As Introduced

133rd General Assembly Regular Session 2019-2020

H. B. No. 371

Representative Merrin

A BILL

То	amend section 3333.31 of the Revised Code to	1
	expand the "Forever Buckeye" program by granting	2
	in-state college tuition to individuals who	3
	receive a certificate of high school equivalence	4
	in Ohio.	5

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

Section 1. That section 3333.31 of the Revised Code be	6
amended to read as follows:	7
Sec. 3333.31. (A) For state subsidy and tuition surcharge	8
purposes, status as a resident of Ohio shall be defined by the	9
chancellor of higher education by rule promulgated pursuant to	10
Chapter 119. of the Revised Code. No adjudication as to the	11
status of any person under such rule, however, shall be required	12
to be made pursuant to Chapter 119. of the Revised Code. The	13
term "resident" for these purposes shall not be equated with the	14
definition of that term as it is employed elsewhere under the	15
laws of this state and other states, and shall not carry with it	16
any of the legal connotations appurtenant thereto. Rather,	17
except as provided in divisions (B), (C), and (E) of this	18
section, for such purposes, the rule promulgated under this	19

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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'	77
benefits to qualify under division (C)(2) of this section, the	78
veteran who transferred the benefits must have served at least	79
ninety days on active duty or the service member who transferred	80
the benefits must be on active duty.	81
(D) The rules of the chancellor for determining student	82
residency shall not deny residency status to a student who is	83
either a dependent child of a parent, or the spouse of a person	84
who, as of the first day of a term of enrollment in an	85
institution of higher education, has accepted full-time	86
employment and established domicile in this state for reasons	87
other than gaining the benefit of favorable tuition rates.	88
Documentation of full-time employment and domicile shall	89
include both of the following documents:	90
(1) A sworn statement from the employer or the employer's	91
representative on the letterhead of the employer or the	92
employer's representative certifying that the parent or spouse	93
of the student is employed full-time in Ohio;	94
(2) A copy of the lease under which the parent or spouse	95
is the lessee and occupant of rented residential property in the	96
state, a copy of the closing statement on residential real	97
property of which the parent or spouse is the owner and occupant	98
in this state or, if the parent or spouse is not the lessee or	99
owner of the residence in which the parent or spouse has	100
established domicile, a letter from the owner of the residence	101
certifying that the parent or spouse resides at that residence.	102
Residency officers may also evaluate, in accordance with the chancellor's	103
rule, requests for immediate residency status from dependent students	104
whose parents are not living and whose domicile follows that of a legal	105

guardian who has accepted full-time employment and established domicile in	106
the state for reasons other than gaining the benefit of favorable tuition	107
rates.	108
(E)(1) The rules of the chancellor for determining student	109
residency shall grant residency status to a person who, while a	110
resident of this state for state subsidy and tuition surcharge	111
purposes, graduated from a high school in this state orcompleted	112
the final year of instruction at home as authorized under-	113
section 3321.04 of the Revised Code, if the person enrolls in an	114
institution of higher education and establishes domicile in this	115
state, regardless of the student's residence prior to that	116
enrollment and satisfies either of the following conditions:	117
(a) The person graduated from a high school in this state	118
or completed the final year of instruction at home as authorized	119
under section 3321.04 of the Revised Code.	120
(b) The person meets all of the following criteria:	121
(i) The person officially withdrew from a school in this	122
state while the person was a resident of this state.	123
(ii) The person has not received a high school diploma or	124
honors diploma awarded under section 3313.61, 3313.611,	125
3313.612, or 3325.08 of the Revised Code or a high school	126
diploma awarded by a school located in another state or country.	127
(iii) The person resided in this state when the person	128
both took a high school equivalency test and was awarded a	129
certificate of high school equivalence.	130
(2) The rules of the chancellor for determining student	131
residency shall not grant residency status to an alien if the	132
alien is not also an immigrant or a nonimmigrant.	133

(F) As used in this section:	134
(1) "Dependent," "domicile," "institution of higher	135
education," and "residency officer" have the meanings ascribed	136
in the chancellor's rules adopted under this section.	137
(2) "Alien" means a person who is not a United States	138
citizen or a United States national.	139
(3) "Immigrant" means an alien who has been granted the	140
right by the United States bureau of citizenship and immigration	141
services to reside permanently in the United States and to work	142
without restrictions in the United States.	143
(4) "Nonimmigrant" means an alien who has been granted the	144
right by the United States bureau of citizenship and immigration	145
services to reside temporarily in the United States.	146
(5) "Veteran" means any person who has completed service	147
in the uniformed services, as defined in section 3511.01 of the	148
Revised Code.	149
(6) "Service member" has the same meaning as in section	150
5903.01 of the Revised Code.	151
(7) "Certificate of high school equivalence" means either	152
of the following:	153
(a) A certificate of high school equivalence awarded by	154
the department of education under division (A) of section	155
3301.80 of the Revised Code;	156
(b) The equivalent of a certificate of high school	157
equivalence awarded by the state board of education under former	158
law, as defined in division (C)(1) of section 3301.80 of the	159
Revised Code.	160

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Section 2. That existing section 3333.31 of the Revised	161
Code is hereby repealed.	162