

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 371

Representative Merrin

A BILL

To 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

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 or completed~~ 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 education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.	135 136 137
(2) "Alien" means a person who is not a United States citizen or a United States national.	138 139
(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.	140 141 142 143
(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.	144 145 146
(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.	147 148 149
(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.	150 151
<u>(7) "Certificate of high school equivalence" means either</u> <u>of the following:</u>	152 153
<u>(a) A certificate of high school equivalence awarded by</u> <u>the department of education under division (A) of section</u> <u>3301.80 of the Revised Code;</u>	154 155 156
<u>(b) The equivalent of a certificate of high school</u> <u>equivalence awarded by the state board of education under former</u> <u>law, as defined in division (C) (1) of section 3301.80 of the</u> <u>Revised Code.</u>	157 158 159 160

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 That existing section 3333.31 of the Revised Code is hereby repealed. 161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