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ENGROSSED SUBSTITUTE HOUSE BILL 2373

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State of Washington

55th Legislature

1998 Regular Session

By House Committee on Higher Education (originally sponsored by Representatives Carlson, Kenney, O'Brien, Anderson and Mason)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to a pilot project on resident tuition rates and  
2 financial aid portability for students residing in certain border  
3 counties; amending RCW 28B.15.012, 28B.10.790, 28B.12.030, and  
4 28B.101.020; reenacting and amending RCW 28B.101.040; adding new  
5 sections to chapter 28B.80 RCW; adding a new section to chapter 28B.15  
6 RCW; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.80 RCW  
9 to read as follows:

10 (1) The legislature finds that certain tuition policies in Oregon  
11 state are more responsive to the needs of students living in economic  
12 regions that cross the state border than the Washington state policies.  
13 Under Oregon policy, students who are Washington residents may enroll  
14 at Portland State University for eight credits or less and pay the same  
15 tuition as Oregon residents. Further, the state of Oregon passed  
16 legislation in 1997 to begin providing to its community colleges the  
17 same level of state funding for students residing in bordering states  
18 as students residing in Oregon.

1 (2) The legislature intends to build on the recent Oregon  
2 initiatives regarding tuition policy for students in bordering states  
3 and to facilitate regional planning for higher education delivery, by  
4 creating a pilot project on resident tuition rates and financial aid  
5 portability in two Washington counties that border Oregon state.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.80 RCW  
7 to read as follows:

8 (1) The border county higher education opportunity pilot project is  
9 created. The pilot project has two purposes.

10 (2) The first purpose of the pilot project is to allow three  
11 Washington institutions of higher education that are located in two  
12 counties on the Oregon border to implement, on a trial basis, tuition  
13 policies that correspond to Oregon policies. Under the border county  
14 pilot project, Lower Columbia Community College and Clark Community  
15 College may enroll students who reside in the bordering Oregon counties  
16 of Columbia and Multnomah at resident tuition rates. The Vancouver  
17 branch of Washington State University may enroll students who reside in  
18 the bordering Oregon counties of Columbia and Multnomah for eight  
19 credits or less at resident tuition rates.

20 (3) The second purpose of the pilot project is to permit needy  
21 resident students who reside in the Washington border counties of Clark  
22 and Cowlitz to use their state-funded financial aid awards when they  
23 attend eligible career schools or community colleges located in the  
24 Oregon counties of Columbia or Multnomah; or to enroll at Portland  
25 State University for eight credits or less.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.80 RCW  
27 to read as follows:

28 (1) The higher education coordinating board shall administer  
29 Washington's participation in the border county higher education  
30 opportunity pilot project.

31 (2) The board shall permit eligible needy Washington residents  
32 domiciled in Clark or Cowlitz county for at least ninety days before  
33 enrollment to use their state need grant awards when the students are  
34 enrolled in eligible career schools and community colleges located in  
35 Columbia or Multnomah county, Oregon, and their state need grant and  
36 work study awards when the students are enrolled for eight credits or  
37 less at Portland State University in Portland, Oregon. The board may

1 adopt rules to establish eligibility criteria for student and  
2 institutional participation in the pilot project.

3 (3) By November 30, 2001, the board shall report to the governor  
4 and appropriate committees of the legislature on the results of the  
5 pilot project. The report shall include a recommendation on the extent  
6 to which border county tuition policies and financial aid portability  
7 programs should be revised or expanded.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.15 RCW  
9 to read as follows:

10 For the purposes of determining resident tuition rates, "resident  
11 student" includes:

12 (1) A resident of Oregon, residing in Columbia or Multnomah county,  
13 who meets the following conditions:

14 (a) The student is eligible to pay resident tuition rates under  
15 Oregon laws and has been domiciled in Columbia or Multnomah county for  
16 at least ninety consecutive days immediately before enrollment at a  
17 community college located in Clark or Cowlitz county, Washington; or

18 (b) The student is enrolled in courses located at the Vancouver  
19 branch of Washington State University.

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

22 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

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

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

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

19 (g) A student who meets the requirements of RCW 28B.15.0131 or  
20 section 4 of this act: PROVIDED, That a nonresident student enrolled  
21 for more than six hours per semester or quarter shall be considered as  
22 attending for primarily educational purposes, and for tuition and fee  
23 paying purposes only such period of enrollment shall not be counted  
24 toward the establishment of a bona fide domicile of one year in this  
25 state unless such student proves that the student has in fact  
26 established a bona fide domicile in this state primarily for purposes  
27 other than educational.

28 (3) The term "nonresident student" shall mean any student who does  
29 not qualify as a "resident student" under the provisions of RCW  
30 28B.15.012 and 28B.15.013. Except for students qualifying under  
31 subsection (2)(f) of this section, a nonresident student shall include:

32 (a) A student attending an institution with the aid of financial  
33 assistance provided by another state or governmental unit or agency  
34 thereof, such nonresidency continuing for one year after the completion  
35 of such semester or quarter. This condition shall not apply to  
36 students from Columbia or Multnomah county, Oregon participating in the  
37 border county pilot project under sections 2 through 4 of this act.

38 (b) A person who is not a citizen of the United States of America  
39 who does not have permanent or temporary resident status or does not

1 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
2 States immigration and naturalization service or is not otherwise  
3 permanently residing in the United States under color of law and who  
4 does not also meet and comply with all the applicable requirements in  
5 RCW 28B.15.012 and 28B.15.013.

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

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

21 **Sec. 6.** RCW 28B.10.790 and 1985 c 370 s 54 are each amended to  
22 read as follows:

23 (1) Washington residents attending any nonprofit college or  
24 university in another state which has a reciprocity agreement with the  
25 state of Washington shall be eligible for the student financial aid  
26 program outlined in RCW 28B.10.800 through 28B.10.824 if (1) they  
27 qualify as a "needy student" under RCW 28B.10.802(3), and (2) the  
28 institution attended is a member institution of an accrediting  
29 association recognized by rule of the higher education coordinating  
30 board for the purposes of this section and is specifically encompassed  
31 within or directly affected by such reciprocity agreement and agrees to  
32 and complies with program rules and regulations pertaining to such  
33 students and institutions adopted pursuant to RCW 28B.10.822.

34 (2) Students participating in the pilot project under sections 2  
35 through 4 of this act are eligible for the student financial aid  
36 programs outlined in RCW 28B.10.800 through 28B.10.824 and chapter  
37 28B.12 RCW only if the students:

1 (a) Would qualify as resident students under RCW 28B.15.012(2) (a)  
2 through (e) if they were enrolled in an institution of higher education  
3 as defined in RCW 28B.10.016;

4 (b) Have been domiciled in Clark or Cowlitz county, Washington for  
5 a minimum of ninety days immediately before enrolling in a community  
6 college located in Columbia or Multnomah county, Oregon; or

7 (c) Are enrolled at Portland State University for eight credits or  
8 less.

9 **Sec. 7.** RCW 28B.12.030 and 1994 c 130 s 3 are each amended to read  
10 as follows:

11 As used in this chapter, the following words and terms shall have  
12 the following meanings, unless the context shall clearly indicate  
13 another or different meaning or intent:

14 (1) The term "needy student" shall mean a student enrolled or  
15 accepted for enrollment at a post-secondary institution who, according  
16 to a system of need analysis approved by the higher education  
17 coordinating board, demonstrates a financial inability, either  
18 parental, familial, or personal, to bear the total cost of education  
19 for any semester or quarter.

20 (2) The term "eligible institution" shall mean any post-secondary  
21 institution in this state accredited by the Northwest Association of  
22 Schools and Colleges or any public technical college in the state or  
23 until June 30, 2002, and for the sole purpose of sections 2 through 4  
24 of this act, a community college located in Columbia or Multnomah  
25 county, Oregon, and Portland State University located in Portland  
26 Oregon.

27 **Sec. 8.** RCW 28B.101.020 and 1990 c 288 s 4 are each amended to  
28 read as follows:

29 (1) For the purposes of this chapter, "placebound" means unable to  
30 relocate to complete a college program because of family or employment  
31 commitments, health concerns, monetary inability, or other similar  
32 factors.

33 (2) To be eligible for an educational opportunity grant, applicants  
34 must be placebound residents of the state of Washington who are needy  
35 students as defined in RCW 28B.10.802(3) and who have completed the  
36 associate of arts degree or its equivalent. A placebound resident is  
37 one who may be influenced by the receipt of an enhanced student

1 financial aid award to attend an institution that has existing unused  
2 capacity rather than attend a branch campus established pursuant to  
3 chapter 28B.45 RCW, except that grants may be used to attend the  
4 Vancouver branch of the Washington State University as part of the  
5 pilot project established under sections 2 through 4 of this act. An  
6 eligible placebound applicant is further defined as a person whose  
7 residence is located in an area served by a branch campus who, because  
8 of family or employment commitments, health concerns, monetary need, or  
9 other similar factors, would be unable to complete an upper-division  
10 course of study but for receipt of an educational opportunity grant.

11 **Sec. 9.** RCW 28B.101.040 and 1993 sp.s. c 18 s 35 and 1993 c 385 s  
12 2 are each reenacted and amended to read as follows:

13 Grants may be used by eligible participants to attend any public or  
14 private college or university in the state of Washington that is  
15 accredited by an accrediting association recognized by rule of the  
16 higher education coordinating board and that has an existing unused  
17 capacity. Grants shall not be used to attend any branch campus or  
18 educational program established under chapter 28B.45 RCW, except that  
19 grants may be used to attend the Vancouver branch of the Washington  
20 State University as part of the pilot project established under  
21 sections 2 through 4 of this act. The participant shall not be  
22 eligible for a grant if it will be used for any programs that include  
23 religious worship, exercise, or instruction or to pursue a degree in  
24 theology. Each participating student may receive up to two thousand  
25 five hundred dollars per academic year, not to exceed the student's  
26 demonstrated financial need for the course of study. Resident students  
27 as defined in RCW 28B.15.012(2)(e) are not eligible for grants under  
28 this chapter.

29 NEW SECTION. **Sec. 10.** This act expires June 30, 2002.

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