

**As Introduced**

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**H. B. No. 415**

**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**

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**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
<b>Section 2.</b> That existing section 3333.31 of the Revised	190
Code is hereby repealed.	191