
HOUSE BILL 2377

State of Washington

55th Legislature

1998 Regular Session

By Representatives Dunn and Carlson

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1 AN ACT Relating to the definition of resident student; and amending
2 RCW 28B.15.012 and 28B.15.014.

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

4 **Sec. 1.** RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read
5 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:

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

16 (b) A dependent student, if one or both of the student's parents or
17 legal guardians have maintained a bona fide domicile in the state of
18 Washington for at least one year immediately prior to commencement of

1 the semester or quarter for which the student has registered at any
2 institution;

3 ~~(c) ((A student classified as a resident based upon domicile by an
4 institution on or before May 31, 1982, who was enrolled at a state
5 institution during any term of the 1982-1983 academic year, so long as
6 such student's enrollment (excepting summer sessions) at an institution
7 in this state is continuous))~~ A financially independent student who has
8 established a bona fide domicile in this state primarily for purposes
9 other than educational and has purchased and is residing in a residence
10 in the state;

11 (d) A dependent student, if one or both of the student's parents or
12 legal guardians have established and are maintaining a bona fide
13 domicile in the state and have purchased and are residing in a
14 residence in the state;

15 (e) Any student who has spent at least seventy-five percent of both
16 his or her junior and senior years in high schools in this state, whose
17 parents or legal guardians have been domiciled in the state for a
18 period of at least one year within the five-year period before the
19 student graduates from high school, and who enrolls in a public
20 institution of higher education within six months of leaving high
21 school, for as long as the student remains continuously enrolled for
22 three quarters or two semesters in any calendar year;

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

25 (f) ((A student of an out of state institution of higher education
26 who is attending a Washington state institution of higher education
27 pursuant to a home tuition agreement as described in RCW 28B.15.725))
28 Active duty military personnel stationed in the state and their spouses
29 and dependents; or

30 (g) A student who meets the requirements of RCW 28B.15.0131:
31 PROVIDED, That a nonresident student enrolled for more than six hours
32 per semester or quarter shall be considered as attending for primarily
33 educational purposes, and for tuition and fee paying purposes only such
34 period of enrollment shall not be counted toward the establishment of
35 a bona fide domicile of one year in this state unless such student
36 proves that the student has in fact established a bona fide domicile in
37 this state primarily for purposes other than educational.

38 (3) The term "nonresident student" shall mean any student who does
39 not qualify as a "resident student" under the provisions of RCW

1 28B.15.012 and 28B.15.013. (~~Except for students qualifying under~~
2 ~~subsection (2)(f) of this section,~~) A nonresident student shall
3 include:

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

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

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

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

30 (6) The term "residence" shall mean a fixed abode that is further
31 defined by the higher education coordinating board.

32 **Sec. 2.** RCW 28B.15.014 and 1997 c 433 s 3 are each amended to read
33 as follows:

34 Subject to the limitations of RCW 28B.15.910, the governing boards
35 of the state universities, the regional universities, The Evergreen
36 State College, and the community colleges may exempt the following
37 nonresidents from paying all or a portion of the nonresident tuition
38 fees differential:

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

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

11 ~~(3) ((Active duty military personnel stationed in the state of
12 Washington.~~

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

17 ~~((+5))~~ (4) Any dependent of a member of the United States congress
18 representing the state of Washington.

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