
SUBSTITUTE HOUSE BILL 2377

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Higher Education (originally sponsored by Representatives Dunn and Carlson)

Read first time 01/29/98. Referred to Committee on .

1 AN ACT Relating to the definition of resident student; and amending
2 RCW 28B.15.012.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read
5 as follows:

6 Whenever used in chapter 28B.15 RCW:

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

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

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

16 (b) A dependent student, if one or both of the student's parents or
17 legal guardians have maintained a bona fide domicile in the state of
18 Washington for at least one year immediately prior to commencement of

1 the semester or quarter for which the student has registered at any
2 institution;

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

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

16 (e) A student who is the spouse or a dependent of a person who is
17 on active military duty stationed in the state;

18 (f) A student of an out-of-state institution of higher education
19 who is attending a Washington state institution of higher education
20 pursuant to a home tuition agreement as described in RCW 28B.15.725;
21 ((or))

22 (g) A student who meets the requirements of RCW 28B.15.0131:
23 PROVIDED, That a nonresident student enrolled for more than six hours
24 per semester or quarter shall be considered as attending for primarily
25 educational purposes, and for tuition and fee paying purposes only such
26 period of enrollment shall not be counted toward the establishment of
27 a bona fide domicile of one year in this state unless such student
28 proves that the student has in fact established a bona fide domicile in
29 this state primarily for purposes other than educational; or

30 (h) For community college students, a person who has established a
31 bona fide domicile in Washington state for the immediately preceding
32 ninety days.

33 (3) The term "nonresident student" shall mean any student who does
34 not qualify as a "resident student" under the provisions of RCW
35 28B.15.012 and 28B.15.013. Except for students qualifying under
36 subsection (2)(f) of this section, a nonresident student shall include:

37 (a) A student attending an institution with the aid of financial
38 assistance provided by another state or governmental unit or agency

1 thereof, such nonresidency continuing for one year after the completion
2 of such semester or quarter.

3 (b) A person who is not a citizen of the United States of America
4 who does not have permanent or temporary resident status or does not
5 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
6 States immigration and naturalization service or is not otherwise
7 permanently residing in the United States under color of law and who
8 does not also meet and comply with all the applicable requirements in
9 RCW 28B.15.012 and 28B.15.013.

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

17 (5) The term "dependent" shall mean a person who is not financially
18 independent. Factors to be considered in determining whether a person
19 is financially independent shall be set forth in rules and regulations
20 adopted by the higher education coordinating board and shall include,
21 but not be limited to, the state and federal income tax returns of the
22 person and/or the student's parents or legal guardian filed for the
23 calendar year prior to the year in which application is made and such
24 other evidence as the board may require.

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