

As Introduced

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Representative Perales

**Cosponsors: Representatives Craig, Johnson, Lanese, Kent, O'Brien, Reece,
Riedel, Romanchuk**

A BILL

To amend section 3333.31 of the Revised Code to
grant residency status for in-state tuition
purposes at state institutions of higher
education to all military service members who
are on active duty and to their spouses and
dependents.

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), (D), and ~~(E)-(F)~~ of 19
this section, for such purposes, the rule promulgated under this 20
section shall have the objective of excluding from treatment as 21
residents those who are present in the state primarily for the 22
purpose of attending a state-supported or state-assisted 23
institution of higher education, and may prescribe presumptive 24
rules, rebuttable or conclusive, as to such purpose based upon 25
the source or sources of support of the student, residence prior 26
to first enrollment, evidence of intention to remain in the 27
state after completion of studies, or such other factors as the 28
chancellor deems relevant. 29

(B) The rules of the chancellor for determining student 30
residency shall grant residency status to a veteran and to the 31
veteran's spouse and any dependent of the veteran, if both of 32
the following conditions are met: 33

(1) The veteran either: 34

(a) Served one or more years on active military duty and 35
was honorably discharged or received a medical discharge that 36
was related to the military service; 37

(b) Was killed while serving on active military duty or 38
has been declared to be missing in action or a prisoner of war. 39

(2) If the veteran seeks residency status for tuition 40
surcharge purposes, the veteran has established domicile in this 41
state as of the first day of a term of enrollment in an 42
institution of higher education. If the spouse or a dependent of 43
the veteran seeks residency status for tuition surcharge 44
purposes, the veteran and the spouse or dependent seeking 45
residency status have established domicile in this state as of 46
the first day of a term of enrollment in an institution of 47

higher education, except that if the veteran was killed while 48
serving on active military duty, has been declared to be missing 49
in action or a prisoner of war, or is deceased after discharge, 50
only the spouse or dependent seeking residency status shall be 51
required to have established domicile in accordance with this 52
division. 53

(C) The rules of the chancellor for determining student 54
residency shall grant residency status to both of the following: 55

(1) A veteran who is the recipient of federal veterans' 56
benefits under the "All-Volunteer Force Educational Assistance 57
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 58
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 59
successor program, if the veteran meets all of the following 60
criteria: 61

(a) The veteran served at least ninety days on active 62
duty. 63

(b) The veteran enrolls in a state institution of higher 64
education, as defined in section 3345.011 of the Revised Code. 65

(c) The veteran lives in the state as of the first day of 66
a term of enrollment in the state institution of higher 67
education. 68

(2) A person who is the recipient of the federal Marine 69
Gunnery Sergeant John David Fry scholarship or transferred 70
federal veterans' benefits under any of the programs described 71
in division (C)(1) of this section, if the person meets both of 72
the following criteria: 73

(a) The person enrolls in a state institution of higher 74
education. 75

(b) The person lives in the state as of the first day of a 76
term of enrollment in the state institution of higher education. 77

In order to qualify under division (C) (2) of this section, 78
the veteran's period of active duty must have been at least 79
ninety days. 80

(D) The rules of the chancellor for determining student 81
residency shall grant residency status to a service member who 82
is on active duty and to the service member's spouse and any 83
dependent of the service member while the service member is on 84
active duty. In order to qualify under division (D) of this 85
section, the rules shall not require the service member or the 86
service member's spouse or dependent to establish domicile in 87
this state as of the first day of a term of enrollment in an 88
institution of higher education. 89

(E) The rules of the chancellor for determining student 90
residency shall not deny residency status to a student who is 91
either a dependent child of a parent, or the spouse of a person 92
who, as of the first day of a term of enrollment in an 93
institution of higher education, has accepted full-time 94
employment and established domicile in this state for reasons 95
other than gaining the benefit of favorable tuition rates. 96

Documentation of full-time employment and domicile shall 97
include both of the following documents: 98

(1) A sworn statement from the employer or the employer's 99
representative on the letterhead of the employer or the 100
employer's representative certifying that the parent or spouse 101
of the student is employed full-time in Ohio; 102

(2) A copy of the lease under which the parent or spouse 103
is the lessee and occupant of rented residential property in the 104

state, a copy of the closing statement on residential real 105
property of which the parent or spouse is the owner and occupant 106
in this state or, if the parent or spouse is not the lessee or 107
owner of the residence in which the parent or spouse has 108
established domicile, a letter from the owner of the residence 109
certifying that the parent or spouse resides at that residence. 110

Residency officers may also evaluate, in accordance with 111
the chancellor's rule, requests for immediate residency status 112
from dependent students whose parents are not living and whose 113
domicile follows that of a legal guardian who has accepted full- 114
time employment and established domicile in the state for 115
reasons other than gaining the benefit of favorable tuition 116
rates. 117

~~(E)~~ (F) (1) The rules of the chancellor for determining 118
student residency shall grant residency status to a person who, 119
while a resident of this state for state subsidy and tuition 120
surcharge purposes, graduated from a high school in this state 121
or completed the final year of instruction at home as authorized 122
under section 3321.04 of the Revised Code, if the person 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. 126

(2) The rules of the chancellor for determining student 127
residency shall not grant residency status to an alien if the 128
alien is not also an immigrant or a nonimmigrant. 129

~~(F)~~ (G) As used in this section: 130

(1) "Dependent," "domicile," "institution of higher 131
education," and "residency officer" have the meanings ascribed 132
in the chancellor's rules adopted under this section. 133

(2) "Alien" means a person who is not a United States 134
citizen or a United States national. 135

(3) "Immigrant" means an alien who has been granted the 136
right by the United States bureau of citizenship and immigration 137
services to reside permanently in the United States and to work 138
without restrictions in the United States. 139

(4) "Nonimmigrant" means an alien who has been granted the 140
right by the United States bureau of citizenship and immigration 141
services to reside temporarily in the United States. 142

(5) "Veteran" means any person who has completed service 143
in the uniformed services, as defined in section 3511.01 of the 144
Revised Code. 145

(6) "Service member" has the same meaning as in section 146
5903.01 of the Revised Code. 147

Section 2. That existing section 3333.31 of the Revised 148
Code is hereby repealed. 149