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HOUSE BILL 1533

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives H. Myers, Jacobsen, Ogden, Brumsickle, Wood and Quall

Read first time 01/29/93. Referred to Committee on Higher Education.

1 AN ACT Relating to classification as a resident student; and  
2 reenacting 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 1987 c 137 s 1 and 1987 c 96 s 1 are  
5 each reenacted and amended to read as follows:

6 Whenever used in chapter 28B.15 RCW:

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

9 (2) The term "resident student" shall mean: (a) A financially  
10 independent student who has had a domicile in the state of Washington  
11 for the period of one year immediately prior to the time of  
12 commencement of the first day of the semester or quarter for which the  
13 student has registered at any institution and has in fact established  
14 a bona fide domicile in this state primarily for purposes other than  
15 educational; (b) a dependent student, if one or both of the student's  
16 parents or legal guardians have maintained a bona fide domicile in the  
17 state of Washington for at least one year immediately prior to  
18 commencement of the semester or quarter for which the student has  
19 registered at any institution; (c) a student classified as a resident

1 based upon domicile by an institution on or before May 31, 1982, who  
2 was enrolled at a state institution during any term of the 1982-1983  
3 academic year, so long as such student's enrollment (excepting summer  
4 sessions) at an institution in this state is continuous; ((or)) (d) any  
5 student who has spent at least seventy-five percent of both his or her  
6 junior and senior years in high schools in this state, whose parents or  
7 legal guardians have been domiciled in the state for a period of at  
8 least one year within the five-year period before the student graduates  
9 from high school, and who enrolls in a public institution of higher  
10 education within six months of leaving high school, for as long as the  
11 student remains continuously enrolled for three quarters or two  
12 semesters in any calendar year; or (e) an individual who has had a  
13 domicile in the state of Washington for at least one year, and who  
14 relocates to continue employment with a Washington employer but within  
15 one year of relocating returns to the state of Washington because the  
16 employment relationship ends through no fault of the employee:  
17 PROVIDED, That a nonresident student enrolled for more than six hours  
18 per semester or quarter shall be considered as attending for primarily  
19 educational purposes, and for tuition and fee paying purposes only such  
20 period of enrollment shall not be counted toward the establishment of  
21 a bona fide domicile of one year in this state unless such student  
22 proves that the student has in fact established a bona fide domicile in  
23 this state primarily for purposes other than educational.

24 (3) The term "nonresident student" shall mean any student who does  
25 not qualify as a "resident student" under the provisions of RCW  
26 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter  
27 amended. A nonresident student shall include:

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

32 (b) A person who is not a citizen of the United States of America  
33 who does not have permanent or temporary resident status or does not  
34 hold "Refugee-Parolee" or "Conditional Entrant" status with the United  
35 States immigration and naturalization service or is not otherwise  
36 permanently residing in the United States under color of law and who  
37 does not also meet and comply with all the applicable requirements in  
38 RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or  
39 hereafter amended.

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

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

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