CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1647

Chapter 433, Laws of 1997

55th Legislature
1997 Regular Session

HOME TUITION PROGRAM

EFFECTIVE DATE: 7/27/97

Passed by the House April 19, 1997
Yeas 92 Nays 0

CLYDE BALLARD
Speaker of the
House of Representatives

Passed by the Senate April 14, 1997
Yeas 36 Nays 0

BRAD OWEN
President of the Senate

CERTIFICATE
I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED HOUSE BILL 1647 as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

Approved May 20, 1997

FILED
May 20, 1997 - 11:43 a.m.

GARY LOCKE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
ENGROSSED HOUSE BILL 1647

AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Representatives Radcliff, Van Luven, Mason, Carlson, Veloria, Morris, Ogden, Kenney and Costa

Read first time 02/04/97. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; amending RCW 28B.15.012, 28B.15.014, 28B.15.725, and 28B.15.910; and creating a new section.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to provide for diverse educational opportunities at the state’s institutions of higher education and to facilitate student participation in educational exchanges with institutions outside the state of Washington. To accomplish this, this act establishes a home tuition program allowing students at Washington state institutions of higher education to take advantage of out-of-state and international educational opportunities while paying an amount equal to their regularly charged tuition and required fees.

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

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community 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) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state; ((or))

(f) 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; or

(g) A student who meets the requirements of RCW 28B.15.0131: 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.

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

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

(4) 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.

(5) 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 and regulations adopted by the higher education coordinating board 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 board may require.

Sec. 3. RCW 28B.15.014 and 1993 sp.s. c 18 s 5 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may exempt the following nonresidents from paying all or a portion of the nonresident tuition fees differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic
department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) ((Domestic exchange students participating in the program created under RCW 28B.15.725.)) Any dependent of a member of the United States congress representing the state of Washington.

Sec. 4. RCW 28B.15.725 and 1994 c 234 s 1 are each amended to read as follows:

((Subject to the limitations of RCW 28B.15.910,)) (1) The governing boards of the state universities, the regional universities, and The Evergreen State College may ((enter into undergraduate student exchange)) establish home tuition programs by negotiating home tuition agreements with an out-of-state institution or consortium of institutions of higher education ((of other states and agree to exempt participating undergraduate students from payment of all or a portion of the nonresident tuition fees differential subject to the following restrictions:

(1) In any given academic year, the number of students receiving a waiver at a state institution shall not exceed the number of that institution’s students receiving nonresident tuition waivers at participating out-of-state institutions. Waiver imbalances that may occur in one year shall be offset in the year immediately following)) if no loss of tuition and fee revenue occurs as a result of the agreements.

(2) ((Undergraduate)) Home tuition agreements allow students at Washington state institutions of higher education to attend an out-of-state institution of higher education as part of a student exchange.
Students participating in a home tuition program shall pay an amount equal to their regular, full-time tuition and required fees to either the Washington institution of higher education or the out-of-state institution of higher education depending upon the provisions of the particular agreement. Payment of course fees in excess of generally applicable tuition and required fees must be addressed in each home tuition agreement to ensure that the instructional programs of the Washington institution of higher education do not incur additional uncompensated costs as a result of the exchange.

(3) Student participation in a home tuition agreement authorized by this section is limited to one academic year.

(4) Students enrolled under a home tuition agreement shall reside in Washington state for the duration of the program, may not use the year of enrollment under this program to establish Washington state residency, and are not eligible for state financial aid.

Sec. 5. RCW 28B.15.910 and 1993 sp.s. c 18 s 31 are each amended to read as follows:

(1) Except for revenue waived under programs listed in subsection (3) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue set forth below. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington 21 percent
(b) Washington State University 20 percent
(c) Eastern Washington University 11 percent
(d) Central Washington University 8 percent
(e) Western Washington University 10 percent
(f) The Evergreen State College 6 percent
(g) Community colleges as a whole 35 percent
(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

(a) RCW 28B.10.265;
(b) RCW 28B.15.014;
(c) RCW 28B.15.100;
(d) RCW 28B.15.225;
(e) RCW 28B.15.380;
(f) Ungraded courses under RCW 28B.15.502(4);
(g) RCW 28B.15.520;
(h) RCW 28B.15.526;
(i) RCW 28B.15.527;
(j) RCW 28B.15.543;
(k) RCW 28B.15.545;
(l) RCW 28B.15.555;
(m) RCW 28B.15.556;
(n) RCW 28B.15.615;
(o) RCW 28B.15.620;
(p) RCW 28B.15.628;
(q) ((RCW 28B.15.725;
(r))) RCW 28B.15.730;
((s)) (r) RCW 28B.15.740;
((t)) (s) RCW 28B.15.750;
((u)) (t) RCW 28B.15.756;
((v)) (u) RCW 28B.50.259;
((w)) (v) RCW 28B.70.050; and
((x)) (w) RCW 28B.80.580.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

(a) RCW 28B.15.522;
(b) RCW 28B.15.535;
(c) RCW 28B.15.540; and
(d) RCW 28B.15.558.

NEW SECTION. Sec. 6. If any provision of this 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.
Passed the House April 19, 1997.
Passed the Senate April 14, 1997.
Approved by the Governor May 20, 1997.
Filed in Office of Secretary of State May 20, 1997.