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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; amending RCW  
4 28B.15.012; providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 28B.15.012 and 2014 c 183 s 1 are each amended to  
7 read as follows:

8 Whenever used in this chapter:

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

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

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

18 (b) A dependent student, if one or both of the student's parents  
19 or legal guardians have maintained a bona fide domicile in the state  
20 of Washington for at least one year immediately prior to commencement

1 of the semester or quarter for which the student has registered at  
2 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  
6 as such student's enrollment (excepting summer sessions) at an  
7 institution in this state is continuous;

8 (d) Any student who has spent at least seventy-five percent of  
9 both his or her junior and senior years in high schools in this  
10 state, whose parents or legal guardians have been domiciled in the  
11 state for a period of at least one year within the five-year period  
12 before the student graduates from high school, and who enrolls in a  
13 public institution of higher education within six months of leaving  
14 high school, for as long as the student remains continuously enrolled  
15 for 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  
18 public high school or private high school approved under chapter  
19 28A.195 RCW, or a person who has received the equivalent of a  
20 diploma; who has lived in Washington for at least three years  
21 immediately prior to receiving the diploma or its equivalent; who has  
22 continuously lived in the state of Washington after receiving the  
23 diploma or its equivalent and until such time as the individual is  
24 admitted to an institution of higher education under subsection (1)  
25 of this section; and who provides to the institution an affidavit  
26 indicating that the individual will file an application to become a  
27 permanent resident at the earliest opportunity the individual is  
28 eligible to do so and a willingness to engage in any other activities  
29 necessary to acquire citizenship, including but not limited to  
30 citizenship or civics review courses;

31 (f) Any person who has lived in Washington, primarily for  
32 purposes other than educational, for at least one year immediately  
33 before the date on which the person has enrolled in an institution,  
34 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.  
35 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant  
36 status as the spouse or child of a person having nonimmigrant status  
37 under one of those subsections, or who, holding or having previously  
38 held such lawful nonimmigrant status as a principal or derivative,  
39 has filed an application for adjustment of status pursuant to 8  
40 U.S.C. Sec. 1255(a);

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

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

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

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

17 ~~(k)(i)(A)~~ A student who has separated from the ~~((military under~~  
18 ~~honorable conditions))~~ uniformed services with any period of  
19 honorable service after at least ~~((two years of))~~ ninety days of  
20 active duty service, and who enters an institution of higher  
21 education in Washington within ~~((one))~~ three years of the date of  
22 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)); or~~

37 (B) A student who is a spouse, former spouse, or child, and is  
38 entitled to veterans administration educational benefits based on  
39 their relationship to an individual who has separated from the  
40 uniformed services with any period of honorable service after at

1 least ninety days of active duty service, and who enters an  
2 institution of higher education in Washington within three years of  
3 the date of separation; or

4 (C) A student who is entitled to veterans administration  
5 educational benefits based on their relationship with a deceased  
6 member of the uniformed services who completed at least ninety days  
7 of active duty service and died in the line of duty, and the student  
8 enters an institution of higher education in Washington within three  
9 years of the service member's death;

10 (ii) A student who qualifies under (k)(i)(A) through (C) of this  
11 subsection and who remains continuously enrolled at an institution of  
12 higher education shall retain resident student status;

13 (iii) Nothing in this subsection (2)(k) applies to students who  
14 have a dishonorable discharge from the uniformed services, or to  
15 students who are the spouse or child of an individual who has had a  
16 dishonorable discharge from the uniformed services, unless the  
17 student is receiving veterans administration educational assistance  
18 benefits;

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

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

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

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

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

7 (3) The term "nonresident student" shall mean any student who  
8 does not qualify as a "resident student" under the provisions of this  
9 section and RCW 28B.15.013. Except for students qualifying under  
10 subsection (2)(e) or (~~(m)~~) (l) of this section, a nonresident  
11 student shall include:

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

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

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

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

38 (6) The term "active military duty" means the person is serving  
39 on active duty in:

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

1 (b) The Washington national guard; or

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

5 (7) The term "active duty service" means full-time duty, other  
6 than active duty for training, as a member of the uniformed service  
7 of the United States. Active duty service as a national guard member  
8 under Title 32 U.S.C. for the purpose of organizing, administering,  
9 recruiting, instructing, or training and active service under 32  
10 U.S.C. Sec. 502(f) for the purpose of responding to a national  
11 emergency is recognized as active duty service.

12 (8) The term "uniformed services" is defined by Title 10 U.S.C.;  
13 subsequently structured and organized by Titles 14, 33, and 42  
14 U.S.C.; consisting of the United States army, United States marine  
15 corps, United States navy, United States air force, United States  
16 coast guard, United States public health service commissioned corps,  
17 and the national oceanic and atmospheric administration commissioned  
18 officer corps.

19 NEW SECTION. Sec. 2. This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of  
21 the state government and its existing public institutions, and takes  
22 effect July 1, 2015.

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