
SENATE BILL 5713

State of Washington

66th Legislature

2019 Regular Session

By Senators Randall, O'Ban, Zeiger, McCoy, Conway, Fortunato, Nguyen, Rolfes, and Wilson, C.; by request of Department of Veterans Affairs

Read first time 01/29/19. Referred to Committee on Higher Education & Workforce Development.

1 AN ACT Relating to resident student status as applied to
2 veterans; 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 2018 c 204 s 3 are each amended to
5 read as follows:

6 Whenever used in this chapter:

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

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

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

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

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

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

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

29 (f) Any person who has lived in Washington, primarily for
30 purposes other than educational, for at least one year immediately
31 before the date on which the person has enrolled in an institution,
32 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.

33 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant
34 status as the spouse or child of a person having nonimmigrant status
35 under one of those subsections, or who, holding or having previously
36 held such lawful nonimmigrant status as a principal or derivative,
37 has filed an application for adjustment of status pursuant to 8
38 U.S.C. Sec. 1255(a);

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

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

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

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

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

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

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

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

1 (o) A student who is entitled to federal vocational
2 rehabilitation and employment services for veterans with service-
3 connected disabilities under 38 U.S.C. Sec. 3102(a);

4 (p) A student who is defined as a covered individual in 38 U.S.C.
5 Sec. 3679(c)(2) as it existed on the effective date of this section,
6 or such subsequent date as the student achievement council may
7 determine by rule;

8 (q) A student of an out-of-state institution of higher education
9 who is attending a Washington state institution of higher education
10 pursuant to a home tuition agreement as described in RCW 28B.15.725;

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

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

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

35 (3) (a) A student who qualifies under subsection (2) (j), (l), (m),
36 ~~((e))~~ (n), (o), or (p) of this section and who remains continuously
37 enrolled at an institution of higher education shall retain resident
38 student status.

39 (b) Nothing in subsection (2) (j), (l), (m), ~~((e))~~ (n), (o), or
40 (p) of this section applies to students who have a dishonorable

1 discharge from the uniformed services, or to students who are the
2 spouse or child of an individual who has had a dishonorable discharge
3 from the uniformed services, unless the student is receiving veterans
4 administration educational assistance benefits.

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

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

17 (b) A person who is not a citizen of the United States of
18 America, unless the person meets and complies with all applicable
19 requirements in this section and RCW 28B.15.013 and is one of the
20 following:

21 (i) A lawful permanent resident;

22 (ii) A temporary resident;

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

26 (iv) A person who has been issued an employment authorization
27 document by the United States citizenship and immigration services
28 that is valid as of the date the person's residency status is
29 determined;

30 (v) A person who has been granted deferred action for childhood
31 arrival status before, on, or after June 7, 2018, regardless of
32 whether the person is no longer or will no longer be granted deferred
33 action for childhood arrival status due to the termination,
34 suspension, or modification of the deferred action for childhood
35 arrival program; or

36 (vi) A person who is otherwise permanently residing in the United
37 States under color of law, including deferred action status.

38 (5) The term "domicile" shall denote a person's true, fixed and
39 permanent home and place of habitation. It is the place where the
40 student intends to remain, and to which the student expects to return

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

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

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

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

16 (b) The Washington national guard; or

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

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

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

--- END ---