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SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1825

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State of Washington

64th Legislature

2015 Regular Session

By House Appropriations (originally sponsored by Representatives Kilduff, Muri, Gregory, Haler, Riccelli, Walkinshaw, Zeiger, and McBride; by request of Governor Inslee)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to modifying the definition of resident student  
2 to comply with federal requirements established by the veterans  
3 access, choice, and accountability act of 2014; reenacting and  
4 amending RCW 28B.15.012; providing an effective date; and declaring  
5 an emergency.

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

7 **Sec. 1.** RCW 28B.15.012 and 2015 c 55 s 207 are each reenacted  
8 and amended to read as follows:

9 Whenever used in this chapter:

10 (1) The term "institution" shall mean a public university,  
11 college, or community or technical college within the state of  
12 Washington.

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

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

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

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

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

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

17 (e) Any person who has completed the full senior year of high  
18 school and obtained a high school diploma, both at a Washington  
19 public high school or private high school approved under chapter  
20 28A.195 RCW, or a person who has received the equivalent of a  
21 diploma; who has lived in Washington for at least three years  
22 immediately prior to receiving the diploma or its equivalent; who has  
23 continuously lived in the state of Washington after receiving the  
24 diploma or its equivalent and until such time as the individual is  
25 admitted to an institution of higher education under subsection (1)  
26 of this section; and who provides to the institution an affidavit  
27 indicating that the individual will file an application to become a  
28 permanent resident at the earliest opportunity the individual is  
29 eligible to do so and a willingness to engage in any other activities  
30 necessary to acquire citizenship, including but not limited to  
31 citizenship or civics review courses;

32 (f) Any person who has lived in Washington, primarily for  
33 purposes other than educational, for at least one year immediately  
34 before the date on which the person has enrolled in an institution,  
35 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.  
36 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant  
37 status as the spouse or child of a person having nonimmigrant status  
38 under one of those subsections, or who, holding or having previously  
39 held such lawful nonimmigrant status as a principal or derivative,

1 has filed an application for adjustment of status pursuant to 8  
2 U.S.C. Sec. 1255(a);

3 (g) A student who is on active military duty stationed in the  
4 state or who is a member of the Washington national guard;

5 (h) A student who is on active military duty or a member of the  
6 national guard who entered service as a Washington resident and who  
7 has maintained Washington as his or her domicile but is not stationed  
8 in the state;

9 (i) A student who is the spouse or a dependent of a person who is  
10 on active military duty or a member of the national guard who entered  
11 service as a Washington resident and who has maintained Washington as  
12 his or her domicile but is not stationed in the state. If the person  
13 on active military duty is reassigned out-of-state, the student  
14 maintains the status as a resident student so long as the student is  
15 continuously enrolled in a degree program;

16 (j) A student who resides in the state of Washington and is the  
17 spouse or a dependent of a person who is a member of the Washington  
18 national guard;

19 (k) A student who has separated from the ~~((military under  
20 honorable conditions after at least two years of service, and who  
21 enters an institution of higher education in Washington within one  
22 year of the date of separation who:~~

23 ~~(i) At the time of separation designated Washington as his or her  
24 intended domicile; or~~

25 ~~(ii) Has Washington as his or her official home of record; or~~

26 ~~(iii) Moves to Washington and establishes a domicile as  
27 determined in RCW 28B.15.013;~~

28 ~~(l) A student who is the spouse or a dependent of an individual  
29 who has separated from the military under honorable conditions after  
30 at least two years of service who:~~

31 ~~(i) At the time of discharge designates Washington as his or her  
32 intended domicile; and~~

33 ~~(ii) Has Washington as his or her primary domicile as determined  
34 in RCW 28B.15.013; and~~

35 ~~(iii) Enters an institution of higher education in Washington  
36 within one year of the date of discharge)) uniformed services with  
37 any period of honorable service after at least ninety days of active  
38 duty service; is eligible for benefits under the federal all-  
39 volunteer force educational assistance program (38 U.S.C. Sec. 3001  
40 et seq.), the federal post-9/11 veterans educational assistance act~~

1 of 2008 (38 U.S.C. Sec. 3301 et seq.), or any other federal law  
2 authorizing educational assistance benefits for veterans; and enters  
3 an institution of higher education in Washington within three years  
4 of the date of separation;

5 (l) A student who is entitled to veterans administration  
6 educational assistance benefits based on the student's relationship  
7 as a spouse, former spouse, or child to an individual who has  
8 separated from the uniformed services with any period of honorable  
9 service after at least ninety days of active duty service, and who  
10 enters an institution of higher education in Washington within three  
11 years of the service member's date of separation;

12 (m) A student who is entitled to veterans administration  
13 educational assistance benefits based on the student's relationship  
14 with a deceased member of the uniformed services who completed at  
15 least ninety days of active duty service and died in the line of  
16 duty, and the student enters an institution of higher education in  
17 Washington within three years of the service member's death;

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

22 ~~((n))~~ (o) A student who meets the requirements of RCW  
23 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student  
24 enrolled for more than six hours per semester or quarter shall be  
25 considered as attending for primarily educational purposes, and for  
26 tuition and fee paying purposes only such period of enrollment shall  
27 not be counted toward the establishment of a bona fide domicile of  
28 one year in this state unless such student proves that the student  
29 has in fact established a bona fide domicile in this state primarily  
30 for purposes other than educational;

31 ~~((o))~~ (p) A student who resides in Washington and is on active  
32 military duty stationed in the Oregon counties of Columbia, Gilliam,  
33 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
34 Union, Wallowa, Wasco, or Washington; or

35 ~~((p))~~ (q) A student who resides in Washington and is the spouse  
36 or a dependent of a person who resides in Washington and is on active  
37 military duty stationed in the Oregon counties of Columbia, Gilliam,  
38 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
39 Union, Wallowa, Wasco, or Washington. If the person on active  
40 military duty moves from Washington or is reassigned out of the

1 Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop,  
2 Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or  
3 Washington, the student maintains the status as a resident student so  
4 long as the student resides in Washington and is continuously  
5 enrolled in a degree program.

6 (3)(a) A student who qualifies under subsection (2)(k), (l), or  
7 (m) of this section and who remains continuously enrolled at an  
8 institution of higher education shall retain resident student status.

9 (b) Nothing in subsection (2)(k), (l), or (m) of this section  
10 applies to students who have a dishonorable discharge from the  
11 uniformed services, or to students who are the spouse or child of an  
12 individual who has had a dishonorable discharge from the uniformed  
13 services, unless the student is receiving veterans administration  
14 educational assistance benefits.

15 (4) The term "nonresident student" shall mean any student who  
16 does not qualify as a "resident student" under the provisions of this  
17 section and RCW 28B.15.013. Except for students qualifying under  
18 subsection (2)(e) or (~~(m)~~) (n) of this section, a nonresident  
19 student shall include:

20 (a) A student attending an institution with the aid of financial  
21 assistance provided by another state or governmental unit or agency  
22 thereof, such nonresidency continuing for one year after the  
23 completion of such semester or quarter. This condition shall not  
24 apply to students from Columbia, Multnomah, Clatsop, Clackamas, or  
25 Washington county, Oregon participating in the border county pilot  
26 project under RCW (~~(28B.80.806, 28B.80.807)~~) 28B.76.685, 28B.76.690,  
27 and 28B.15.0139.

28 (b) A person who is not a citizen of the United States of America  
29 who does not have permanent or temporary resident status or does not  
30 hold "Refugee-Parolee" or "Conditional Entrant" status with the  
31 United States citizenship immigration services or is not otherwise  
32 permanently residing in the United States under color of law and who  
33 does not also meet and comply with all the applicable requirements in  
34 this section and RCW 28B.15.013.

35 (~~(4)~~) (5) The term "domicile" shall denote a person's true,  
36 fixed and permanent home and place of habitation. It is the place  
37 where the student intends to remain, and to which the student expects  
38 to return when the student leaves without intending to establish a  
39 new domicile elsewhere. The burden of proof that a student, parent or

1 guardian has established a domicile in the state of Washington  
2 primarily for purposes other than educational lies with the student.

3 ~~((+5))~~ (6) The term "dependent" shall mean a person who is not  
4 financially independent. Factors to be considered in determining  
5 whether a person is financially independent shall be set forth in  
6 rules adopted by the student achievement council and shall include,  
7 but not be limited to, the state and federal income tax returns of  
8 the person and/or the student's parents or legal guardian filed for  
9 the calendar year prior to the year in which application is made and  
10 such other evidence as the council may require.

11 ~~((+6))~~ (7) The term "active military duty" means the person is  
12 serving on active duty in:

13 (a) The armed forces of the United States government; or

14 (b) The Washington national guard; or

15 (c) The coast guard, merchant mariners, or other nonmilitary  
16 organization when such service is recognized by the United States  
17 government as equivalent to service in the armed forces.

18 (8) The term "active duty service" means full-time duty, other  
19 than active duty for training, as a member of the uniformed services  
20 of the United States. Active duty service as a national guard member  
21 under Title 32 U.S.C. for the purpose of organizing, administering,  
22 recruiting, instructing, or training and active service under 32  
23 U.S.C. Sec. 502(f) for the purpose of responding to a national  
24 emergency is recognized as active duty service.

25 (9) The term "uniformed services" is defined by Title 10 U.S.C.;  
26 subsequently structured and organized by Titles 14, 33, and 42  
27 U.S.C.; consisting of the United States army, United States marine  
28 corps, United States navy, United States air force, United States  
29 coast guard, United States public health service commissioned corps,  
30 and the national oceanic and atmospheric administration commissioned  
31 officer corps.

32 NEW SECTION. Sec. 2. Section 1 of this act is necessary for the  
33 immediate preservation of the public peace, health, or safety, or  
34 support of the state government and its existing public institutions,  
35 and takes effect July 24, 2015.

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