

RCW 28B.15.012 Classification as resident or nonresident student

—Definitions. Whenever used in this chapter:

(1) The term "institution" shall mean a public university, college, or community or technical college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) Any person who has completed and obtained a high school diploma, or a person who has received the equivalent of a diploma; who has continuously lived in the state of Washington for at least a year primarily for purposes other than postsecondary education before the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;

(f) Any person who has lived in Washington, primarily for purposes other than postsecondary education, for at least one year immediately before the date on which the person has enrolled in an institution, and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15)(E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under one of those subsections, or who, holding or having previously held such lawful nonimmigrant status as a principal or derivative, has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a);

(g) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(h) A student who is on active military duty or a member of the Washington national guard who meets the following conditions:

(i) Entered service as a Washington resident;

- (ii) Has maintained a Washington domicile; and
- (iii) Is stationed out-of-state;
- (i) A student who is on active military duty who is stationed out-of-state after having been stationed in Washington and is either:
 - (i) Admitted to an institution of higher education in Washington before the reassignment and enrolls in that institution for the term the student was admitted;
 - (ii) Enrolled in an institution of higher education in Washington and remains continuously enrolled at the institution; or
 - (iii) Enrolls in an institution of higher education in Washington within three years from the date of reassignment out-of-state;
- (j) A student who is the spouse, state registered domestic partner, or a dependent as defined in Title 10 U.S.C. Sec. 1072(2) as it existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule of a person defined in (g) or (h) of this subsection. If the person defined in (g) of this subsection is reassigned out-of-state, the student maintains the status as a resident student so long as the student is either:
 - (i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted;
 - (ii) Enrolled in an institution and remains continuously enrolled at the institution; or
 - (iii) Enrolled in an institution of higher education in Washington within three years from the date of reassignment out-of-state;
- (k) A student who is eligible for veterans administration educational assistance or rehabilitation benefits under Title 38 U.S.C. or educational assistance under Title 10 U.S.C. chapter 1606 as the titles existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule;
- (l) A student who has separated or retired from the uniformed services with at least 10 years of service and at least 90 days of active duty service, with a qualifying discharge as defined in RCW 73.04.005, and who enters an institution of higher education in Washington within three years of the date of separation or retirement;
- (m) A student who is the spouse, state registered domestic partner, or child under the age of 26 years of an individual who has separated or retired from the uniformed services with at least 10 years of service and at least 90 days of active duty service, with a qualifying discharge as defined in RCW 73.04.005, and who enters an institution of higher education in Washington within three years of the service member's date of separation or retirement;
- (n) A student who has separated from the uniformed services who was discharged for a reason described in RCW 73.04.005(1)(d);
- (o) A student who is defined as a covered individual in 38 U.S.C. Sec. 3679(c)(2) as it existed on January 18, 2022, or such subsequent date as the student achievement council may determine by rule;
- (p) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725;
- (q) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact

established a bona fide domicile in this state primarily for purposes other than educational;

(r) A student who resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

(s) A student who resides in Washington and is the spouse or a dependent of a person defined in (r) of this subsection. If the person defined in (r) of this subsection moves from Washington or is reassigned out of the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the student maintains the status as a resident student so long as the student resides in Washington and is either:

(i) Admitted to an institution before the reassignment and enrolls in that institution for the term the student was admitted; or

(ii) Enrolled in an institution and remains continuously enrolled at the institution.

(3) (a) A student who qualifies under subsection (2) (k), (l), (m), (n), or (o) of this section and who remains continuously enrolled at an institution of higher education shall retain resident student status.

(b) Nothing in subsection (2) (k), (l), (m), or (o) of this section applies to students who have a bad conduct discharge, officer dismissal, or dishonorable discharge from the uniformed services, or to students who are the spouse or child of an individual who has a bad conduct discharge, officer dismissal, or dishonorable discharge from the uniformed services, unless the student is receiving veterans administration educational assistance benefits.

(4) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of this section and RCW 28B.15.013. Except for students qualifying under subsection (2) (e) or (p) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America, unless the person meets and complies with all applicable requirements in this section and RCW 28B.15.013 and is one of the following:

(i) A lawful permanent resident;

(ii) A temporary resident;

(iii) A person who holds "refugee-parolee," "conditional entrant," or U or T nonimmigrant status with the United States citizenship and immigration services;

(iv) A person who has been issued an employment authorization document by the United States citizenship and immigration services that is valid as of the date the person's residency status is determined;

(v) A person who has been granted deferred action for childhood arrival status before, on, or after June 7, 2018, regardless of whether the person is no longer or will no longer be granted deferred

action for childhood arrival status due to the termination, suspension, or modification of the deferred action for childhood arrival program; or

(vi) A person who is otherwise permanently residing in the United States under color of law, including deferred action status.

(5) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules adopted by the student achievement council and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the council may require.

(7) The term "active military duty" means the person is serving on active duty in:

(a) The armed forces of the United States government; or

(b) The Washington national guard; or

(c) The coast guard, merchant mariners, or other nonmilitary organization when such service is recognized by the United States government as equivalent to service in the armed forces.

(8) The term "active duty service" means full-time duty, other than active duty for training, as a member of the uniformed services of the United States. Active duty service as a national guard member under Title 32 U.S.C. for the purpose of organizing, administering, recruiting, instructing, or training and active service under Title 32 U.S.C. Sec. 502(f) for the purpose of responding to a national emergency is recognized as active duty service.

(9) The term "uniformed services" is defined by Title 10 U.S.C.; subsequently structured and organized by Titles 14, 33, and 42 U.S.C.; consisting of the United States army, United States marine corps, United States navy, United States air force, United States coast guard, United States space force, United States public health service commissioned corps, and the national oceanic and atmospheric administration commissioned officer corps.

(10) "Washington national guard" means that part of the military force of the state that is organized, equipped, and federally recognized under the provisions of the national defense act of the United States, and in the event the national guard is called into federal service or in the event the state guard or any part or individual member thereof is called into active state service by the commander-in-chief. National guard service includes being subject to call up for active duty under Title 32 U.S.C. or Title 10 U.S.C. status or when called to state active service by the governor under the provisions of RCW 38.08.040.

(11) "Child" includes, but is not limited to:

(a) A legitimate child;

(b) An adopted child;

(c) A stepchild;

(d) A foster child; and

(e) A legal dependent. [2024 c 146 s 11; 2022 c 249 s 1; 2021 c 272 s 9; 2020 c 232 s 1; 2019 c 126 s 1; 2018 c 204 s 3; 2017 c 191 s 1; 2015 3rd sp.s. c 8 s 1. Prior: 2015 c 55 s 207; 2014 c 183 s 1; 2012 c 229 s 521; 2011 1st sp.s. c 11 s 148; 2010 c 183 s 1; 2009 c 220 s 1; 2004 c 128 s 1; 2003 c 95 s 1; 2002 c 186 s 2; prior: (2002 c 186 s 1 expired June 30, 2002); 2000 c 160 s 1; 2000 c 117 s 2; (2000 c 117 s 1 expired June 30, 2002); 1999 c 320 s 5; 1997 c 433 s 2; 1994 c 188 s 2; 1993 sp.s. c 18 s 4; prior: 1987 c 137 s 1; 1987 c 96 s 1; 1985 c 370 s 62; 1983 c 285 s 1; 1982 1st ex.s. c 37 s 1; 1972 ex.s. c 149 s 1; 1971 ex.s. c 273 s 2.]

Intent—2024 c 146: See note following RCW 73.04.005.

Intent—Findings—Short title—2021 c 272: See notes following RCW 28B.50.920.

Effective date—2015 3rd sp.s. c 8 s 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 24, 2015." [2015 3rd sp.s. c 8 s 2.]

Effective date—2012 c 229 ss 101, 117, 401, 402, 501 through 594, 601 through 609, 701 through 708, 801 through 821, 902, and 904: See note following RCW 28B.77.005.

Effective date—2011 1st sp.s. c 11 ss 101-103, 106-202, 204-244, and 301: See note following RCW 28B.76.020.

Intent—2011 1st sp.s. c 11: See note following RCW 28B.76.020.

Effective date—2009 c 220: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009." [2009 c 220 s 2.]

Intent—2003 c 95: "It is the intent of the legislature to ensure that students who receive a diploma from a Washington state high school or receive the equivalent of a diploma in Washington state and who have lived in Washington for at least three years prior to receiving their diploma or its equivalent are eligible for in-state tuition rates when they enroll in a public institution of higher education in Washington state." [2003 c 95 s 2.]

Effective date—2003 c 95: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003." [2003 c 95 s 4.]

Expiration date—2002 c 186 s 1: "Section 1 of this act expires June 30, 2002." [2002 c 186 s 4.]

Effective date—2002 c 186 s 2: "Section 2 of this act takes effect June 30, 2002." [2002 c 186 s 5.]

Expiration date—2000 c 117 s 1: "Section 1 of this act expires June 30, 2002." [2000 c 117 s 4.]

Effective date—2000 c 117 s 2: "Section 2 of this act takes effect June 30, 2002." [2000 c 117 s 5.]

Intent—Severability—1997 c 433: See notes following RCW 28B.15.725.

Effective date—1993 sp.s. c 18: See note following RCW 28B.12.060.

Effective date—1982 1st ex.s. c 37: "Sections 13 and 14 of this amendatory act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. All other sections of this amendatory act shall take effect on June 1, 1982." [1982 1st ex.s. c 37 s 24.]

Severability—1982 1st ex.s. c 37: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 1st ex.s. c 37 s 23.]

Severability—1971 ex.s. c 273: See note following RCW 28B.15.011.