
SECOND SUBSTITUTE SENATE BILL 5194

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.)

1 AN ACT Relating to providing for equity and access in the
2 community and technical colleges; amending RCW 28B.92.030,
3 28B.96.010, and 28B.15.012; adding a new section to chapter 28B.92
4 RCW; adding new sections to chapter 28B.50 RCW; creating a new
5 section; and providing expiration dates.

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

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

20 The legislature recognizes that offering tuition financial
21 support to first-generation and underrepresented minority students is

1 necessary for students to enroll and attend college but must also be
2 accompanied by proven supports for them to complete their degrees or
3 workforce training programs.

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

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

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

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

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

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

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

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

34 (5) Each community and technical college shall include in its
35 diversity, equity, and inclusion strategic plan a faculty diversity
36 program designed to provide for the retention and recruitment of
37 faculty from diverse racial, ethnic, and cultural backgrounds. The
38 faculty diversity program must be based on proven practices in
39 diversity hiring processes.

1 NEW SECTION.

2 **Sec. 4.**

3 STUDENT SUCCESS SUPPORT PROGRAMS AND

4 GUIDED PATHWAYS IMPLEMENTATION. (1) In order to improve the degree
5 and workforce certification completion rates for students, each
6 community and technical college shall fully implement guided
7 pathways. At a minimum, guided pathways implementation must include:

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

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

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

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

34 (i) Equity competent academic advising services;

35 (ii) Equity competent career development programming;

36 (iii) Clear information regarding financial aid and financial
37 literacy; and

38 (iv) Inclusive curriculum and teaching practices.

39 (2)(a) The Washington state institute for public policy, in
40 consultation with the workforce education investment accountability
and oversight board under RCW 28C.18.200, shall complete an
evaluation of the guided pathways model. To the extent possible, the

1 institute shall complete a preliminary report that evaluates the
2 effect of the guided pathways model on early student outcomes
3 including, but not limited to, student retention and persistence,
4 college level English and math within the first year, and graduation
5 and transfer rates. The preliminary report must review the
6 implementation of the guided pathways model in Washington and any
7 available evidence of the effectiveness of the guided pathways model.
8 The preliminary report must be submitted by December 15, 2023.

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

15 (c) Both the preliminary and final reports must consider
16 differences in outcomes by racial and ethnic subgroups and
17 socioeconomic status.

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

23 (a) The legislature's goal is that community and technical
24 colleges increase the numbers of full-time tenured positions by
25 adding 200 new full-time tenure-track positions in each of three
26 academic years, beginning with the 2022-23 academic year.

27 (b) This goal is best accomplished through converting part-time
28 faculty positions to full-time tenure-track positions and by hiring
29 new full-time faculty through processes identified in each college's
30 diversity, equity, and inclusion strategic plan described in section
31 3 of this act. If specific funding for the purpose of conversion
32 assignments proposed in this section is not provided in the omnibus
33 appropriations act, the conversion assignments proposed must be
34 delayed until such time as specific funding is provided.

35 (c) The college board must collect data and assess the impact of
36 the 600 additional full-time tenure-track faculty on student
37 completion rates. The college board must convene representatives of
38 faculty, staff, and administration to report on outcomes as a result
39 of increasing full-time tenure-track faculty. In consultation with

1 representatives of faculty, staff, and administration, the college
2 board must make recommendations about future steps to increase full-
3 time tenure-track faculty that incorporate faculty diversity and
4 historically underserved communities. The college board must report
5 the results of its assessment, along with next step recommendations,
6 to the legislature by December 15, 2025.

7 (2) This section expires July 1, 2027.

8 NEW SECTION. **Sec. 6.** MENTAL HEALTH COUNSELOR PILOT PROGRAM. (1)

9 Subject to the availability of amounts appropriated for this specific
10 purpose, the college board shall administer a pilot program to
11 increase student access to mental health counseling and services.

12 (2) The college board, in collaboration with the selection
13 committee, shall select eight community or technical colleges to
14 participate in the pilot program, with half of the participating
15 colleges located outside of the Puget Sound area. For purposes of
16 this section, "Puget Sound area" means Snohomish, King, Pierce, and
17 Thurston counties. Each participating college must receive a grant to
18 implement one or more strategies to increase student access to mental
19 health counseling and services, including substance use disorder
20 counseling and services.

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

23 (i) One community or technical college president;

24 (ii) One community or technical college vice president for
25 student services or student instruction;

26 (iii) Two faculty counselors employed at a community or technical
27 college; and

28 (iv) One community or technical college student.

29 (b) The selection committee may consult with representatives of
30 an entity within the University of Washington school of social work
31 that has expertise in suicide prevention and the department of health
32 in developing selection criteria.

33 (4) Community and technical colleges wishing to participate in
34 the pilot program shall apply to the college board. Applicants must
35 identify opportunities for expanding on-campus mental health
36 counseling and services. Applicants must also show a commitment to
37 further develop partnerships by engaging external community
38 providers, including those who provide crisis services and substance
39 use disorder treatment and counseling. Applications that demonstrate

1 plans to include one or more of the following strategies recommended
2 by the community and technical college counselors task force must be
3 prioritized:

4 (a) Improve equity, diversity, and inclusion in counseling
5 services, such as by diversifying the counselor workforce by adopting
6 equity-centered recruiting, training, and retention practices or by
7 providing equity training and awareness for all counselors;

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

10 (c) Engage students to help increase mental health and counseling
11 awareness and promote help-seeking behavior through student groups
12 and other methods;

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

14 (e) Increase or expand external partnerships with community
15 service providers;

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

18 (g) Develop an assessment of counseling services to inform
19 improvements and ensure counseling services are meeting student
20 needs; or

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

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

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

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

35 (b) Demographic data of students accessing mental health
36 counseling and services, including those students who are considered
37 underrepresented or traditionally have limited access to mental
38 health counseling and services;

39 (c) Whether the mental health counseling and services provided
40 are meeting the demand of students in terms of type and availability,

1 and whether the various types of mental health counseling and
2 services are being provided by community providers versus on-campus
3 services;

4 (d) Information and data on the effectiveness, including cost-
5 effectiveness, of each strategy used to increase student access to
6 mental health counseling and services, including substance use
7 disorder counseling and services, such as the number of additional
8 students served, reduced wait times for counseling appointments, or
9 other data that reflects expanded access; and

10 (e) Lessons learned and recommendations for improving student
11 access to mental health counseling and services at community and
12 technical colleges and to community providers, including whether
13 there were any strategies implemented that proved more effective than
14 others in increasing access.

15 (7) The pilot program expires July 1, 2025.

16 (8) This section expires January 1, 2026.

17 NEW SECTION. **Sec. 7.** MINIMUM COUNSELOR STANDARDS. (1) It is the
18 intent of the legislature to provide clear minimum standards to
19 ensure qualified faculty counselors while also providing flexibility
20 to allow for differences in criteria required by hiring institutions.
21 Beginning September 1, 2021, the college board shall adopt rules
22 regarding the minimum hiring standards for a faculty counselor. At a
23 minimum, these must include:

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

25 (b) Completion of appropriate graduate coursework; and

26 (c) Standards established by the state board for community and
27 technical colleges.

28 (2) The requirements and standards imposed through this section
29 do not apply to an individual employed by a college district as a
30 counselor before September 1, 2021. Counselors who began employment
31 at one college district prior to September 1, 2021, and moved
32 employment to a different college district after that date may carry
33 the exemptions from the requirements and standards imposed through
34 this section to their new place of employment.

35 **Sec. 8.** RCW 28B.92.030 and 2019 c 406 s 21 are each amended to
36 read as follows:

37 As used in this chapter:

38 (1) "Council" means the student achievement council.

1 (2) "Financial aid" means (~~either~~) loans, grants, stipends for
2 student support, or (~~both~~) any combination of these forms of aid,
3 to students who demonstrate financial need enrolled or accepted for
4 enrollment as a student at institutions of higher education.

5 (3) "Financial need" means a demonstrated financial inability to
6 bear the total cost of education as directed in rule by the office.

7 (4) "Institution" or "institutions of higher education" means:

8 (a) Any public university, college, community college, or
9 technical college operated by the state of Washington or any
10 political subdivision thereof; or

11 (b) Any other university, college, school, or institute in the
12 state of Washington offering instruction beyond the high school level
13 that is a member institution of an accrediting association recognized
14 by rule of the council for the purposes of this section and that
15 agrees to and complies with program rules adopted pursuant to RCW
16 28B.92.150. However, any institution, branch, extension or facility
17 operating within the state of Washington that is affiliated with an
18 institution operating in another state must be:

19 (i) A separately accredited member institution of any such
20 accrediting association;

21 (ii) A branch of a member institution of an accrediting
22 association recognized by rule of the council for purposes of this
23 section, that is eligible for federal student financial aid
24 assistance and has operated as a nonprofit college or university
25 delivering on-site classroom instruction for a minimum of twenty
26 consecutive years within the state of Washington, and has an annual
27 enrollment of at least seven hundred full-time equivalent students;

28 (iii) A nonprofit institution recognized by the state of
29 Washington as provided in RCW 28B.77.240; or

30 (iv) An approved apprenticeship program under chapter 49.04 RCW.

31 (5) "Maximum Washington college grant":

32 (a) For students attending two or four-year institutions of
33 higher education as defined in RCW 28B.10.016, is tuition and
34 estimated fees for fifteen quarter credit hours or the equivalent, as
35 determined by the office, including operating fees, building fees,
36 and services and activities fees.

37 (b) For students attending private four-year not-for-profit
38 institutions of higher education in Washington, in the 2019-20
39 academic year, is nine thousand seven hundred thirty-nine dollars and

1 may increase each year afterwards by no more than the tuition growth
2 factor.

3 (c) For students attending two-year private not-for-profit
4 institutions of higher education in Washington, in the 2019-20
5 academic year, is three thousand six hundred ninety-four dollars and
6 may increase each year afterwards by no more than the tuition growth
7 factor.

8 (d) For students attending four-year private for-profit
9 institutions of higher education in Washington, in the 2019-20
10 academic year, is eight thousand five hundred seventeen dollars and
11 may increase each year afterwards by no more than the tuition growth
12 factor.

13 (e) For students attending two-year private for-profit
14 institutions of higher education in Washington, in the 2019-20
15 academic year, is two thousand eight hundred twenty-three dollars and
16 may increase each year afterwards by no more than the tuition growth
17 factor.

18 (f) For students attending Western Governors University-
19 Washington, as established in RCW 28B.77.240, in the 2019-20 academic
20 year, is five thousand six hundred nineteen dollars and may increase
21 each year afterwards by no more than the tuition growth factor.

22 (g) For students attending approved apprenticeship programs, is
23 tuition and fees, as determined by the office, in addition to
24 required program supplies and equipment.

25 (6) "Office" means the office of student financial assistance.

26 (7) "Tuition growth factor" means an increase of no more than the
27 average annual percentage growth rate of the median hourly wage for
28 Washington for the previous fourteen years as the wage is determined
29 by the federal bureau of labor statistics.

30 NEW SECTION. **Sec. 9.** A new section is added to chapter 28B.92
31 RCW to read as follows:

32 WASHINGTON COLLEGE GRANT STIPEND PROGRAM. (1) The Washington
33 college grant stipend program is created. All eligible students may
34 be eligible for student support stipends for housing, transportation,
35 food, and medical care. The amount of stipend awards is subject to
36 the availability of amounts appropriated for this specific purpose.

37 (2) Eligible students may use the stipends to cover the cost of
38 books, materials, or equipment required for the completion of their
39 course of study but not covered by other sources of student aid.

1 (3) The office shall adopt rules regarding the distribution and
2 awarding of stipends.

3 **Sec. 10.** RCW 28B.96.010 and 2020 c 326 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

8 (a) Is a resident student;

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

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

13 (d) Fills out the Washington application for state financial aid;
14 and

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

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

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

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

23 (5) "Resident student" means:

24 (a) A financially independent student who has had a domicile in
25 the state of Washington for the period of one year immediately prior
26 to the time of commencement of the first day of the semester or
27 quarter for which the student has registered at any institution and
28 has in fact established a bona fide domicile in this state primarily
29 for purposes other than educational;

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

35 (c) Any student:

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

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

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

8 (d) Any person(÷

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

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

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

18 ~~(iv) Who provides to the institution an affidavit indicating that
19 the individual will file an application to become a permanent
20 resident at the earliest opportunity the individual is eligible to do
21 so and a willingness to engage in any other activities necessary to
22 acquire citizenship, including but not limited to citizenship or
23 civics review courses)) who meets the requirements under RCW
24 28B.15.012(2)(e).~~

25 **Sec. 11.** RCW 28B.15.012 and 2020 c 232 s 1 are each amended to
26 read as follows:

27 Whenever used in this chapter:

28 (1) The term "institution" shall mean a public university,
29 college, or community or technical college within the state of
30 Washington.

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

32 (a) A financially independent student who has had a domicile in
33 the state of Washington for the period of one year immediately prior
34 to the time of commencement of the first day of the semester or
35 quarter for which the student has registered at any institution and
36 has in fact established a bona fide domicile in this state primarily
37 for purposes other than educational;

38 (b) A dependent student, if one or both of the student's parents
39 or legal guardians have maintained a bona fide domicile in the state

1 of Washington for at least one year immediately prior to commencement
2 of the semester or quarter for which the student has registered at
3 any institution;

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

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

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

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

1 has filed an application for adjustment of status pursuant to 8
2 U.S.C. Sec. 1255(a);

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

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

7 (i) Entered service as a Washington resident;

8 (ii) Has maintained a Washington domicile; and

9 (iii) Is stationed out-of-state;

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

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

16 (ii) Enrolled in an institution and remains continuously enrolled
17 at the institution;

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

20 (k) A student who is eligible or entitled to transferred federal
21 post-9/11 veterans educational assistance act of 2008 (38 U.S.C. Sec.
22 3301 et seq.) benefits based on the student's relationship as a
23 spouse, former spouse, or child to an individual who is on active
24 duty in the uniformed services;

25 (l) A student who resides in the state of Washington and is the
26 spouse or a dependent of a person who is a member of the Washington
27 national guard;

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

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

38 (o) A student who is entitled to veterans administration
39 educational assistance benefits based on the student's relationship
40 as a spouse, former spouse, or child to an individual who has

1 separated from the uniformed services with any period of honorable
2 service after at least ninety days of active duty service, and who
3 enters an institution of higher education in Washington within three
4 years of the service member's date of separation;

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

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

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

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

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

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

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

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

39 (x) A student who resides in Washington and is the spouse or a
40 dependent of a person defined in (w) of this subsection. If the

1 person defined in (w) of this subsection moves from Washington or is
2 reassigned out of the Oregon counties of Columbia, Gilliam, Hood
3 River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla,
4 Union, Wallowa, Wasco, or Washington, the student maintains the
5 status as a resident student so long as the student resides in
6 Washington and is either:

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

9 (ii) Enrolled in an institution and remains continuously enrolled
10 at the institution.

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

15 (b) Nothing in subsection (2)(k), (m), (n), (o), (p), (q), (r),
16 (s), or (t) of this section applies to students who have a
17 dishonorable discharge from the uniformed services, or to students
18 who are the spouse or child of an individual who has had a
19 dishonorable discharge from the uniformed services, unless the
20 student is receiving veterans administration educational assistance
21 benefits.

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

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

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

38 (i) A lawful permanent resident;

39 (ii) A temporary resident;

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

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

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

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

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

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

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

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

34 (b) The Washington national guard; or

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

38 (8) The term "active duty service" means full-time duty, other
39 than active duty for training, as a member of the uniformed services
40 of the United States. Active duty service as a national guard member

1 under Title 32 U.S.C. for the purpose of organizing, administering,
2 recruiting, instructing, or training and active service under 32
3 U.S.C. Sec. 502(f) for the purpose of responding to a national
4 emergency is recognized as active duty service.

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

12 NEW SECTION. **Sec. 12.** Sections 1 through 7 of this act are each
13 added to chapter 28B.50 RCW.

14 NEW SECTION. **Sec. 13.** This act may be known and cited as the
15 our colleges our future act of 2021.

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