
SENATE BILL 6235

State of Washington 57th Legislature

2002 Regular Session

By Senators Carlson, Kohl-Welles, Hewitt, Parlette, Sheahan, McAuliffe, Johnson, Hale, Horn, Long, Deccio, West, Winsley and Oke

Read first time 01/14/2002. Referred to Committee on Higher Education.

1 AN ACT Relating to residency for purposes of tuition at
2 institutions of higher education; amending RCW 28B.15.012; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 28B.15.012 and 2000 c 117 s 2 are each amended to read
6 as follows:

7 Whenever used in chapter 28B.15 RCW:

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

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

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

17 (b) A dependent student, if one or both of the student's parents or
18 legal guardians have maintained a bona fide domicile in the state of
19 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;

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) Any person who has completed the full senior year of high
17 school and obtained a high school diploma, both at a Washington public
18 high school or private high school approved under chapter 28A.195 RCW,
19 and who initially enrolls in an institution of higher education under
20 subsection (1) of this section within one year of receiving the
21 diploma;

22 (f) A student who is on active military duty stationed in the
23 state;

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

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

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

1 (3) The term "nonresident student" shall mean any student who does
2 not qualify as a "resident student" under the provisions of RCW
3 28B.15.012 and 28B.15.013. Except for students qualifying under
4 subsection (2)((~~g~~)) (e) or (h) of this section, a nonresident student
5 shall include:

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

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

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

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

32 NEW SECTION. **Sec. 2.** This act takes effect June 30, 2002.

--- END ---