
HOUSE BILL 2373

State of Washington

55th Legislature

1998 Regular Session

By Representatives Carlson, Kenney, O'Brien, Anderson and Mason

Prefiled 1/9/98. Read first time 01/12/98. Referred to Committee on Higher Education.

1 AN ACT Relating to a pilot project on resident tuition rates and
2 financial aid portability for students residing in certain border
3 counties; amending RCW 28B.15.012, 28B.10.790, 28B.10.802, and
4 28B.12.030; adding new sections to chapter 28B.80 RCW; adding a new
5 section to chapter 28B.15 RCW; providing a contingent effective date;
6 and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.80 RCW
9 to read as follows:

10 (1) The legislature finds that:

11 (a) During the next fifteen to twenty years, Washington's colleges
12 and universities will face significant capacity and fiscal pressures as
13 they attempt to meet the enrollment demands of students from the baby
14 boom echo generation and from workers seeking retraining;

15 (b) One of the ways to help alleviate some of the pressure caused
16 by enrollment demands may be by permitting students to study and use
17 their financial aid awards in colleges, universities, and private
18 career schools located in other states;

1 (c) Some of Washington's college students living in border
2 communities would benefit from an opportunity to study in specialized
3 programs or institutions of higher education located in other states;
4 and

5 (d) The state could benefit by creating pilot projects that study
6 creative, cost-effective ways to meet the postsecondary education needs
7 of Washington's students.

8 (2) Therefore, the legislature intends to work with the Idaho
9 legislature to create a pilot project that permits residents of
10 Kootenai and Bonner counties, Idaho, and Spokane county, Washington, to
11 pay resident tuition rates at public colleges and universities located
12 in any of the three counties. In addition, the legislature intends to
13 permit needy residents of Spokane county to use their financial aid
14 awards to study in accredited public and independent institutions of
15 higher education and private career schools and colleges located in
16 Kootenai and Bonner counties, Idaho.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.80 RCW
18 to read as follows:

19 The border county higher education opportunity pilot project is
20 created. The pilot project has two purposes. The first purpose is to
21 permit certain residents of Spokane county, Washington, and Kootenai
22 and Bonner counties, Idaho, to pay resident tuition rates when they
23 attend a public college or university in any of the three counties.
24 The second purpose is to permit needy resident students domiciled in
25 those counties to use their state-funded financial aid awards when they
26 attend an accredited public or independent institution of higher
27 education or a private career school or college in any of the three
28 counties.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.80 RCW
30 to read as follows:

31 (1) The higher education coordinating board shall administer
32 Washington's participation in the border county higher education
33 opportunity pilot project.

34 (2) The board shall permit eligible needy Washington residents
35 domiciled in Spokane county for at least one year before enrollment to
36 use their state need grant awards when the students are enrolled in
37 eligible career schools and colleges located in Kootenai and Bonner

1 counties, Idaho, and their state need grant and work study awards when
2 the students are enrolled in eligible public or independent
3 institutions of higher education located in Kootenai and Bonner
4 counties, Idaho. The board may adopt rules to establish eligibility
5 criteria for student and institutional participation in the pilot
6 project.

7 (3) By November 30, 2001, the board shall report to the governor
8 and appropriate committees of the legislature on the results of the
9 pilot project and on tuition reciprocity programs. The report shall
10 include a recommendation on the extent to which tuition reciprocity and
11 financial aid portability programs should be revised or expanded.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.15 RCW
13 to read as follows:

14 For the purposes of determining resident tuition rates, "resident
15 student" includes:

16 (1) A resident of Idaho, residing in Kootenai or Bonner county, who
17 meets the following conditions:

18 (a) The student is eligible to pay resident tuition rates under
19 Idaho laws and has been domiciled in Kootenai or Bonner county for at
20 least ninety consecutive days immediately before enrollment at an
21 institution of higher education as defined in RCW 28B.10.016; and

22 (b) The student is enrolled either in a public institution of
23 higher education located in Spokane county, Washington, or in a program
24 offered in Spokane county, Washington, by a public institution of
25 higher education as defined in RCW 28B.10.016; or

26 (2) A resident of Washington, residing in Spokane county, who meets
27 the conditions of RCW 28B.15.013 and the following additional
28 conditions:

29 (a) If the student is financially independent, the student shall
30 have had a domicile in Spokane county, Washington for at least ninety
31 days immediately before the beginning of the first day of the academic
32 term for which the student is registered, and shall have established a
33 bona fide domicile in this state primarily for purposes other than
34 educational;

35 (b) If the student is a dependent, one or both of the student's
36 parents or legal guardians has maintained a bona fide domicile in
37 Spokane county, Washington for at least ninety days immediately before

1 the beginning of the first day of the academic term for which the
2 student is registered;

3 (c) The student is enrolled either at an institution of higher
4 education in Spokane county, Washington or in a program offered in
5 Spokane county by an institution of higher education as defined in RCW
6 28B.10.016;

7 (d) The student does not qualify as a nonresident student under the
8 provisions of RCW 28B.15.012(3).

9 **Sec. 5.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read
10 as follows:

11 Whenever used in chapter 28B.15 RCW:

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

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

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

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

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

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

1 (e) A student who is the spouse or a dependent of a person who is
2 on active military duty stationed in the state;

3 (f) A student of an out-of-state institution of higher education
4 who is attending a Washington state institution of higher education
5 pursuant to a home tuition agreement as described in RCW 28B.15.725; or

6 (g) A student who meets the requirements of RCW 28B.15.0131 or
7 section 4 of this act: PROVIDED, That a nonresident student enrolled
8 for more than six hours per semester or quarter shall be considered as
9 attending for primarily educational purposes, and for tuition and fee
10 paying purposes only such period of enrollment shall not be counted
11 toward the establishment of a bona fide domicile of one year in this
12 state unless such student proves that the student has in fact
13 established a bona fide domicile in this state primarily for purposes
14 other than educational.

15 (3) The term "nonresident student" shall mean any student who does
16 not qualify as a "resident student" under the provisions of RCW
17 28B.15.012 and 28B.15.013. Except for students qualifying under
18 subsection (2)(f) of this section, a nonresident student shall include:

19 (a) A student attending an institution with the aid of financial
20 assistance provided by another state or governmental unit or agency
21 thereof, such nonresidency continuing for one year after the completion
22 of such semester or quarter. This condition shall not apply to
23 students from Kootenai and Bonner counties, Idaho participating in the
24 border county pilot project under sections 1 through 4 of this act.

25 (b) A person who is not a citizen of the United States of America
26 who does not have permanent or temporary resident status or does not
27 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
28 States immigration and naturalization service or is not otherwise
29 permanently residing in the United States under color of law and who
30 does not also meet and comply with all the applicable requirements in
31 RCW 28B.15.012 and 28B.15.013.

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

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

9 **Sec. 6.** RCW 28B.10.790 and 1985 c 370 s 54 are each amended to
10 read as follows:

11 (1) Washington residents attending any nonprofit college or
12 university in another state which has a reciprocity agreement with the
13 state of Washington shall be eligible for the student financial aid
14 program outlined in RCW 28B.10.800 through 28B.10.824 if (1) they
15 qualify as a "needy student" under RCW 28B.10.802(3), and (2) the
16 institution attended is a member institution of an accrediting
17 association recognized by rule of the higher education coordinating
18 board for the purposes of this section and is specifically encompassed
19 within or directly affected by such reciprocity agreement and agrees to
20 and complies with program rules and regulations pertaining to such
21 students and institutions adopted pursuant to RCW 28B.10.822.

22 (2) Students participating in the pilot project under sections 2
23 through 4 of this act are eligible for the student financial aid
24 programs outlined in RCW 28B.10.800 through 28B.10.824 and chapter
25 28B.12 RCW only if the students:

26 (a) Would qualify as resident students under RCW 28B.15.012(2) (a)
27 through (e) if they were enrolled in an institution of higher education
28 as defined in RCW 28B.10.016;

29 (b) Have been domiciled in Spokane county, Washington for a minimum
30 of one year immediately before enrolling in an eligible institution of
31 higher education located in Kootenai or Bonner county, Idaho;

32 (c) Would qualify as needy students under RCW 28B.10.802(3); and

33 (d) Are enrolled at an eligible institution of higher education, as
34 defined by the board under section 3 of this act, that is located in
35 Kootenai or Bonner county, Idaho.

36 **Sec. 7.** RCW 28B.10.802 and 1989 c 254 s 2 are each amended to read
37 as follows:

1 As used in RCW 28B.10.800 through 28B.10.824:

2 (1) "Institutions of higher education" shall mean (~~((1))~~) (a) any
3 public university, college, community college, or vocational-technical
4 institute operated by the state of Washington or any political
5 subdivision thereof (~~(or (2))~~); (b) until June 30, 2002, and for the
6 sole purpose of sections 2 through 4 of this act, any institution of
7 higher education or private career school or college located in
8 Kootenai or Bonner county, Idaho, that meets the eligibility
9 requirements established by the board under section 3 of this act; or
10 (c) any other university, college, school, or institute in the state of
11 Washington offering instruction beyond the high school level which is
12 a member institution of an accrediting association recognized by rule
13 of the board for the purposes of this section: PROVIDED, That any
14 institution, branch, extension or facility operating within the state
15 of Washington which is affiliated with an institution operating in
16 another state must be a separately accredited member institution of any
17 such accrediting association: PROVIDED FURTHER, That no institution of
18 higher education shall be eligible to participate in a student
19 financial aid program unless it agrees to and complies with program
20 rules and regulations adopted pursuant to RCW 28B.10.822.

21 (2) The term "financial aid" shall mean loans and/or grants to
22 needy students enrolled or accepted for enrollment as a student at
23 institutions of higher education.

24 (3) The term "needy student" shall mean a post high school student
25 of an institution of higher learning as defined in subsection (1) of
26 this section who demonstrates to the board the financial inability,
27 either through the student's parents, family and/or personally, to meet
28 the total cost of board, room, books, and tuition and incidental fees
29 for any semester or quarter.

30 (4) The term "disadvantaged student" shall mean a post high school
31 student who by reason of adverse cultural, educational, environmental,
32 experiential, familial or other circumstances is unable to qualify for
33 enrollment as a full time student in an institution of higher learning,
34 who would otherwise qualify as a needy student, and who is attending an
35 institution of higher learning under an established program designed to
36 qualify the student for enrollment as a full time student.

37 (5) "Commission" or "board" shall mean the higher education
38 coordinating board.

1 **Sec. 8.** RCW 28B.12.030 and 1994 c 130 s 3 are each amended to read
2 as follows:

3 As used in this chapter, the following words and terms shall have
4 the following meanings, unless the context shall clearly indicate
5 another or different meaning or intent:

6 (1) The term "needy student" shall mean a student enrolled or
7 accepted for enrollment at a post-secondary institution who, according
8 to a system of need analysis approved by the higher education
9 coordinating board, demonstrates a financial inability, either
10 parental, familial, or personal, to bear the total cost of education
11 for any semester or quarter.

12 (2) The term "eligible institution" shall mean any post-secondary
13 institution in this state accredited by the Northwest Association of
14 Schools and Colleges or any public technical college in the state or
15 until June 30, 2002, and for the sole purpose of sections 2 through 4
16 of this act, any institution of higher education located in Kootenai or
17 Bonner county, Idaho, that meets the eligibility requirements
18 established by the board under section 3 of this act.

19 NEW SECTION. **Sec. 9.** This act takes effect at the beginning of
20 the academic term following the enactment of legislation or the
21 adoption of rules in Idaho that permits Washington residents to pay
22 resident tuition rates at public institutions of higher education
23 located in Kootenai and Bonner counties, Idaho, if the Washington
24 residents have been domiciled in Spokane county for at least ninety
25 consecutive days immediately before the first day of enrollment in
26 public institutions of higher education located in Kootenai or Bonner
27 county, Idaho.

28 NEW SECTION. **Sec. 10.** This act expires June 30, 2002.

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