

As Reported by the House Higher Education Committee

133rd General Assembly

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Am. H. B. No. 371

Representative Merrin

Cosponsors: Representatives Holmes, A., Perales

A BILL

To amend section 3333.31 of the Revised Code to
expand the "Forever Buckeye" program by granting
in-state college tuition to individuals who
receive a certificate of high school equivalence
in Ohio.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3333.31 of the Revised Code be
amended to read as follows:

Sec. 3333.31. (A) For state subsidy and tuition surcharge
purposes, status as a resident of Ohio shall be defined by the
chancellor of higher education by rule promulgated pursuant to
Chapter 119. of the Revised Code. No adjudication as to the
status of any person under such rule, however, shall be required
to be made pursuant to Chapter 119. of the Revised Code. The
term "resident" for these purposes shall not be equated with the
definition of that term as it is employed elsewhere under the
laws of this state and other states, and shall not carry with it
any of the legal connotations appurtenant thereto. Rather,
except as provided in divisions (B), (C), and (E) of this
section, for such purposes, the rule promulgated under this

section shall have the objective of excluding from treatment as 20
residents those who are present in the state primarily for the 21
purpose of attending a state-supported or state-assisted 22
institution of higher education, and may prescribe presumptive 23
rules, rebuttable or conclusive, as to such purpose based upon 24
the source or sources of support of the student, residence prior 25
to first enrollment, evidence of intention to remain in the 26
state after completion of studies, or such other factors as the 27
chancellor deems relevant. 28

(B) The rules of the chancellor for determining student 29
residency shall grant residency status to a veteran and to the 30
veteran's spouse and any dependent of the veteran, if both of 31
the following conditions are met: 32

(1) The veteran either: 33

(a) Served one or more years on active military duty and 34
was honorably discharged or received a medical discharge that 35
was related to the military service; 36

(b) Was killed while serving on active military duty or 37
has been declared to be missing in action or a prisoner of war. 38

(2) If the veteran seeks residency status for tuition 39
surcharge purposes, the veteran has established domicile in this 40
state as of the first day of a term of enrollment in an 41
institution of higher education. If the spouse or a dependent of 42
the veteran seeks residency status for tuition surcharge 43
purposes, the veteran and the spouse or dependent seeking 44
residency status have established domicile in this state as of 45
the first day of a term of enrollment in an institution of 46
higher education, except that if the veteran was killed while 47
serving on active military duty, has been declared to be missing 48

in action or a prisoner of war, or is deceased after discharge, 49
only the spouse or dependent seeking residency status shall be 50
required to have established domicile in accordance with this 51
division. 52

(C) The rules of the chancellor for determining student 53
residency shall grant residency status to both of the following: 54

(1) A veteran who is the recipient of federal veterans' 55
benefits under the "All-Volunteer Force Educational Assistance 56
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 57
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 58
successor program, if the veteran meets all of the following 59
criteria: 60

(a) The veteran served at least ninety days on active 61
duty. 62

(b) The veteran enrolls in a state institution of higher 63
education, as defined in section 3345.011 of the Revised Code. 64

(c) The veteran lives in the state as of the first day of 65
a term of enrollment in the state institution of higher 66
education. 67

(2) A person who is the recipient of the federal Marine 68
Gunnery Sergeant John David Fry scholarship or transferred 69
federal veterans' benefits under any of the programs described 70
in division (C) (1) of this section, if the person meets both of 71
the following criteria: 72

(a) The person enrolls in a state institution of higher 73
education. 74

(b) The person lives in the state as of the first day of a 75
term of enrollment in the state institution of higher education. 76

In order for a person using transferred federal veterans' benefits to qualify under division (C) (2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty.

(D) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall include both of the following documents:

(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state, a copy of the closing statement on residential real property of which the parent or spouse is the owner and occupant in this state or, if the parent or spouse is not the lessee or owner of the residence in which the parent or spouse has established domicile, a letter from the owner of the residence certifying that the parent or spouse resides at that residence.

Residency officers may also evaluate, in accordance with the chancellor's rule, requests for immediate residency status from dependent students whose parents are not living and whose

domicile follows that of a legal guardian who has accepted full- 106
time employment and established domicile in the state for 107
reasons other than gaining the benefit of favorable tuition 108
rates. 109

(E) (1) The rules of the chancellor for determining student 110
residency shall grant residency status to a person who, ~~while a~~ 111
~~resident of this state for state subsidy and tuition surcharge~~ 112
~~purposes, graduated from a high school in this state or completed~~ 113
~~the final year of instruction at home as authorized under~~ 114
~~section 3321.04 of the Revised Code, if the person enrolls in an~~ 115
institution of higher education and establishes domicile in this 116
state, regardless of the student's residence prior to that 117
enrollment and satisfies either of the following conditions: 118

(a) The person, while a resident of this state for state 119
subsidy and tuition surcharge purposes, graduated from a high 120
school in this state or completed the final year of instruction 121
at home as authorized under section 3321.04 of the Revised Code. 122

(b) The person meets all of the following criteria: 123

(i) The person officially withdrew from a school in this 124
state while the person was a resident of this state for state 125
subsidy and tuition surcharge purposes. 126

(ii) The person has not received a high school diploma or 127
honors diploma awarded under section 3313.61, 3313.611, 128
3313.612, or 3325.08 of the Revised Code or a high school 129
diploma awarded by a school located in another state or country. 130

(iii) The person, while a resident of this state for state 131
subsidy and tuition surcharge purposes, both took a high school 132
equivalency test and was awarded a certificate of high school 133
equivalence. 134

(2) The rules of the chancellor for determining student 135
residency shall not grant residency status to an alien if the 136
alien is not also an immigrant or a nonimmigrant. 137

(F) As used in this section: 138

(1) "Dependent," "domicile," "institution of higher 139
education," and "residency officer" have the meanings ascribed 140
in the chancellor's rules adopted under this section. 141

(2) "Alien" means a person who is not a United States 142
citizen or a United States national. 143

(3) "Immigrant" means an alien who has been granted the 144
right by the United States bureau of citizenship and immigration 145
services to reside permanently in the United States and to work 146
without restrictions in the United States. 147

(4) "Nonimmigrant" means an alien who has been granted the 148
right by the United States bureau of citizenship and immigration 149
services to reside temporarily in the United States. 150

(5) "Veteran" means any person who has completed service 151
in the uniformed services, as defined in section 3511.01 of the 152
Revised Code. 153

(6) "Service member" has the same meaning as in section 154
5903.01 of the Revised Code. 155

(7) "Certificate of high school equivalence" means either 156
of the following: 157

(a) A certificate of high school equivalence awarded by 158
the department of education under division (A) of section 159
3301.80 of the Revised Code; 160

(b) The equivalent of a certificate of high school 161

equivalence awarded by the state board of education under former 162
law, as defined in division (C) (1) of section 3301.80 of the 163
Revised Code. 164

Section 2. That existing section 3333.31 of the Revised 165
Code is hereby repealed. 166