

**As Reported by the House Higher Education Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**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