

# SENATE BILL REPORT

## SB 5713

---

As Reported by Senate Committee On:  
Higher Education & Workforce Development, February 14, 2019

**Title:** An act relating to resident student status as applied to veterans.

**Brief Description:** Concerning resident student status as applied to veterans.

**Sponsors:** Senators Randall, O'Ban, Zeiger, McCoy, Conway, Fortunato, Nguyen, Rolfes and Wilson, C.; by request of Department of Veterans Affairs.

**Brief History:**

**Committee Activity:** Higher Education & Workforce Development: 2/07/19, 2/14/19 [DP-WM].

**Brief Summary of Bill**

- Requires a student who is entitled to federal Vocational Rehabilitation and Employment Services benefits to receive in-state tuition at public higher education institutions.

---

**SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT**

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Palumbo, Chair; Randall, Vice Chair; Holy, Ranking Member; Brown, Liias and Wellman.

**Staff:** Alicia Kinne-Clawson (786-7407)

**Background:** The Veterans Access, Choice, and Accountability Act. The Veterans Access, Choice, and Accountability Act (Choice Act) was enacted in 2014. Under the Choice Act, public higher education institutions are required to provide in-state tuition to eligible veterans and dependents for the institution to remain eligible to receive payments under the Montgomery GI Bill, Post-9/11 GI Bill, and other veteran education benefits (veteran education benefits). In 2015 the Legislature updated the definition of resident student for in-state tuition purposes to maintain statewide eligibility. The updated language allows a

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

student to qualify as a resident student for in-state tuition purposes if the student meets any of the following criteria:

- has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, is eligible for veteran education benefits, and they enter a higher education institution in Washington within three years of their date of separation from the uniformed services;
- is entitled to veteran education benefits based on their relationship as a spouse, former spouse, or child to an individual who has separated from the uniformed services with any period of honorable service after at least 90 days of active duty service, and who enters a higher education institution in Washington within three years of the service member's date of separation from the uniformed services; or
- is entitled to the Marine Gunnery Sergeant John David Fry Scholarship 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.

In 2016 Congress added individuals using transferred Post-9/11 GI Bill benefits while the transferor is on active duty to the Choice Act. Again in 2018, Congress amended the Choice Act to require all individuals using federal veterans vocational rehabilitation benefits under the Vocational Rehabilitation and Employment (VR&E) Program be charged in-state tuition.

Vocational Rehabilitation and Employment Program. The VR&E Program provides disabled veterans with vocational counseling and rehabilitation planning for employment purposes. This can include everything from skills assessment, resume development, and case management services, to on-the-job training, apprenticeships, and postsecondary education. According to the Washington State Department of Veterans Affairs, in fiscal year 2017 there were 23,400 individuals in Washington using federal veterans educational benefits.

**Summary of Bill:** The definition of resident student for the purposes of in-state tuition is expanded to include students who are entitled to federal VR&E benefits. References to federal veterans educational benefits are updated and a reference to individuals covered under the Choice Act is added to the residency statute.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: These bills are about recognizing the service of our service members and ensuring the higher education pathway is available to them. Access to residency waivers is something we are completely behind. This bill is in response to changes the federal government recently made to the Choice Act. This bill brings state law into alignment with federal law. We have issued interim policy guidance to bring the state into compliance but this bill is necessary to fully accomplish that.

**Persons Testifying:** PRO: Senator Emily Randall, Prime Sponsor; J. Lee Schultz, Washington Student Achievement Council.

**Persons Signed In To Testify But Not Testifying:** No one.