

As Introduced

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Representatives Miller, A., Stein

Cosponsors: Representatives Weinstein, Davis, Brown, Miller, J., Sheehy, Gross, Crossman, Grendell, Troy, Sobecki, Kelly, Leland, Miranda, Blackshear, Liston, Lightbody, Galonski, Russo, Upchurch

A BILL

To amend sections 5919.34, 5919.341, and 5919.342 1
of the Revised Code to expand eligibility for 2
the Ohio National Guard Scholarship Program and 3
to rename that program as the Ohio National 4
Guard and United States Armed Forces Reserve 5
Scholarship Program. 6

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

Section 1. That sections 5919.34, 5919.341, and 5919.342 7
of the Revised Code be amended to read as follows: 8

Sec. 5919.34. (A) As used in this section: 9

(1) "Academic term" means any one of the following: 10

(a) Fall term, which consists of fall semester or fall 11
quarter, as appropriate; 12

(b) Winter term, which consists of winter semester, winter 13
quarter, or spring semester, as appropriate; 14

(c) Spring term, which consists of spring quarter; 15

(d) Summer term, which consists of summer semester or 16
summer quarter, as appropriate. 17

(2) "Eligible applicant" means any individual to whom all 18
of the following apply: 19

(a) The individual does not possess a baccalaureate 20
degree. 21

(b) The individual has enlisted, re-enlisted, or extended 22
current enlistment in the Ohio national guard or the reserve 23
components, or is an individual to which division (F) of this 24
section applies. 25

(c) The individual is actively enrolled as a full-time or 26
part-time student for at least three credit hours of course work 27
in a semester or quarter in a two-year or four-year degree- 28
granting program at a state institution of higher education or a 29
private institution of higher education, in a diploma-granting 30
program at a state or private institution of higher education 31
that is a school of nursing, or in a credential-certifying 32
program, licensing program, trade certification program, or 33
apprenticeship program for an in-demand occupation as identified 34
by the adjutant general and the chancellor of higher education, 35
in consultation with the governor's office of workforce 36
transformation. 37

(d) The individual has not accumulated ninety-six 38
eligibility units under division (E) of this section. 39

(3) "State institution of higher education" means any 40
state university or college as defined in division (A)(1) of 41
section 3345.12 of the Revised Code, community college 42
established under Chapter 3354. of the Revised Code, state 43
community college established under Chapter 3358. of the Revised 44

Code, university branch established under Chapter 3355. of the 45
Revised Code, or technical college established under Chapter 46
3357. of the Revised Code. 47

(4) "Private institution of higher education" means an 48
Ohio institution of higher education that is nonprofit and has 49
received a certificate of authorization pursuant to Chapter 50
1713. of the Revised Code, that is a private institution exempt 51
from regulation under Chapter 3332. of the Revised Code as 52
prescribed in section 3333.046 of the Revised Code, or that 53
holds a certificate of registration and program authorization 54
issued by the state board of career colleges and schools 55
pursuant to section 3332.05 of the Revised Code. 56

(5) "Tuition" means the charges imposed to attend an 57
institution of higher education and includes general and 58
instructional fees. "Tuition" does not include laboratory fees, 59
room and board, or other similar fees and charges. 60

(6) "Reserve component" means any of the reserve 61
components of the United States armed forces. 62

(B) There is hereby created a scholarship program to be 63
known as the Ohio national guard and United States armed forces 64
reserve scholarship program. 65

(C) (1) The adjutant general shall approve scholarships for 66
all eligible applicants. The adjutant general shall process all 67
applications for scholarships for each academic term in the 68
order in which they are received. The scholarships shall be made 69
without regard to financial need. At no time shall one person be 70
placed in priority over another because of sex, race, or 71
religion. 72

(2) The adjutant general shall develop and provide a 73

written explanation that informs all eligible scholarship 74
recipients that the recipient may become ineligible and liable 75
for repayment for an amount of scholarship payments received in 76
accordance with division (G) of this section. The written 77
explanation shall be reviewed by the scholarship recipient 78
before acceptance of the scholarship and before acceptance of an 79
enlistment, warrant, commission, or appointment for a term not 80
less than the recipient's remaining term in the national guard, 81
in the reserve components, or in the active duty component of 82
the United States armed forces. 83

(D) (1) Except as provided in divisions (I) and (J) of this 84
section, for each academic term that an eligible applicant is 85
approved for a scholarship under this section and either remains 86
a current member in good standing of the Ohio national guard or 87
the reserved components or is eligible for a scholarship under 88
division (F) (1) of this section, the institution of higher 89
education in which the applicant is enrolled shall, if the 90
applicant's enlistment obligation extends beyond the end of that 91
academic term or if division (F) (1) of this section applies, be 92
paid on the applicant's behalf the applicable one of the 93
following amounts: 94

(a) If the institution is a state institution of higher 95
education, an amount equal to one hundred per cent of the 96
institution's tuition charges; 97

(b) If the institution is a nonprofit private institution 98
or a private institution exempt from regulation under Chapter 99
3332. of the Revised Code as prescribed in section 3333.046 of 100
the Revised Code, an amount equal to one hundred per cent of the 101
average tuition charges of all state universities; 102

(c) If the institution is an institution that holds a 103

certificate of registration from the state board of career	104
colleges and schools, the lesser of the following:	105
(i) An amount equal to one hundred per cent of the	106
institution's tuition;	107
(ii) An amount equal to one hundred per cent of the	108
average tuition charges of all state universities, as that term	109
is defined in section 3345.011 of the Revised Code.	110
(2) The adjutant general and the chancellor may jointly	111
adopt rules to require the use of other federal educational	112
financial assistance programs, including such programs offered	113
by the United States department of defense, for which an	114
applicant is eligible based on the applicant's military service.	115
If such rules are adopted, the rules shall require that	116
financial assistance received by a scholarship recipient under	117
those programs be applied to all eligible expenses prior to the	118
use of scholarship funds awarded under this section. Scholarship	119
funds awarded under this section shall then be applied to the	120
recipient's remaining eligible expenses.	121
(3) An eligible applicant's scholarship shall not be	122
reduced by the amount of that applicant's benefits under "the	123
Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat.	124
2553 (1984).	125
(E) A scholarship recipient under this section shall be	126
entitled to receive scholarships under this section for the	127
number of quarters or semesters it takes the recipient to	128
accumulate ninety-six eligibility units as determined under	129
divisions (E) (1) to (3) of this section.	130
(1) To determine the maximum number of semesters or	131
quarters for which a recipient is entitled to a scholarship	132

under this section, the adjutant general shall convert a 133
recipient's credit hours of enrollment for each academic term 134
into eligibility units in accordance with the following table: 135

136

	1	2	3	4	5
A	Number of credit hours of enrollment in an academic term	equals	The following number of eligibility units if a semester	or	The following number of eligibility units if a quarter
B	12 or more hours		12 units		8 units
C	9 but less than 12		9 units		6 units
D	6 but less than 9		6 units		4 units
E	3 but less than 6		3 units		2 units

(2) A scholarship recipient under this section may 137
continue to apply for scholarships under this section until the 138
recipient has accumulated ninety-six eligibility units. 139

(3) If a scholarship recipient withdraws from courses 140
prior to the end of an academic term so that the recipient's 141
enrollment for that academic term is less than three credit 142

hours, no scholarship shall be paid on behalf of that person for 143
that academic term. Except as provided in division (F) (3) of 144
this section, if a scholarship has already been paid on behalf 145
of the person for that academic term, the adjutant general shall 146
add to that person's accumulated eligibility units the number of 147
eligibility units for which the scholarship was paid. 148

(F) This division applies to any eligible applicant called 149
into active duty on or after September 11, 2001. As used in this 150
division, "active duty" means active duty pursuant to an 151
executive order of the president of the United States, an act of 152
the congress of the United States, or section 5919.29 or 5923.21 153
of the Revised Code. 154

(1) For a period of up to five years from when an 155
individual's enlistment obligation in the Ohio national guard or 156
reserve components ends, an individual to whom this division 157
applies is eligible for scholarships under this section for 158
those academic terms that were missed or could have been missed 159
as a result of the individual's call into active duty. 160
Scholarships shall not be paid for the academic term in which an 161
eligible applicant's enlistment obligation ends unless an 162
applicant is eligible under this division for a scholarship for 163
such academic term due to previous active duty. 164

(2) When an individual to whom this division applies 165
withdraws or otherwise fails to complete courses, for which 166
scholarships have been awarded under this section, because the 167
individual was called into active duty, the institution of 168
higher education shall grant the individual a leave of absence 169
from the individual's education program and shall not impose any 170
academic penalty for such withdrawal or failure to complete 171
courses. Division (F) (2) of this section applies regardless of 172

whether or not the scholarship amount was paid to the 173
institution of higher education. 174

(3) If an individual to whom this division applies 175
withdraws or otherwise fails to complete courses because the 176
individual was called into active duty, and if scholarships for 177
those courses have already been paid, either: 178

(a) The adjutant general shall not add to that person's 179
accumulated eligibility units calculated under division (E) of 180
this section the number of eligibility units for the academic 181
courses or term for which the scholarship was paid and the 182
institution of higher education shall repay the scholarship 183
amount to the state. 184

(b) The adjutant general shall add to that individual's 185
accumulated eligibility units calculated under division (E) of 186
this section the number of eligibility units for the academic 187
courses or term for which the scholarship was paid if the 188
institution of higher education agrees to permit the individual 189
to complete the remainder of the academic courses in which the 190
individual was enrolled at the time the individual was called 191
into active duty. 192

(4) No individual who is discharged from the Ohio national 193
guard or reserve components under other than honorable 194
conditions shall be eligible for scholarships under this 195
division. 196

(G) A scholarship recipient under this section who fails 197
to complete the term of enlistment, re-enlistment, or extension 198
of current enlistment the recipient was serving at the time a 199
scholarship was paid on behalf of the recipient under this 200
section is liable to the state for repayment of a percentage of 201

all Ohio national guard and United States armed forces reserve 202
scholarships paid on behalf of the recipient under this section, 203
plus interest at the rate of ten per cent per annum calculated 204
from the dates the scholarships were paid. This percentage shall 205
equal the percentage of the current term of enlistment, re- 206
enlistment, or extension of enlistment a recipient has not 207
completed as of the date the recipient is discharged from the 208
Ohio national guard or reserve components. 209

The attorney general may commence a civil action on behalf 210
of the chancellor to recover the amount of the scholarships and 211
the interest provided for in this division and the expenses 212
incurred in prosecuting the action, including court costs and 213
reasonable attorney's fees. A scholarship recipient is not 214
liable under this division if the recipient's failure to 215
complete the term of enlistment being served at the time a 216
scholarship was paid on behalf of the recipient under this 217
section is due to the recipient's death or discharge from the 218
national guard or reserve components due to disability. 219

(H) On or before the first day of each academic term, the 220
adjutant general shall provide an eligibility roster to the 221
chancellor and to each institution of higher education at which 222
one or more scholarship recipients have applied for enrollment. 223
The institution shall use the roster to certify the actual full- 224
time or part-time enrollment of each scholarship recipient 225
listed as enrolled at the institution and return the roster to 226
the adjutant general and the chancellor. Except as provided in 227
division (J) of this section, the chancellor shall provide for 228
payment of the appropriate number and amount of scholarships to 229
each institution of higher education pursuant to division (D) of 230
this section. If an institution of higher education fails to 231
certify the actual enrollment of a scholarship recipient listed 232

as enrolled at the institution within thirty days of the end of 233
an academic term, the institution shall not be eligible to 234
receive payment from the Ohio national guard and United States 235
armed forces reserve scholarship program or from the individual 236
enrollee. The adjutant general shall report on a semiannual 237
basis to the director of budget and management, the speaker of 238
the house of representatives, the president of the senate, and 239
the chancellor the number of Ohio national guard and United 240
States armed forces reserve scholarship recipients, the size of 241
the scholarship-eligible population, and a projection of the 242
cost of the program for the remainder of the biennium. 243

(I) The chancellor and the adjutant general may adopt 244
rules pursuant to Chapter 119. of the Revised Code governing the 245
administration and fiscal management of the Ohio national guard 246
and United States armed forces reserve scholarship program and 247
the procedure by which the chancellor and the department of the 248
adjutant general may modify the amount of scholarships a member 249
receives based on the amount of other state financial aid a 250
member receives. 251

(J) The adjutant general, the chancellor, and the 252
director, or their designees, shall jointly estimate the costs 253
of the Ohio national guard and United States armed forces 254
reserve scholarship program for each upcoming fiscal biennium, 255
and shall report that estimate prior to the beginning of the 256
fiscal biennium to the chairpersons of the finance committees in 257
the general assembly. During each fiscal year of the biennium, 258
the adjutant general, the chancellor, and the director, or their 259
designees, shall meet regularly to monitor the actual costs of 260
the ~~Ohio national guard~~ scholarship program and update cost 261
projections for the remainder of the biennium as necessary. If 262
the amounts appropriated for the ~~Ohio national guard~~ scholarship 263

program and any funds in the Ohio national guard and United 264
States armed forces reserve scholarship reserve fund and the 265
Ohio national guard and United States armed forces reserve 266
scholarship donation fund are not adequate to provide 267
scholarships in the amounts specified in division (D)(1) of this 268
section for all eligible applicants, the chancellor shall do all 269
of the following: 270

(1) Notify each private institution of higher education, 271
where a scholarship recipient is enrolled, that, by accepting 272
the Ohio national guard and United States armed forces reserve 273
scholarship program as payment for all or part of the 274
institution's tuition, the institution agrees that if the 275
chancellor reduces the amount of each scholarship, the 276
institution shall provide each scholarship recipient a grant or 277
tuition waiver in an amount equal to the amount the recipient's 278
scholarship was reduced by the chancellor. 279

(2) Reduce the amount of each scholarship under division 280
(D)(1)(a) of this section proportionally based on the amount of 281
remaining available funds. Each state institution of higher 282
education shall provide each scholarship recipient under 283
division (D)(1)(a) of this section a grant or tuition waiver in 284
an amount equal to the amount the recipient's scholarship was 285
reduced by the chancellor. 286

(K) Notwithstanding division (A) of section 127.14 of the 287
Revised Code, the controlling board shall not transfer all or 288
part of any appropriation for the Ohio national guard and United 289
States armed forces reserve scholarship program. 290

(L) The chancellor and the adjutant general may apply for, 291
and may receive and accept grants, and may receive and accept 292
gifts, bequests, and contributions, from public and private 293

sources, including agencies and instrumentalities of the United 294
States and this state, and shall deposit the grants, gifts, 295
bequests, or contributions into the Ohio national guard and 296
United States armed forces reserve scholarship donation fund. 297

Sec. 5919.341. There is hereby created in the state 298
treasury the national guard and United States armed forces 299
reserve scholarship reserve fund. As soon as possible following 300
the end of each fiscal year, the chancellor of higher education 301
shall certify to the director of budget and management the 302
unencumbered balance of the general revenue fund appropriations 303
made in the immediately preceding fiscal year for purposes of 304
the Ohio national guard and United States armed forces reserve 305
scholarship program created under division (B) of section 306
5919.34 of the Revised Code. Upon receipt of the certification, 307
the director of budget and management may transfer an amount not 308
exceeding the certified amount from the general revenue fund to 309
the ~~national guard~~ scholarship reserve fund. Moneys in the 310
~~national guard~~ scholarship reserve fund shall be used to pay 311
scholarship obligations in excess of the general revenue fund 312
appropriations made for that purpose. 313

The director of budget and management may transfer any 314
unencumbered balance from the ~~national guard~~ scholarship reserve 315
fund to the general revenue fund. 316

If it is determined that general revenue fund 317
appropriations are insufficient to meet the obligations of the 318
Ohio national guard and United States armed forces reserve 319
scholarship program in a fiscal year, the director of budget and 320
management may transfer funds from the ~~national guard~~ 321
scholarship reserve fund to the general revenue fund in order to 322
meet those obligations. The amount transferred is hereby 323

appropriated. If the funds transferred from the ~~national guard~~ 324
scholarship reserve fund are not needed, the director of budget 325
and management may transfer the unexpended balance from the 326
general revenue fund back to the ~~national guard~~ scholarship 327
reserve fund. 328

Sec. 5919.342. The national guard and United States armed 329
forces reserve scholarship donation fund is created in the state 330
treasury. The fund shall consist of gifts, bequests, grants, and 331
contributions made to the fund under division (L) of section 332
5919.34 of the Revised Code. Investment earnings of the fund 333
shall be deposited into the fund. The fund shall be used to 334
operate the Ohio national guard and United States armed forces 335
reserve scholarship program created under section 5919.34 of the 336
Revised Code. 337

Section 2. That existing sections 5919.34, 5919.341, and 338
5919.342 of the Revised Code are hereby repealed. 339