

1 1748.E AMS ROAC S3261.1

2 **EHB 1748** - S AMD TO HIE COMM AMD (S-2908.1/93)
3 By Senator Roach

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5 On page 1, line 20 of the amendment, after "28B.10.802." insert "A
6 resident student as defined in RCW 28B.15.012(2)(e) is not an eligible
7 student for purposes of this section."

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11 On page 3, after line 30 of the amendment, insert the following:

12 "**Sec. 2.** RCW 28B.10.800 and 1969 ex.s. c 222 s 7 are each amended
13 to read as follows:

14 The sole purpose of RCW 28B.10.800 through 28B.10.824 is to
15 establish a state of Washington student financial aid program, thus
16 assisting financially needy or disadvantaged students domiciled in
17 Washington to obtain the opportunity of attending an accredited
18 institution of higher education, as defined in RCW 28B.10.802(1).
19 Financial aid under RCW 28B.10.800 through 28B.10.824 is available only
20 to students who are resident students as defined in RCW 28B.15.012(2)
21 (a) through (d).

22 **Sec. 3.** RCW 28B.12.060 and 1987 c 330 s 202 are each amended to
23 read as follows:

24 The higher education coordinating board shall adopt rules and
25 regulations as may be necessary or appropriate for effecting the
26 provisions of this chapter, and not in conflict with this chapter, in
27 accordance with the provisions of chapter 34.05 RCW, the state higher
28 education administrative procedure act. Such rules and regulations
29 shall include provisions designed to make employment under such work-
30 study program reasonably available, to the extent of available funds,
31 to all eligible students in eligible post-secondary institutions in
32 need thereof. Such rules and regulations shall include:

1 (1) Providing work under the college work-study program which will
2 not result in the displacement of employed workers or impair existing
3 contracts for services.

4 (2) Furnishing work only to a student who:

5 (a) Is capable, in the opinion of the eligible institution, of
6 maintaining good standing in such course of study while employed under
7 the program covered by the agreement; and

8 (b) Has been accepted for enrollment as at least a half-time
9 student at the eligible institution or, in the case of a student
10 already enrolled in and attending the eligible institution, is in good
11 standing and in at least half-time attendance there either as an
12 undergraduate, graduate or professional student; and

13 (c) Is not pursuing a degree in theology.

14 (3) Placing priority on the securing of work opportunities for
15 students who are residents of the state of Washington as defined in RCW
16 28B.15.011 through 28B.15.014 except resident students defined in RCW
17 28B.15.012(2)(e).

18 (4) Provisions to assure that in the state institutions of higher
19 education utilization of this student work-study program:

20 (a) Shall only supplement and not supplant classified positions
21 under jurisdiction of chapter 28B.16 RCW;

22 (b) That all positions established which are comparable shall be
23 identified to a job classification under the higher education personnel
24 board's classification plan and shall receive equal compensation;

25 (c) Shall not take place in any manner that would replace
26 classified positions reduced due to lack of funds or work; and

27 (d) That work study positions shall only be established at entry
28 level positions of the classified service.

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

31 Whenever used in chapter 28B.15 RCW:

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

34 (2) The term "resident student" shall mean: (a) A financially
35 independent student who has had a domicile in the state of Washington
36 for the period of one year immediately prior to the time of
37 commencement of the first day of the semester or quarter for which the
38 student has registered at any institution and has in fact established

1 a bona fide domicile in this state primarily for purposes other than
2 educational; (b) a dependent student, if one or both of the student's
3 parents or legal guardians have maintained a bona fide domicile in the
4 state of Washington for at least one year immediately prior to
5 commencement of the semester or quarter for which the student has
6 registered at any institution; (c) a student classified as a resident
7 based upon domicile by an institution on or before May 31, 1982, who
8 was enrolled at a state institution during any term of the 1982-1983
9 academic year, so long as such student's enrollment (excepting summer
10 sessions) at an institution in this state is continuous; ~~((or))~~ (d) any
11 student who has spent at least seventy-five percent of both his or her
12 junior and senior years in high schools in this state, whose parents or
13 legal guardians have been domiciled in the state for a period of at
14 least one year within the five-year period before the student graduates
15 from high school, and who enrolls in a public institution of higher
16 education within six months of leaving high school, for as long as the
17 student remains continuously enrolled for three quarters or two
18 semesters in any calendar year; or (e) a student who is, or is the
19 spouse or a dependent of a person who is, on active military duty
20 stationed in the state: PROVIDED, That a nonresident student enrolled
21 for more than six hours per semester or quarter shall be considered as
22 attending for primarily educational purposes, and for tuition and fee
23 paying purposes only such period of enrollment shall not be counted
24 toward the establishment of a bona fide domicile of one year in this
25 state unless such student proves that the student has in fact
26 established a bona fide domicile in this state primarily for purposes
27 other than educational.

28 (3) The term "nonresident student" shall mean any student who does
29 not qualify as a "resident student" under the provisions of RCW
30 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter
31 amended. A nonresident student shall include:

32 (a) A student attending an institution with the aid of financial
33 assistance provided by another state or governmental unit or agency
34 thereof, such nonresidency continuing for one year after the completion
35 of such semester or quarter.

36 (b) A person who is not a citizen of the United States of America
37 who does not have permanent or temporary resident status or does not
38 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
39 States immigration and naturalization service or is not otherwise

1 permanently residing in the United States under color of law and who
2 does not also meet and comply with all the applicable requirements in
3 RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or
4 hereafter amended.

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

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

20 **Sec. 5.** RCW 28B.15.014 and 1992 c 231 s 3 are each amended to read
21 as follows:

22 Subject to the limitations of RCW 28B.15.910, the governing boards
23 of the state universities, the regional universities, The Evergreen
24 State College, and the community colleges may exempt the following
25 nonresidents from paying all or a portion of the nonresident tuition
26 fees differential:

27 (1) Any person who resides in the state of Washington and who holds
28 a graduate service appointment designated as such by a public
29 institution of higher education or is employed for an academic
30 department in support of the instructional or research programs
31 involving not less than twenty hours per week during the term such
32 person shall hold such appointment.

33 (2) Any faculty member, classified staff member or administratively
34 exempt employee holding not less than a half time appointment at an
35 institution who resides in the state of Washington, and the dependent
36 children and spouse of such persons.

37 (3) ~~((Active duty military personnel stationed in the state of
38 Washington and the spouses and dependents of such military personnel.~~

1 ~~(4))~~) Any immigrant refugee and the spouse and dependent children
2 of such refugee, if the refugee (a) is on parole status, or (b) has
3 received an immigrant visa, or (c) has applied for United States
4 citizenship.

5 ~~((+5))~~) (4) Domestic exchange students participating in the program
6 created under RCW 28B.15.725.

7 ~~((+6))~~) (5) Any dependent of a member of the United States congress
8 representing the state of Washington.

9 Before June 30, 1995, no individual waiver program under this
10 section may be reduced by more than twice the percentage reduction
11 required in operating fee foregone revenue from tuition waivers in the
12 biennial state appropriations act.

13 **Sec. 6.** RCW 28B.101.040 and 1990 c 288 s 6 are each amended to
14 read as follows:

15 Grants may be used by eligible participants to attend any public or
16 private college or university in the state of Washington that has an
17 existing unused capacity. Grants shall not be used to attend any
18 branch campus or educational program established under chapter 28B.45
19 RCW. The participant shall not be eligible for a grant if it will be
20 used for any programs that include religious worship, exercise, or
21 instruction or to pursue a degree in theology. Each participating
22 student may receive up to two thousand five hundred dollars per
23 academic year, not to exceed the student's demonstrated financial need
24 for the course of study. Resident students as defined in RCW
25 28B.15.012(2)(e) are not eligible for grants under this chapter.

26 **Sec. 7.** RCW 28B.102.020 and 1987 c 437 s 2 are each amended to
27 read as follows:

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

30 (1) "Conditional scholarship" means a loan that is forgiven in
31 whole or in part if the recipient renders service as a teacher in the
32 public schools of this state.

33 (2) "Institution of higher education" or "institution" means a
34 college or university in the state of Washington which is accredited by
35 an accrediting association recognized as such by rule of the higher
36 education coordinating board.

37 (3) "Board" means the higher education coordinating board.

1 (4) "Eligible student" means a student who is registered for at
2 least ten credit hours or the equivalent, demonstrates achievement of
3 at least a 3.30 grade point average for students entering an
4 institution of higher education directly from high school or maintains
5 at least a 3.00 grade point average or the equivalent for each academic
6 year in an institution of higher education, is a resident student as
7 defined by RCW 28B.15.012 through 28B.15.015, and has a declared
8 intention to complete an approved preparation program leading to
9 initial teacher certification or required for earning an additional
10 endorsement, or a college or university graduate who meets the same
11 credit hour requirements and is seeking an additional teaching
12 endorsement or initial teacher certification. Resident students
13 defined in RCW 28B.15.012(2)(e) are not eligible students under this
14 chapter.

15 (5) "Public school" means an elementary school, a middle school,
16 junior high school, or high school within the public school system
17 referred to in Article IX of the state Constitution.

18 (6) "Forgiven" or "to forgive" or "forgiveness" means to render
19 service as a teacher at a public school in the state of Washington in
20 lieu of monetary repayment.

21 (7) "Satisfied" means paid-in-full.

22 (8) "Participant" means an eligible student who has received a
23 conditional scholarship under this chapter.

24 (9) "Targeted ethnic minority" means a group of Americans with a
25 common ethnic or racial heritage selected by the board for program
26 consideration due to societal concerns such as high dropout rates or
27 low rates of college participation by members of the group."

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31 On page 3, line 35 of the title amendment, after "insert" strike
32 the remainder of the title amendment and insert "amending RCW
33 28B.10.800, 28B.12.060, 28B.15.014, 28B.101.040, and 28B.102.020; and
34 reenacting and amending RCW 28B.15.012."

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