



Washington Postsecondary Residency Workgroup Recommendations

November 2022

Introduction

A 2022 budget proviso directed the Washington Student Achievement Council (WSAC) to “convene stakeholders from institutions of higher education, students, and community-based organizations to develop recommendations regarding residency statutes with the goal of ensuring consistent application of residency statutes and clarifying pathways to being a Washington resident student with a focus on ensuring equity to accessing student residency.”

WSAC convened several meetings of a Residency Workgroup in fall 2022 to discuss ways to ensure consistent application of residency statutes with a focus on equity for students.

The following report provides:

- A brief summary of recent legislation pertaining to residency.
- The roles of WSAC and institutions in the implementation of residency law.
- A description of WSAC’s process to convene stakeholders for purposes of carrying out the proviso directive.
- A summary of the workgroup’s discussions and recommendations.

Recent Residency Policies

Key pieces of legislation in Washington have impacted residency policy in recent years:

| Bill Number | Details |
|--|--|
| <u>EHB 1079 (2003)</u> | <ul style="list-style-type: none">• Expanded definition of a resident student to allow undocumented students access to residency in Washington institutions.• Conditions to be met were: Complete high school and earn a diploma or equivalent from Washington AND should have lived in Washington for three years prior to completing receiving the high school diploma or equivalent and remained living in the state until being admitted to an institution of higher education AND provide the institution an affidavit that they would seek to become a permanent resident as soon as possible. |
| <u>E2SSB 5194 (2021)</u> | <ul style="list-style-type: none">• Modified 1079 to allow students to be residents for purposes of tuition and aid if: They should have a high school diploma or equivalent from anywhere AND should have lived in Washington for one year AND provide the institution with the aforementioned affidavit. |
| <u>ESSB 5874 (2022)</u> | <ul style="list-style-type: none">• Modified same section of statute (<u>RCW 28B.015.012</u>): Added the requirement that a student seeking residency had to be residing in the state |

for one year, primarily for purposes other than postsecondary education in addition to the requirements already in SB 5194.

Residency Roles

Residency statute defines roles for WSAC and for institutions of higher education.

The Washington Student Achievement Council (WSAC):

- Adopts residency rules for tuition and fee purposes.
- Sets guidelines for all public colleges and universities to follow.
- Provides resources to help residency officers make residency decisions at campuses.

Public institutions of higher education:

- Make residency determinations for all tuition and fee purposes. Residency determinations are also used by institutions of higher education for financial aid purposes.
- Communicate with students regarding their application for residency.

The charge of the proviso is to focus on ensuring students have equitable access to residency.

Community-based organizations also informally play a role of guiding future and current students, especially from our immigrant and refugee communities, in understanding and following the residency rules and processes.

Residency Workgroup Description and Process

WSAC invited representatives from communities, student associations, nonprofits, colleges, and institutions of higher education to attend three workgroup meetings. [See appendix](#) for details of organizations that were invited and participated.

The goals of this workgroup were to determine if any statutory changes may be necessary to promote equity and to determine if there are any issues in the way existing law is interpreted and implemented that cause negative consequences for groups of students. Ultimately, the charge of this group was to discuss how Washington might ensure that residency is *promoting* equity and not hindering it.

The workgroup responded to the following questions regarding the practice and implementation of residency at an institutional level and from the perspective of lived experiences of various stakeholders:

1. Recommendations regarding residency statutes:
 - Does anything in the recently amended law impose a barrier on certain students?
 - What are key areas in the statute that lack clarity or are hard to interpret?
2. Consistent application of residency statutes:
 - Are similar students receiving different information or different residency determinations at different institutions?
 - How can we help ensure the laws are applied consistently?
 - How is the residency statute interpreted? Is there a training or a manual used?
 - What are the most common questions you receive on this statute?

3. Ensuring equity for students:
 - How equitable is this process now from a student's point of view?
 - How do we know if we are making progress?
 - How are residency issues resolved when interpretation is not clear?

Workgroup Discussions on Residency Issues

The workgroup discussed four issue areas in residency policy and practice:

1. Participants identified inconsistent application of statute at the institutional level as an issue. Participants described a lack of clarity on the use of affidavit section on the residency form by institutions.¹ Representatives from community-based organizations noted that undocumented students are being flagged for further residency-related questions more often than other students. Concerns regarding the confidentiality of the form were also raised.
 - Institutions clarified that the residency form no longer distinguishes between a citizen and a non-citizen. Hence, institutions are not aware of the citizenship status of any student.
 - Institutional representatives emphasized that institutions do have document retention policies and take confidentiality very seriously. Access to residency forms is also limited.
 - Some institutional representatives noted that algorithms determine the first step in flagging students for further residency-related inquiry. However, they also shared that a student's whole situation is considered before determining final residency status.
 - Finally, institutions, students, and community members agreed that the affidavit section does not serve any purpose.
2. Community organizations shared the concern that residency law and important changes to the law are not disseminated systematically and widely, leading to some populations of students not having consistent access to residency information. Institutional representatives noted that residency practices vary from institution to institution and sometimes even vary among personnel within institutions.
 - Campuses shared that they lack access to consistent, reliable, and accessible residency training.
 - Campuses also observed that they have experienced large staff turnover in recent years, which has led to further fragmentation of available residency information.
 - Further, dissemination of residency information from campuses to community-based organizations and other partners was also identified as an area requiring more planning and consistency.
3. Since institutions determine residency at the institution level, community members voiced a need for institutions to share their interpretation of residency law.

¹ [Washington State Higher Education Residency Affidavit](#)

- Transparency and clarity regarding phrases in statute like “primarily for purposes other than postsecondary education” would be helpful to community members. One example noted was greater clarity on what documentation students need to provide to satisfy this requirement.
4. Concrete ways to simplify the residency process were discussed.
 - All stakeholders agreed that the residency form is outdated. Printed, hardcopy versions are problematic and can be a barrier to certain students. Using a common online platform as well as updating the form would be ideal.

Workgroup Recommendations

Based on discussions in the three convenings, the workgroup offered the following recommendations in the areas of policy, rulemaking, and practice.

1. Policy changes:
 - The affidavit (section that requires students to indicate that they will file an application to become a permanent resident or citizen at the earliest opportunity) serves no material purpose for students or colleges and acts as a deterrent for undocumented students. The group came to a consensus that the affidavit requirement should be removed.
2. Rulemaking opportunities:
 - Clearer residency guidelines to be provided to promote greater consistency among institutions as they interpret the residency statute.
3. Practices and guidance:
 - There are opportunities to convene residency officers to encourage cross-sector collaborations and alignment.
 - Institutions should determine best practices in updating changes in laws, sharing institution-level interpretations of the residency law, and disseminating that information in a timely and accessible manner.
 - There is an opportunity for an intentional campaign led by advocates and community-based groups, students, navigators, and in close association with campus staff focused on sharing the meaning of the current law to the wider community.

Conclusion

Overall, the workgroup recognized the role of residency toward accomplishing educational opportunities for all Washingtonians. The workgroup agreed that prioritizing the needs of Washington students farthest from educational equity was a top priority, particularly for undocumented Washingtonians who may be most affected by issues with residency policy and practices.

Together the workgroup identified several opportunities for improvement of the statute and current practices, including recommendations for removing the affidavit requirement and increased clarity and communications regarding residency among institutions, sectors, WSAC, and community-based organizations.

Stakeholder Engagement Meetings

WSAC held three 90-minute meetings on Oct. 13, Nov. 3, and Nov. 14, 2022. Stakeholders that were invited and attended the workgroup meetings included:

| Organizations Invited | Attended One or More Meetings |
|--|--------------------------------------|
| CIELO | Yes |
| Commission on Asian Pacific American Affairs | No |
| Commission on Hispanic Affairs | No |
| Communities for our Colleges | Yes |
| Community Center for Education Results | Yes |
| Council Of Presidents | Yes |
| Evergreen State College | No |
| Green River College | Yes |
| Highline College | Yes |
| Lower Columbia College | Yes |
| Northwest Immigrant Rights Project | Yes |
| Puget Sound Welcome Back Center | Yes |
| State Board of Community and Technical Colleges | Yes |
| University of Washington | Yes |
| Washington State University Undocumented Initiatives | Yes |
| Washington Students Association | Yes |
| Workforce Development Council of Seattle-King County | Yes |

About the Washington Student Achievement Council

The Washington Student Achievement Council is committed to increasing educational opportunities and attainment in Washington. The Council has three main functions:

- Lead statewide strategic planning to increase educational attainment.
- Administer programs that help people access and pay for college.
- Advocate for the economic, social, and civic benefits of higher education.

The Council has ten members. Four members represent each of Washington's major education sectors: four-year public baccalaureates, four-year private colleges, public community and technical colleges, and K-12 public schools. Six are citizen members, including two current students (one graduate student and one undergraduate student).

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