

As Introduced

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H. B. No. 660

Representative Russo

Cosponsors: Representatives Piccolantonio, Brennan, Sigrist, McNally, Upchurch

To amend section 5919.34 of the Revised Code
regarding the Ohio National Guard Scholarship
Program.

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

Section 1. That section 5919.34 of the Revised Code be
amended to read as follows:

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

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

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

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

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

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

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

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(a) The individual does not possess a baccalaureate

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degree.	18
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	19 20 21
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, in a diploma-granting program at a state or private institution of higher education that is a school of nursing, or in a credential-certifying program, licensing program, trade certification program, or apprenticeship program for an in-demand occupation as identified by the adjutant general and the chancellor of higher education, in consultation with the governor's office of workforce transformation.	22 23 24 25 26 27 28 29 30 31 32 33
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	34 35
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	36 37 38 39 40 41 42 43
(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter	44 45 46

1713. of the Revised Code, that is a private institution exempt 47
from regulation under Chapter 3332. of the Revised Code as 48
prescribed in section 3333.046 of the Revised Code, or that 49
holds a certificate of registration and program authorization 50
issued by the state board of career colleges and schools 51
pursuant to section 3332.05 of the Revised Code. 52

(5) "Tuition" means the charges imposed to attend an 53
institution of higher education and includes general and 54
instructional fees. "Tuition" does not include laboratory fees, 55
room and board, or other similar fees and charges. 56

(B) There is hereby created a scholarship program to be 57
known as the Ohio national guard scholarship program. 58

(C) (1) The adjutant general shall approve scholarships for 59
all eligible applicants. The adjutant general shall process all 60
applications for scholarships for each academic term in the 61
order in which they are received. The scholarships shall be made 62
without regard to financial need. At no time shall one person be 63
placed in priority over another because of sex, race, or 64
religion. 65

(2) The adjutant general shall develop and provide a 66
written explanation that informs all eligible scholarship 67
recipients that the recipient may become ineligible and liable 68
for repayment for an amount of scholarship payments received in 69
accordance with division (G) of this section. The written 70
explanation shall be reviewed by the scholarship recipient 71
before acceptance of the scholarship and before acceptance of an 72
enlistment, warrant, commission, or appointment for a term not 73
less than the recipient's remaining term in the national guard 74
or in the active duty component of the United States armed 75
forces. 76

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

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

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

(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following:

(i) An amount equal to one hundred per cent of the institution's tuition;

(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code.

(2) The adjutant general and the chancellor may jointly adopt rules to require the use of other federal educational financial assistance programs, including such programs offered

by the United States department of defense, for which an 106
applicant is eligible based on the applicant's military service. 107
If such rules are adopted, the rules shall require that 108
financial assistance received by a scholarship recipient under 109
those programs be applied to all eligible expenses prior to the 110
use of scholarship funds awarded under this section. Scholarship 111
funds awarded under this section shall then be applied to the 112
recipient's remaining eligible expenses. 113

(3) An eligible applicant's scholarship shall not be 114
reduced by the amount of that applicant's benefits under "the 115
Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 116
2553 (1984). 117

(E) A scholarship recipient under this section shall be 118
entitled to receive scholarships under this section for the 119
number of quarters or semesters it takes the recipient to 120
accumulate ninety-six eligibility units as determined under 121
divisions (E) (1) to (3) of this section. 122

(1) To determine the maximum number of semesters or 123
quarters for which a recipient is entitled to a scholarship 124
under this section, the adjutant general shall convert a 125
recipient's credit hours of enrollment for each academic term 126
into eligibility units in accordance with the following table: 127
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	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	or	The following number of eligibility units if a

		semester	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 continue to apply for scholarships under this section until the recipient has accumulated ninety-six eligibility units. 129 130 131			
(3) If a scholarship recipient withdraws from courses prior to the end of an academic term so that the recipient's enrollment for that academic term is less than three credit hours, no scholarship shall be paid on behalf of that person for that academic term. Except as provided in division (F) (3) of this section, if a scholarship has already been paid on behalf of the person for that academic term, the adjutant general shall add to that person's accumulated eligibility units the number of eligibility units for which the scholarship was paid. 132 133 134 135 136 137 138 139 140			
(F) This division applies to any eligible applicant called into active duty on or after September 11, 2001. As used in this division, "active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 141 142 143 144 145 146			

(1) For a period of up to five years from when an individual's enlistment obligation in the Ohio national guard ends, an individual to whom this division applies is eligible for scholarships under this section for those academic terms that were missed or could have been missed as a result of the individual's call into active duty. Scholarships shall not be paid for the academic term in which an eligible applicant's enlistment obligation ends unless an applicant is eligible under this division for a scholarship for such academic term due to previous active duty.	147 148 149 150 151 152 153 154 155 156
(2) When an individual to whom this division applies withdraws or otherwise fails to complete courses, for which scholarships have been awarded under this section, because the individual was called into active duty, the institution of higher education shall grant the individual a leave of absence from the individual's education program and shall not impose any academic penalty for such withdrawal or failure to complete courses. Division (F)(2) of this section applies regardless of whether or not the scholarship amount was paid to the institution of higher education.	157 158 159 160 161 162 163 164 165 166
(3) If an individual to whom this division applies withdraws or otherwise fails to complete courses because the individual was called into active duty, and if scholarships for those courses have already been paid, either:	167 168 169 170
(a) The adjutant general shall not add to that person's accumulated eligibility units calculated under division (E) of this section the number of eligibility units for the academic courses or term for which the scholarship was paid and the institution of higher education shall repay the scholarship amount to the state.	171 172 173 174 175 176

(b) The adjutant general shall add to that individual's
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accumulated eligibility units calculated under division (E) of
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this section the number of eligibility units for the academic
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courses or term for which the scholarship was paid if the
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institution of higher education agrees to permit the individual
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to complete the remainder of the academic courses in which the
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individual was enrolled at the time the individual was called
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into active duty.
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(4) No individual who is discharged from the Ohio national
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guard under other than honorable conditions shall be eligible
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for scholarships under this division.
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(G) A scholarship recipient under this section who fails
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to complete the term of enlistment, re-enlistment, or extension
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of current enlistment the recipient was serving at the time a
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scholarship was paid on behalf of the recipient under this
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section is liable to the state for repayment of a percentage of
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all Ohio national guard scholarships paid on behalf of the
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recipient under this section. Such a scholarship recipient is
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also liable for interest at the rate of ten per cent per annum
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calculated from the dates the scholarships were paid, unless the
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reason the recipient failed to complete the term of enlistment,
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re-enlistment, or extension of enlistment was due to enlistment,
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warrant, commission, or appointment to an active duty or reserve
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component of the armed forces of the United States. As used in
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this division, "armed forces" has the same meaning as in section
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5903.01 of the Revised Code. This repayment percentage shall
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equal the percentage of the current term of enlistment, re-
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enlistment, or extension of enlistment a recipient has not
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completed as of the date the recipient is discharged from the
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Ohio national guard.
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A scholarship recipient who is liable under this division 207
due to enlistment, warrant, commission, or appointment to an 208
active duty or reserve component of the armed forces of the 209
United States may defer repayment to the state for the amount 210
owed under this division until either the completion of the 211
recipient's service in the armed forces or ten years after that 212
enlistment, warrant, commission, or appointment, whichever is 213
earlier. If, after completing the terms of enlistment, warrant, 214
commission, or appointment to the armed forces of the United 215
States and less than ten years has passed since that enlistment, 216
warrant, commission, or appointment, the recipient returns to 217
the Ohio national guard and serves for the remainder of the 218
duration of the enlistment required under the terms of the 219
scholarship, the recipient is not liable for repayment. 220

The attorney general may commence a civil action on behalf 221
of the chancellor to recover the amount of the scholarships and 222
the interest provided for in this division and the expenses 223
incurred in prosecuting the action, including court costs and 224
reasonable attorney's fees. A scholarship recipient is not 225
liable under this division if the recipient's failure to 226
complete the term of enlistment being served at the time a 227
scholarship was paid on behalf of the recipient under this 228
section is due to the recipient's death or discharge from the 229
national guard due to disability. 230

(H) On or before the first day of each academic term, the 231
adjutant general shall provide an eligibility roster to the 232
chancellor and to each institution of higher education at which 233
one or more scholarship recipients have applied for enrollment. 234
The institution shall use the roster to certify the actual full- 235
time or part-time enrollment of each scholarship recipient 236
listed as enrolled at the institution and return the roster to 237

the adjutant general and the chancellor. Except as provided in
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division (J) of this section, the chancellor shall provide for
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payment of the appropriate number and amount of scholarships to
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each institution of higher education pursuant to division (D) of
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this section. If an institution of higher education fails to
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certify the actual enrollment of a scholarship recipient listed
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as enrolled at the institution within thirty days of the end of
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an academic term, the institution shall not be eligible to
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receive payment from the Ohio national guard scholarship program
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or from the individual enrollee. The adjutant general shall
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report on a semiannual basis to the director of budget and
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management, the speaker of the house of representatives, the
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president of the senate, and the chancellor the number of Ohio
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national guard scholarship recipients, the size of the
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scholarship-eligible population, and a projection of the cost of
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the program for the remainder of the biennium.
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(I) The chancellor and the adjutant general may adopt
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rules pursuant to Chapter 119. of the Revised Code governing the
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administration and fiscal management of the Ohio national guard
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scholarship program and the procedure by which the chancellor
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and the department of the adjutant general may modify the amount
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of scholarships a member receives based on the amount of other
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state financial aid a member receives.
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(J) The adjutant general, the chancellor, and the
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director, or their designees, shall jointly estimate the costs
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of the Ohio national guard scholarship program for each upcoming
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fiscal biennium, and shall report that estimate prior to the
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beginning of the fiscal biennium to the chairpersons of the
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finance committees in the general assembly. During each fiscal
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year of the biennium, the adjutant general, the chancellor, and
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the director, or their designees, shall meet regularly to
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monitor the actual costs of the Ohio national guard scholarship 269
program and update cost projections for the remainder of the 270
biennium as necessary. If the amounts appropriated for the Ohio 271
national guard scholarship program and any funds in the Ohio 272
national guard scholarship reserve fund and the Ohio national 273
guard scholarship donation fund are not adequate to provide 274
scholarships in the amounts specified in division (D) (1) of this 275
section for all eligible applicants, the chancellor shall do all 276
of the following: 277

(1) Notify each private institution of higher education, 278
where a scholarship recipient is enrolled, that, by accepting 279
the Ohio national guard scholarship program as payment for all 280
or part of the institution's tuition, the institution agrees 281
that if the chancellor reduces the amount of each scholarship, 282
the institution shall provide each scholarship recipient a grant 283
or tuition waiver in an amount equal to the amount the 284
recipient's scholarship was reduced by the chancellor. 285

(2) Reduce the amount of each scholarship under division 286
(D) (1) (a) of this section proportionally based on the amount of 287
remaining available funds. Each state institution of higher 288
education shall provide each scholarship recipient under 289
division (D) (1) (a) of this section a grant or tuition waiver in 290
an amount equal to the amount the recipient's scholarship was 291
reduced by the chancellor. 292

(K) Notwithstanding division (A) of section 127.14 of the 293
Revised Code, the controlling board shall not transfer all or 294
part of any appropriation for the Ohio national guard 295
scholarship program. 296

(L) The chancellor and the adjutant general may apply for, 297
and may receive and accept grants, and may receive and accept 298

gifts, bequests, and contributions, from public and private	299
sources, including agencies and instrumentalities of the United	300
States and this state, and shall deposit the grants, gifts,	301
bequests, or contributions into the national guard scholarship	302
donation fund.	303
 Section 2. That existing section 5919.34 of the Revised	304
Code is hereby repealed.	305