

## Committee for Academic Affairs & Policy (CAAP)

The Committee for Academic Affairs and Policy addresses issues related to academic policy. This includes the seven Roadmap action items below. It also discusses issues related to the Council's responsibilities regarding consumer protection, the Disability Task Force, and diversity issues.

### Action Items:

- Ensure high school graduates are career and college ready.
- Streamline and expand dual-credit and dual-enrollment programs.
- Align postsecondary programs with employment opportunities.
- Provide greater access to work-based learning opportunities.
- Leverage technology to improve student outcomes.
- Ensure cost is not a barrier for low-income students.
- Help students and families save for postsecondary education.

### Scheduled Meeting Times

**Thursday, October 31 – 10:30 AM to 12:00 PM**

### Members

**Council of Presidents:** Jane Sherman

**Independent Colleges of Washington:** Violet Boyer

**Office of Superintendent of Public Instruction:** Mike Hubert

**State Board for Community and Technical Colleges:**

Alison Grazzini, Jan Yoshiwara,

**State Board of Education:** Linda Drake

**Student Representative:** Akua Asare-Konadu, Aviance Tate

**Workforce Training and Education Coordinating Board:**

Nova Gattman, Justin Montermini, Eleni Papadakis

### WSAC Members

**Council:** Jeff Charbonneau, Gil Mendoza, Rai Nauman Mumtaz

**Staff:** Randy Spaulding

### AGENDA

1. Residency for Veteran's
2. Update on Dual Credit
3. ISLS Infographic
4. Update on SBAC Achievement Level Setting
5. Feedback about committee

# Residency for Veterans in Washington: Aligning Washington State and Federal Laws

**October 16, 2014**

Background: In Washington, as in most other states, establishing residency for tuition purposes at public institutions of higher education has two components: the establishment of an official domicile, and a waiting period of one year after establishing a domicile. A collection of evidence is required to prove an individual's domicile. Individuals can only have one legal domicile in the U.S. at one time.

## State Law

In current law, the term resident student covers many different types of active military duty students, spouses, and dependents, including the following:

- a student who is on active military duty stationed in the state or who is a member of the Washington National Guard;
- a student who is on active military duty or a member of the National Guard who entered service as a Washington resident and has maintained Washington as their domicile but is not stationed in the state; and a student who is a spouse or a dependent of a person who is on active military duty or a member of the National Guard who entered service as a Washington resident and has maintained Washington as their domicile but is not stationed in the state;
- a student who resides in Washington and is the spouse or a dependent of a person who is a member of the Washington National Guard; a student who resides in Washington and is on active military duty stationed in certain Oregon counties; and a student who resides in Washington and is the spouse or a dependent of a person who resides in Washington and is on active military duty stationed in certain Oregon counties.

The 2014 Washington State Legislature passed **SB 5318**, revising the definition of a Washington resident student to remove the one year waiting period for veterans and their dependents. This bill went into effect June 12, 2014 and added to the definition of a resident:

- A student who has separated from the military under honorable conditions after at least two years of service, enters an institution of higher education in Washington within one year of the date of separation, and meets one or more criteria regarding a connection or intended connection to Washington.
- A student who is the spouse or a dependent of an individual who has separated from the military under honorable conditions after at least two years of service and meets certain criteria regarding a connection or intended connections to Washington.

## Federal Law

At the federal level, the **Veterans Access, Choice, And Accountability Act of 2014** was signed into law by the President on August 7, 2014, and becomes effective July 1, 2015. **Section 702** of the Act requires the Veteran's Administration to approve, for the purposes of education benefits provided under the Montgomery GI Bill and Post-9/11 GI Bill programs, only public institutions of higher education that charge tuition and fees at no more than the in-state rate to certain veterans and dependents.

Section 702 makes this provision applicable to:

- Veterans who were discharged or released from at least 90 days of active service less than three years before their date of enrollment in the applicable course
- Family members eligible for such assistance due to their relationship to such veterans

### **Purpose of DRAFT Bill**

This proposal will align Federal and State Statutes. Section 702 of Federal law is a significant change in the allocation of veterans' benefits. Any payment to an institution for tuition and fees is dependent on the Veteran being classified as resident for tuition purposes. The Veterans Administration (VA) will no longer pay for courses taken by the veteran while the veteran is in a non-resident tuition status. Previously, the VA would pay for a course of education up to the in-state tuition rate for the Post 9/11 GI Bill or whatever the Montgomery GI Bill allowed.

This proposal is a benefit to the state as it would allow Veterans to continue attending colleges and universities in Washington using their GI bill benefits and funds, and allow those colleges and universities to continue receiving GI Bill funding.

This proposal would benefit the state's communities because higher education helps veterans transition to civilian life. Changes in Federal law affect all states, so Veterans will not be looking at Washington as a destination since they can stay in their home state and receive the same benefits. Improving higher education opportunities for veterans provides a social, economic, moral, and community nexus. Veterans make great student leaders and are an important part of our community.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0186.2/15 2nd draft

ATTY/TYPIST: SCG:eab

BRIEF DESCRIPTION: Concerning resident student classification of persons who have separated from the military and their spouses and dependents.

1 AN ACT Relating to resident student classification of persons who  
2 have separated from the military and their spouses and dependents;  
3 and 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 2014 c 183 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 college within the state of Washington.

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

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

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

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

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

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

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

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

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

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

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

15 (k) A student who has separated from the military (~~under~~  
16 ~~honorable conditions~~) with an honorable discharge after at least  
17 (~~two years~~) ninety days of service(~~(7)~~) and who enters an  
18 institution of higher education in Washington within (~~one year~~)  
19 three years of the date of separation (~~who~~;

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

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

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

25 (l) A student who is the spouse or a dependent of an individual  
26 who has separated from the military (~~under honorable conditions~~)  
27 with an honorable discharge after at least (~~two years~~) ninety days  
28 of service and who(~~(+~~

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

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

33 ~~(iii))~~ enters an institution of higher education in Washington  
34 within (~~one year of the date of discharge~~) three years of the date  
35 of separation;

36 (m) A student of an out-of-state institution of higher education  
37 who is attending a Washington state institution of higher education  
38 pursuant to a home tuition agreement as described in RCW 28B.15.725;

39 (n) A student who meets the requirements of RCW 28B.15.0131:  
40 PROVIDED, That a nonresident student enrolled for more than six hours

1 per semester or quarter shall be considered as attending for  
2 primarily educational purposes, and for tuition and fee paying  
3 purposes only such period of enrollment shall not be counted toward  
4 the establishment of a bona fide domicile of one year in this state  
5 unless such student proves that the student has in fact established a  
6 bona fide domicile in this state primarily for purposes other than  
7 educational;

8 (o) A student who resides in Washington and is on active military  
9 duty stationed in the Oregon counties of Columbia, Gilliam, Hood  
10 River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
11 Union, Wallowa, Wasco, or Washington; or

12 (p) A student who resides in Washington and is the spouse or a  
13 dependent of a person who resides in Washington and is on active  
14 military duty stationed in the Oregon counties of Columbia, Gilliam,  
15 Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,  
16 Union, Wallowa, Wasco, or Washington. If the person on active  
17 military duty moves from Washington or is reassigned out of the  
18 Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop,  
19 Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or  
20 Washington, the student maintains the status as a resident student so  
21 long as the student resides in Washington and is continuously  
22 enrolled in a degree program.

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

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

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

39 (4) The term "domicile" shall denote a person's true, fixed and  
40 permanent home and place of habitation. It is the place where the

1 student intends to remain, and to which the student expects to return  
2 when the student leaves without intending to establish a new domicile  
3 elsewhere. The burden of proof that a student, parent or guardian has  
4 established a domicile in the state of Washington primarily for  
5 purposes other than educational lies with the student.

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

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

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

17 (b) The Washington national guard; or

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

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