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**SENATE BILL 5205**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Conway and Nobles

AN ACT Relating to Washington college grant award amounts; amending RCW 28B.92.030; and adding new sections to chapter 28B.92 RCW.

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

**Sec.**  RCW 28B.92.030 and 2022 c 166 s 1 are each amended to read as follows:

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

(1) "Council" means the student achievement council.

(2) "Financial aid" means either loans, grants, or both, to students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

(3) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

(4) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of ((~~twenty~~)) 20 consecutive years within the state of Washington, and has an annual enrollment of at least ((~~seven hundred~~)) 700 full-time equivalent students;

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

(iv) An approved apprenticeship program under chapter 49.04 RCW.

(5) "Maximum Washington college grant":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016 that have signed the affidavit as provided for under section 2 of this act and are not subject to a prefinding settlement or a final court order under section 3 of this act, is tuition and estimated fees for ((~~fifteen~~)) 15 quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(b) For students attending private four-year not-for-profit institutions of higher education in Washington that have signed the affidavit as provided for under section 2 of this act and are not subject to a prefinding settlement or a final court order under section 3 of this act, ((~~in the 2019-20 academic year, is nine thousand seven hundred thirty-nine dollars and may~~)) is $9,739 and must increase each year ((~~afterwards~~)) beginning in the 2025-26 academic year by no more than the tuition growth factor.

(c) For students attending two-year private not-for-profit institutions of higher education in Washington that have signed the affidavit as provided for under section 2 of this act and are not subject to a prefinding settlement or a final court order under section 3 of this act, ((~~in the 2019-20 academic year, is three thousand six hundred ninety-four dollars and may~~)) is $3,694 and must increase each year ((~~afterwards~~)) beginning in the 2025-26 academic year by no more than the tuition growth factor.

(d) For students attending four-year private for-profit institutions of higher education in Washington that have signed the affidavit as provided for under section 2 of this act and are not subject to a prefinding settlement or a final court order under section 3 of this act, ((~~in the 2019-20 academic year, is eight thousand five hundred seventeen dollars and may~~)) is $8,517 and must increase each year ((~~afterwards~~)) beginning in the 2025-26 academic year by no more than the tuition growth factor.

(e) For students attending two-year private for-profit institutions of higher education in Washington that have signed the affidavit as provided for under section 2 of this act and are not subject to a prefinding settlement or a final court order under section 3 of this act, ((~~in the 2019-20 academic year, is two thousand eight hundred twenty-three dollars and may~~)) is $2,823 and must increase each year ((~~afterwards~~)) beginning in the 2025-26 academic year by no more than the tuition growth factor.

(f) For students attending Western Governors University-Washington, as established in RCW 28B.77.240, ((~~in the 2019-20 academic year, is five thousand six hundred nineteen dollars and may~~)) upon signing the affidavit as provided for under section 2 of this act and subject to section 3 of this act, is $5,619 and must increase each year ((~~afterwards~~)) beginning in the 2025-26 academic year by no more than the tuition growth factor.

(g) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016 that do not sign the affidavit as provided for under section 2 of this act or are subject to a prefinding settlement or a final court order under section 3 of this act, is the equivalent of academic year 2024-25 tuition and estimated fees for 15 quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(h) For students attending private four-year not-for-profit institutions of higher education in Washington that do not sign the affidavit as provided for under section 2 of this act or are subject to a prefinding settlement or a final court order under section 3 of this act, is $9,739.

(i) For students attending two-year private not-for-profit institutions of higher education in Washington that do not sign the affidavit as provided for under section 2 of this act or are subject to a prefinding settlement or a final court order under section 3 of this act, is $3,694.

(j) For students attending four-year private for-profit institutions of higher education in Washington that do not sign the affidavit as provided for under section 2 of this act or are subject to a prefinding settlement or a final court order under section 3 of this act, is $8,517.

(k) For students attending two-year private for-profit institutions of higher education in Washington that do not sign the affidavit as provided for under section 2 of this act or are subject to a prefinding settlement or a final court order under section 3 of this act, is $2,823.

(l) For students attending Western Governors University-Washington, as established in RCW 28B.77.240, and Western Governors University-Washington does not sign the affidavit as provided for under section 2 of this act or is subject to a prefinding settlement or a final court order under section 3 of this act, is $5,619.

(m) For students attending approved apprenticeship programs, beginning in the 2022-23 academic year, is the same amount as the maximum Washington college grant for students attending two-year institutions of higher education as defined in (a) of this subsection to be used for tuition and fees, program supplies and equipment, and other costs that facilitate educational endeavors.

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

(7) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.92 RCW to read as follows:

(1) In administering the Washington college grant program, the office shall adopt rules to allow for each institution of higher education to annually sign an affidavit that the institution has adopted policies in compliance with this section. The maximum Washington college grant award must be adjusted as provided for in RCW 28B.92.030 for institutions of higher education that sign an affidavit attesting to the following nondiscrimination policies:

(a) The institution prohibits discrimination on the basis of race, creed, color, national origin, citizenship or immigration status, sex, veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability;

(b) The institution operates its education program or activity in a manner free of discrimination. No student may be excluded from participation in an education program or activity, denied the benefits of an education program or activity, or subjected to discrimination on the basis of that student's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide qualification of the education program; and

(c) The institution, acting in its capacity as an employer, must not:

(i) Refuse to hire, promote, or confer tenure to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon a bona fide occupational qualification. However, the prohibition against discrimination because of a disability in this subsection does not apply if the particular disability prevents the proper performance of the particular work involved. This subsection may not be construed to require an employer to establish employment goals or quotas based on sexual orientation;

(ii) Discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability;

(iii) Discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. However, this section does not prohibit an employer from segregating washrooms or locker facilities on the basis of sex, or basing other terms and conditions of employment on the sex of employees where the Washington state human rights commission, created under chapter 49.60 RCW, has by regulation or ruling in a particular instance found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; or

(iv) Print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification. However, nothing in this subsection prohibits advertising in a foreign language.

(2) Participation in theology academic programs and campus ministry departments, including the employment, promotion, or granting of tenure of faculty members for courses of study in theology, is exempt from the requirements under this section.

(3) Institutions of higher education that take no action regarding the signing of the affidavit shall receive the maximum Washington college grant as provided for under RCW 28B.92.030.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.92 RCW to read as follows:

(1) Any institution of higher education subject to a prefinding settlement or a final court order for discriminatory employment practices in violation of chapter 49.60 RCW are not eligible for adjustments to the maximum Washington college grant award as provided for in RCW 28B.92.030(5) unless:

(a) The institution of higher education has fulfilled the conditions or obligations associated with any court order or settlement resulting from the violation; or

(b) The institution of higher education has taken significant and meaningful steps to correct the violation, as determined by the Washington state human rights commission in matters in which the commission is a party.

(2) An institution of higher education involved in a court proceeding brought by the attorney general under RCW 49.60.350 may continue to receive the tuition growth factor provided in RCW 28B.92.030 until a final order adjudicates the matter.

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