

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 64

Senators DeMora, Wilson

**Cosponsors: Senators Antonio, Craig, Smith, Brenner, Blessing, Lang, Hicks-
Hudson, Schaffer, Hoagland**

A BILL

To amend section 5919.34 of the Revised Code to 1
expand the Ohio National Guard Scholarship 2
Program. 3

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

Section 1. That section 5919.34 of the Revised Code be 4
amended to read as follows: 5

Sec. 5919.34. (A) As used in this section: 6

(1) "Academic term" means any one of the following: 7

(a) Fall term, which consists of fall semester or fall 8
quarter, as appropriate; 9

(b) Winter term, which consists of winter semester, winter 10
quarter, or spring semester, as appropriate; 11

(c) Spring term, which consists of spring quarter; 12

(d) Summer term, which consists of summer semester or 13
summer quarter, as appropriate. 14

(2) "Eligible applicant" means any individual to whom all 15

of the following apply: 16

~~(a) The individual does not possess a baccalaureate degree.~~ 17
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~~(b)~~The individual has enlisted, re-enlisted, ~~or~~ extended 19
current enlistment, or has accepted a warrant, commission, or 20
appointment, in the Ohio national guard or is an individual to 21
which division (F) of this section applies. 22

~~(e)~~(b) The individual is actively enrolled as a full-time 23
or part-time student for at least three credit hours of course 24
work in a semester or quarter in a two-year, ~~or~~ four-year, or 25
graduate degree-granting program at a state institution of 26
higher education or a private institution of higher education, 27
in a diploma-granting program at a state or private institution 28
of higher education that is a school of nursing, or in a 29
credential-certifying program, licensing program, trade 30
certification program, or apprenticeship program for an in- 31
demand occupation as identified by the adjutant general and the 32
chancellor of higher education, in consultation with the 33
governor's office of workforce transformation. 34

~~(d)~~(c) The individual has not accumulated ninety-six 35
eligibility units under division (E) of this section, except 36
that individuals who extend their contracts as described in 37
division (E) (2) of this section are eligible for an additional 38
thirty-two eligibility units. 39

(3) "State institution of higher education" means any 40
state university or college as defined in division (A) (1) of 41
section 3345.12 of the Revised Code, community college 42
established under Chapter 3354. of the Revised Code, state 43
community college established under Chapter 3358. of the Revised 44

Code, university branch established under Chapter 3355. of the 45
Revised Code, or technical college established under Chapter 46
3357. of the Revised Code. 47

(4) "Private institution of higher education" means an 48
Ohio institution of higher education that is nonprofit and has 49
received a certificate of authorization pursuant to Chapter 50
1713. of the Revised Code, that is a private institution exempt 51
from regulation under Chapter 3332. of the Revised Code as 52
prescribed in section 3333.046 of the Revised Code, or that 53
holds a certificate of registration and program authorization 54
issued by the state board of career colleges and schools 55
pursuant to section 3332.05 of the Revised Code. 56

(5) "Tuition" means the charges imposed to attend an 57
institution of higher education and includes general and 58
instructional fees. "Tuition" does not include laboratory fees, 59
room and board, or other similar fees and charges. 60

(B) There is hereby created a scholarship program to be 61
known as the Ohio national guard scholarship program. 62

(C) (1) The adjutant general shall approve scholarships for 63
all eligible applicants. The adjutant general shall process all 64
applications for scholarships for each academic term in the 65
order in which they are received. The scholarships shall be made 66
without regard to financial need. At no time shall one person be 67
placed in priority over another because of sex, race, or 68
religion. 69

(2) The adjutant general shall develop and provide a 70
written explanation that informs all eligible scholarship 71
recipients that the recipient may become ineligible and liable 72
for repayment for an amount of scholarship payments received in 73

accordance with division (G) of this section. The written 74
explanation shall be reviewed by the scholarship recipient 75
before acceptance of the scholarship and before acceptance of an 76
enlistment, warrant, commission, or appointment for a term not 77
less than the recipient's remaining term in the national guard 78
or in the active duty component of the United States armed 79
forces. 80

(D) (1) Except as provided in divisions (I) and (J) of this 81
section, for each academic term that an eligible applicant is 82
approved for a scholarship under this section and either remains 83
a current member in good standing of the Ohio national guard or 84
is eligible for a scholarship under division (F) (1) of this 85
section, the institution of higher education in which the 86
applicant is enrolled shall, if the applicant's enlistment 87
obligation extends beyond the end of that academic term or if 88
division (F) (1) of this section applies, be paid on the 89
applicant's behalf the applicable one of the following amounts: 90

(a) For applicants enrolled in undergraduate courses: 91

(i) If the institution is a state institution of higher 92
education, an amount equal to one hundred per cent of the 93
institution's tuition charges; 94

~~(b)~~ (ii) If the institution is a nonprofit private 95
institution or a private institution exempt from regulation 96
under Chapter 3332. of the Revised Code as prescribed in section 97
3333.046 of the Revised Code, an amount equal to one hundred per 98
cent of the average tuition charges of all state universities; 99

~~(c)~~ (iii) If the institution is an institution that holds 100
a certificate of registration from the state board of career 101
colleges and schools, the lesser of the following: 102

~~(i)~~ (I) An amount equal to one hundred per cent of the institution's tuition; 103
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~~(ii)~~ (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. 105
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(b) For applicants enrolled in graduate level courses, seven hundred fifty dollars per eligibility unit used in the term. 108
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(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 applicant is eligible based on the applicant's military service. If such rules are adopted, the rules shall require that financial assistance received by a scholarship recipient under those programs be applied to all eligible expenses prior to the use of scholarship funds awarded under this section. Scholarship funds awarded under this section shall then be applied to the recipient's remaining eligible expenses. 111
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(3) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 122
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(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E) (1) to (3) of this section, except that a scholarship recipient who has extended the recipient's contract 126
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as described in division (E) (2) of this section is entitled to 132
receive a scholarship under this section for the number of 133
quarters or semesters it takes the recipient to accumulate one 134
hundred twenty-eight eligibility units. 135

(1) To determine the maximum number of semesters or 136
quarters for which a recipient is entitled to a scholarship 137
under this section, the adjutant general shall convert a 138
recipient's credit hours of enrollment for each academic term 139
into eligibility units in accordance with the following table: 140

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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 semester	or	The following number of eligibility units if a 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 142
continue to apply for scholarships under this section until the 143
recipient has accumulated ninety-six eligibility units, except 144
that a scholarship recipient under this section who extends the 145
recipient's contract or enlistment by an additional three years 146
is eligible for an additional thirty-two eligibility units to be 147
used toward any degree program listed in division (A) (2) (b) of 148
this section. A scholarship recipient who extends the 149
recipient's contract or enlistment described in this division 150
may accumulate a lifetime maximum of one hundred twenty-eight 151
eligibility units. 152

(3) A scholarship recipient who completes a two-year or 153
four-year degree program having accumulated less than ninety-six 154
eligibility units and who remains a current member in good 155
standing of the Ohio national guard may continue to apply for 156
scholarships to be used toward any of the degree programs listed 157
in division (A) (2) (b) of this section until the recipient has 158
accumulated ninety-six eligibility units. 159

(4) If a scholarship recipient withdraws from courses 160
prior to the end of an academic term so that the recipient's 161
enrollment for that academic term is less than three credit 162
hours, no scholarship shall be paid on behalf of that person for 163
that academic term. Except as provided in division (F) (3) of 164
this section, if a scholarship has already been paid on behalf 165
of the person for that academic term, the adjutant general shall 166
add to that person's accumulated eligibility units the number of 167
eligibility units for which the scholarship was paid. 168

(F) This division applies to any eligible applicant called 169
into active duty on or after September 11, 2001. As used in this 170
division, "active duty" means active duty pursuant to an 171

executive order of the president of the United States, an act of 172
the congress of the United States, or section 5919.29 or 5923.21 173
of the Revised Code. 174

(1) For a period of up to five years from when an 175
individual's enlistment obligation in the Ohio national guard 176
ends, an individual to whom this division applies is eligible 177
for scholarships under this section for those academic terms 178
that were missed or could have been missed as a result of the 179
individual's call into active duty. Scholarships shall not be 180
paid for the academic term in which an eligible applicant's 181
enlistment obligation ends unless an applicant is eligible under 182
this division for a scholarship for such academic term due to 183
previous active duty. 184

(2) When an individual to whom this division applies 185
withdraws or otherwise fails to complete courses, for which 186
scholarships have been awarded under this section, because the 187
individual was called into active duty, the institution of 188
higher education shall grant the individual a leave of absence 189
from the individual's education program and shall not impose any 190
academic penalty for such withdrawal or failure to complete 191
courses. Division (F) (2) of this section applies regardless of 192
whether or not the scholarship amount was paid to the 193
institution of higher education. 194

(3) If an individual to whom this division applies 195
withdraws or otherwise fails to complete courses because the 196
individual was called into active duty, and if scholarships for 197
those courses have already been paid, either: 198

(a) The adjutant general shall not add to that person's 199
accumulated eligibility units calculated under division (E) of 200
this section the number of eligibility units for the academic 201

courses or term for which the scholarship was paid and the 202
institution of higher education shall repay the scholarship 203
amount to the state. 204

(b) The adjutant general shall add to that individual's 205
accumulated eligibility units calculated under division (E) of 206
this section the number of eligibility units for the academic 207
courses or term for which the scholarship was paid if the 208
institution of higher education agrees to permit the individual 209
to complete the remainder of the academic courses in which the 210
individual was enrolled at the time the individual was called 211
into active duty. 212

(4) No individual who is discharged from the Ohio national 213
guard under other than honorable conditions shall be eligible 214
for scholarships under this division. 215

(G) A scholarship recipient under this section who fails 216
to complete the term of enlistment, re-enlistment, or extension 217
of current enlistment the recipient was serving at the time a 218
scholarship was paid on behalf of the recipient under this 219
section is liable to the state for repayment of a percentage of 220
all Ohio national guard scholarships paid on behalf of the 221
recipient under this section, plus interest at the rate of ten 222
per cent per annum calculated from the dates the scholarships 223
were paid. This percentage shall equal the percentage of the 224
current term of enlistment, re-enlistment, or extension of 225
enlistment a recipient has not completed as of the date the 226
recipient is discharged from the Ohio national guard. 227

The attorney general may commence a civil action on behalf 228
of the chancellor to recover the amount of the scholarships and 229
the interest provided for in this division and the expenses 230
incurred in prosecuting the action, including court costs and 231

reasonable attorney's fees. A scholarship recipient is not 232
liable under this division if the recipient's failure to 233
complete the term of enlistment being served at the time a 234
scholarship was paid on behalf of the recipient under this 235
section is due to the recipient's death or discharge from the 236
national guard due to disability. 237

(H) On or before the first day of each academic term, the 238
adjutant general shall provide an eligibility roster to the 239
chancellor and to each institution of higher education at which 240
one or more scholarship recipients have applied for enrollment. 241
The institution shall use the roster to certify the actual full- 242
time or part-time enrollment of each scholarship recipient 243
listed as enrolled at the institution and return the roster to 244
the adjutant general and the chancellor. Except as provided in 245
division (J) of this section, the chancellor shall provide for 246
payment of the appropriate number and amount of scholarships to 247
each institution of higher education pursuant to division (D) of 248
this section. If an institution of higher education fails to 249
certify the actual enrollment of a scholarship recipient listed 250
as enrolled at the institution within thirty days of the end of 251
an academic term, the institution shall not be eligible to 252
receive payment from the Ohio national guard scholarship program 253
or from the individual enrollee. The adjutant general shall 254
report on a semiannual basis to the director of budget and 255
management, the speaker of the house of representatives, the 256
president of the senate, and the chancellor the number of Ohio 257
national guard scholarship recipients, the size of the 258
scholarship-eligible population, and a projection of the cost of 259
the program for the remainder of the biennium. 260

(I) The chancellor and the adjutant general may adopt 261
rules pursuant to Chapter 119. of the Revised Code governing the 262

administration and fiscal management of the Ohio national guard 263
scholarship program and the procedure by which the chancellor 264
and the department of the adjutant general may modify the amount 265
of scholarships a member receives based on the amount of other 266
state financial aid a member receives. 267

(J) The adjutant general, the chancellor, and the 268
director, or their designees, shall jointly estimate the costs 269
of the Ohio national guard scholarship program for each upcoming 270
fiscal biennium, and shall report that estimate prior to the 271
beginning of the fiscal biennium to the chairpersons of the 272
finance committees in the general assembly. During each fiscal 273
year of the biennium, the adjutant general, the chancellor, and 274
the director, or their designees, shall meet regularly to 275
monitor the actual costs of the Ohio national guard scholarship 276
program and update cost projections for the remainder of the 277
biennium as necessary. If the amounts appropriated for the Ohio 278
national guard scholarship program and any funds in the Ohio 279
national guard scholarship reserve fund and the Ohio national 280
guard scholarship donation fund are not adequate to provide 281
scholarships in the amounts specified in division (D) (1) of this 282
section for all eligible applicants, the chancellor shall do all 283
of the following: 284

(1) Notify each private institution of higher education, 285
where a scholarship recipient is enrolled, that, by accepting 286
the Ohio national guard scholarship program as payment for all 287
or part of the institution's tuition, the institution agrees 288
that if the chancellor reduces the amount of each scholarship, 289
the institution shall provide each scholarship recipient a grant 290
or tuition waiver in an amount equal to the amount the 291
recipient's scholarship was reduced by the chancellor. 292

(2) Reduce the amount of each scholarship under division 293
(D) (1) (a) of this section proportionally based on the amount of 294
remaining available funds. Each state institution of higher 295
education shall provide each scholarship recipient under 296
division (D) (1) (a) of this section a grant or tuition waiver in 297
an amount equal to the amount the recipient's scholarship was 298
reduced by the chancellor. 299

(K) Notwithstanding division (A) of section 127.14 of the 300
Revised Code, the controlling board shall not transfer all or 301
part of any appropriation for the Ohio national guard 302
scholarship program. 303

(L) The chancellor and the adjutant general may apply for, 304
and may receive and accept grants, and may receive and accept 305
gifts, bequests, and contributions, from public and private 306
sources, including agencies and instrumentalities of the United 307
States and this state, and shall deposit the grants, gifts, 308
bequests, or contributions into the national guard scholarship 309
donation fund. 310

Section 2. That existing section 5919.34 of the Revised 311
Code is hereby repealed. 312