

SENATE BILL REPORT

SB 5778

As Amended by House, April 10, 2017

Title: An act relating to modifying the definition of resident student to comply with the federal requirements established by the veterans access, choice, and accountability act of 2014.

Brief Description: Modifying the definition of resident student to comply with the federal requirements established by the veterans access, choice, and accountability act of 2014.

Sponsors: Senators Wilson and Zeiger.

Brief History:

Committee Activity: Higher Education: 2/14/17, 2/16/17 [DP].

Floor Activity:

Passed Senate: 3/06/17, 49-0.

Passed House: 4/10/17, 97-0.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Updates the definition of resident student to comply with federal changes to the Veterans Access, Choice and Accountability Act.
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SENATE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass.

Signed by Senators Wilson, Chair; Bailey, Vice Chair; Palumbo, Ranking Minority Member; Baumgartner and Frockt.

Staff: Evan Klein (786-7483)

Background: The Veterans Access, Choice, and Accountability Act. The Veterans Access, Choice, and Accountability Act (Act) was enacted in 2014. Under the Act, public institutions of higher education are required to provide in-state tuition to eligible veterans and dependents by July 1, 2015, in order for the institution to remain eligible to receive payments under the All-Volunteer Force Education Assistance Program (Montgomery GI-Bill) and Post-9/11 Educational Assistance (Post-9/11 GI Bill).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Resident Student Qualifications for Veterans. In 2015, the Legislature updated the definition of resident student to maintain state-wide eligibility for the Montgomery and Post-9/11 G.I. Bills. The updated language allows for a student to qualify for resident tuition if they meet any of the following:

- a student who has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, is eligible for federal veterans education assistance benefits, and who enters an institution of higher education in Washington within three years of separation;
- a student who is a spouse, former spouse, or child and is entitled to veterans administration educational assistance benefits (Benefits) based on their relationship to an individual who has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, and who enters an institution in Washington within three years of separation; or
- a student who is entitled to Benefits based on their relationship with a deceased member of the uniformed services who completed at least 90 days of active duty service and died in the line of duty, and the student enters an institution in Washington within three years of the service members' death.

A qualifying student who remains continuously enrolled at an institution retains resident student status. These definitions of resident student do not apply to students who have a dishonorable discharge from the uniformed services, unless the student is receiving Benefits.

Modification of Veterans Access, Choice and Accountability Act. In December 2016, Congress passed Public Law 114-315 which modified 38 U.S.C. 3679(c). Individuals using the Marine Gunnery Sergeant John David Fry Scholarship are no longer required to enroll within three years of the service member's death, and there is no longer a requirement that the deceased service member's death in the line of duty follow a period of active duty service of 90 days or more. A new category of individuals, consisting of people using transferred Post-9/11 G.I. Bill benefits while the transferor is on active duty was added.

Summary of Bill: A student who is entitled to transferred post-9/11 G.I. Bill benefits based on the student's relationship as a spouse, former spouse, or child to an individual who is on active duty in the uniformed services, is a resident student.

Individuals seeking resident student status by using the Marine Gunnery Sergeant John David Fry Scholarship are no longer required to enroll within three years of the service member's death that they are related to, and the requirement that the deceased service member's death in the line of duty follow a period of active duty service of 90 days or more is also removed.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We should do whatever we can do to serve our service members. There is urgency in passing this bill, since the federal VA could withdraw federal funds to the state if the state does not comply with the updated federal requirements.

Persons Testifying: PRO: Senator Lynda Wilson, Prime Sponsor; Maddy Thompson, Washington Student Achievement Council.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Adds that a student who qualifies as a resident student because the student is entitled to transferred post-9/11 GI Bill benefits shall retain resident student status as long as the student remains continuously enrolled at an institution.
- Adds students who qualify as resident students because they are entitled to transferred post-9/11 GI Bill benefits to the list of student categories that the residency section does not apply to if the student's spouse or parent had a dishonorable discharge from the uniform services. This exclusion does not apply to students receiving veterans administration educational assistance benefits.