
HOUSE BILL 2726

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Hudgins, Hunter, Santos, Seaquist, Sullivan, Clibborn, Habib, Farrell, Bergquist, Springer, Cody, Walkinshaw, Pollet, Takko, Orwall, Fitzgibbon, Jinkins, Stonier, Tarleton, Morrell, Appleton, Roberts, Ortiz-Self, Reykdal, Ormsby, S. Hunt, Wylie, Carlyle, Sells, Blake, Sawyer, Tharinger, Robinson, Gregerson, Fey, Freeman, Kagi, Senn, and Goodman

Read first time 01/28/14. Referred to Committee on Appropriations.

1 AN ACT Relating to expanding higher education opportunities for
2 certain resident students and military families; amending RCW
3 28B.15.012, 28B.92.010, and 28B.92.060; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a higher
6 education is critical to providing Washington's workforce with the
7 skills and knowledge necessary to compete in a global economy. The
8 legislature recognizes that some talented students have difficulty
9 paying for college and wants to ensure that excellence stays in our
10 state. Barriers to achieving a higher education must be removed in
11 order for Washington to cultivate and grow future leaders. These
12 barriers include making all resident students eligible for state
13 financial aid and removing the waiting period for members of the
14 military, their spouses, and children to be eligible for resident
15 tuition. The extension of financial aid to these aspiring young
16 Americans and members of the military, their spouses, and children is
17 also necessary to position everyone for economic success and strengthen
18 Washington state's competitive edge in the world economy. Therefore it

1 is in the best interest of the state to provide and promote as many
2 opportunities as possible for students to pursue a higher education.

3 **Sec. 2.** RCW 28B.15.012 and 2012 c 229 s 521 are each amended to
4 read as follows:

5 Whenever used in this chapter:

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

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

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

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

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

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

33 (e) Any person who has completed the full senior year of high
34 school and obtained a high school diploma, both at a Washington public
35 high school or private high school approved under chapter 28A.195 RCW,
36 or a person who has received the equivalent of a diploma; who has lived
37 in Washington for at least three years immediately prior to receiving

1 the diploma or its equivalent; who has continuously lived in the state
2 of Washington after receiving the diploma or its equivalent and until
3 such time as the individual is admitted to an institution of higher
4 education under subsection (1) of this section; and who provides to the
5 institution an affidavit indicating that the individual will file an
6 application to become a permanent resident at the earliest opportunity
7 the individual is eligible to do so and a willingness to engage in any
8 other activities necessary to acquire citizenship, including but not
9 limited to citizenship or civics review courses;

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

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

21 (h) A student who is on active military duty or a member of the
22 national guard who entered service as a Washington resident and who has
23 maintained Washington as his or her domicile but is not stationed in
24 the state;

25 (i) A student who is the spouse or a dependent of a person who is
26 on active military duty or a member of the national guard who entered
27 service as a Washington resident and who has maintained Washington as
28 his or her domicile but is not stationed in the state. If the person
29 on active military duty is reassigned out-of-state, the student
30 maintains the status as a resident student so long as the student is
31 continuously enrolled in a degree program;

32 ((+i)) (j) A student who resides in the state of Washington and is
33 the spouse or a dependent of a person who is a member of the Washington
34 national guard;

35 ((+j)) (k) A student who has separated from the military under
36 honorable conditions after at least two years of service, and who
37 enters an institution of higher education in Washington within one year

1 of the date of separation who at the time of separation designated
2 Washington as his or her intended domicile and:

3 (i) Has Washington as his or her official home of record; or

4 (ii) Moves to Washington and establishes a domicile as determined
5 in RCW 28B.15.013 within the academic year;

6 (l) A student who is the spouse or a dependent of an individual who
7 has separated from the military under honorable conditions after at
8 least two years of service and who enters an institution of higher
9 education in Washington within one year of the date of separation who
10 at the time of separation designated Washington as his or her intended
11 domicile and:

12 (i) Has Washington as his or her official home of record; or

13 (ii) Moves to Washington and establishes a domicile as determined
14 in RCW 28B.15.013;

15 (m) A student of an out-of-state institution of higher education
16 who is attending a Washington state institution of higher education
17 pursuant to a home tuition agreement as described in RCW 28B.15.725;

18 ~~((k))~~ (n) A student who meets the requirements of RCW
19 28B.15.0131: PROVIDED, That a nonresident student enrolled for more
20 than six hours per semester or quarter shall be considered as attending
21 for primarily educational purposes, and for tuition and fee paying
22 purposes only such period of enrollment shall not be counted toward the
23 establishment of a bona fide domicile of one year in this state unless
24 such student proves that the student has in fact established a bona
25 fide domicile in this state primarily for purposes other than
26 educational((÷

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

31 ~~(m) A student who resides in Washington and is the spouse or a~~
32 ~~dependent of a person who resides in Washington and is on active~~
33 ~~military duty stationed in the Oregon counties of Columbia, Gilliam,~~
34 ~~Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,~~
35 ~~Union, Wallowa, Wasco, or Washington. If the person on active military~~
36 ~~duty moves from Washington or is reassigned out of the Oregon counties~~
37 ~~of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas,~~
38 ~~Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington, the~~

1 ~~student maintains the status as a resident student so long as the~~
2 ~~student resides in Washington and is continuously enrolled in a degree~~
3 ~~program)).~~

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

9 (a) A student attending an institution with the aid of financial
10 assistance provided by another state or governmental unit or agency
11 thereof, such nonresidency continuing for one year after the completion
12 of such semester or quarter.

13 (b) A person who is not a citizen of the United States of America
14 who does not have permanent or temporary resident status or does not
15 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
16 States citizenship immigration services or is not otherwise permanently
17 residing in the United States under color of law and who does not also
18 meet and comply with all the applicable requirements in this section
19 and RCW 28B.15.013.

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

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

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

- 37 (a) The armed forces of the United States government; or
- 38 (b) The Washington national guard; or

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

4 **Sec. 3.** RCW 28B.92.010 and 2004 c 275 s 34 are each amended to
5 read as follows:

6 The purposes of this chapter are to establish the principles upon
7 which the state financial aid programs will be based and to establish
8 the state of Washington state need grant program, thus assisting
9 financially needy or disadvantaged students domiciled in Washington to
10 obtain the opportunity of attending an accredited institution of higher
11 education. State need grants under this chapter are available only to
12 students who are resident students as defined in RCW 28B.15.012(2) (a)
13 through ~~((d))~~ (n).

14 **Sec. 4.** RCW 28B.92.060 and 2012 c 229 s 558 are each amended to
15 read as follows:

16 In awarding need grants, the office shall proceed substantially as
17 follows: PROVIDED, That nothing contained herein shall be construed to
18 prevent the office, in the exercise of its sound discretion, from
19 following another procedure when the best interest of the program so
20 dictates:

21 (1) The office shall annually select the financial aid award
22 recipients from among Washington residents applying for student
23 financial aid who have been ranked according to:

24 (a) Financial need as determined by the amount of the family
25 contribution; and

26 (b) Other considerations, such as whether the student is a former
27 foster youth, or is a placebound student who has completed an associate
28 of arts or associate of science degree or its equivalent.

29 (2) The office shall not create priority status for receipt of
30 financial aid awards for any category of resident students as defined
31 in RCW 28B.15.012.

32 (3) The financial need of the highest ranked students shall be met
33 by grants depending upon the evaluation of financial need until the
34 total allocation has been disbursed. Funds from grants which are
35 declined, forfeited or otherwise unused shall be reawarded until
36 disbursed, except that eligible former foster youth shall be assured

1 receipt of a grant. The office, in consultation with four-year
2 institutions of higher education, the council, and the state board for
3 community and technical colleges, shall develop award criteria and
4 methods of disbursement based on level of need, and not solely rely on
5 a first-come, first-served basis.

6 ~~((+3))~~ (4) A student shall be eligible to receive a state need
7 grant for up to five years, or the credit or clock hour equivalent of
8 five years, or up to one hundred twenty-five percent of the published
9 length of time of the student's program. A student may not start a new
10 associate degree program as a state need grant recipient until at least
11 five years have elapsed since earning an associate degree as a need
12 grant recipient, except that a student may earn two associate degrees
13 concurrently. Qualifications for renewal will include maintaining
14 satisfactory academic progress toward completion of an eligible program
15 as determined by the office. Should the recipient terminate his or her
16 enrollment for any reason during the academic year, the unused portion
17 of the grant shall be returned to the state educational grant fund by
18 the institution according to the institution's own policy for issuing
19 refunds, except as provided in RCW 28B.92.070.

20 ~~((+4))~~ (5) In computing financial need, the office shall determine
21 a maximum student expense budget allowance, not to exceed an amount
22 equal to the total maximum student expense budget at the public
23 institutions plus the current average state appropriation per student
24 for operating expense in the public institutions. Any child support
25 payments received by students who are parents attending less than half-
26 time shall not be used in computing financial need.

27 ~~((+5))~~ (6)(a) A student who is enrolled in three to six credit-
28 bearing quarter credits, or the equivalent semester credits, may
29 receive a grant for up to one academic year before beginning a program
30 that leads to a degree or certificate.

31 (b) An eligible student enrolled on a less-than-full-time basis
32 shall receive a prorated portion of his or her state need grant for any
33 academic period in which he or she is enrolled on a less-than-full-time
34 basis, as long as funds are available.

35 (c) An institution of higher education may award a state need grant
36 to an eligible student enrolled in three to six credit-bearing quarter
37 credits, or the semester equivalent, on a provisional basis if:

1 (i) The student has not previously received a state need grant from
2 that institution;

3 (ii) The student completes the required free application for
4 federal student aid;

5 (iii) The institution has reviewed the student's financial
6 condition, and the financial condition of the student's family if the
7 student is a dependent student, and has determined that the student is
8 likely eligible for a state need grant; and

9 (iv) The student has signed a document attesting to the fact that
10 the financial information provided on the free application for federal
11 student aid and any additional financial information provided directly
12 to the institution is accurate and complete, and that the student
13 agrees to repay the institution for the grant amount if the student
14 submitted false or incomplete information.

15 ((+6+)) (7) As used in this section, "former foster youth" means a
16 person who is at least eighteen years of age, but not more than twenty-
17 four years of age, who was a dependent of the department of social and
18 health services at the time he or she attained the age of eighteen.

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