
HOUSE BILL 1390

State of Washington 56th Legislature 1999 Regular Session

By Representatives Dunn, Carlson, Esser and Radcliff

Read first time 01/22/1999. Referred to Committee on Higher Education.

1 AN ACT Relating to defining resident students for purposes of
2 community and technical colleges; 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 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) Except as provided in (h) of this subsection, a financially
11 independent student who has had a domicile in the state of Washington
12 for the period of one year immediately prior to the time of
13 commencement of the first day of the semester or quarter for which the
14 student has registered at any institution and has in fact established
15 a bona fide domicile in this state primarily for purposes other than
16 educational;

17 (b) Except as provided in (h) of this subsection, a dependent
18 student, if one or both of the student's parents or legal guardians
19 have maintained a bona fide domicile in the state of Washington for at

1 least one year immediately prior to commencement of the semester or
2 quarter for which the student has registered at any 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;

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

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

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

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

30 (h) A community or technical college student who has had a domicile
31 in the state of Washington for the period of thirty days immediately
32 prior to the time of commencement of the first day of the semester or
33 quarter for which the student has registered at any community or
34 technical college and has in fact established a bona fide domicile in
35 this state primarily for purposes other than educational.

36 (3) The term "nonresident student" shall mean any student who does
37 not qualify as a "resident student" under the provisions of RCW
38 28B.15.012 and 28B.15.013. Except for students qualifying under
39 subsection (2)(f) of this section, a nonresident student shall include:

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

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

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

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

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