia.

2.Q. If a dependent child of an active duty service member completes at least a year of high school in Georgia, can he/she be eligible under provision “e” of the Active Duty Military Personnel waiver if their military parent/U.S. court-appointed legal guardian has not been stationed in or assigned to Georgia in the last 5 years?

A. Yes, a dependent student (under 24) who completed at least one year of high school in Georgia while his/her service member parent/U.S. court-appointed legal guardian was stationed in or assigned to Georgia may be considered for the Active Duty Military Personnel waiver.

3.Q. Can a dependent student qualify under provision “e” of the Active Duty Military Personnel waiver if he/she has completed a year or more of high school in Georgia but his/her active duty parent/U.S. court-appointed legal guardian has never been stationed in or assigned to Georgia?

A. No, a dependent student may only qualify under provision “e” of the Active Duty Military Personnel waiver if he/she lived in Georgia in the five years prior to the first day of classes for the term the waiver is requested while his/her military parent/U.S. court-appointed legal guardian

was stationed in or assigned to the state OR they attended at least one year of Georgia high school while their military parent/U.S. court-appointed legal guardian was stationed in or assigned to Georgia. If a dependent student's active duty parent/U.S. court-appointed legal was not previously stationed in or assigned to Georgia, then the dependent student would not qualify under provision "e" of the Active Duty Military Personnel waiver.

4.Q. Can a dependent student qualify under provision "e" of the Active Duty Military Personnel waiver if he/she did not complete at least a year of high school in Georgia?

A. Yes, a dependent student may qualify under provision "e" of the Active Duty Military Personnel waiver if he/she lived in Georgia in the five years prior to the first day of classes for the term the waiver is requested while his/her military parent/U.S. court-appointed legal guardian was stationed in or assigned to the state OR they attended at least one year of Georgia high school while their military parent/U.S. court-appointed legal guardian was stationed in or assigned to Georgia. A dependent student who has not attended a year of high school in Georgia may be eligible under provision "e" of the Active Duty Military Personnel waiver provided they lived in Georgia with their active duty parent/U.S. court-appointed legal guardian was stationed in or assigned to the state. The active duty parent/U.S. court-appointed legal guardian must have been stationed in or assigned to Georgia within the five years prior to the first day of classes for the term the waiver is requested.

Waiver Provision "f" FAQs

1.Q. Is it necessary for the active-duty service member providing the transferred VA educational benefits to be stationed in or assigned to Georgia for the student to qualify under condition "f" of the Active Duty Military Personnel waiver?

A. No, if a student is using VA educational benefits transferred from a currently serving military member, then the student is eligible under condition "f" of the Active Duty Military Personnel waiver. It is not necessary for the military member to be stationed in or assigned to Georgia.

2.Q. In order to qualify under condition "f" of the Active Duty Military Personnel waiver, what documentation must the student provide?

A. The student must present a VA Certificate of Eligibility showing that they are eligible for the VA education benefits. In addition, a copy of the service member's current orders, Enlisted Record Brief (ERB) and/or letter from Commanding Officer verifying current, active military status.

