

CERTIFICATION OF ENROLLMENT

SENATE BILL 5778

65th Legislature
2017 Regular Session

Passed by the Senate April 18, 2017
Yeas 48 Nays 0

President of the Senate

Passed by the House April 10, 2017
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5778** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5778

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Senators Wilson and Zeiger

Read first time 02/09/17. Referred to Committee on Higher Education.

1 AN ACT Relating to modifying the definition of resident student
2 to comply with the federal requirements established by the veterans
3 access, choice, and accountability act of 2014; and amending RCW
4 28B.15.012.

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

6 **Sec. 1.** RCW 28B.15.012 and 2015 3rd sp.s. c 8 s 1 are each
7 amended to read as follows:

8 Whenever used in this chapter:

9 (1) The term "institution" shall mean a public university,
10 college, or community or technical college within the state of
11 Washington.

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

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

19 (b) A dependent student, if one or both of the student's parents
20 or legal guardians have maintained a bona fide domicile in the state
21 of Washington for at least one year immediately prior to commencement

1 of the semester or quarter for which the student has registered at
2 any institution;

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

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

16 (e) Any person who has completed the full senior year of high
17 school and obtained a high school diploma, both at a Washington
18 public high school or private high school approved under chapter
19 28A.195 RCW, or a person who has received the equivalent of a
20 diploma; who has lived in Washington for at least three years
21 immediately prior to receiving the diploma or its equivalent; who has
22 continuously lived in the state of Washington after receiving the
23 diploma or its equivalent and until such time as the individual is
24 admitted to an institution of higher education under subsection (1)
25 of this section; and who provides to the institution an affidavit
26 indicating that the individual will file an application to become a
27 permanent resident at the earliest opportunity the individual is
28 eligible to do so and a willingness to engage in any other activities
29 necessary to acquire citizenship, including but not limited to
30 citizenship or civics review courses;

31 (f) Any person who has lived in Washington, primarily for
32 purposes other than educational, for at least one year immediately
33 before the date on which the person has enrolled in an institution,
34 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.
35 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant
36 status as the spouse or child of a person having nonimmigrant status
37 under one of those subsections, or who, holding or having previously
38 held such lawful nonimmigrant status as a principal or derivative,
39 has filed an application for adjustment of status pursuant to 8
40 U.S.C. Sec. 1255(a);

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

3 (h) A student who is on active military duty or a member of the
4 national guard who entered service as a Washington resident and who
5 has maintained Washington as his or her domicile but is not stationed
6 in the state;

7 (i) A student who is the spouse or a dependent of a person who is
8 on active military duty or a member of the national guard who entered
9 service as a Washington resident and who has maintained Washington as
10 his or her domicile but is not stationed in the state. If the person
11 on active military duty is reassigned out-of-state, the student
12 maintains the status as a resident student so long as the student is
13 continuously enrolled in a degree program;

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

19 (k) A student who resides in the state of Washington and is the
20 spouse or a dependent of a person who is a member of the Washington
21 national guard;

22 ~~((k))~~ (l) A student who has separated from the uniformed
23 services with any period of honorable service after at least ninety
24 days of active duty service; is eligible for benefits under the
25 federal all-volunteer force educational assistance program (38 U.S.C.
26 Sec. 3001 et seq.), the federal post-9/11 veterans educational
27 assistance act of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other
28 federal law authorizing educational assistance benefits for veterans;
29 and enters an institution of higher education in Washington within
30 three years of the date of separation;

31 ~~((l))~~ (m) A student who is entitled to veterans administration
32 educational assistance benefits based on the student's relationship
33 as a spouse, former spouse, or child to an individual who has
34 separated from the uniformed services with any period of honorable
35 service after at least ninety days of active duty service, and who
36 enters an institution of higher education in Washington within three
37 years of the service member's date of separation;

38 ~~((m))~~ (n) A student who is entitled to veterans administration
39 educational assistance benefits based on the student's relationship
40 with a deceased member of the uniformed services who ~~((completed at~~

1 ~~least ninety days of active duty service and~~) died in the line of
2 duty(~~(, and the student enters an institution of higher education in~~
3 ~~Washington within three years of the service member's death)~~);

4 ~~((+n))~~ (o) A student of an out-of-state institution of higher
5 education who is attending a Washington state institution of higher
6 education pursuant to a home tuition agreement as described in RCW
7 28B.15.725;

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

17 ~~((+p))~~ (q) A student who resides in Washington and is on active
18 military duty stationed in the Oregon counties of Columbia, Gilliam,
19 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
20 Union, Wallowa, Wasco, or Washington; or

21 ~~((+q))~~ (r) A student who resides in Washington and is the spouse
22 or a dependent of a person who resides in Washington and is on active
23 military duty stationed in the Oregon counties of Columbia, Gilliam,
24 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
25 Union, Wallowa, Wasco, or Washington. If the person on active
26 military duty moves from Washington or is reassigned out of the
27 Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop,
28 Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or
29 Washington, the student maintains the status as a resident student so
30 long as the student resides in Washington and is continuously
31 enrolled in a degree program.

32 (3)(a) A student who qualifies under subsection (2)~~((+k), (l), or~~
33 ~~(+m))~~ (j), (l), (m), or (n) of this section and who remains
34 continuously enrolled at an institution of higher education shall
35 retain resident student status.

36 (b) Nothing in subsection (2)~~((+k), (l), or (+m))~~ (j), (l), (m),
37 or (n) of this section applies to students who have a dishonorable
38 discharge from the uniformed services, or to students who are the
39 spouse or child of an individual who has had a dishonorable discharge

1 from the uniformed services, unless the student is receiving veterans
2 administration educational assistance benefits.

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

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

15 (b) A person who is not a citizen of the United States of America
16 who does not have permanent or temporary resident status or does not
17 hold "Refugee-Parolee" or "Conditional Entrant" status with the
18 United States citizenship immigration services or is not otherwise
19 permanently residing in the United States under color of law and who
20 does not also meet and comply with all the applicable requirements in
21 this section and RCW 28B.15.013.

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

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

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

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

40 (b) The Washington national guard; or

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

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

11 (9) The term "uniformed services" is defined by Title 10 U.S.C.;
12 subsequently structured and organized by Titles 14, 33, and 42
13 U.S.C.; consisting of the United States army, United States marine
14 corps, United States navy, United States air force, United States
15 coast guard, United States public health service commissioned corps,
16 and the national oceanic and atmospheric administration commissioned
17 officer corps.

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