
SUBSTITUTE SENATE BILL 5074

State of Washington

65th Legislature

2018 Regular Session

By Senate Higher Education & Workforce Development (originally sponsored by Senators Frockt, Hasegawa, Carlyle, McCoy, Rolfes, Mullet, and Palumbo)

READ FIRST TIME 01/19/18.

1 AN ACT Relating to eligibility for state financial aid programs;
2 and amending RCW 28B.118.010, 28B.97.020, 28B.145.030, 28B.50.272,
3 28B.92.060, and 28B.15.012.

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

5 **Sec. 1.** RCW 28B.118.010 and 2017 3rd sp.s. c 20 s 11 are each
6 amended to read as follows:

7 The office of student financial assistance shall design the
8 Washington college bound scholarship program in accordance with this
9 section and in alignment with the state need grant program in chapter
10 28B.92 RCW unless otherwise provided in this section.

11 (1) "Eligible students" are those students who:

12 (a) Qualify for free or reduced-price lunches. If a student
13 qualifies in the seventh grade, the student remains eligible even if
14 the student does not receive free or reduced-price lunches
15 thereafter;

16 (b) Are dependent pursuant to chapter 13.34 RCW and:

17 (i) In grade seven through twelve; or

18 (ii) Are between the ages of eighteen and twenty-one and have not
19 graduated from high school; or

20 (c) Were dependent pursuant to chapter 13.34 RCW and were adopted
21 between the ages of fourteen and eighteen with a negotiated adoption

1 agreement that includes continued eligibility for the Washington
2 state college bound scholarship program pursuant to RCW 74.13A.025.

3 (2) Eligible students shall be notified of their eligibility for
4 the Washington college bound scholarship program beginning in their
5 seventh grade year. Students shall also be notified of the
6 requirements for award of the scholarship.

7 (3)(a) To be eligible for a Washington college bound scholarship,
8 a student eligible under subsection (1)(a) of this section must sign
9 a pledge during seventh or eighth grade that includes a commitment to
10 graduate from high school with at least a C average and with no
11 felony convictions. The pledge must be witnessed by a parent or
12 guardian and forwarded to the office of student financial assistance
13 by mail or electronically, as indicated on the pledge form.

14 (b) A student eligible under subsection (1)(b) of this section
15 shall be automatically enrolled, with no action necessary by the
16 student or the student's family, and the enrollment form must be
17 forwarded by the department of social and health services to the
18 higher education coordinating board or its successor by mail or
19 electronically, as indicated on the form.

20 (4)(a) Scholarships shall be awarded to eligible students
21 graduating from public high schools, approved private high schools
22 under chapter 28A.195 RCW, or who received home-based instruction
23 under chapter 28A.200 RCW.

24 (b)(i) To receive the Washington college bound scholarship, a
25 student must graduate with at least a "C" average from a public high
26 school or an approved private high school under chapter 28A.195 RCW
27 in Washington or have received home-based instruction under chapter
28 28A.200 RCW, must have no felony convictions, and must be a resident
29 student as defined in RCW 28B.15.012(2) (a) through ~~((d))~~ (e).

30 (ii) For eligible children as defined in subsection (1)(b) and
31 (c) of this section, to receive the Washington college bound
32 scholarship, a student must have received a high school equivalency
33 certificate as provided in RCW 28B.50.536 or have graduated with at
34 least a "C" average from a public high school or an approved private
35 high school under chapter 28A.195 RCW in Washington or have received
36 home-based instruction under chapter 28A.200 RCW, must have no felony
37 convictions, and must be a resident student as defined in RCW
38 28B.15.012(2) (a) through ~~((d))~~ (e).

39 For a student who does not meet the "C" average requirement, and
40 who completes fewer than two quarters in the running start program,

1 under chapter 28A.600 RCW, the student's first quarter of running
2 start course grades must be excluded from the student's overall grade
3 point average for purposes of determining their eligibility to
4 receive the scholarship.

5 (5) A student's family income will be assessed upon graduation
6 before awarding the scholarship.

7 (6) If at graduation from high school the student's family income
8 does not exceed sixty-five percent of the state median family income,
9 scholarship award amounts shall be as provided in this section.

10 (a) For students attending two or four-year institutions of
11 higher education as defined in RCW 28B.10.016, the value of the award
12 shall be (i) the difference between the student's tuition and
13 required fees, less the value of any state-funded grant, scholarship,
14 or waiver assistance the student receives; (ii) plus five hundred
15 dollars for books and materials.

16 (b) For students attending private four-year institutions of
17 higher education in Washington, the award amount shall be the
18 representative average of awards granted to students in public
19 research universities in Washington or the representative average of
20 awards granted to students in public research universities in
21 Washington in the 2014-15 academic year, whichever is greater.

22 (c) For students attending private vocational schools in
23 Washington, the award amount shall be the representative average of
24 awards granted to students in public community and technical colleges
25 in Washington or the representative average of awards granted to
26 students in public community and technical colleges in Washington in
27 the 2014-15 academic year, whichever is greater.

28 (7) Recipients may receive no more than four full-time years'
29 worth of scholarship awards.

30 (8) Institutions of higher education shall award the student all
31 need-based and merit-based financial aid for which the student would
32 otherwise qualify. The Washington college bound scholarship is
33 intended to replace unmet need, loans, and, at the student's option,
34 work-study award before any other grants or scholarships are reduced.

35 (9) The first scholarships shall be awarded to students
36 graduating in 2012.

37 (10) The state of Washington retains legal ownership of tuition
38 units awarded as scholarships under this chapter until the tuition
39 units are redeemed. These tuition units shall remain separately held

1 from any tuition units owned under chapter 28B.95 RCW by a Washington
2 college bound scholarship recipient.

3 (11) The scholarship award must be used within five years of
4 receipt. Any unused scholarship tuition units revert to the
5 Washington college bound scholarship account.

6 (12) Should the recipient terminate his or her enrollment for any
7 reason during the academic year, the unused portion of the
8 scholarship tuition units shall revert to the Washington college
9 bound scholarship account.

10 **Sec. 2.** RCW 28B.97.020 and 2012 c 229 s 561 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Institution of higher education" means a college or
15 university in the state of Washington that is accredited by an
16 accrediting association recognized as such by rule of the student
17 achievement council.

18 (2) "Office" means the office of student financial assistance.

19 (3) "Program" means the Washington higher education loan program.

20 (4) "Resident student" has the definition in RCW 28B.15.012(2)
21 (a) through (~~(d)~~) (e).

22 **Sec. 3.** RCW 28B.145.030 and 2014 c 208 s 3 are each amended to
23 read as follows:

24 (1) The program administrator, under contract with the council,
25 shall staff the board and shall have the duties and responsibilities
26 provided in this chapter, including but not limited to publicizing
27 the program, selecting participants for the opportunity scholarship
28 award, distributing opportunity scholarship awards, and achieving the
29 maximum possible rate of return on investment of the accounts in
30 subsection (2) of this section, while ensuring transparency in the
31 investment decisions and processes. Duties, exercised jointly with
32 the board, include soliciting funds and setting annual fund-raising
33 goals. The program administrator shall be paid an administrative fee
34 as determined by the board.

35 (2) With respect to the opportunity scholarship program, the
36 program administrator shall:

37 (a) Establish and manage two separate accounts into which to
38 receive grants and contributions from private sources as well as

1 state matching funds, and from which to disburse scholarship funds to
2 participants;

3 (b) Solicit and accept grants and contributions from private
4 sources, via direct payment, pledge agreement, or escrow account, of
5 private sources for deposit into one or both of the two accounts
6 created in this subsection (2)(b) in accordance with this subsection
7 (2)(b):

8 (i) The "scholarship account," whose principal may be invaded,
9 and from which scholarships must be disbursed beginning no later than
10 December 1, 2011, if, by that date, state matching funds in the
11 amount of five million dollars or more have been received.
12 Thereafter, scholarships shall be disbursed on an annual basis
13 beginning no later than May 1, 2012, and every October 1st
14 thereafter;

15 (ii) The "endowment account," from which scholarship moneys may
16 be disbursed from earnings only in years when:

17 (A) The state match has been made into both the scholarship and
18 the endowment account;

19 (B) The state appropriations for the state need grant under RCW
20 28B.92.010 meet or exceed state appropriations for the state need
21 grant made in the 2011-2013 biennium, adjusted for inflation, and
22 eligibility for state need grant recipients is at least seventy
23 percent of state median family income; and

24 (C) The state has demonstrated progress toward the goal of total
25 per-student funding levels, from state appropriations plus tuition
26 and fees, of at least the sixtieth percentile of total per-student
27 funding at similar public institutions of higher education in the
28 global challenge states, as defined, measured, and reported in RCW
29 28B.15.068. In any year in which the office of financial management
30 reports that the state has not made progress toward this goal, no new
31 scholarships may be awarded. In any year in which the office of
32 financial management reports that the percentile of total per-student
33 funding is less than the sixtieth percentile and at least five
34 percent less than the prior year, pledges of future grants and
35 contributions may, at the request of the donor, be released and
36 grants and contributions already received refunded to the extent that
37 opportunity scholarship awards already made can be fulfilled from the
38 funds remaining in the endowment account. In fulfilling the
39 requirements of this subsection, the office of financial management
40 shall use resources that facilitate measurement and comparisons of

1 the most recently completed academic year. These resources may
2 include, but are not limited to, the data provided in a uniform
3 dashboard format under RCW 28B.77.090 as the statewide public four-
4 year dashboard and academic year reports prepared by the state board
5 for community and technical colleges;

6 (iii) An amount equal to at least fifty percent of all grants and
7 contributions must be deposited into the scholarship account until
8 such time as twenty million dollars have been deposited into the
9 account, after which time the private donors may designate whether
10 their contributions must be deposited to the scholarship or the
11 endowment account. The board and the program administrator must work
12 to maximize private sector contributions to both the scholarship
13 account and the endowment account, to maintain a robust scholarship
14 program while simultaneously building the endowment, and to determine
15 the division between the two accounts in the case of undesignated
16 grants and contributions, taking into account the need for a
17 long-term funding mechanism and the short-term needs of families and
18 students in Washington. The first five million dollars in state
19 match, as provided in RCW 28B.145.040, shall be deposited into the
20 scholarship account and thereafter the state match shall be deposited
21 into the two accounts in equal proportion to the private funds
22 deposited in each account; and

23 (iv) Once moneys in the opportunity scholarship match transfer
24 account are subject to an agreement under RCW 28B.145.050(5) and are
25 deposited in the scholarship account or endowment account under this
26 section, the state acts in a fiduciary rather than ownership capacity
27 with regard to those assets. Assets in the scholarship account and
28 endowment account are not considered state money, common cash, or
29 revenue to the state;

30 (c) Provide proof of receipt of grants and contributions from
31 private sources to the council, identifying the amounts received by
32 name of private source and date, and whether the amounts received
33 were deposited into the scholarship or the endowment account;

34 (d) In consultation with the council and the state board for
35 community and technical colleges, make an assessment of the
36 reasonable annual eligible expenses associated with eligible
37 education programs identified by the board;

38 (e) Determine the dollar difference between tuition fees charged
39 by institutions of higher education in the 2008-09 academic year and

1 the academic year for which an opportunity scholarship is being
2 distributed;

3 (f) Develop and implement an application, selection, and
4 notification process for awarding opportunity scholarships;

5 (g) Determine the annual amount of the opportunity scholarship
6 for each selected participant. The annual amount shall be at least
7 one thousand dollars or the amount determined under (e) of this
8 subsection, but may be increased on an income-based, sliding scale
9 basis up to the amount necessary to cover all reasonable annual
10 eligible expenses as assessed pursuant to (d) of this subsection, or
11 to encourage participation in baccalaureate degree programs
12 identified by the board;

13 (h) Distribute scholarship funds to selected participants. Once
14 awarded, and to the extent funds are available for distribution, an
15 opportunity scholarship shall be automatically renewed as long as the
16 participant annually submits documentation of filing both a free
17 application for federal student aid (FAFSA) and for available federal
18 education tax credits, including but not limited to the American
19 opportunity tax credit, or if ineligible to apply for federal student
20 aid, the participant annually submits documentation of filing a state
21 financial aid application as approved by the office of student
22 financial assistance; and until the participant withdraws from or is
23 no longer attending the program, completes the program, or has taken
24 the credit or clock hour equivalent of one hundred twenty-five
25 percent of the published length of time of the participant's program,
26 whichever occurs first(~~(, and as long as the participant annually~~
27 ~~submits documentation of filing both a free application for federal~~
28 ~~student aid and for available federal education tax credits,~~
29 ~~including but not limited to the American opportunity tax credit));
30 and~~

31 (i) Notify institutions of scholarship recipients who will attend
32 their institutions and inform them of the terms of the students'
33 eligibility.

34 (3) With respect to the opportunity expansion program, the
35 program administrator shall:

36 (a) Assist the board in developing and implementing an
37 application, selection, and notification process for making
38 opportunity expansion awards; and

39 (b) Solicit and accept grants and contributions from private
40 sources for opportunity expansion awards.

1 **Sec. 4.** RCW 28B.50.272 and 2011 1st sp.s. c 11 s 157 are each
2 amended to read as follows:

3 (1) To be eligible for participation in the opportunity grant
4 program established in RCW 28B.50.271, a student must:

5 (a) Be a Washington resident student as defined in RCW 28B.15.012
6 enrolled in an opportunity grant-eligible program of study;

7 (b) Have a family income that is at or below two hundred percent
8 of the federal poverty level using the most current guidelines
9 available from the United States department of health and human
10 services, and be determined to have financial need based on the free
11 application for federal student aid (FAFSA), or if ineligible to
12 apply for federal student aid, determined to have financial need by
13 the office of student financial assistance based on a state financial
14 aid application; and

15 (c) Meet such additional selection criteria as the college board
16 shall establish in order to operate the program within appropriated
17 funding levels.

18 (2) Upon enrolling, the student must provide evidence of
19 commitment to complete the program. The student must make
20 satisfactory progress and maintain a cumulative 2.0 grade point
21 average for continued eligibility. If a student's cumulative grade
22 point average falls below 2.0, the student may petition the
23 institution of higher education of attendance. The qualified
24 institution of higher education has the authority to establish a
25 probationary period until such time as the student's grade point
26 average reaches required standards.

27 (3) Subject to funds appropriated for this specific purpose,
28 public qualified institutions of higher education shall receive an
29 enhancement of one thousand five hundred dollars for each full-time
30 equivalent student enrolled in the opportunity grant program whose
31 income is below two hundred percent of the federal poverty level. The
32 funds shall be used for individualized support services which may
33 include, but are not limited to, college and career advising,
34 tutoring, emergency child care, and emergency transportation. The
35 qualified institution of higher education is expected to help
36 students access all financial resources and support services
37 available to them through alternative sources.

38 (4) The college board shall be accountable for student retention
39 and completion of opportunity grant-eligible programs of study. It
40 shall set annual performance measures and targets and monitor the

1 performance at all qualified institutions of higher education. The
2 college board must reduce funding at institutions of higher education
3 that do not meet targets for two consecutive years, based on criteria
4 developed by the college board.

5 (5) The college board and office of student financial assistance
6 shall work together to ensure that students participating in the
7 opportunity grant program are informed of all other state and federal
8 financial aid to which they may be entitled while receiving an
9 opportunity grant.

10 (6) The college board and office of student financial assistance
11 shall document the amount of opportunity grant assistance and the
12 types and amounts of other sources of financial aid received by
13 participating students. Annually, they shall produce a summary of the
14 data.

15 (7) The college board shall:

16 (a) Begin developing the program no later than August 1, 2007,
17 with student enrollment to begin no later than January 14, 2008; and

18 (b) Submit a progress report to the legislature by December 1,
19 2008.

20 (8) The college board may, in implementing the opportunity grant
21 program, accept, use, and expend or dispose of contributions of
22 money, services, and property. All such moneys received by the
23 college board for the program must be deposited in an account at a
24 depository approved by the state treasurer. Only the college board or
25 a duly authorized representative thereof may authorize expenditures
26 from this account. In order to maintain an effective expenditure and
27 revenue control, the account is subject in all respects to chapter
28 43.88 RCW, but no appropriation is required to permit expenditure of
29 moneys in the account.

30 **Sec. 5.** RCW 28B.92.060 and 2012 c 229 s 558 are each amended to
31 read as follows:

32 In awarding need grants, the office shall proceed substantially
33 as follows: PROVIDED, That nothing contained herein shall be
34 construed to prevent the office, in the exercise of its sound
35 discretion, from following another procedure when the best interest
36 of the program so dictates:

37 (1) The office shall annually select the financial aid award
38 recipients from among Washington residents applying for student
39 financial aid who have been ranked according to:

1 (a) Financial need as determined by the amount of the family
2 contribution; and

3 (b) Other considerations, such as whether the student is a former
4 foster youth, or is a placebound student who has completed an
5 associate of arts or associate of science degree or its equivalent.

6 (2) The financial need of the highest ranked students shall be
7 met by grants depending upon the evaluation of financial need until
8 the total allocation has been disbursed. Funds from grants which are
9 declined, forfeited or otherwise unused shall be reawarded until
10 disbursed, except that eligible former foster youth shall be assured
11 receipt of a grant. The office, in consultation with four-year
12 institutions of higher education, the council, and the state board
13 for community and technical colleges, shall develop award criteria
14 and methods of disbursement based on level of need, and not solely
15 rely on a first-come, first-served basis.

16 (3) A student shall be eligible to receive a state need grant for
17 up to five years, or the credit or clock hour equivalent of five
18 years, or up to one hundred twenty-five percent of the published
19 length of time of the student's program. A student may not start a
20 new associate degree program as a state need grant recipient until at
21 least five years have elapsed since earning an associate degree as a
22 need grant recipient, except that a student may earn two associate
23 degrees concurrently. Qualifications for renewal will include
24 maintaining satisfactory academic progress toward completion of an
25 eligible program as determined by the office. Should the recipient
26 terminate his or her enrollment for any reason during the academic
27 year, the unused portion of the grant shall be returned to the state
28 educational grant fund by the institution according to the
29 institution's own policy for issuing refunds, except as provided in
30 RCW 28B.92.070.

31 (4) In computing financial need, the office shall determine a
32 maximum student expense budget allowance, not to exceed an amount
33 equal to the total maximum student expense budget at the public
34 institutions plus the current average state appropriation per student
35 for operating expense in the public institutions. Any child support
36 payments received by students who are parents attending less than
37 half-time shall not be used in computing financial need.

38 (5)(a) A student who is enrolled in three to six credit-bearing
39 quarter credits, or the equivalent semester credits, may receive a

1 grant for up to one academic year before beginning a program that
2 leads to a degree or certificate.

3 (b) An eligible student enrolled on a less-than-full-time basis
4 shall receive a prorated portion of his or her state need grant for
5 any academic period in which he or she is enrolled on a less-than-
6 full-time basis, as long as funds are available.

7 (c) An institution of higher education may award a state need
8 grant to an eligible student enrolled in three to six credit-bearing
9 quarter credits, or the semester equivalent, on a provisional basis
10 if:

11 (i) The student has not previously received a state need grant
12 from that institution;

13 (ii) The student completes the required free application for
14 federal student aid (FAFSA) or if ineligible to apply for federal
15 student aid, the student completes a state financial aid application
16 as approved by the office of student financial assistance;

17 (iii) The institution has reviewed the student's financial
18 condition, and the financial condition of the student's family if the
19 student is a dependent student, and has determined that the student
20 is likely eligible for a state need grant; and

21 (iv) The student has signed a document attesting to the fact that
22 the financial information provided on the (~~free application for~~
23 ~~federal student aid~~) student's financial aid application and any
24 additional financial information provided directly to the institution
25 is accurate and complete, and that the student agrees to repay the
26 institution for the grant amount if the student submitted false or
27 incomplete information.

28 (6) As used in this section, "former foster youth" means a person
29 who is at least eighteen years of age, but not more than twenty-four
30 years of age, who was a dependent of the department of social and
31 health services at the time he or she attained the age of eighteen.

32 **Sec. 6.** RCW 28B.15.012 and 2017 c 191 s 1 are each amended to
33 read as follows:

34 Whenever used in this chapter:

35 (1) The term "institution" shall mean a public university,
36 college, or community or technical college within the state of
37 Washington.

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

1 (a) A financially independent student who has had a domicile in
2 the state of Washington for the period of one year immediately prior
3 to the time of commencement of the first day of the semester or
4 quarter for which the student has registered at any institution and
5 has in fact established a bona fide domicile in this state primarily
6 for purposes other than educational;

7 (b) A dependent student, if one or both of the student's parents
8 or legal guardians have maintained a bona fide domicile in the state
9 of Washington for at least one year immediately prior to commencement
10 of the semester or quarter for which the student has registered at
11 any institution;

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

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

25 (e) Any person who has either:

26 (i) Completed the full senior year of high school and obtained a
27 high school diploma, both at a Washington public high school or
28 private high school approved under chapter 28A.195 RCW, or a person
29 who has received the equivalent of a diploma; who has lived in
30 Washington for at least three years immediately prior to receiving
31 the diploma or its equivalent; who has continuously lived in the
32 state of Washington after receiving the diploma or its equivalent and
33 until such time as the individual is admitted to an institution of
34 higher education under subsection (1) of this section; and who
35 provides to the institution an affidavit indicating that the
36 individual will file an application to become a permanent resident at
37 the earliest opportunity the individual is eligible to do so and a
38 willingness to engage in any other activities necessary to acquire
39 citizenship, including but not limited to citizenship or civics
40 review courses; or

1 (ii) Been granted deferred action for childhood arrival status
2 before, on, or after the effective date of this section, regardless
3 of whether the person is no longer or will no longer be granted
4 deferred action for childhood arrival status due to the termination,
5 suspension, or modification of the deferred action for childhood
6 arrival program, and who has met the domicile requirements in this
7 section and RCW 28B.15.013;

8 (f) Any person who has lived in Washington, primarily for
9 purposes other than educational, for at least one year immediately
10 before the date on which the person has enrolled in an institution,
11 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.
12 1101 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful
13 nonimmigrant status as the spouse or child of a person having
14 nonimmigrant status under one of those subsections, or who, holding
15 or having previously held such lawful nonimmigrant status as a
16 principal or derivative, has filed an application for adjustment of
17 status pursuant to 8 U.S.C. Sec. 1255(a);

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

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

24 (i) A student who is the spouse or a dependent of a person who is
25 on active military duty or a member of the national guard who entered
26 service as a Washington resident and who has maintained Washington as
27 his or her domicile but is not stationed in the state. If the person
28 on active military duty is reassigned out-of-state, the student
29 maintains the status as a resident student so long as the student is
30 continuously enrolled in a degree program;

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

36 (k) A student who resides in the state of Washington and is the
37 spouse or a dependent of a person who is a member of the Washington
38 national guard;

39 (l) A student who has separated from the uniformed services with
40 any period of honorable service after at least ninety days of active

1 duty service; is eligible for benefits under the federal all-
2 volunteer force educational assistance program (38 U.S.C. Sec. 3001
3 et seq.), the federal post-9/11 veterans educational assistance act
4 of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law
5 authorizing educational assistance benefits for veterans; and enters
6 an institution of higher education in Washington within three years
7 of the date of separation;

8 (m) A student who is entitled to veterans administration
9 educational assistance benefits based on the student's relationship
10 as a spouse, former spouse, or child to an individual who has
11 separated from the uniformed services with any period of honorable
12 service after at least ninety days of active duty service, and who
13 enters an institution of higher education in Washington within three
14 years of the service member's date of separation;

15 (n) A student who is entitled to veterans administration
16 educational assistance benefits based on the student's relationship
17 with a deceased member of the uniformed services who died in the line
18 of duty;

19 (o) A student of an out-of-state institution of higher education
20 who is attending a Washington state institution of higher education
21 pursuant to a home tuition agreement as described in RCW 28B.15.725;

22 (p) A student who meets the requirements of RCW 28B.15.0131 or
23 28B.15.0139: PROVIDED, That a nonresident student enrolled for more
24 than six hours per semester or quarter shall be considered as
25 attending for primarily educational purposes, and for tuition and fee
26 paying purposes only such period of enrollment shall not be counted
27 toward the establishment of a bona fide domicile of one year in this
28 state unless such student proves that the student has in fact
29 established a bona fide domicile in this state primarily for purposes
30 other than educational;

31 (q) A student who resides in Washington and is on active military
32 duty stationed in the Oregon counties of Columbia, Gilliam, Hood
33 River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
34 Union, Wallowa, Wasco, or Washington; or

35 (r) A student who resides in Washington and is the spouse or a
36 dependent of a person who resides in Washington and is on active
37 military duty stationed in the Oregon counties of Columbia, Gilliam,
38 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
39 Union, Wallowa, Wasco, or Washington. If the person on active
40 military duty moves from Washington or is reassigned out of the

1 Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop,
2 Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or
3 Washington, the student maintains the status as a resident student so
4 long as the student resides in Washington and is continuously
5 enrolled in a degree program.

6 (3)(a) A student who qualifies under subsection (2)(j), (l), (m),
7 or (n) of this section and who remains continuously enrolled at an
8 institution of higher education shall retain resident student status.

9 (b) Nothing in subsection (2)(j), (l), (m), or (n) of this
10 section applies to students who have a dishonorable discharge from
11 the uniformed services, or to students who are the spouse or child of
12 an individual who has had a dishonorable discharge from the uniformed
13 services, unless the student is receiving veterans administration
14 educational assistance benefits.

15 (4) The term "nonresident student" shall mean any student who
16 does not qualify as a "resident student" under the provisions of this
17 section and RCW 28B.15.013. Except for students qualifying under
18 subsection (2)(e) or (o) of this section, a nonresident student shall
19 include:

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

27 (b) A person who is not a citizen of the United States of America
28 (~~(who does not have permanent or temporary resident status or does~~
29 ~~not hold "Refugee Parolee" or "Conditional Entrant" status with the~~
30 ~~United States citizenship immigration services or is not otherwise~~
31 ~~permanently residing in the United States under color of law and who~~
32 ~~does not also meet and comply with all the applicable requirements in~~
33 ~~this section and RCW 28B.15.013.)), unless the person meets and
34 complies with all applicable requirements in this section and RCW
35 28B.15.013 and is one of the following:~~

36 (i) A lawful permanent resident;

37 (ii) A temporary resident;

38 (iii) A person who holds "refugee-parolee," "conditional
39 entrant," or U or T nonimmigrant status with the United States
40 citizenship and immigration services;

1 (iv) A person who has been issued an employment authorization
2 document by the United States citizenship and immigration services
3 that is valid as of the date the person's residency status is
4 determined; or

5 (v) A person who is otherwise permanently residing in the United
6 States under color of law, including deferred action status.

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

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

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

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

25 (b) The Washington national guard; or

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

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

36 (9) The term "uniformed services" is defined by Title 10 U.S.C.;
37 subsequently structured and organized by Titles 14, 33, and 42
38 U.S.C.; consisting of the United States army, United States marine
39 corps, United States navy, United States air force, United States
40 coast guard, United States public health service commissioned corps,

1 and the national oceanic and atmospheric administration commissioned
2 officer corps.

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