

**WAC 250-18-020 Student classification.** (1) For a student to be classified as a "resident" for tuition and fee purposes, the student must prove by evidence of a sufficient quantity and quality to satisfy the institution that the student:

(a) Is financially independent and has maintained a bona fide domicile in the state of Washington primarily for purposes other than educational for at least one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution; or

(b) Is financially dependent with at least one parent or legal guardian who has maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution; or

(c) Meets RCW 28B.15.012 (2)(c); or

(d) Has spent at least seventy-five percent of both junior and senior years in high school in this state, who has at least one parent or legal guardian who had 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 has enrolled in an institution within six months of leaving high school. The student shall retain resident student status so long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(e) Has met all of the following:

(i) Has either:

(A) Completed the full senior year of high school at a Washington public or private high school approved under chapter 28A.195 RCW and obtained a high school diploma at a Washington public or private high school approved under chapter 28A.195 RCW; or

(B) Received the equivalent of a high school diploma;

(ii) Has resided in Washington at least thirty-six months immediately prior to receiving the diploma or equivalent;

(iii) Has resided continuously in Washington state after receiving the diploma or equivalent until the time of admittance to an institution; and

(iv) Has provided an affidavit to the institution indicating one of the following:

(A) That the student will file an application to become a permanent resident at the earliest opportunity the student is eligible to do so and that the student is willing to engage in other activities necessary to acquire citizenship including, but not limited to, citizenship or civics review courses; or

(B) That the student is a citizen or permanent resident of the United States; or

(f) Has resided in Washington primarily for purposes other than educational for at least one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, and who has met any of the following:

(i) Holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L);

(ii) Holds lawful nonimmigrant status as the spouse or child of a person having nonimmigrant status under 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L); or

(iii) Holds or previously held lawful nonimmigrant status pursuant to 8 U.S.C. Sec. (a)(15) (E)(iii), (H)(i), or (L) as a principal or derivative and has filed an application for adjustment of status pursuant to 8 U.S.C. Sec. 1255(a); or

(g) Is on active military duty stationed in the state of Washington or is a member of the Washington national guard (Washington national guard member does not need to be on "active duty" status in order to qualify); or

(h) Is on active military duty or a member of the Washington national guard and meets all of the following:

- (i) Entered service as a Washington resident;
- (ii) Has maintained a Washington domicile; and
- (iii) Is stationed out-of-state; or

(i) Is the spouse or dependent of a person as defined in (h) of this subsection; or

(j) Is the spouse or dependent of a person on active military duty stationed in the state of Washington. If the person on active military duty is reassigned out-of-state, the student shall retain resident student status so long as the student is continuously enrolled in a degree program; or

(k) Resides in the state of Washington and is the spouse or dependent of a member of the Washington national guard; or

(l)(i) Separated from the uniformed services with any period of honorable service after at least ninety days of active duty service and is eligible for benefits under the federal all-volunteer force educational assistance program (38 U.S.C. Sec. 3001 et seq.), the federal Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law authorizing educational assistance benefits for veterans after separating (a student who has had a dishonorable discharge from the uniformed services qualifies if the student is receiving veterans administration educational assistance benefits); and

(ii) Enters an institution within three years of the date of separation from the uniformed services (student shall retain resident student status for as long as student remains continuously enrolled at an institution, regardless of years after separation); or

(m)(i) Is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least ninety days of active duty service (if the individual who separated from the uniformed services has had a dishonorable discharge from the uniformed services, the student qualifies if the student is receiving veterans administration educational assistance benefits); and

(ii) Enters an institution within three years of the service member's date of separation (student shall retain resident student status for as long as student remains continuously enrolled at an institution, regardless of years after separation); or

(n)(i) Is receiving or entitled to veterans administration educational assistance benefits based on the student's relationship with a deceased member of the uniformed services who completed at least ninety days of active duty service and died in the line of duty; and

(ii) Enters an institution within three years of the service member's death (student shall retain resident student status for as long as student remains continuously enrolled at an institution, regardless of years after separation); or

(o) Resides in Washington and is on active military duty stationed in the Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington; or

(p) Resides in Washington and is the spouse or a dependent of a person as defined in (o) of this subsection. If the person on active military duty moves from Washington or is reassigned out of the Oregon counties identified in (o) of this subsection, the student shall retain resident student status so long as the student resides in Washington and is continuously enrolled in a degree program;

(q) Is attending an institution pursuant to a home tuition agreement with an out-of-state institution of higher education under RCW 28B.15.725; or

(r) (i) Was domiciled in Idaho, Montana, Oregon, Washington, or a combination of these states for one year immediately prior to enrollment at an institution; and

(ii) Is a member of a federally recognized tribe whose traditional and customary tribal boundaries included portions of the state of Washington, or whose tribe was granted reserved lands within the state of Washington. (The official list of federally recognized Washington tribes maintained by the governor's office of Indian affairs shall be used to determine eligibility and will be made available by the council); or

(s) Is a resident of Oregon residing in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county; and who meets one of the following:

(i) Is eligible to pay Oregon resident tuition rates under Oregon laws and has been domiciled in one or more of the designated Oregon counties for at least ninety days immediately prior to enrollment at Clark College, Columbia Basin College, Grays Harbor College, Lower Columbia College, and Walla Walla Community College; or

(ii) Is enrolled for eight credits or less at the Tri-Cities branch or Vancouver branch of Washington State University; or

(t) Meets all of the following:

(i) Is currently domiciled in Washington;

(ii) Relocated to Washington from one of the Oregon counties identified in (s) of this subsection within the previous twelve months;

(iii) Was domiciled in one or more of the Oregon counties identified in (s) of this subsection for at least ninety days immediately prior to relocating to Washington and was eligible to pay Oregon resident tuition rates under Oregon laws during that time; and

(iv) Enrolled at Clark College, Columbia Basin College, Grays Harbor College, Lower Columbia College, or Walla Walla Community College; or enrolled for eight credits or less at the Tri-Cities branch or Vancouver branch of Washington State University.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if the student does not qualify as a resident student under the provisions of subsection (1) of this section. A nonresident student shall include a student who:

(a) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance. Such financial assistance relates to that which is provided by another state, governmental unit or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance." Nonresidency will continue for one year after

the completion of the quarter or semester for which financial assistance was last provided. This subsection shall not apply to students who qualify for resident tuition under subsection (1)(q), (s), or (t) of this section; or

(b) Is not a citizen of the United States of America, unless such person meets one of the following:

(i) Holds permanent or temporary resident immigration status, "refugee - parolee" status, "conditional entrant" status, refugee status, asylee status, temporary protected status, withholding of removal status, or is otherwise permanently residing in the United States under color of law and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035; or

(ii) Fulfills the requirements outlined in subsection (1)(e) or (f) of this section.

(3) The one year waiting period for establishing domicile for individuals who hold one of the statuses outlined in subsection (2)(b)(i) of this section starts on the date of application for said status provided that the individual further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035 on that date.

(4) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(5) Any financially dependent resident student who remains in this state when such student's parents or legal guardians, having theretofore been domiciled in this state for a period of at least one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall retain resident student status so long as such student is continuously enrolled during the academic year.

[Statutory Authority: RCW 28B.15.012, 28B.15.013, and 28B.15.015. WSR 17-05-060, § 250-18-020, filed 2/10/17, effective 3/13/17. Statutory Authority: RCW 28B.15.015. WSR 06-20-118, § 250-18-020, filed 10/4/06, effective 11/4/06; WSR 03-20-053, § 250-18-020, filed 9/26/03, effective 10/27/03; WSR 03-13-056, § 250-18-020, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 28B.15.015 and 28B.15.0131. WSR 98-08-004, § 250-18-020, filed 3/18/98, effective 4/18/98. Statutory Authority: 28B.15.015. WSR 93-20-004, § 250-18-020, filed 9/22/93, effective 10/23/93. Statutory Authority: Chapter 28B.15 RCW as amended by 1982 1st ex.s. c 37 § 4. WSR 87-21-079 (Order 5-87, Resolution No. 87-60), § 250-18-020, filed 10/21/87; WSR 87-16-048 (Order 3-87, Resolution No. 87-58), § 250-18-020, filed 7/29/87. Statutory Authority: 1982 1st ex.s. c 37 § 4. WSR 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-020, filed 6/17/83; WSR 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-020, filed 9/8/82.]