
SENATE BILL 6367

State of Washington 57th Legislature 2002 Regular Session

By Senators Honeyford, Prentice, Johnson, Shin, Winsley and Carlson

Read first time 01/16/2002. Referred to Committee on Higher Education.

1 AN ACT Relating to residency status 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) A student who is on active military duty stationed in the
17 state;

18 (f) A student who is the spouse or a dependent of a person who is
19 on active military duty stationed in the state;

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

24 (h) A student who resided with his or her parent, guardian, or
25 conservator while attending a public or approved private high school in
26 this state, graduated from a public or approved private high school or
27 received the equivalent of a high school diploma in this state, resided
28 in this state for at least five years as of the date the student
29 graduated from high school or received the equivalent of a high school
30 diploma, registers as an entering student in an institution of higher
31 education not earlier than the 2002 fall semester, and provides to the
32 institution an affidavit stating that the individual will file an
33 application to become a permanent resident at the earliest opportunity
34 the individual is eligible to do so; or

35 (i) A student who meets the requirements of RCW 28B.15.0131:
36 PROVIDED, That a nonresident student enrolled for more than six hours
37 per semester or quarter shall be considered as attending for primarily
38 educational purposes, and for tuition and fee paying purposes only such
39 period of enrollment shall not be counted toward the establishment of

1 a bona fide domicile of one year in this state unless such student
2 proves that the student has in fact established a bona fide domicile in
3 this state primarily for purposes other than educational.

4 (3) The term "nonresident student" shall mean any student who does
5 not qualify as a "resident student" under the provisions of RCW
6 28B.15.012 and 28B.15.013. Except for students qualifying under
7 subsection (2)(g) or (h) of this section, a nonresident student shall
8 include:

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

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

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

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

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

--- END ---