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ENGROSSED SECOND SUBSTITUTE SENATE BILL 5194

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State of Washington

67th Legislature

2021 Regular Session

By Senate Ways & Means (originally sponsored by Senators Lias, Hasegawa, Das, Hunt, Keiser, Nguyen, and Wilson, C.)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to equity and access in higher education;  
2 amending RCW 28B.96.010 and 28B.15.012; adding new sections to  
3 chapter 28B.50 RCW; creating a new section; and providing expiration  
4 dates.

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

6 NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes that  
7 student completion rates for workforce training certification and  
8 degree programs at community and technical colleges are far lower  
9 than desirable to ensure that students may utilize the opportunities  
10 of postsecondary education to lift themselves and their families out  
11 of poverty and to meet our state's student achievement council road  
12 map goals, including for 70 percent of Washington residents to have a  
13 postsecondary certification or degree to meet workforce needs. The  
14 legislature recognizes that first-generation college-attending  
15 students, students with disabilities, and underrepresented minority  
16 students face far greater obstacles to apply, remain in school, and  
17 complete programs. This disparate impact greatly affects our state's  
18 commitment to equity.

19 The legislature recognizes that offering tuition financial  
20 support to first-generation and underrepresented minority students is  
21 necessary for students to enroll and attend college but must also be

1 accompanied by proven supports for them to complete their degrees or  
2 workforce training programs.

3 The legislature recognizes that there are mentorship and advising  
4 programs based on strong evidence that have been proven to be  
5 successful in greatly increasing retention and degree or workforce  
6 training completion rates for first-generation students,  
7 underrepresented minority students, students with disabilities, and  
8 for all students at community and technical colleges. It is the  
9 legislature's intent that successful programs such as guided pathways  
10 be implemented at all community and technical colleges with the goal  
11 of doubling completion rates (as measured by completion in six years)  
12 for students in the next eight years. To accomplish this goal, the  
13 legislature intends to achieve full implementation of research-based  
14 programs to improve student outcomes, such as guided pathways. The  
15 legislature affirms that all students receiving Washington college  
16 grants, college bound scholarships, or federal Pell grants should  
17 receive the supports, including mentoring, that have been proven to  
18 increase completion rates.

19 The legislature further finds that research establishes that  
20 students from underrepresented minorities are far more likely to  
21 complete degrees or workforce training certification programs if the  
22 faculty and staff of the college reflect the diversity of the student  
23 body. Therefore, the legislature intends for the state's community  
24 and technical colleges to develop and implement plans to increase  
25 faculty and staff diversity.

26 NEW SECTION. **Sec. 2.** FINDINGS. The legislature finds that there  
27 is a need to expand investments in community and technical colleges  
28 for the purpose of guaranteeing both equitable access and educational  
29 success for all residents of the state, particularly for students  
30 from communities of color and low-income communities. The legislature  
31 finds further that equality of opportunity for all students requires  
32 investments to support services that are critical to: The success of  
33 students of color and low-income students; provide systemwide equity  
34 initiatives intended to make community and technical college campuses  
35 welcoming, benevolent places; overcome the digital divide for all  
36 students; and provide qualified and available counseling throughout  
37 the community and technical college system. The legislature also  
38 finds that a more full-time, stable, fairly compensated, and diverse  
39 community and technical college faculty is necessary to enhance

1 student success and to improve the mentoring available for a diverse  
2 student body. The legislature also finds that resources for student  
3 aid and workforce investment need to be adequate to meet the needs of  
4 all students in the state, particularly those from families of color  
5 and low-income families.

6 NEW SECTION. **Sec. 3.** DIVERSITY, EQUITY, AND INCLUSION STRATEGIC  
7 PLAN. (1) Beginning July 30, 2022, all community and technical  
8 colleges must submit, on a biennial basis, strategic plans to the  
9 state board for community and technical colleges for achieving  
10 diversity, equity, and inclusion of all races on their campuses.

11 (2) Colleges must create their strategic plans using an inclusive  
12 process of stakeholders including, but not limited to, classified  
13 staff, faculty, administrative exempt staff, students, and community  
14 organizations. Colleges are encouraged to use campus climate surveys  
15 to develop and update strategic plans for diversity, equity, and  
16 inclusion of all races.

17 (3) In addition to planning, each community and technical college  
18 shall include in its diversity program opportunities for students  
19 from historically marginalized communities to form student-based  
20 organizations, and to use community-based organizations, that permit  
21 students to work together to mentor and assist one another in  
22 navigating the educational system and to access trained mentors using  
23 evidence-based mentoring strategies.

24 (4) Each community and technical college shall establish a  
25 culturally appropriate outreach program. The outreach program may  
26 include communities of color, students with disabilities,  
27 neurodiverse communities, and low-income communities and be designed  
28 to assist potential students to understand the opportunities  
29 available in the community and technical college system. The outreach  
30 program may assist students with navigating the student aid system.  
31 Outreach programs may include partnerships with appropriate  
32 community-based organizations and use research and supports from the  
33 student achievement council.

34 (5) The state board for community and technical colleges shall  
35 develop a model faculty diversity program designed to provide for the  
36 retention and recruitment of faculty from all racial, ethnic, and  
37 cultural backgrounds. The faculty diversity program must be based on  
38 proven practices in diversity hiring processes.

1 (6) Each community and technical college shall conspicuously post  
2 on its website and include in the strategic plans, programs, and  
3 reports definitions for key terms including: Diversity, equity,  
4 inclusion, culturally competent, culturally appropriate, historically  
5 marginalized communities, communities of color, low-income  
6 communities, and community organizations.

7 NEW SECTION. **Sec. 4.** STUDENT SUCCESS SUPPORT PROGRAMS AND  
8 GUIDED PATHWAYS IMPLEMENTATION. (1) Within existing resources, each  
9 community and technical college shall fully implement guided  
10 pathways. At a minimum, guided pathways implementation must include:

11 (a) Comprehensive mapping of student educational pathways with  
12 student end goals in mind. These must include transparent and clear  
13 career paths that are tightly aligned to the skills sought by  
14 employers. Pathways must align course sequences to show clear paths  
15 for students, alignment with K-12 and university curriculum, and  
16 skill sets needed to enter the workforce;

17 (b) Dedicated advising and career counseling that helps students  
18 make informed program choices and develop completion plans. Advising  
19 services may include processes that help students explore possible  
20 career and educational choices while also emphasizing early planning.  
21 Advising must be culturally competent and with an emphasis on helping  
22 historically underserved, low-income, and students of color navigate  
23 their education;

24 (c) Data analysis of student learning as well as program and  
25 service outcomes. Data must be used to inform program development,  
26 the creation and further refinement of student pathways, and to  
27 provide opportunities for early intervention to help students  
28 succeed; and

29 (d) A student success support infrastructure using programs that  
30 the state board for community and technical colleges finds have been  
31 effective in closing equity gaps among historically underserved  
32 student populations and improve student completion rates. The student  
33 success support program must be based on research or documented  
34 evidence of success at institutions with comparable student  
35 populations. In tandem with guided pathways implementation, student  
36 success support programs may include evidence-based elements such as:

37 (i) Equity competent academic advising services;

38 (ii) Equity competent career development programming;

1 (iii) Clear information regarding financial aid and financial  
2 literacy; and

3 (iv) Inclusive curriculum and teaching practices.

4 (2) Each community and technical college shall post on its  
5 website and include in the guided pathways program documentation and  
6 reports definitions for key terms including: Diversity, equity,  
7 inclusion, culturally competent, culturally appropriate, historically  
8 marginalized communities, communities of color, low-income  
9 communities, and community organizations.

10 (3)(a) The Washington state institute for public policy, in  
11 consultation with the workforce education investment accountability  
12 and oversight board under RCW 28C.18.200, shall complete an  
13 evaluation of the guided pathways model. To the extent possible, the  
14 institute shall complete a preliminary report that evaluates the  
15 effect of the guided pathways model on early student outcomes  
16 including, but not limited to, student retention and persistence,  
17 college level English and math within the first year, and graduation  
18 and transfer rates. The preliminary report must review the  
19 implementation of the guided pathways model in Washington and any  
20 available evidence of the effectiveness of the guided pathways model.  
21 The preliminary report must be submitted by December 15, 2023.

22 (b) The Washington state institute for public policy shall  
23 complete a final report that evaluates the effect of the guided  
24 pathways on longer-term student outcomes including, but not limited  
25 to, degree completion, time to degree, transfer to four-year  
26 institutions, employment, and earnings, to the extent possible. The  
27 final report must be submitted by December 15, 2029.

28 (c) Both the preliminary and final reports must consider  
29 differences in outcomes by racial and ethnic subgroups and  
30 socioeconomic status.

31 NEW SECTION. **Sec. 5.** TENURE-TRACK FACULTY. (1) The legislature  
32 recognizes that student outcomes and success, especially for first  
33 generation, underserved students, may be significantly improved by  
34 increasing the number of full-time faculty at community and technical  
35 colleges.

36 (a) The legislature's goal is that community and technical  
37 colleges increase the numbers of full-time tenured positions by  
38 adding 200 new full-time tenure-track positions in the 2021-2023  
39 fiscal biennium.

1 (b) This goal is best accomplished through converting part-time  
2 faculty positions to full-time tenure-track positions and by hiring  
3 new full-time faculty through processes identified in each college's  
4 diversity, equity, and inclusion of all races strategic plan  
5 described in section 3 of this act. If specific funding for the  
6 purpose of conversion assignments proposed in this section is not  
7 provided in the omnibus appropriations act, the conversion  
8 assignments proposed must be delayed until such time as specific  
9 funding is provided.

10 (c) The college board must collect data and assess the impact of  
11 the 200 additional full-time tenure-track faculty on student  
12 completion rates. The college board must convene representatives of  
13 faculty, staff, and administration to report on outcomes as a result  
14 of increasing full-time tenure-track faculty. In consultation with  
15 representatives of faculty, staff, and administration, the college  
16 board must make recommendations about future steps to increase full-  
17 time tenure-track faculty that incorporate faculty diversity and  
18 historically underserved communities. The college board must report  
19 the results of its assessment, along with next step recommendations,  
20 to the legislature by December 15, 2023. The college board shall  
21 conspicuously post on its website and include in the report  
22 definitions for key terms including: Diversity, equity, inclusion,  
23 culturally competent, culturally appropriate, historically  
24 marginalized communities, communities of color, low-income  
25 communities, and community organizations.

26 (2) This section expires July 1, 2024.

27 NEW SECTION. **Sec. 6.** MENTAL HEALTH COUNSELOR PILOT PROGRAM. (1)  
28 Subject to the availability of amounts appropriated for this specific  
29 purpose, the college board shall administer a pilot program to  
30 increase student access to mental health counseling and services.

31 (2) The college board, in collaboration with the selection  
32 committee, shall select community or technical colleges to  
33 participate in the pilot program. At least half of the participating  
34 colleges must be located outside of the Puget Sound area. For  
35 purposes of this section, "Puget Sound area" means Snohomish, King,  
36 Pierce, and Thurston counties. Each participating college must  
37 receive a grant to implement one or more strategies to increase  
38 student access to mental health counseling and services, including  
39 substance use disorder counseling and services.

1 (3) (a) A selection committee consisting of the following shall  
2 assist with the application selection process:

3 (i) One community or technical college president;

4 (ii) One community or technical college vice president for  
5 student services or student instruction;

6 (iii) Two faculty counselors employed at a community or technical  
7 college; and

8 (iv) One community or technical college student.

9 (b) The selection committee may consult with representatives of  
10 an entity within a college or university that has expertise in  
11 suicide prevention and the department of health in developing  
12 selection criteria.

13 (4) Community and technical colleges wishing to participate in  
14 the pilot program shall apply to the college board. Applicants must  
15 identify opportunities for expanding on-campus mental health  
16 counseling and services. Applicants must also show a commitment to  
17 further develop partnerships by engaging external community  
18 providers, including those who provide crisis services and substance  
19 use disorder treatment and counseling. Applications that demonstrate  
20 plans to include one or more of the following strategies recommended  
21 by the community and technical college counselors task force must be  
22 prioritized:

23 (a) Improve equity, diversity, and inclusion of all races in  
24 counseling services, such as by diversifying the counselor workforce  
25 by adopting equity-centered recruiting, training, and retention  
26 practices or by providing equity training and awareness for all  
27 counselors;

28 (b) Meet mental health needs of students through an all-campus  
29 effort;

30 (c) Engage students to help increase mental health and counseling  
31 awareness and promote help-seeking behavior through student groups  
32 and other methods;

33 (d) Increase the visibility of counseling services on campus;

34 (e) Increase or expand external partnerships with community  
35 service providers;

36 (f) Adopt the use of telebehavioral health, especially in under  
37 resourced communities;

38 (g) Develop an assessment of counseling services to inform  
39 improvements and ensure counseling services are meeting student  
40 needs; or

1 (h) Implement counseling approaches grounded in theory that have  
2 evidence of being effective.

3 (5) Colleges selected to participate in the pilot program that  
4 use grant funding to hire additional mental health counselors must  
5 hire counselors who have specific graduate-level training for meeting  
6 the mental and behavioral health needs of students.

7 (6) Colleges selected to participate in the pilot program shall  
8 submit a joint report to the appropriate committees of the  
9 legislature and in accordance with RCW 43.01.036 by November 1, 2023.  
10 The report must include:

11 (a) Information on which colleges were selected for the pilot  
12 program, how much grant funding was received per college, and what  
13 strategies each implemented to increase student access to mental  
14 health counseling and services;

15 (b) Demographic data of students accessing mental health  
16 counseling and services, including those students who are considered  
17 underrepresented or traditionally have limited access to mental  
18 health counseling and services;

19 (c) Whether the mental health counseling and services provided  
20 are meeting the demand of students in terms of type and availability,  
21 and whether the various types of mental health counseling and  
22 services are being provided by community providers versus on-campus  
23 services;

24 (d) Information and data on the effectiveness, including cost-  
25 effectiveness, of each strategy used to increase student access to  
26 mental health counseling and services, including substance use  
27 disorder counseling and services, such as the number of additional  
28 students served, reduced wait times for counseling appointments, or  
29 other data that reflects expanded access; and

30 (e) Lessons learned and recommendations for improving student  
31 access to mental health counseling and services at community and  
32 technical colleges and to community providers, including whether  
33 there were any strategies implemented that proved more effective than  
34 others in increasing access.

35 (7) Colleges selected for the pilot program shall conspicuously  
36 post on their websites and include in the report to the legislature  
37 the definitions for key terms including: Diversity, equity,  
38 inclusion, culturally competent, culturally appropriate, historically  
39 marginalized communities, communities of color, low-income  
40 communities, and community organizations.

1 (8) The pilot program expires July 1, 2025.

2 (9) This section expires January 1, 2026.

3 NEW SECTION. **Sec. 7.** MINIMUM COUNSELOR STANDARDS. (1) It is the  
4 intent of the legislature to provide clear minimum standards to  
5 ensure qualified faculty counselors while also providing flexibility  
6 to allow for differences in criteria required by hiring institutions.  
7 Within existing resources, and beginning September 1, 2021, the  
8 college board shall adopt rules regarding the minimum hiring  
9 standards for a faculty counselor. At a minimum, these must include:

10 (a) A graduate or professional degree in a related field;

11 (b) Completion of appropriate graduate coursework; and

12 (c) Standards established by the state board for community and  
13 technical colleges.

14 (2) The requirements and standards imposed through this section  
15 do not apply to an individual employed by a college district as a  
16 counselor before September 1, 2021. Counselors who began employment  
17 at one college district prior to September 1, 2021, and moved  
18 employment to a different college district after that date may carry  
19 the exemptions from the requirements and standards imposed through  
20 this section to their new place of employment.

21 **Sec. 8.** RCW 28B.96.010 and 2020 c 326 s 2 are each amended to  
22 read as follows:

23 The definitions in this section apply throughout this chapter  
24 unless the context clearly requires otherwise.

25 (1) "Eligible student" means a student who:

26 (a) Is a resident student;

27 (b) Demonstrates financial need as defined in RCW 28B.92.030;

28 (c) Has indicated they will attend an institution of higher  
29 education or is making satisfactory progress in a program, as defined  
30 in rule by the office, at an institution of higher education;

31 (d) Fills out the Washington application for state financial aid;  
32 and

33 (e) Does not qualify for federally funded student financial aid  
34 because of their citizenship status.

35 (2) "Institution of higher education" has the same meaning as in  
36 RCW 28B.92.030.

37 (3) "Office" means the office of student financial assistance  
38 created in RCW 28B.76.090.

1 (4) "Participant" means an eligible student who has received an  
2 undocumented student support loan.

3 (5) "Resident student" means:

4 (a) A financially independent student who has had a domicile in  
5 the state of Washington for the period of one year immediately prior  
6 to the time of commencement of the first day of the semester or  
7 quarter for which the student has registered at any institution and  
8 has in fact established a bona fide domicile in this state primarily  
9 for purposes other than educational;

10 (b) A dependent student, if one or both of the student's parents  
11 or legal guardians have maintained a bona fide domicile in the state  
12 of Washington for at least one year immediately prior to commencement  
13 of the semester or quarter for which the student has registered at  
14 any institution;

15 (c) Any student:

16 (i) Who has spent at least seventy-five percent of both his or  
17 her junior and senior years in high schools in this state;

18 (ii) Whose parents or legal guardians have been domiciled in the  
19 state for a period of at least one year within the five-year period  
20 before the student graduates from high school; and

21 (iii) Who enrolls in a public institution of higher education  
22 within six months of leaving high school, for as long as the student  
23 remains continuously enrolled for three quarters or two semesters in  
24 any calendar year; or

25 (d) Any person(÷

26 ~~(i) Who has completed the full senior year of high school and~~  
27 ~~obtained a high school diploma, both at a Washington public high~~  
28 ~~school or private high school approved under chapter 28A.195 RCW, or~~  
29 ~~a person who has received the equivalent of a diploma;~~

30 ~~(ii) Who has lived in Washington for at least three years~~  
31 ~~immediately prior to receiving the diploma or its equivalent;~~

32 ~~(iii) Who has continuously lived in the state of Washington after~~  
33 ~~receiving the diploma or its equivalent and until such time as the~~  
34 ~~individual is admitted to an institution of higher education; and~~

35 ~~(iv) Who provides to the institution an affidavit indicating that~~  
36 ~~the individual will file an application to become a permanent~~  
37 ~~resident at the earliest opportunity the individual is eligible to do~~  
38 ~~so and a willingness to engage in any other activities necessary to~~  
39 ~~acquire citizenship, including but not limited to citizenship or~~

1 ~~civics review courses))~~ who meets the requirements under RCW  
2 28B.15.012(2) (e).

3 **Sec. 9.** RCW 28B.15.012 and 2020 c 232 s 1 are each amended to  
4 read as follows:

5 Whenever used in this chapter:

6 (1) The term "institution" shall mean a public university,  
7 college, or community or technical college within the state of  
8 Washington.

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

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

16 (b) A dependent student, if one or both of the student's parents  
17 or legal guardians have maintained a bona fide domicile in the state  
18 of Washington for at least one year immediately prior to commencement  
19 of the semester or quarter for which the student has registered at  
20 any institution;

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

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

34 (e) Any person who has completed (~~the full senior year of high~~  
35 ~~school~~) and obtained a high school diploma, (~~both at a Washington~~  
36 ~~public high school or private high school approved under chapter~~  
37 ~~28A.195 RCW,~~) or a person who has received the equivalent of a  
38 diploma; (~~who has lived in Washington for at least three years~~  
39 ~~immediately prior to receiving the diploma or its equivalent;~~) who

1 has continuously lived in the state of Washington (~~(after receiving~~  
2 ~~the diploma or its equivalent and until such time as)~~) for at least a  
3 year before the individual is admitted to an institution of higher  
4 education under subsection (1) of this section; and who provides to  
5 the institution an affidavit indicating that the individual will file  
6 an application to become a permanent resident at the earliest  
7 opportunity the individual is eligible to do so and a willingness to  
8 engage in any other activities necessary to acquire citizenship,  
9 including but not limited to citizenship or civics review courses;

10 (f) Any person who has lived in Washington, primarily for  
11 purposes other than educational, for at least one year immediately  
12 before the date on which the person has enrolled in an institution,  
13 and who holds lawful nonimmigrant status pursuant to 8 U.S.C. Sec.  
14 (a)(15) (E)(iii), (H)(i), or (L), or who holds lawful nonimmigrant  
15 status as the spouse or child of a person having nonimmigrant status  
16 under one of those subsections, or who, holding or having previously  
17 held such lawful nonimmigrant status as a principal or derivative,  
18 has filed an application for adjustment of status pursuant to 8  
19 U.S.C. Sec. 1255(a);

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

22 (h) A student who is on active military duty or a member of the  
23 Washington national guard who meets the following conditions:

- 24 (i) Entered service as a Washington resident;
- 25 (ii) Has maintained a Washington domicile; and
- 26 (iii) Is stationed out-of-state;

27 (i) A student who is the spouse or a dependent of a person  
28 defined in (g) of this subsection. If the person defined in (g) of  
29 this subsection is reassigned out-of-state, the student maintains the  
30 status as a resident student so long as the student is either:

- 31 (i) Admitted to an institution before the reassignment and  
32 enrolls in that institution for the term the student was admitted; or
- 33 (ii) Enrolled in an institution and remains continuously enrolled  
34 at the institution;

35 (j) A student who is the spouse or a dependent of a person  
36 defined in (h) of this subsection;

37 (k) A student who is eligible or entitled to transferred federal  
38 post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec.  
39 3301 et seq.) benefits based on the student's relationship as a

1 spouse, former spouse, or child to an individual who is on active  
2 duty in the uniformed services;

3 (l) A student who resides in the state of Washington and is the  
4 spouse or a dependent of a person who is a member of the Washington  
5 national guard;

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

11 (n) A student who is on terminal, transition, or separation leave  
12 pending separation, or release from active duty, from the uniformed  
13 services with any period of honorable service after at least ninety  
14 days of active duty service and is eligible for educational  
15 assistance benefits under Title 38 U.S.C.;

16 (o) A student who is entitled to veterans administration  
17 educational assistance benefits based on the student's relationship  
18 as a spouse, former spouse, or child to an individual who has  
19 separated from the uniformed services with any period of honorable  
20 service after at least ninety days of active duty service, and who  
21 enters an institution of higher education in Washington within three  
22 years of the service member's date of separation;

23 (p) A student who is the spouse or child to an individual who has  
24 separated from the uniformed services with at least ten years of  
25 honorable service and at least ninety days of active duty service,  
26 and who enters an institution of higher education in Washington  
27 within three years of the service member's date of separation;

28 (q) A student who has separated from the uniformed services who  
29 was discharged due to the student's sexual orientation or gender  
30 identity or expression;

31 (r) A student who is entitled to veterans administration  
32 educational assistance benefits based on the student's relationship  
33 with a deceased member of the uniformed services who died in the line  
34 of duty;

35 (s) A student who is entitled to federal vocational  
36 rehabilitation and employment services for veterans with service-  
37 connected disabilities under 38 U.S.C. Sec. 3102(a);

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

1 (u) A student of an out-of-state institution of higher education  
2 who is attending a Washington state institution of higher education  
3 pursuant to a home tuition agreement as described in RCW 28B.15.725;

4 (v) A student who meets the requirements of RCW 28B.15.0131 or  
5 28B.15.0139: PROVIDED, That a nonresident student enrolled for more  
6 than six hours per semester or quarter shall be considered as  
7 attending for primarily educational purposes, and for tuition and fee  
8 paying purposes only such period of enrollment shall not be counted  
9 toward the establishment of a bona fide domicile of one year in this  
10 state unless such student proves that the student has in fact  
11 established a bona fide domicile in this state primarily for purposes  
12 other than educational;

13 (w) A student who resides in Washington and is on active military  
14 duty stationed in the Oregon counties of Columbia, Gilliam, Hood  
15 River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
16 Union, Wallowa, Wasco, or Washington; or

17 (x) A student who resides in Washington and is the spouse or a  
18 dependent of a person defined in (w) of this subsection. If the  
19 person defined in (w) of this subsection moves from Washington or is  
20 reassigned out of the Oregon counties of Columbia, Gilliam, Hood  
21 River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
22 Union, Wallowa, Wasco, or Washington, the student maintains the  
23 status as a resident student so long as the student resides in  
24 Washington and is either:

25 (i) Admitted to an institution before the reassignment and  
26 enrolls in that institution for the term the student was admitted; or

27 (ii) Enrolled in an institution and remains continuously enrolled  
28 at the institution.

29 (3)(a) A student who qualifies under subsection (2)(k), (m), (n),  
30 (o), (p), (q), (r), (s), or (t) of this section and who remains  
31 continuously enrolled at an institution of higher education shall  
32 retain resident student status.

33 (b) Nothing in subsection (2)(k), (m), (n), (o), (p), (q), (r),  
34 (s), or (t) of this section applies to students who have a  
35 dishonorable discharge from the uniformed services, or to students  
36 who are the spouse or child of an individual who has had a  
37 dishonorable discharge from the uniformed services, unless the  
38 student is receiving veterans administration educational assistance  
39 benefits.

1 (4) The term "nonresident student" shall mean any student who  
2 does not qualify as a "resident student" under the provisions of this  
3 section and RCW 28B.15.013. Except for students qualifying under  
4 subsection (2)(e) or (u) of this section, a nonresident student shall  
5 include:

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

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

17 (i) A lawful permanent resident;

18 (ii) A temporary resident;

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

22 (iv) A person who has been issued an employment authorization  
23 document by the United States citizenship and immigration services  
24 that is valid as of the date the person's residency status is  
25 determined;

26 (v) A person who has been granted deferred action for childhood  
27 arrival status before, on, or after June 7, 2018, regardless of  
28 whether the person is no longer or will no longer be granted deferred  
29 action for childhood arrival status due to the termination,  
30 suspension, or modification of the deferred action for childhood  
31 arrival program; or

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

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

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

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

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

12 (b) The Washington national guard; or

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

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

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

30 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act are each  
31 added to chapter 28B.50 RCW.

32 NEW SECTION. **Sec. 11.** This act may be known and cited as the  
33 our colleges our future act of 2021.

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