
HOUSE BILL 2030

State of Washington 55th Legislature 1997 Regular Session

By Representative Carlson; by request of Washington State University
Read first time 02/18/97. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; amending RCW 28B.15.012; and
2 creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 provide for diverse higher educational opportunities to the state's
6 citizens, to facilitate student participation in educational exchanges
7 with institutions of higher education outside the state of Washington,
8 and to facilitate the delivery of technology-based distance learning
9 programs to both in-state and out-of-state students, when, as part of
10 a consortium arrangement, Washington residents have an equal
11 opportunity to take courses from an out-of-state institution of higher
12 education at the same tuition rate offered to that state's residents.

13 **Sec. 2.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read
14 as follows:

15 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

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

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

27 (f) Any student enrolled in an academic program delivered by
28 distance learning technology if that program is offered by a consortium
29 of institutions of higher education that enable Washington residents to
30 take courses from an out-of-state institution of higher education at
31 the same tuition rate offered to that state's residents; or

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

1 (3) The term "nonresident student" shall mean any student who does
2 not qualify as a "resident student" under the provisions of RCW
3 28B.15.012 and 28B.15.013. A nonresident student shall include:

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

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

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

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

30 NEW SECTION. **Sec. 3.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

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