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**SUBSTITUTE SENATE BILL 5194**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Higher Education & Workforce Development (originally sponsored by Senators Llias, Hasegawa, Das, Hunt, Keiser, Nguyen, and Wilson, C.)

READ FIRST TIME 02/05/21.

1 AN ACT Relating to providing for equity and access in the  
2 community and technical colleges; amending RCW 28B.92.030,  
3 28B.96.010, and 28B.15.012; adding a new section to chapter 28B.92  
4 RCW; adding a new chapter to Title 28B RCW; creating a new section;  
5 and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes that  
8 student completion rates for workforce training certification and  
9 degree programs at community and technical colleges are far lower  
10 than desirable to ensure that students may utilize the opportunities  
11 of postsecondary education to lift themselves and their families out  
12 of poverty and to meet our state's student achievement council road  
13 map goals, including for 70 percent of Washington residents to have a  
14 postsecondary certification or degree to meet workforce needs. The  
15 legislature recognizes that first-generation college-attending  
16 students, students with disabilities, and underrepresented minority  
17 students face far greater obstacles to apply, remain in school, and  
18 complete programs. This disparate impact greatly affects our state's  
19 commitment to equity.

20 The legislature recognizes that offering tuition financial  
21 support to first-generation and underrepresented minority students is

1 necessary for students to enroll and attend college but must also be  
2 accompanied by proven supports for them to complete their degrees or  
3 workforce training programs.

4 The legislature recognizes that there are mentorship and advising  
5 programs based on strong evidence that have been proven to be  
6 successful in greatly increasing retention and degree or workforce  
7 training completion rates for first-generation students,  
8 underrepresented minority students, students with disabilities, and  
9 for all students at community and technical colleges. It is the  
10 legislature's intent that successful programs such as guided  
11 pathways, integrated basic education skills and training, and  
12 mentoring programs along with improved advising for students be  
13 implemented at all community and technical colleges with the goal of  
14 doubling completion rates (as measured by completion in six years)  
15 for students in the next eight years. To accomplish this goal, the  
16 legislature intends to achieve full implementation of research-based  
17 programs to improve student outcomes, such as guided pathways. The  
18 legislature affirms that all students receiving Washington college  
19 grants, college bound scholarships, or federal Pell grants should  
20 receive the supports, including mentoring, that have been proven to  
21 increase completion rates.

22 The legislature further finds that research establishes that  
23 students from underrepresented minorities are far more likely to  
24 complete degrees or workforce training certification programs if the  
25 faculty and staff of the college reflect the diversity of the student  
26 body. Therefore, the legislature intends for the state's community  
27 and technical colleges to develop and implement plans to increase  
28 faculty and staff diversity.

29 NEW SECTION. **Sec. 2.** FINDINGS. The legislature finds that there  
30 is a need to expand investments in community and technical colleges  
31 for the purpose of guaranteeing both equitable access and educational  
32 success for all residents of the state, particularly for students  
33 from communities of color and low-income communities. The legislature  
34 finds further that equality of opportunity for all students requires  
35 investments to support services that are critical to: The success of  
36 students of color and low-income students; provide systemwide equity  
37 initiatives intended to make community and technical college campuses  
38 welcoming, benevolent places; overcome the digital divide for all  
39 students; and provide qualified and available counseling throughout

1 the community and technical college system. The legislature also  
2 finds that a more full-time, stable, fairly compensated, and diverse  
3 community and technical college faculty is necessary to enhance  
4 student success and to improve the mentoring available for a diverse  
5 student body. The legislature also finds that resources for student  
6 aid and workforce investment need to be adequate to meet the needs of  
7 all students in the state, particularly those from families of color  
8 and low-income families.

9 NEW SECTION. **Sec. 3.** DIVERSITY, EQUITY, AND INCLUSION STRATEGIC  
10 PLAN. (1) Beginning July 30, 2022, all community and technical  
11 colleges must submit, on an annual basis, strategic plans to the  
12 state board for community and technical colleges for achieving  
13 diversity, equity, and inclusion on their campuses.

14 (2) Colleges must create their strategic plans using an inclusive  
15 process of stakeholders including, but not limited to, classified  
16 staff, faculty, administrative exempt staff, students, and community  
17 organizations. Colleges are encouraged to use campus climate surveys  
18 to develop and update strategic plans for diversity, equity, and  
19 inclusion. The state board for community and technical colleges shall  
20 develop a model campus climate survey tool relating to diversity,  
21 equity, and inclusion, and may contract for carrying out surveys at  
22 individual colleges.

23 (3) In addition to planning, each community and technical college  
24 shall include in its diversity program opportunities for students  
25 from historically marginalized communities to form student-based  
26 organizations, and to use community-based organizations, that permit  
27 students to work together to mentor and assist one another in  
28 navigating the educational system and to access trained mentors using  
29 evidence-based mentoring strategies.

30 (4) Each community and technical college shall establish a  
31 culturally appropriate outreach program to communities of color,  
32 students with disabilities, neurodiverse communities, and low-income  
33 communities designed to assist potential students to understand the  
34 opportunities available in the community and technical college system  
35 and to assist with navigating the student aid system. Outreach  
36 programs shall include partnerships with appropriate community-based  
37 organizations and use research and supports from the student  
38 achievement council.

1 (5) Each college shall assess its progress towards meeting the  
2 goals of diversity, equity, and inclusion. The assessment may include  
3 available information on the impact of professional development  
4 programs for faculty and staff pertaining to diversity, equity,  
5 inclusion, and antiracism and related campus climate assessments. The  
6 assessment must detail progress on each goal, describe obstacles  
7 encountered and suggested through data analysis, prioritize goals in  
8 the strategic plan for the following year, and identify resources  
9 needed for continued progress. Each college must report its  
10 assessment to the state board for community and technical colleges.

11 NEW SECTION. **Sec. 4.** STUDENT SUCCESS SUPPORT PROGRAMS AND  
12 GUIDED PATHWAYS IMPLEMENTATION. (1) In order to improve the degree  
13 and workforce certification completion rates for students, each  
14 community and technical college shall fully implement guided  
15 pathways. At a minimum, guided pathways implementation must include:

16 (a) Comprehensive mapping of student educational pathways with  
17 student end goals in mind. These must include transparent and clear  
18 career paths that are tightly aligned to the skills sought by  
19 employers. Pathways must align course sequences to show clear paths  
20 for students, alignment with K-12 and university curriculum, and  
21 skill sets needed to enter the workforce;

22 (b) Dedicated advising and career counseling that helps students  
23 make informed program choices and develop completion plans. Advising  
24 services must include processes that help students explore possible  
25 career and educational choices while also emphasizing early planning.  
26 Advising must be culturally competent and with an emphasis on helping  
27 historically underserved, low-income, and students of color navigate  
28 their education;

29 (c) Data analytics that measure student learning as well as  
30 program and service outcomes. Data must be used to inform program  
31 development, the creation and further refinement of student pathways,  
32 and to provide opportunities for early intervention to help students  
33 succeed; and

34 (d) A student success support infrastructure using programs that  
35 the state board for community and technical colleges finds have been  
36 effective in closing equity gaps among historically underserved  
37 student populations and improve student completion rates. The student  
38 success support program must be based on research or documented  
39 evidence of success at institutions with comparable student

1 populations. In tandem with guided pathways implementation, student  
2 success support programs may include evidence-based elements such as:

3 (i) Equity competent academic advising services;

4 (ii) Equity competent career development programming;

5 (iii) Clear information regarding financial aid and financial  
6 literacy; and

7 (iv) Inclusive curriculum and teaching practices.

8 (2) (a) The Washington state institute for public policy shall  
9 complete an evaluation of the guided pathways model. To the extent  
10 possible, the institute shall complete a preliminary report that  
11 evaluates the effect of the guided pathways model on early student  
12 outcomes including, but not limited to, student retention and  
13 persistence, college remediation, and science, technology,  
14 engineering, and mathematics coursework. The preliminary report must  
15 review the implementation of the guided pathways model in Washington  
16 and any available evidence of the effectiveness of the guided  
17 pathways model. The preliminary report must be submitted by December  
18 15, 2023.

19 (b) The Washington state institute for public policy shall  
20 complete a final report that evaluates the effect of the guided  
21 pathways on longer-term student outcomes including, but not limited  
22 to, degree completion, time to degree, transfer to four-year  
23 institutions, employment, and earnings, to the extent possible. The  
24 final report must be submitted by December 15, 2029.

25 (c) Both the preliminary and final reports must consider  
26 differences in outcomes by racial and ethnic subgroups and  
27 socioeconomic status.

28 NEW SECTION. **Sec. 5.** FACULTY DIVERSITY PROGRAM. (1) By July 1,  
29 2023, each community and technical college shall establish a faculty  
30 diversity program designed to provide for the retention and  
31 recruitment of faculty from diverse racial, ethnic, and cultural  
32 backgrounds. The program must meet minimum standards established by  
33 the state board for community and technical colleges.

34 (2) The standards for faculty diversity programs under this  
35 section developed by the state board for community and technical  
36 colleges must be based on the 17 steps for diversity and equity in  
37 hiring and professional development in the hiring process developed  
38 by the collective of professionals from the Washington state  
39 community and technical colleges. In developing the standards, the

1 state board for community and technical colleges must also consider  
2 model faculty diversity programs from other institutions, including  
3 recommended methods for mentoring students, staff, and members of the  
4 community to become faculty in the system. The standards must also  
5 include requirements for consultation with students from diverse  
6 backgrounds and faculty bargaining representatives in their  
7 development and implementation.

8 (3) As part of the assessment requirements in section 3(5) of  
9 this act, the community and technical colleges shall report to the  
10 state board for community and technical colleges an annual assessment  
11 of progress toward faculty diversity goals.

12 NEW SECTION. **Sec. 6. TENURE-TRACK FACULTY.** (1) By December 31,  
13 2023, and except as provided in subsection (3) of this section, the  
14 state board for community and technical colleges must create a plan  
15 to achieve a systemwide ratio, determined by employee headcount, of  
16 full-time, tenure-track faculty to nontenure-track faculty of at  
17 least 70 percent and establish equal-pay-for-equal-work for all  
18 faculty members by the end of the 2030-31 academic year. The state  
19 board for community and technical colleges must develop this  
20 systemwide plan in collaboration with academic employee collective  
21 bargaining representatives. To support the state board for community  
22 and technical colleges' planning process, each community and  
23 technical college district must develop, in collaboration with  
24 academic employee bargaining representatives at the college, a  
25 college-level plan to achieve these goals at each college and provide  
26 it to the state board for community and technical colleges by  
27 November 1, 2023.

28 (2) The plan must: Include as nontenure-track faculty all  
29 academic employees who are not tenured or on the tenure track,  
30 including all associate, adjunct, contingent, and part-time faculty;  
31 create new, full-time tenure-track faculty positions and more  
32 opportunities for nontenure-track faculty; include an assessment of  
33 the total cost necessary to meet the goals identified in the plan;  
34 and include as part of the planning process open public meetings to  
35 ensure inclusion of student and community member perspectives and  
36 ideas.

37 (3) The plan may suggest a goal of less than 70 percent tenure-  
38 track faculty after consultation with stakeholders. If the  
39 recommended goal is less than 70 percent, the state board for

1 community and technical colleges must identify how a lower threshold  
2 of tenure-track faculty will assist the system in meeting the  
3 educational needs of students, goals for improved student success,  
4 and ensuring equitable outcomes.

5 (4) The state board for community and technical colleges shall  
6 include implementation funding for the plan as part of the budget  
7 submittal to the office of financial management for the 2023-25  
8 biennial budget.

9 (5) The standards used in this section to determine equal-pay-  
10 for-equal-work must be based on the instructional work of the  
11 faculty, including direct student support, time in class, preparation  
12 for class, grading and assessment, and office hours equivalent to  
13 those required for full-time tenure-track faculty under the relevant  
14 collective bargaining agreement.

15 (6) For the purposes of this section, "academic employee" has the  
16 same meaning as in RCW 28B.50.489.

17 NEW SECTION. **Sec. 7.** (1) Subject to the availability of amounts  
18 appropriated for this specific purpose, the college board shall  
19 administer a pilot program to increase student access to mental  
20 health counseling and services.

21 (2) The college board, in collaboration with the selection  
22 committee, shall select eight community or technical colleges to  
23 participate in the pilot program, with half of the participating  
24 colleges located outside of the Puget Sound area. Each participating  
25 college must receive a grant to implement one or more strategies to  
26 increase student access to mental health counseling and services,  
27 including substance abuse disorder counseling and services.

28 (3)(a) A selection committee consisting of the following shall  
29 assist with the application selection process:

30 (i) One community or technical college president;

31 (ii) One community or technical college vice president for  
32 student services or student instruction;

33 (iii) Two faculty counselors employed at a community or technical  
34 college; and

35 (iv) One community or technical college student.

36 (b) The selection committee may consult with representatives of  
37 an entity within the University of Washington school of social work  
38 that has expertise in suicide prevention and the department of health  
39 in developing selection criteria.

1 (4) Community and technical colleges wishing to participate in  
2 the pilot program shall apply to the college board. Applicants that  
3 demonstrate a partnership with external community providers must be  
4 prioritized, including those who provide crisis services and  
5 substance use disorder treatment and counseling. In addition,  
6 applications that demonstrate plans to include one or more of the  
7 following strategies recommended by the community and technical  
8 college counselors task force must be prioritized:

9 (a) Improve equity, diversity, and inclusion in counseling  
10 services, such as by diversifying the counselor workforce by adopting  
11 equity-centered recruiting, training, and retention practices or by  
12 providing equity training and awareness for all counselors;

13 (b) Meet mental health needs of students through an all-campus  
14 effort;

15 (c) Engage students to help increase mental health and counseling  
16 awareness and promote help-seeking behavior through student groups  
17 and other methods;

18 (d) Increase the visibility of counseling services on campus;

19 (e) Increase or expand external partnerships with community  
20 service providers;

21 (f) Adopt the use of telebehavioral health, especially in under  
22 resourced communities;

23 (g) Develop an assessment of counseling services to inform  
24 improvements and ensure counseling services are meeting student  
25 needs; or

26 (h) Implement counseling approaches grounded in theory that have  
27 evidence of being effective.

28 (5) Colleges selected to participate in the pilot program shall  
29 submit a joint report to the appropriate committees of the  
30 legislature and in accordance with RCW 43.01.036 by November 1, 2023.  
31 The report must include:

32 (a) Information on which colleges were selected for the pilot  
33 program, how much grant funding was received per college, and what  
34 strategies each implemented to increase student access to mental  
35 health counseling and services;

36 (b) Demographic data of students accessing mental health  
37 counseling and services, including those students who are considered  
38 underrepresented or traditionally have limited access to mental  
39 health counseling and services;

1 (c) Whether the mental health counseling and services provided  
2 are meeting the demand of students in terms of type and availability,  
3 and whether mental health needs are served by a community partnership  
4 versus on-campus services;

5 (d) Information and data on the effectiveness of each strategy  
6 used to increase student access to mental health counseling and  
7 services, including substance abuse disorder counseling and services,  
8 such as the number of additional students served, reduced wait times  
9 for counseling appointments, or other data that reflects expanded  
10 access; and

11 (e) Lessons learned and recommendations for improving student  
12 access to mental health counseling and services at community and  
13 technical colleges, including whether there were any strategies  
14 implemented that proved more effective than others in increasing  
15 access.

16 (6) For purposes of this section, the definitions in RCW  
17 28B.50.030 apply.

18 (7) The pilot program expires July 1, 2025.

19 (8) This section expires January 1, 2026.

20 NEW SECTION. **Sec. 8.** MINIMUM COUNSELOR STANDARDS. (1) It is the  
21 intent of the legislature to provide clear minimum standards to  
22 ensure qualified faculty counselors while also providing flexibility  
23 to allow for differences in criteria required by hiring institutions.  
24 Faculty counselor responsibilities may include meeting the mental  
25 health needs of students, crisis intervention, and providing  
26 associated student support functions. Beginning September 1, 2021,  
27 the minimum hiring standards for a counselor must include:

28 (a) A graduate or professional degree from a regionally  
29 accredited institution in counseling psychology, school counseling,  
30 clinical social work, or a related field;

31 (b) Completion of appropriate graduate coursework with content  
32 covering assessment and testing, career counseling, crisis  
33 intervention and management, legal and ethical issues in counseling,  
34 lifespan development, multicultural counseling, theories of  
35 counseling, and treatment planning;

36 (c) Completion of a supervised practicum and internship at the  
37 graduate level; and

38 (d) Standards established by the state board for community and  
39 technical colleges.

1 (2) The state board for community and technical colleges may  
2 develop a process for hiring faculty counselors who do not meet the  
3 minimum standards provided in this section if the faculty counselor  
4 agrees to meet these requirements within two years from the date of  
5 first hire.

6 (3) The requirements and standards imposed through this section  
7 do not apply to an individual employed by a college district as a  
8 counselor before September 1, 2021. Counselors who began employment  
9 at one college district prior to September 1, 2021, and moved  
10 employment to a different college district after that date may carry  
11 the exemptions from the requirements and standards imposed through  
12 this section to their new place of employment.

13 **Sec. 9.** RCW 28B.92.030 and 2019 c 406 s 21 are each amended to  
14 read as follows:

15 As used in this chapter:

16 (1) "Council" means the student achievement council.

17 (2) "Financial aid" means (~~either~~) loans, grants, stipends for  
18 student support, or (~~both~~) any combination of these forms of aid,  
19 to students who demonstrate financial need enrolled or accepted for  
20 enrollment as a student at institutions of higher education.

21 (3) "Financial need" means a demonstrated financial inability to  
22 bear the total cost of education as directed in rule by the office.

23 (4) "Institution" or "institutions of higher education" means:

24 (a) Any public university, college, community college, or  
25 technical college operated by the state of Washington or any  
26 political subdivision thereof; or

27 (b) Any other university, college, school, or institute in the  
28 state of Washington offering instruction beyond the high school level  
29 that is a member institution of an accrediting association recognized  
30 by rule of the council for the purposes of this section and that  
31 agrees to and complies with program rules adopted pursuant to RCW  
32 28B.92.150. However, any institution, branch, extension or facility  
33 operating within the state of Washington that is affiliated with an  
34 institution operating in another state must be:

35 (i) A separately accredited member institution of any such  
36 accrediting association;

37 (ii) A branch of a member institution of an accrediting  
38 association recognized by rule of the council for purposes of this  
39 section, that is eligible for federal student financial aid

1 assistance and has operated as a nonprofit college or university  
2 delivering on-site classroom instruction for a minimum of twenty  
3 consecutive years within the state of Washington, and has an annual  
4 enrollment of at least seven hundred full-time equivalent students;

5 (iii) A nonprofit institution recognized by the state of  
6 Washington as provided in RCW 28B.77.240; or

7 (iv) An approved apprenticeship program under chapter 49.04 RCW.

8 (5) "Maximum Washington college grant":

9 (a) For students attending two or four-year institutions of  
10 higher education as defined in RCW 28B.10.016, is tuition and  
11 estimated fees for fifteen quarter credit hours or the equivalent, as  
12 determined by the office, including operating fees, building fees,  
13 and services and activities fees.

14 (b) For students attending private four-year not-for-profit  
15 institutions of higher education in Washington, in the 2019-20  
16 academic year, is nine thousand seven hundred thirty-nine dollars and  
17 may increase each year afterwards by no more than the tuition growth  
18 factor.

19 (c) For students attending two-year private not-for-profit  
20 institutions of higher education in Washington, in the 2019-20  
21 academic year, is three thousand six hundred ninety-four dollars and  
22 may increase each year afterwards by no more than the tuition growth  
23 factor.

24 (d) For students attending four-year private for-profit  
25 institutions of higher education in Washington, in the 2019-20  
26 academic year, is eight thousand five hundred seventeen dollars and  
27 may increase each year afterwards by no more than the tuition growth  
28 factor.

29 (e) For students attending two-year private for-profit  
30 institutions of higher education in Washington, in the 2019-20  
31 academic year, is two thousand eight hundred twenty-three dollars and  
32 may increase each year afterwards by no more than the tuition growth  
33 factor.

34 (f) For students attending Western Governors University-  
35 Washington, as established in RCW 28B.77.240, in the 2019-20 academic  
36 year, is five thousand six hundred nineteen dollars and may increase  
37 each year afterwards by no more than the tuition growth factor.

38 (g) For students attending approved apprenticeship programs, is  
39 tuition and fees, as determined by the office, in addition to  
40 required program supplies and equipment.

1 (6) "Office" means the office of student financial assistance.

2 (7) "Tuition growth factor" means an increase of no more than the  
3 average annual percentage growth rate of the median hourly wage for  
4 Washington for the previous fourteen years as the wage is determined  
5 by the federal bureau of labor statistics.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 28B.92  
7 RCW to read as follows:

8 WASHINGTON COLLEGE GRANT STIPEND PROGRAM. (1) The Washington  
9 college grant stipend program is created. All eligible students may  
10 be eligible for student support stipends for housing, transportation,  
11 food, and medical care. The amount of stipend awards is subject to  
12 the availability of amounts appropriated for this specific purpose.

13 (2) Eligible students may use the stipends to cover the cost of  
14 books, materials, or equipment required for the completion of their  
15 course of study but not covered by other sources of student aid.

16 (3) The office shall adopt rules regarding the distribution and  
17 awarding of stipends.

18 **Sec. 11.** RCW 28B.96.010 and 2020 c 326 s 2 are each amended to  
19 read as follows:

20 The definitions in this section apply throughout this chapter  
21 unless the context clearly requires otherwise.

22 (1) "Eligible student" means a student who:

23 (a) Is a resident student;

24 (b) Demonstrates financial need as defined in RCW 28B.92.030;

25 (c) Has indicated they will attend an institution of higher  
26 education or is making satisfactory progress in a program, as defined  
27 in rule by the office, at an institution of higher education;

28 (d) Fills out the Washington application for state financial aid;  
29 and

30 (e) Does not qualify for federally funded student financial aid  
31 because of their citizenship status.

32 (2) "Institution of higher education" has the same meaning as in  
33 RCW 28B.92.030.

34 (3) "Office" means the office of student financial assistance  
35 created in RCW 28B.76.090.

36 (4) "Participant" means an eligible student who has received an  
37 undocumented student support loan.

38 (5) "Resident student" means:

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

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

12 (c) Any student:

13 (i) Who has spent at least seventy-five percent of both his or  
14 her junior and senior years in high schools in this state;

15 (ii) Whose parents or legal guardians have been domiciled in the  
16 state for a period of at least one year within the five-year period  
17 before the student graduates from high school; and

18 (iii) Who enrolls in a public institution of higher education  
19 within six months of leaving high school, for as long as the student  
20 remains continuously enrolled for three quarters or two semesters in  
21 any calendar year; or

22 (d) Any person(÷

23 ~~(i) Who has completed the full senior year of high school and~~  
24 ~~obtained a high school diploma, both at a Washington public high~~  
25 ~~school or private high school approved under chapter 28A.195 RCW, or~~  
26 ~~a person who has received the equivalent of a diploma;~~

27 ~~(ii) Who has lived in Washington for at least three years~~  
28 ~~immediately prior to receiving the diploma or its equivalent;~~

29 ~~(iii) Who has continuously lived in the state of Washington after~~  
30 ~~receiving the diploma or its equivalent and until such time as the~~  
31 ~~individual is admitted to an institution of higher education; and~~

32 ~~(iv) Who provides to the institution an affidavit indicating that~~  
33 ~~the individual will file an application to become a permanent~~  
34 ~~resident at the earliest opportunity the individual is eligible to do~~  
35 ~~so and a willingness to engage in any other activities necessary to~~  
36 ~~acquire citizenship, including but not limited to citizenship or~~

37 ~~civics review courses)) who meets the requirements under RCW~~  
38 ~~28B.15.012(2)(e).~~

1       **Sec. 12.** RCW 28B.15.012 and 2020 c 232 s 1 are each amended to  
2 read as follows:

3       Whenever used in this chapter:

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

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

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

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

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

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

32       (e) Any person who has completed (~~the full senior year of high~~  
33 ~~school~~)) and obtained a high school diploma, (~~both at a Washington~~  
34 ~~public high school or private high school approved under chapter~~  
35 ~~28A.195 RCW,~~)) or a person who has received the equivalent of a  
36 diploma; (~~who has lived in Washington for at least three years~~  
37 ~~immediately prior to receiving the diploma or its equivalent;~~)) for at least a  
38 year before the individual is admitted to an institution of higher  
39  
40

1 education under subsection (1) of this section; and who provides to  
2 the institution an affidavit indicating that the individual will file  
3 an application to become a permanent resident at the earliest  
4 opportunity the individual is eligible to do so and a willingness to  
5 engage in any other activities necessary to acquire citizenship,  
6 including but not limited to citizenship or civics review courses;

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

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

19 (h) A student who is on active military duty or a member of the  
20 Washington national guard who meets the following conditions:

21 (i) Entered service as a Washington resident;

22 (ii) Has maintained a Washington domicile; and

23 (iii) Is stationed out-of-state;

24 (i) A student who is the spouse or a dependent of a person  
25 defined in (g) of this subsection. If the person defined in (g) of  
26 this subsection is reassigned out-of-state, the student maintains the  
27 status as a resident student so long as the student is either:

28 (i) Admitted to an institution before the reassignment and  
29 enrolls in that institution for the term the student was admitted; or

30 (ii) Enrolled in an institution and remains continuously enrolled  
31 at the institution;

32 (j) A student who is the spouse or a dependent of a person  
33 defined in (h) of this subsection;

34 (k) A student who is eligible or entitled to transferred federal  
35 post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec.  
36 3301 et seq.) benefits based on the student's relationship as a  
37 spouse, former spouse, or child to an individual who is on active  
38 duty in the uniformed services;

1 (l) A student who resides in the state of Washington and is the  
2 spouse or a dependent of a person who is a member of the Washington  
3 national guard;

4 (m) A student who has separated from the uniformed services with  
5 any period of honorable service after at least ninety days of active  
6 duty service; is eligible for educational assistance benefits under  
7 Title 38 U.S.C.; and enters an institution of higher education in  
8 Washington within three years of the date of separation;

9 (n) A student who is on terminal, transition, or separation leave  
10 pending separation, or release from active duty, from the uniformed  
11 services with any period of honorable service after at least ninety  
12 days of active duty service and is eligible for educational  
13 assistance benefits under Title 38 U.S.C.;

14 (o) A student who is entitled to veterans administration  
15 educational assistance benefits based on the student's relationship  
16 as a spouse, former spouse, or child to an individual who has  
17 separated from the uniformed services with any period of honorable  
18 service after at least ninety days of active duty service, and who  
19 enters an institution of higher education in Washington within three  
20 years of the service member's date of separation;

21 (p) A student who is the spouse or child to an individual who has  
22 separated from the uniformed services with at least ten years of  
23 honorable service and at least ninety days of active duty service,  
24 and who enters an institution of higher education in Washington  
25 within three years of the service member's date of separation;

26 (q) A student who has separated from the uniformed services who  
27 was discharged due to the student's sexual orientation or gender  
28 identity or expression;

29 (r) A student who is entitled to veterans administration  
30 educational assistance benefits based on the student's relationship  
31 with a deceased member of the uniformed services who died in the line  
32 of duty;

33 (s) A student who is entitled to federal vocational  
34 rehabilitation and employment services for veterans with service-  
35 connected disabilities under 38 U.S.C. Sec. 3102(a);

36 (t) A student who is defined as a covered individual in 38 U.S.C.  
37 Sec. 3679(c)(2) as it existed on July 28, 2019, or such subsequent  
38 date as the student achievement council may determine by rule;

1 (u) A student of an out-of-state institution of higher education  
2 who is attending a Washington state institution of higher education  
3 pursuant to a home tuition agreement as described in RCW 28B.15.725;

4 (v) A student who meets the requirements of RCW 28B.15.0131 or  
5 28B.15.0139: PROVIDED, That a nonresident student enrolled for more  
6 than six hours per semester or quarter shall be considered as  
7 attending for primarily educational purposes, and for tuition and fee  
8 paying purposes only such period of enrollment shall not be counted  
9 toward the establishment of a bona fide domicile of one year in this  
10 state unless such student proves that the student has in fact  
11 established a bona fide domicile in this state primarily for purposes  
12 other than educational;

13 (w) A student who resides in Washington and is on active military  
14 duty stationed in the Oregon counties of Columbia, Gilliam, Hood  
15 River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
16 Union, Wallowa, Wasco, or Washington; or

17 (x) A student who resides in Washington and is the spouse or a  
18 dependent of a person defined in (w) of this subsection. If the  
19 person defined in (w) of this subsection moves from Washington or is  
20 reassigned out of the Oregon counties of Columbia, Gilliam, Hood  
21 River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
22 Union, Wallowa, Wasco, or Washington, the student maintains the  
23 status as a resident student so long as the student resides in  
24 Washington and is either:

25 (i) Admitted to an institution before the reassignment and  
26 enrolls in that institution for the term the student was admitted; or

27 (ii) Enrolled in an institution and remains continuously enrolled  
28 at the institution.

29 (3)(a) A student who qualifies under subsection (2)(k), (m), (n),  
30 (o), (p), (q), (r), (s), or (t) of this section and who remains  
31 continuously enrolled at an institution of higher education shall  
32 retain resident student status.

33 (b) Nothing in subsection (2)(k), (m), (n), (o), (p), (q), (r),  
34 (s), or (t) of this section applies to students who have a  
35 dishonorable discharge from the uniformed services, or to students  
36 who are the spouse or child of an individual who has had a  
37 dishonorable discharge from the uniformed services, unless the  
38 student is receiving veterans administration educational assistance  
39 benefits.

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

6 (a) A student attending an institution with the aid of financial  
7 assistance provided by another state or governmental unit or agency  
8 thereof, such nonresidency continuing for one year after the  
9 completion of such semester or quarter. This condition shall not  
10 apply to students from Columbia, Multnomah, Clatsop, Clackamas, or  
11 Washington county, Oregon participating in the border county pilot  
12 project under RCW 28B.76.685, 28B.76.690, and 28B.15.0139.

13 (b) A person who is not a citizen of the United States of  
14 America, unless the person meets and complies with all applicable  
15 requirements in this section and RCW 28B.15.013 and is one of the  
16 following:

17 (i) A lawful permanent resident;

18 (ii) A temporary resident;

19 (iii) A person who holds "refugee-parolee," "conditional  
20 entrant," or U or T nonimmigrant status with the United States  
21 citizenship and immigration services;

22 (iv) A person who has been issued an employment authorization  
23 document by the United States citizenship and immigration services  
24 that is valid as of the date the person's residency status is  
25 determined;

26 (v) A person who has been granted deferred action for childhood  
27 arrival status before, on, or after June 7, 2018, regardless of  
28 whether the person is no longer or will no longer be granted deferred  
29 action for childhood arrival status due to the termination,  
30 suspension, or modification of the deferred action for childhood  
31 arrival program; or

32 (vi) A person who is otherwise permanently residing in the United  
33 States under color of law, including deferred action status.

34 (5) The term "domicile" shall denote a person's true, fixed and  
35 permanent home and place of habitation. It is the place where the  
36 student intends to remain, and to which the student expects to return  
37 when the student leaves without intending to establish a new domicile  
38 elsewhere. The burden of proof that a student, parent or guardian has  
39 established a domicile in the state of Washington primarily for  
40 purposes other than educational lies with the student.

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

9 (7) The term "active military duty" means the person is serving  
10 on active duty in:

11 (a) The armed forces of the United States government; or

12 (b) The Washington national guard; or

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

16 (8) The term "active duty service" means full-time duty, other  
17 than active duty for training, as a member of the uniformed services  
18 of the United States. Active duty service as a national guard member  
19 under Title 32 U.S.C. for the purpose of organizing, administering,  
20 recruiting, instructing, or training and active service under 32  
21 U.S.C. Sec. 502(f) for the purpose of responding to a national  
22 emergency is recognized as active duty service.

23 (9) The term "uniformed services" is defined by Title 10 U.S.C.;  
24 subsequently structured and organized by Titles 14, 33, and 42  
25 U.S.C.; consisting of the United States army, United States marine  
26 corps, United States navy, United States air force, United States  
27 coast guard, United States public health service commissioned corps,  
28 and the national oceanic and atmospheric administration commissioned  
29 officer corps.

30 NEW SECTION. **Sec. 13.** Sections 1 through 8 of this act  
31 constitute a new chapter in Title 28B RCW.

32 NEW SECTION. **Sec. 14.** This act may be known and cited as the  
33 our colleges our future act of 2021.

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