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Representatives Miller, A., Jarrells

**Cosponsors: Representatives Russo, Boggs, Sobecki, Crossman, Brown,
O'Brien, Smith, M., Liston, Miller, J., Galonski, Lightbody, Sheehy, Miranda,
Weinstein, Leland, Boyd**

A BILL

To amend section 3333.31 of the Revised Code 1
regarding in-state tuition eligibility for 2
veterans, their spouses, and dependents at state 3
institutions of higher education. 4

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

Section 1. That section 3333.31 of the Revised Code be 5
amended to read as follows: 6

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

this section, for such purposes, the rule promulgated under this 18
section shall have the objective of excluding from treatment as 19
residents those who are present in the state primarily for the 20
purpose of attending a state-supported or state-assisted 21
institution of higher education, and may prescribe presumptive 22
rules, rebuttable or conclusive, as to such purpose based upon 23
the source or sources of support of the student, residence prior 24
to first enrollment, evidence of intention to remain in the 25
state after completion of studies, or such other factors as the 26
chancellor deems relevant. 27

(B) The rules of the chancellor for determining student 28
residency shall grant residency status to a veteran and to the 29
veteran's spouse and any dependent of the veteran, if both of 30
the following conditions are met: 31

(1) The veteran either: 32

(a) ~~Served one or more years~~ fifteen or more days on 33
active military duty or active duty for training in any year of 34
service and was honorably discharged or received a medical 35
discharge that 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 grant residency status to a service member who 83
is on active duty and to the service member's spouse and any 84
dependent of the service member while the service member is on 85
active duty. In order to qualify under division (D) of this 86
section, the rules shall require the student seeking in-state 87
tuition rates to live in the state as of the first day of a term 88
of enrollment in the state institution of higher education, but 89
shall not require the service member or the service member's 90
spouse or dependent to establish domicile in this state as of 91
the first day of a term of enrollment in an institution of 92
higher education. 93

(E) The rules of the chancellor for determining student 94
residency shall not deny residency status to a student who is 95
either a dependent child of a parent, or the spouse of a person 96
who, as of the first day of a term of enrollment in an 97
institution of higher education, has accepted full-time 98
employment and established domicile in this state for reasons 99
other than gaining the benefit of favorable tuition rates. 100

Documentation of full-time employment and domicile shall 101
include both of the following documents: 102

(1) A sworn statement from the employer or the employer's 103

representative on the letterhead of the employer or the 104
employer's representative certifying that the parent or spouse 105
of the student is employed full-time in Ohio; 106

(2) A copy of the lease under which the parent or spouse 107
is the lessee and occupant of rented residential property in the 108
state, a copy of the closing statement on residential real 109
property of which the parent or spouse is the owner and occupant 110
in this state or, if the parent or spouse is not the lessee or 111
owner of the residence in which the parent or spouse has 112
established domicile, a letter from the owner of the residence 113
certifying that the parent or spouse resides at that residence. 114

Residency officers may also evaluate, in accordance with 115
the chancellor's rule, requests for immediate residency status 116
from dependent students whose parents are not living and whose 117
domicile follows that of a legal guardian who has accepted full- 118
time employment and established domicile in the state for 119
reasons other than gaining the benefit of favorable tuition 120
rates. 121

(F) (1) The rules of the chancellor for determining student 122
residency shall grant residency status to a person who enrolls 123
in an institution of higher education and establishes domicile 124
in this state, regardless of the student's residence prior to 125
that enrollment and satisfies either of the following 126
conditions: 127

(a) The person, while a resident of this state for state 128
subsidy and tuition surcharge purposes, graduated from a high 129
school in this state or completed the final year of instruction 130
at home as authorized under section 3321.04 of the Revised Code. 131

(b) The person meets all of the following criteria: 132

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

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

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

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

(G) The rules of the chancellor for determining student residency status shall grant residency status to a person to whom all of the following apply:

(1) The person, while not a resident of this state for state subsidy and tuition surcharge purposes, lives in this state and completes a bachelor's degree program at an institution of higher education in this state.

(2) The person, upon completing that bachelor's degree program, immediately enrolls in a graduate degree program, as determined appropriate by the chancellor, offered at any state institution of higher education.

(3) The person, while enrolled in the graduate degree program, resides in this state.

The chancellor's rules adopted under this section shall

define "immediately" for the purposes of division (G) of this section.	161 162
(H) As used in this section:	163
(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.	164 165 166
(2) "Alien" means a person who is not a United States citizen or a United States national.	167 168
(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.	169 170 171 172
(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.	173 174 175
(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.	176 177 178
(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.	179 180
(7) "Certificate of high school equivalence" means either of the following:	181 182
(a) A certificate of high school equivalence awarded by the department of education under division (A) of section 3301.80 of the Revised Code;	183 184 185
(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former	186 187

law, as defined in division (C) (1) of section 3301.80 of the	188
Revised Code.	189
Section 2. That existing section 3333.31 of the Revised	190
Code is hereby repealed.	191