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HOUSE BILL 1005

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State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Carlson, Pennington, Ogden, Dunn, Boldt and Mielke

Read first time 01/13/97. Referred to Committee on Higher Education.

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 in Washington and Oregon; amending RCW 28B.15.012, 28B.10.790,  
4 28B.10.802, and 28B.12.030; adding new sections to chapter 28B.80 RCW;  
5 adding a new section to chapter 28B.15 RCW; providing a contingent  
6 effective date; 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:

11            (a) During the next fifteen to twenty years, Washington's colleges  
12 and universities will face significant capacity and fiscal pressures as  
13 they attempt to meet the enrollment demands of students from the baby  
14 boom echo generation and from workers seeking retraining;

15            (b) One of the ways to help alleviate some of the pressure caused  
16 by enrollment demands may be by permitting students to study and use  
17 their financial aid awards in colleges, universities, and private  
18 career schools located in other states;

1 (c) Some of Washington's college students living in border  
2 communities would benefit from an opportunity to study in specialized  
3 programs or institutions of higher education located in other states;  
4 and

5 (d) The state could benefit by creating pilot projects that study  
6 creative, cost-effective ways to meet the postsecondary education needs  
7 of Washington's students.

8 (2) Therefore, the legislature intends to work with the Oregon  
9 legislature to create a pilot project that permits residents of  
10 Multnomah county, Oregon, and Clark county, Washington, to pay resident  
11 tuition rates at public colleges and universities located in either  
12 county. In addition, the legislature intends to permit needy residents  
13 of Clark county to use their financial aid awards to study in  
14 accredited public and independent institutions of higher education and  
15 private career schools and colleges located in Multnomah county,  
16 Oregon.

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

19 The border county higher education opportunity pilot project is  
20 created. The pilot project has two purposes. The first purpose is to  
21 permit certain residents of Clark county, Washington, and Multnomah  
22 county, Oregon, to pay resident tuition rates when they attend a public  
23 college or university in either county. The second purpose is to  
24 permit needy resident students domiciled in those counties to use their  
25 state-funded financial aid awards when they attend an accredited public  
26 or independent institution of higher education or a private career  
27 school or college in either county.

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

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

33 (2) The board shall permit needy Washington residents domiciled in  
34 Clark county for at least one year before enrollment to use their state  
35 need grant and work study awards if the students are enrolled half-time  
36 or more in accredited public or independent institutions of higher  
37 education or private career schools and colleges located in Multnomah

1 county, Oregon. The board may adopt rules to establish eligibility  
2 criteria for student and institutional participation in the pilot  
3 project.

4 (3) By November 30, 2000, the board shall report to the governor  
5 and appropriate committees of the legislature on the results of the  
6 pilot project and on tuition reciprocity programs. The report shall  
7 include a recommendation on the extent to which tuition reciprocity and  
8 financial aid portability programs should be revised or expanded.

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

11 For the purposes of determining resident tuition rates, a resident  
12 student shall include a resident of Oregon, residing in Multnomah  
13 county, who meets the following conditions:

14 (1) The student must be eligible to pay resident tuition rates  
15 under Oregon laws and shall have been domiciled in Multnomah county for  
16 at least one year immediately before enrollment at an institution of  
17 higher education as defined in RCW 28B.10.016; and

18 (2) The student must be enrolled either in a public institution of  
19 higher education located in Clark county, Washington, or in a program  
20 offered in Clark county, Washington, by a public institution of higher  
21 education as defined in RCW 28B.10.016.

22 **Sec. 5.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read  
23 as follows:

24 Whenever used in chapter 28B.15 RCW:

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

27 (2) The term "resident student" shall mean: (a) A financially  
28 independent student who has had a domicile in the state of Washington  
29 for the period of one year immediately prior to the time of  
30 commencement of the first day of the semester or quarter for which the  
31 student has registered at any institution and has in fact established  
32 a bona fide domicile in this state primarily for purposes other than  
33 educational; (b) a dependent student, if one or both of the student's  
34 parents or legal guardians have maintained a bona fide domicile in the  
35 state of Washington for at least one year immediately prior to  
36 commencement of the semester or quarter for which the student has  
37 registered at any institution; (c) a student classified as a resident

1 based upon domicile by an institution on or before May 31, 1982, who  
2 was enrolled at a state institution during any term of the 1982-1983  
3 academic year, so long as such student's enrollment (excepting summer  
4 sessions) at an institution in this state is continuous; (d) any  
5 student who has spent at least seventy-five percent of both his or her  
6 junior and senior years in high schools in this state, whose parents or  
7 legal guardians have been domiciled in the state for a period of at  
8 least one year within the five-year period before the student graduates  
9 from high school, and who enrolls in a public institution of higher  
10 education within six months of leaving high school, for as long as the  
11 student remains continuously enrolled for three quarters or two  
12 semesters in any calendar year; (e) a student who is the spouse or a  
13 dependent of a person who is on active military duty stationed in the  
14 state; or (f) a student who meets the requirements of RCW 28B.15.0131  
15 or section 4 of this act: PROVIDED, That a nonresident student  
16 enrolled for more than six hours per semester or quarter shall be  
17 considered as attending for primarily educational purposes, and for  
18 tuition and fee paying purposes only such period of enrollment shall  
19 not be counted toward the establishment of a bona fide domicile of one  
20 year in this state unless such student proves that the student has in  
21 fact established a bona fide domicile in this state primarily for  
22 purposes other than educational.

23 (3) The term "nonresident student" shall mean any student who does  
24 not qualify as a "resident student" under the provisions of RCW  
25 28B.15.012 and 28B.15.013. A nonresident student shall include:

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

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

37 (4) The term "domicile" shall denote a person's true, fixed and  
38 permanent home and place of habitation. It is the place where the  
39 student intends to remain, and to which the student expects to return

1 when the student leaves without intending to establish a new domicile  
2 elsewhere. The burden of proof that a student, parent or guardian has  
3 established a domicile in the state of Washington primarily for  
4 purposes other than educational lies with the student.

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

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

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

26 (2) Washington residents participating in the pilot project under  
27 sections 2 through 4 of this act are eligible for the student financial  
28 aid program outlined in RCW 28B.10.800 through 28B.10.824 if the  
29 residents:

30 (a) Would qualify as needy students under RCW 28B.10.802(3) if the  
31 students were enrolled in an institution of higher education as defined  
32 in RCW 28B.10.016; and

33 (b) Are enrolled at an eligible institution of higher education, as  
34 defined by the board under section 3 of this act, that is located in  
35 Multnomah county, Oregon.

36 **Sec. 7.** RCW 28B.10.802 and 1989 c 254 s 2 are each amended to read  
37 as follows:

1 As used in RCW 28B.10.800 through 28B.10.824:

2 (1) "Institutions of higher education" shall mean ~~((1))~~ (a) any  
3 public university, college, community college, or vocational-technical  
4 institute operated by the state of Washington or any political  
5 subdivision thereof ~~((or (2)))~~; (b) any institution of higher education  
6 or private career school or college located in Multnomah county,  
7 Oregon, that meets the eligibility requirements established by the  
8 board under section 3 of this act; or (c) any other university,  
9 college, school, or institute in the state of Washington offering  
10 instruction beyond the high school level which is a member institution  
11 of an accrediting association recognized by rule of the board for the  
12 purposes of this section: PROVIDED, That any institution, branch,  
13 extension or facility operating within the state of Washington which is  
14 affiliated with an institution operating in another state must be a  
15 separately accredited member institution of any such accrediting  
16 association: PROVIDED FURTHER, That no institution of higher education  
17 shall be eligible to participate in a student financial aid program  
18 unless it agrees to and complies with program rules and regulations  
19 adopted pursuant to RCW 28B.10.822.

20 (2) The term "financial aid" shall mean loans and/or grants to  
21 needy students enrolled or accepted for enrollment as a student at  
22 institutions of higher education.

23 (3) The term "needy student" shall mean a post high school student  
24 of an institution of higher learning as defined in subsection (1) of  
25 this section who demonstrates to the board the financial inability,  
26 either through the student's parents, family and/or personally, to meet  
27 the total cost of board, room, books, and tuition and incidental fees  
28 for any semester or quarter. The term "needy student" does not include  
29 a student from Multnomah county, Oregon, participating in the pilot  
30 project under sections 2 through 4 of this act.

31 (4) The term "disadvantaged student" shall mean a post high school  
32 student who by reason of adverse cultural, educational, environmental,  
33 experiential, familial or other circumstances is unable to qualify for  
34 enrollment as a full time student in an institution of higher learning,  
35 who would otherwise qualify as a needy student, and who is attending an  
36 institution of higher learning under an established program designed to  
37 qualify the student for enrollment as a full time student.

38 (5) "Commission" or "board" shall mean the higher education  
39 coordinating board.

1       **Sec. 8.** RCW 28B.12.030 and 1994 c 130 s 3 are each amended to read  
2 as follows:

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

6       (1) The term "needy student" shall mean a student enrolled or  
7 accepted for enrollment at a post-secondary institution who, according  
8 to a system of need analysis approved by the higher education  
9 coordinating board, demonstrates a financial inability, either  
10 parental, familial, or personal, to bear the total cost of education  
11 for any semester or quarter. The term "needy student" does not include  
12 a student from Multnomah county, Oregon, participating in the pilot  
13 project under sections 2 through 4 of this act.

14       (2) The term "eligible institution" shall mean any post-secondary  
15 institution in this state accredited by the Northwest Association of  
16 Schools and Colleges or any public technical college in the state or  
17 any institution of higher education or private career school or college  
18 located in Multnomah county, Oregon, that meets the eligibility  
19 requirements established by the board under section 3 of this act.

20       NEW SECTION. **Sec. 9.** This act takes effect at the beginning of  
21 the academic term following the enactment of legislation in Oregon that  
22 permits Washington residents domiciled in Clark county for at least one  
23 year immediately before enrollment to pay resident tuition rates at  
24 public institutions of higher education located in Multnomah county,  
25 Oregon.

26       NEW SECTION. **Sec. 10.** This act expires June 30, 2001.

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