
SENATE BILL 5623

State of Washington 55th Legislature 1997 Regular Session

By Senators Prince, Wood, Spanel, Fraser and Winsley

Read first time 02/04/97. Referred to Committee on Higher Education.

1 AN ACT Relating to higher education; amending RCW 28B.15.012 and
2 28B.15.725; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 provide for diverse educational opportunities at the state's
6 institutions of higher education and to facilitate student
7 participation in educational exchanges with institutions outside the
8 state of Washington. To accomplish this, this act establishes a home
9 tuition program allowing students at Washington state institutions of
10 higher education to take advantage of out-of-state and international
11 educational opportunities while paying an amount equal to their
12 regularly charged tuition and required fees.

13 **Sec. 2.** RCW 28B.15.012 and 1994 c 188 s 2 are each amended to read
14 as follows:

15 Whenever used in chapter 28B.15 RCW:

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

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

1 (a) A financially independent student who has had a domicile in the
2 state of Washington for the period of one year immediately prior to the
3 time of commencement of the first day of the semester or quarter for
4 which the student has registered at any institution and has in fact
5 established a bona fide domicile in this state primarily for purposes
6 other than educational;

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

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

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

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

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

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

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

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

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

29 **Sec. 3.** RCW 28B.15.725 and 1994 c 234 s 1 are each amended to read
30 as follows:

31 ~~((Subject to the limitations of RCW 28B.15.910,))~~ (1) The governing
32 boards of the state universities, the regional universities, and The
33 Evergreen State College may ~~((enter into undergraduate student~~
34 ~~exchange))~~ establish home tuition programs by negotiating home tuition
35 agreements with an out-of-state institution or consortium of
36 institutions of higher education ~~((of other states and agree to exempt~~
37 ~~participating undergraduate students from payment of all or a portion~~

1 of the nonresident tuition fees differential subject to the following
2 restrictions:

3 (1) In any given academic year, the number of students receiving a
4 waiver at a state institution shall not exceed the number of that
5 institution's students receiving nonresident tuition waivers at
6 participating out-of-state institutions. Waiver imbalances that may
7 occur in one year shall be off-set in the year immediately following))
8 if no loss of tuition and fee revenue occurs as a result of the
9 agreements.

10 (2) ((Undergraduate)) Home tuition agreements allow students at
11 Washington state institutions of higher education to attend an out-of-
12 state institution of higher education as part of a student exchange.
13 Students participating in a home tuition program shall pay an amount
14 equal to their regular, full-time tuition and required fees to either
15 the Washington institution of higher education or the out-of-state
16 institution of higher education depending upon the provisions of the
17 particular agreement. Payment of course fees in excess of generally
18 applicable tuition and required fees must be addressed in each home
19 tuition agreement to ensure that the instructional programs of the
20 Washington institution of higher education do not incur additional
21 uncompensated costs as a result of the exchange.

22 (3) Student participation in ((an exchange program)) a home tuition
23 agreement authorized by this section is limited to one academic year.

24 NEW SECTION. Sec. 4. If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

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