
SENATE BILL 5397

State of Washington 53rd Legislature 1993 Regular Session

By Senators Sheldon, Prince, Winsley, Bauer, Drew and Oke

Read first time 01/27/93. Referred to Committee on Higher Education.

1 AN ACT Relating to residency status for students at institutions of
2 higher education; and reenacting and amending RCW 28B.15.012.

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

4 **Sec. 1.** RCW 28B.15.012 and 1987 c 137 s 1 and 1987 c 96 s 1 are
5 each reenacted and amended to read as follows:

6 Whenever used in chapter 28B.15 RCW:

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

9 (2) The term "resident student" shall mean: (a) A financially
10 independent student who has had a domicile in the state of Washington
11 for the period of one year immediately prior to the time of
12 commencement of the first day of the semester or quarter for which the
13 student has registered at any institution and has in fact established
14 a bona fide domicile in this state primarily for purposes other than
15 educational; (b) a dependent student, if one or both of the student's
16 parents or legal guardians have maintained a bona fide domicile in the
17 state of Washington for at least one year immediately prior to
18 commencement of the semester or quarter for which the student has
19 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; ~~((or))~~ (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; or (e) a student who is, or is the
13 spouse or a dependent of a person who is, on active military duty
14 stationed in the state: PROVIDED, That a nonresident student enrolled
15 for more than six hours per semester or quarter shall be considered as
16 attending for primarily educational purposes, and for tuition and fee
17 paying purposes only such period of enrollment shall not be counted
18 toward the establishment of a bona fide domicile of one year in this
19 state unless such student proves that the student has in fact
20 established a bona fide domicile in this state primarily for purposes
21 other than educational.

22 (3) The term "nonresident student" shall mean any student who does
23 not qualify as a "resident student" under the provisions of RCW
24 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter
25 amended. 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.15.011 through 28B.15.014 and 28B.15.015, each as now or
37 hereafter amended.

38 (4) The term "domicile" shall denote a person's true, fixed and
39 permanent home and place of habitation. It is the place where the

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

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

--- END ---