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HOUSE BILL 2185

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State of Washington

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**By** Representatives Leavitt, Van Werven, Bergquist, Eslick, Chambers, Dufault, Blake, Paul, Kirby, Chapman, Shewmake, Gildon, Frame, Slatter, Young, Orwall, Ormsby, Harris, Caldier, Irwin, Wylie, Doglio, Volz, Goodman, and Hudgins

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1 AN ACT Relating to assisting spouses and dependents of active  
2 duty military by ensuring affordable access to higher education; and  
3 amending RCW 28B.15.012.

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

5 **Sec. 1.** RCW 28B.15.012 and 2019 c 126 s 1 are each amended to  
6 read as follows:

7 Whenever used in this chapter:

8 (1) The term "institution" shall mean a public university,  
9 college, or community or technical college within the state of  
10 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~~) meets the following conditions:

7 (i) Entered service as a Washington resident;

8 (ii) Has maintained Washington as the student's domicile; and

9 (iii) Is not stationed in the state;

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

18 (i) Accepted to an institution before the reassignment and  
19 enrolls in that institution; or

20 (ii) Enrolled and stays continuously enrolled in a certificate or  
21 degree program;

22 (j) A student who is the spouse or a dependent of a person on  
23 active military duty or a member of the national guard who meets the  
24 following conditions:

25 (i) Entered service as a Washington resident;

26 (ii) Has maintained Washington as the student's domicile; and

27 (iii) Is not stationed in the state;

28 (k) A student who is entitled to transferred federal post-9/11  
29 veterans educational assistance act of 2008 (38 U.S.C. Sec. 3301 et  
30 seq.) benefits based on the student's relationship as a spouse,  
31 former spouse, or child to an individual who is on active duty in the  
32 uniformed services;

33 (~~(k)~~) (l) A student who resides in the state of Washington and  
34 is the spouse or a dependent of a person who is a member of the  
35 Washington national guard;

36 (~~(l)~~) (m) A student who has separated from the uniformed  
37 services with any period of honorable service after at least ninety  
38 days of active duty service; is eligible for educational assistance  
39 benefits under Title 38 U.S.C.; and enters an institution of higher  
40 education in Washington within three years of the date of separation;

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

8       (~~(n)~~) (o) A student who is entitled to veterans administration  
9 educational assistance benefits based on the student's relationship  
10 with a deceased member of the uniformed services who died in the line  
11 of duty;

12       (~~(o)~~) (p) A student who is entitled to federal vocational  
13 rehabilitation and employment services for veterans with service-  
14 connected disabilities under 38 U.S.C. Sec. 3102(a);

15       (~~(p)~~) (q) A student who is defined as a covered individual in  
16 38 U.S.C. Sec. 3679(c)(2) as it existed on July 28, 2019, or such  
17 subsequent date as the student achievement council may determine by  
18 rule;

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

32       (~~(s)~~) (t) 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       (~~(t)~~) (u) 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) (a) A student who qualifies under subsection (2) (~~((j), (l),~~  
8 ~~(m), (n), (o), or (p))~~) (k), (m), (n), (o), (p), or (q) of this  
9 section and who remains continuously enrolled at an institution of  
10 higher education shall retain resident student status.

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

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

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

30 (b) A person who is not a citizen of the United States of  
31 America, unless the person meets and complies with all applicable  
32 requirements in this section and RCW 28B.15.013 and is one of the  
33 following:

34 (i) A lawful permanent resident;

35 (ii) A temporary resident;

36 (iii) A person who holds "refugee-parolee," "conditional  
37 entrant," or U or T nonimmigrant status with the United States  
38 citizenship and immigration services;

39 (iv) A person who has been issued an employment authorization  
40 document by the United States citizenship and immigration services

1 that is valid as of the date the person's residency status is  
2 determined;

3 (v) A person who has been granted deferred action for childhood  
4 arrival status before, on, or after June 7, 2018, regardless of  
5 whether the person is no longer or will no longer be granted deferred  
6 action for childhood arrival status due to the termination,  
7 suspension, or modification of the deferred action for childhood  
8 arrival program; or

9 (vi) A person who is otherwise permanently residing in the United  
10 States under color of law, including deferred action status.

11 (5) The term "domicile" shall denote a person's true, fixed and  
12 permanent home and place of habitation. It is the place where the  
13 student intends to remain, and to which the student expects to return  
14 when the student leaves without intending to establish a new domicile  
15 elsewhere. The burden of proof that a student, parent or guardian has  
16 established a domicile in the state of Washington primarily for  
17 purposes other than educational lies with the student.

18 (6) The term "dependent" shall mean a person who is not  
19 financially independent. Factors to be considered in determining  
20 whether a person is financially independent shall be set forth in  
21 rules adopted by the student achievement council and shall include,  
22 but not be limited to, the state and federal income tax returns of  
23 the person and/or the student's parents or legal guardian filed for  
24 the calendar year prior to the year in which application is made and  
25 such other evidence as the council may require.

26 (7) The term "active military duty" means the person is serving  
27 on active duty in:

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

29 (b) The Washington national guard; or

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

33 (8) The term "active duty service" means full-time duty, other  
34 than active duty for training, as a member of the uniformed services  
35 of the United States. Active duty service as a national guard member  
36 under Title 32 U.S.C. for the purpose of organizing, administering,  
37 recruiting, instructing, or training and active service under 32  
38 U.S.C. Sec. 502(f) for the purpose of responding to a national  
39 emergency is recognized as active duty service.

1           (9) The term "uniformed services" is defined by Title 10 U.S.C.;  
2 subsequently structured and organized by Titles 14, 33, and 42  
3 U.S.C.; consisting of the United States army, United States marine  
4 corps, United States navy, United States air force, United States  
5 coast guard, United States public health service commissioned corps,  
6 and the national oceanic and atmospheric administration commissioned  
7 officer corps.

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