

# HOUSE BILL REPORT

## ESSB 5355

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As of Second Reading

**Title:** An act relating to modifying the definition of resident student to comply with federal requirements established by the veterans access, choice, and accountability act of 2014.

**Brief Description:** Modifying the definition of resident student to comply with federal requirements established by the veterans access, choice, and accountability act of 2014.

**Sponsors:** Senate Committee on Higher Education (originally sponsored by Senators Bailey, Kohl-Welles, Roach, Conway, Braun, Baumgartner, Rolfes, O'Ban, McAuliffe and Chase; by request of Governor Inslee).

**Brief History:**

**Committee Activity:**

Higher Education: 3/18/15, 3/31/15 [DPA].

**Brief Summary of Engrossed Substitute Bill**

- Modifies the definition of resident student for veterans of the uniformed services, including spouses and dependents, receiving veterans administration educational assistance benefits to comply with the Veterans Access, Choice, and Accountability Act of 2014.
- Adds a definition for "active duty service" and "uniformed services."
- Adds an emergency clause with an effective date of July 24, 2015.

**Staff:** Megan Mulvihill (786-7304).

**Background:**

Resident Student Qualifications for Veterans.

In order for a veteran to qualify as a resident student, the veteran needs to have separated from the military under honorable conditions after serving for two years, needs to have entered an institution of higher education within one year of separation, and needs to have either:

- designated Washington as his or her intended place of residence at the time of separation;
- made Washington his or her official home of record; or

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- moved to Washington and established a domicile.

The spouse or dependent of a veteran who separated from the military under honorable conditions after at least two years of service qualifies as a resident student if he or she designates Washington as their intended place of residence and their primary domicile, and the spouse or dependent enters an institution of higher education in Washington within one year of their partner's separation from the military.

Resident students are eligible for resident tuition rates at institutions of higher education in Washington. With some exceptions, resident students are charged tuition rates that are generally much lower than the tuition rates charged to non-resident students.

#### The Veterans Access, Choice, and Accountability Act.

The Veterans Access, Choice, and Accountability Act (Act) was enacted in 2014. Under the Act, public institutions of higher education are required to provide in-state tuition to eligible veterans and dependents by July 1, 2015, in order for the institution to remain eligible to receive payments under the All-Volunteer Force Education Assistance Program (Montgomery GI-Bill) and Post-9/11 Educational Assistance (Post-9/11 GI Bill).

The Act defines a covered individual eligible to receive in-state tuition as: (1) a veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned; or (2) an individual who is entitled to educational benefits due to the individual's relationship to a veteran described in (1).

Under Title 38 U.S.C. Veterans' Benefits, the phrase "active military, naval, or air service" is defined to include individuals on active duty, which means serving full-time in the Armed Forces, commissioned officers of the Regular or Reserve Corps of the Public Health Service, and commissioned officers of the National Oceanic and Atmospheric Administration. "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.

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#### **Summary of Engrossed Substitute Bill:**

A student qualifies for resident tuition if they meet all of the following:

- separated from the uniformed services with any period of honorable service after at least 90 days of active duty service;
- is eligible for benefits under the Montgomery GI-Bill, 9/11 GI-Bill, or any other federal law authorizing educational assistance benefits for veterans; and
- enters an institution of higher education in Washington within three years of the date of separation from the uniformed services.

A student who is entitled to veterans administration educational assistance benefits based on the student's relationship as a spouse, former spouse, or child to an individual who separated from the uniformed services with any period of honorable service after at least 90 days of

active duty service is eligible for resident status if the student enters an institution of higher education in Washington within three years of the service member's date of separation.

A student entitled to veterans administration educational assistance benefits based on their relationship with a deceased member of the uniformed services who completed at least 90 days of active duty service and died in the line of duty is also eligible for resident status if the student enters an institution of higher education in Washington within three years of the service member's death.

A student meeting one of these conditions listed above who stays continuously enrolled in an institution of higher education will retain their resident student status. None of the conditions listed apply to students, or the student's spouse or parent, who received a dishonorable discharge unless the student is receiving veterans administration educational assistance benefits.

"Active duty service" is defined as full-time duty, other than active duty for training, as a member of the uniformed service of the United States. Active duty service as a National Guard member for the purpose of organizing, administering, recruiting, instructing, or training and active service for the purpose of responding to a national emergency is recognized as active duty service.

"Uniformed services" is defined by federal law, and consists of the United States Army, Marine Corps, Navy, Air Force, Coast Guard, Public Health Service Commissioned Corps, and the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Engrossed Substitute Bill:** The bill contains an emergency clause and takes effect on July 24, 2015.

**Staff Summary of Public Testimony:**

*Public testimony on SSB 5355 in House Higher Education Committee on March 18, 2015.*

(In support) Several people have worked on this with the federal Department of Veteran Affairs (VA) to find language that would be acceptable and meet federal requirements so the institutions can continue to receive GI Bill payments. There have been several different iterations, and the bill is still a moving target. There are ongoing conversations with the VA, but they have reviewed both versions and the floor amendment, and there are no problems. This bill needs to pass so the 15,000 veterans being served have continued access to their GI Bill benefits.

(Opposed) None.

**Persons Testifying:**

*Persons testifying on SSB 5355 in House Higher Education Committee on March 18, 2015.*

Senator Bailey, prime sponsor; Rachelle Sharpe, Washington Student Achievement Council; Scott Copeland, State Board for Community and Technical Colleges; Garrett Havens, Washington Student Association; and Jim Baumgart, Governor's Office.

**Persons Signed In To Testify But Not Testifying:** None.