
Higher Education Committee

SB 5778

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 Summary of Bill

- Provides residency status to students entitled to transferred Post-9/11 Educational Assistance for the purpose of in-state tuition.
- Removes certain qualifications from when a student entitled to the Marine Gunnery Sergeant John David Fry Scholarship may qualify as a resident student for in-state tuition purposes.

Hearing Date: 3/21/17

Staff: Megan Mulvihill (786-7304).

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).

Resident Student Qualifications for Veterans.

In 2015 the Legislature updated the definition of resident student for in-state tuition purposes to maintain state-wide eligibility for the Montgomery and Post-9/11 GI Bills. The updated language allows a student to qualify as a resident student for in-state tuition purposes if he or she meets any of the following:

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- has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, is eligible for benefits under the Montgomery GI-Bill, Post-9/11 GI Bill, or other federal Veteran Administration Educational Assistance Benefits (Veteran Education Benefits) , and he or she enters an institution of higher education in Washington within three years of their date of separation from the uniformed services;
- is entitled to Veteran Education Benefits based on his or her 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 90 days of active duty service, and who enters an institution of higher education in Washington within three years of the service member's date of separation from the uniformed services; or
- is entitled to the Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) based on his or her 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 he or she enters an institution in Washington within three years of the service member's 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 Veteran Education 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 Fry Scholarship are no longer required to enroll in an institution within three years of the service member's death, and the requirement that the deceased service member must have served on active duty for at least 90 days before their death in the line of duty was removed. In addition, a new category of individuals was added, consisting of people using transferred Post-9/11 GI Bill benefits while the transferor is on active duty.

Summary of Bill:

Students who are entitled to a transferred Post-9/11 GI Bill, based on their relationship as a spouse, former spouse, or child to an individual on active duty in the uniformed services, qualify as a resident student for in-state tuition purposes. In addition, those students entitled to the Fry Scholarship because of their relationship with a deceased member of the uniformed services who died in the line of duty qualify as resident students for in-state tuition purposes, regardless of whether the service member completed at least 90 days of active duty service and regardless of when the student enters an institution of higher education after the service member's death.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.