

As Passes by the Senate

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 280

Representatives Dovilla, Wachtmann

Cosponsors: Representatives Mecklenborg, Gardner, Buchy, Grossman, Brenner, Gonzales, Goodwin, Derickson, Fende, Blair, Hackett, Maag, Lundy, Stebelton, Letson, Sprague, Reece, Johnson, Rosenberger, Pillich, Bulp, Butler, Hagan, C., Landis, Milkovich, Yuko, Adams, R., Amstutz, Anielski, Antonio, Ashford, Baker, Barnes, Beck, Blessing, Boose, Carney, Celebrezze, Celeste, Cera, Clyde, Combs, Conditt, Damschroder, DeVitis, Driehaus, Duffey, Fedor, Foley, Garland, Gerberry, Goyal, Hall, Hayes, Heard, Henne, Hill, Huffman, Kozlowski, Mallory, Martin, Matheney, McClain, McGregor, Murray, O'Brien, Patmon, Phillips, Ramos, Roegner, Rose, Ruhl, Schuring, Sears, Slaby, Slesnick, Stautberg, Stinziano, Szollosi, Terhar, Thompson, Uecker, Williams, Winburn, Young Speaker Batchelder
Senators Bacon, Balderson, Beagle, Brown, Burke, Coley, Eklund, Faber, Gentile, Hite, Hughes, Jones, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Peterson, Sawyer, Schaffer, Seitz, Smith, Tavares, Turner, Wagoner, Widener

A BILL

To amend sections 5910.01, 5910.02, and 5919.34 and 1
to enact section 5910.07 of the Revised Code to 2
qualify for a War Orphans Scholarship, children of 3
military veterans who participated in an operation 4
for which the Armed Forces Expeditionary Medal was 5
awarded, and to authorize the administrators of 6
the Ohio National Guard Scholarship Program and 7
the Ohio War Orphans Scholarship Program to apply 8

for, and receive and accept, grants, and to 9
receive and accept gifts, bequests, and 10
contributions, from public and private sources, to 11
provide for the reimbursement of certain school 12
districts for deductions taken for certain Jon 13
Peterson Special Needs Scholarships, and to make 14
an appropriation. 15

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

Section 1. That sections 5910.01, 5910.02, and 5919.34 be 16
amended and section 5910.07 of the Revised Code be enacted to read 17
as follows: 18

Sec. 5910.01. As used in this chapter and section 5919.34 of 19
the Revised Code: 20

(A) "Child" includes natural and adopted children and 21
stepchildren who have not been legally adopted by the veteran 22
parent provided that the relationship between the stepchild and 23
the veteran parent meets the following criteria: 24

(1) The veteran parent is married to the child's natural or 25
adoptive parent at the time application for a scholarship granted 26
under this chapter is made; or if the veteran parent is deceased, 27
the child's natural or adoptive parent was married to the veteran 28
parent at the time of the veteran parent's death; 29

(2) The child resided with the veteran parent for a period of 30
not less than ten consecutive years immediately prior to making 31
application for the scholarship; or if the veteran parent is 32
deceased, the child resided with the veteran parent for a period 33
of not less than ten consecutive years immediately prior to the 34
veteran parent's death; 35

(3) The child received financial support from the veteran 36

parent for a period of not less than ten consecutive years 37
immediately prior to making application for the scholarship; or if 38
the veteran parent is deceased, the child received financial 39
support from the veteran parent for a period of not less than ten 40
consecutive years immediately prior to the veteran parent's death. 41

(B) "Veteran" includes ~~either~~ any of the following: 42

(1) Any person who was a member of the armed services of the 43
United States for a period of ninety days or more, or who was 44
discharged from the armed services due to a disability incurred 45
while a member with less than ninety days' service, or who died 46
while a member of the armed services; provided that such service, 47
disability, or death occurred during one of the following periods: 48
April 6, 1917, to November 11, 1918; December 7, 1941, to December 49
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 50
May 7, 1975; August 2, 1990, to the end of operations conducted as 51
a result of the invasion of Kuwait by Iraq, including support for 52
operation desert shield and operation desert storm, as declared by 53
the president of the United States or the congress; October 7, 54
2001, to the end of operation enduring freedom as declared by the 55
president of the United States or the congress; March 20, 2003, to 56
the end of operation Iraqi freedom as declared by the president of 57
the United States or the congress; or any other period of conflict 58
established by the United States department of veterans affairs 59
for pension purposes; 60

(2) Any person who was a member of the armed services of the 61
United States and participated in an operation for which the armed 62
forces expeditionary medal was awarded; 63

(3) Any person who served as a member of the United States 64
merchant marine and to whom either of the following applies: 65

(a) The person has an honorable report of separation from the 66
active duty military service, form DD214 or DD215. 67

(b) The person served in the United States merchant marine 68
between December 7, 1941, and December 31, 1946, and died on 69
active duty while serving in a war zone during that period of 70
service. 71

(C) "Armed services of the United States" or "United States 72
armed forces" includes the army, air force, navy, marine corps, 73
coast guard, and such other military service branch as may be 74
designated by congress as a part of the armed forces of the United 75
States. 76

(D) "Board" means the Ohio war orphans scholarship board 77
created by section 5910.02 of the Revised Code. 78

(E) "Disabled" means having a sixty per cent or greater 79
service-connected disability or receiving benefits for permanent 80
and total nonservice-connected disability, as determined by the 81
United States department of veterans affairs. 82

(F) "United States merchant marine" includes the United 83
States army transport service and the United States naval 84
transport service. 85

Sec. 5910.02. There is hereby created an Ohio war orphans 86
scholarship board as part of the department of veterans services. 87
The board consists of eight members as follows: the chancellor of 88
the Ohio board of regents or the chancellor's designee; the 89
director of veterans services or the director's designee; one 90
member of the house of representatives, appointed by the speaker; 91
one member of the senate, appointed by the president of the 92
senate; and four members appointed by the governor, one of whom 93
shall be a representative of the American Legion, one of whom 94
shall be a representative of the Veterans of Foreign Wars, one of 95
whom shall be a representative of the Disabled American Veterans, 96
and one of whom shall be a representative of the AMVETS. At least 97
ninety days prior to the expiration of the term of office of the 98

representative of a veterans organization appointed by the 99
governor, the governor shall notify the state headquarters of the 100
affected organization of the need for an appointment and request 101
the organization to make at least three nominations. Within sixty 102
days after making the request for nominations, the governor may 103
make the appointment from the nominations received, or may reject 104
all the nominations and request at least three new nominations, 105
from which the governor shall make an appointment within thirty 106
days after making the request for the new nominations. If the 107
governor receives no nominations during this thirty-day period, 108
the governor may appoint any veteran. 109

Terms of office for the four members appointed by the 110
governor shall be for four years, commencing on the first day of 111
January and ending on the thirty-first day of December, except 112
that the term of the AMVETS representative shall expire December 113
31, 1998, and the new term that succeeds it shall commence on 114
January 1, 1999, and end on December 31, 2002. Each member shall 115
hold office from the date of the member's appointment until the 116
end of the term for which the member was appointed. The other 117
members shall serve during their terms of office. Any vacancy 118
shall be filled by appointment in the same manner as by original 119
appointment. Any member appointed to fill a vacancy occurring 120
prior to the expiration of the term for which the member's 121
predecessor was appointed shall hold office for the remainder of 122
such term. Any appointed member shall continue in office 123
subsequent to the expiration date of the member's term until the 124
member's successor takes office, or until a period of sixty days 125
has elapsed, whichever occurs first. The members of the board 126
shall serve without pay but shall be reimbursed for travel 127
expenses and for other actual and necessary expenses incurred in 128
the performance of their duties, not to exceed ten dollars per day 129
for ten days in any one year to be appropriated out of any moneys 130
in the state treasury to the credit of the general revenue fund. 131

The chancellor of the board of regents shall act as secretary 132
to the board and shall furnish such clerical and other assistance 133
as may be necessary to the performance of the duties of the board. 134

The board shall determine the number of scholarships to be 135
made available, receive applications for scholarships, pass upon 136
the eligibility of applicants, decide which applicants are to 137
receive scholarships, and do all other things necessary for the 138
proper administration of this chapter. 139

The board may apply for, and may receive and accept, grants, 140
and may receive and accept gifts, bequests, and contributions, 141
from public and private sources, including agencies and 142
instrumentalities of the United States and this state, and shall 143
deposit the grants, gifts, bequests, or contributions into the 144
Ohio war orphans scholarship fund. 145

Sec. 5910.07. The Ohio war orphans scholarship fund is 146
created in the state treasury. The fund shall consist of gifts, 147
bequests, grants, and contributions made to the fund. Investment 148
earnings of the fund shall be deposited into the fund. The fund 149
shall be used to operate the war orphans scholarship program and 150
to provide grants under sections 5910.01 to 5910.06 of the Revised 151
Code. 152

Sec. 5919.34. (A) As used in this section: 153

(1) "Academic term" means any one of the following: 154

(a) Fall term, which consists of fall semester or fall 155
quarter, as appropriate; 156

(b) Winter term, which consists of winter semester, winter 157
quarter, or spring semester, as appropriate; 158

(c) Spring term, which consists of spring quarter; 159

(d) Summer term, which consists of summer semester or summer 160

quarter, as appropriate.	161
(2) "Eligible applicant" means any individual to whom all of the following apply:	162
(a) The individual does not possess a baccalaureate degree.	163
(b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.	164
(c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.	165
(d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.	166
(3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code.	167
(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board	168
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of career colleges and schools pursuant to section 3332.05 of the Revised Code.

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

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

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

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

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

(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the

average tuition charges of all state universities;	223				
(c) If the institution is an institution that holds a	224				
certificate of registration from the state board of career	225				
colleges and schools, the lesser of the following:	226				
(i) An amount equal to one hundred per cent of the	227				
institution's tuition;	228				
(ii) An amount equal to one hundred per cent of the average	229				
tuition charges of all state universities, as that term is defined	230				
in section 3345.011 of the Revised Code.	231				
(2) An eligible applicant's scholarship shall not be reduced	232				
by the amount of that applicant's benefits under "the Montgomery	233				
G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984).	234				
(E) A scholarship recipient under this section shall be	235				
entitled to receive scholarships under this section for the number	236				
of quarters or semesters it takes the recipient to accumulate	237				
ninety-six eligibility units as determined under divisions (E)(1)	238				
to (3) of this section.	239				
(1) To determine the maximum number of semesters or quarters	240				
for which a recipient is entitled to a scholarship under this	241				
section, the adjutant general shall convert a recipient's credit	242				
hours of enrollment for each academic term into eligibility units	243				
in accordance with the following table:	244				
	The		245		
Number of	following	The following	246		
credit hours	number of	number of	247		
of enrollment	eligibility	eligibility	248		
in an academic	units if a	units if a	249		
term	equals	semester	or	quarter	250
					251
12 or more hours	12 units	8 units			252
9 but less than 12	9 units	6 units			253

6 but less than 9	6 units	4 units	254
3 but less than 6	3 units	2 units	255

(2) A scholarship recipient under this section may continue 256
to apply for scholarships under this section until the recipient 257
has accumulated ninety-six eligibility units. 258

(3) If a scholarship recipient withdraws from courses prior 259
to the end of an academic term so that the recipient's enrollment 260
for that academic term is less than three credit hours, no 261
scholarship shall be paid on behalf of that person for that 262
academic term. Except as provided in division (F)(3) of this 263
section, if a scholarship has already been paid on behalf of the 264
person for that academic term, the adjutant general shall add to 265
that person's accumulated eligibility units the number of 266
eligibility units for which the scholarship was paid. 267

(F) This division applies to any eligible applicant called 268
into active duty on or after September 11, 2001. As used in this 269
division, "active duty" means active duty pursuant to an executive 270
order of the president of the United States, an act of the 271
congress of the United States, or section 5919.29 or 5923.21 of 272
the Revised Code. 273

(1) For a period of up to five years from when an 274
individual's enlistment obligation in the Ohio national guard 275
ends, an individual to whom this division applies is eligible for 276
scholarships under this section for those academic terms that were 277
missed or could have been missed as a result of the individual's 278
call into active duty. Scholarships shall not be paid for the 279
academic term in which an eligible applicant's enlistment 280
obligation ends unless an applicant is eligible under this 281
division for a scholarship for such academic term due to previous 282
active duty. 283

(2) When an individual to whom this division applies 284
withdraws or otherwise fails to complete courses, for which 285

scholarships have been awarded under this section, because the 286
individual was called into active duty, the institution of higher 287
education shall grant the individual a leave of absence from the 288
individual's education program and shall not impose any academic 289
penalty for such withdrawal or failure to complete courses. 290
Division (F)(2) of this section applies regardless of whether or 291
not the scholarship amount was paid to the institution of higher 292
education. 293

(3) If an individual to whom this division applies withdraws 294
or otherwise fails to complete courses because the individual was 295
called into active duty, and if scholarships for those courses 296
have already been paid, either: 297

(a) The adjutant general shall not add to that person's 298
accumulated eligibility units calculated under division (E) of 299
this section the number of eligibility units for the academic 300
courses or term for which the scholarship was paid and the 301
institution of higher education shall repay the scholarship amount 302
to the state. 303

(b) The adjutant general shall add to that individual's 304
accumulated eligibility units calculated under division (E) of 305
this section the number of eligibility units for the academic 306
courses or term for which the scholarship was paid if the 307
institution of higher education agrees to permit the individual to 308
complete the remainder of the academic courses in which the 309
individual was enrolled at the time the individual was called into 310
active duty. 311

(4) No individual who is discharged from the Ohio national 312
guard under other than honorable conditions shall be eligible for 313
scholarships under this division. 314

(G) A scholarship recipient under this section who fails to 315
complete the term of enlistment, re-enlistment, or extension of 316

current enlistment the recipient was serving at the time a 317
scholarship was paid on behalf of the recipient under this section 318
is liable to the state for repayment of a percentage of all Ohio 319
national guard scholarships paid on behalf of the recipient under 320
this section, plus interest at the rate of ten per cent per annum 321
calculated from the dates the scholarships were paid. This 322
percentage shall equal the percentage of the current term of 323
enlistment, re-enlistment, or extension of enlistment a recipient 324
has not completed as of the date the recipient is discharged from 325
the Ohio national guard. 326

The attorney general may commence a civil action on behalf of 327
the chancellor of the Ohio board of regents to recover the amount 328
of the scholarships and the interest provided for in this division 329
and the expenses incurred in prosecuting the action, including 330
court costs and reasonable attorney's fees. A scholarship 331
recipient is not liable under this division if the recipient's 332
failure to complete the term of enlistment being served at the 333
time a scholarship was paid on behalf of the recipient under this 334
section is due to the recipient's death or discharge from the 335
national guard due to disability. 336

(H) On or before the first day of each academic term, the 337
adjutant general shall provide an eligibility roster to the 338
chancellor and to each institution of higher education at which 339
one or more scholarship recipients have applied for enrollment. 340
The institution shall use the roster to certify the actual 341
full-time or part-time enrollment of each scholarship recipient 342
listed as enrolled at the institution and return the roster to the 343
adjutant general and the chancellor. Except as provided in 344
division (J) of this section, the chancellor shall provide for 345
payment of the appropriate number and amount of scholarships to 346
each institution of higher education pursuant to division (D) of 347
this section. If an institution of higher education fails to 348

certify the actual enrollment of a scholarship recipient listed as 349
enrolled at the institution within thirty days of the end of an 350
academic term, the institution shall not be eligible to receive 351
payment from the Ohio national guard scholarship program or from 352
the individual enrollee. The adjutant general shall report on a 353
~~semi-annual~~ semiannual basis to the director of budget and 354
management, the speaker of the house of representatives, the 355
president of the senate, and the chancellor the number of Ohio 356
national guard scholarship recipients, the size of the 357
scholarship-eligible population, and a projection of the cost of 358
the program for the remainder of the biennium. 359

(I) The chancellor and the adjutant general may adopt rules 360
pursuant to Chapter 119. of the Revised Code governing the 361
administration and fiscal management of the Ohio national guard 362
scholarship program and the procedure by which the chancellor and 363
the department of the adjutant general may modify the amount of 364
scholarships a member receives based on the amount of other state 365
financial aid a member receives. 366

(J) The adjutant general, the chancellor, and the director, 367
or their designees, shall jointly estimate the costs of the Ohio 368
national guard scholarship program for each upcoming fiscal 369
biennium, and shall report that estimate prior to the beginning of 370
the fiscal biennium to the chairpersons of the finance committees 371
in the general assembly. During each fiscal year of the biennium, 372
the adjutant general, the chancellor, and the director, or their 373
designees, shall meet regularly to monitor the actual costs of the 374
Ohio national guard scholarship program and update cost 375
projections for the remainder of the biennium as necessary. If the 376
amounts appropriated for the Ohio national guard scholarship 377
program and any funds in the Ohio national guard scholarship 378
reserve fund are not adequate to provide scholarships in the 379
amounts specified in division (D)(1) of this section for all 380

eligible applicants, the chancellor shall do all of the following: 381

(1) Notify each private institution of higher education, 382
where a scholarship recipient is enrolled, that, by accepting the 383
Ohio national guard scholarship program as payment for all or part 384
of the institution's tuition, the institution agrees that if the 385
chancellor reduces the amount of each scholarship, the institution 386
shall provide each scholarship recipient a grant or tuition waiver 387
in an amount equal to the amount the recipient's scholarship was 388
reduced by the chancellor. 389

(2) Reduce the amount of each scholarship under division 390
(D)(1)(a) of this section proportionally based on the amount of 391
remaining available funds. Each state institution of higher 392
education shall provide each scholarship recipient under division 393
(D)(1)(a) of this section a grant or tuition waiver in an amount 394
equal to the amount the recipient's scholarship was reduced by the 395
chancellor. 396

(K) Notwithstanding division (A) of section 127.14 of the 397
Revised Code, the controlling board shall not transfer all or part 398
of any appropriation for the Ohio national guard scholarship 399
program. 400

(L) The chancellor and the adjutant general may apply for, 401
and may receive and accept grants, and may receive and accept 402
gifts, bequests, and contributions, from public and private 403
sources, including agencies and instrumentalities of the United 404
States and this state, and shall deposit the grants, gifts, 405
bequests, or contributions into the national guard scholarship 406
reserve fund. 407

Section 2. That existing sections 5910.01, 5910.02, and 408
5919.34 of the Revised Code are hereby repealed. 409

Section 3. All items in this section are hereby appropriated 410

as designated out of any moneys in the state treasury to the 411
credit of the designated fund. For all appropriations made in this 412
act, those in the first column are for fiscal year 2012 and those 413
in the second column are for fiscal year 2013. The appropriations 414
made in this act are in addition to any other appropriations made 415
for the FY 2012-FY 2013 biennium. 416

Appropriations

EDU DEPARTMENT OF EDUCATION 417

Lottery Profits Education Fund Group 418

7018 200683 Jon Peterson \$ 0 \$ 3,200,000 419

Scholarship

Reimbursement

TOTAL LPE Lottery Profits Education \$ 0 \$ 3,200,000 420

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 3,200,000 421

JON PETERSON SCHOLARSHIP REIMBURSEMENT 422

The Department of Education shall reimburse school districts 423
that receive supplemental operating funding for fiscal year 2013 424
under Section 267.30.53 of Am. Sub. H.B. 153 of the 129th General 425
Assembly for the amount deducted for fiscal year 2013 under 426
section 3310.55 of the Revised Code for scholarships awarded under 427
section 3310.52 of the Revised Code to students who have never 428
attended a public school in Ohio. 429

The foregoing appropriation item 200683, Jon Peterson 430
Scholarship Reimbursement, shall be used by the Department to 431
reimburse school districts under this section. 432

Section 4. Within the limits set forth in this act, the 433
Director of Budget and Management shall establish accounts 434
indicating the source and amount of funds for each appropriation 435
made in this act, and shall determine the form and manner in which 436
appropriation accounts shall be maintained. Expenditures from 437

appropriations contained in this act shall be accounted for as 438
though made in Am. Sub. H.B. 153 of the 129th General Assembly. 439

The appropriations made in this act are subject to all 440
provisions of Am. Sub. H.B. 153 of the 129th General Assembly that 441
are generally applicable to such appropriations. 442

Section 5. Sections 3 and 4 of this act, and the items of law 443
of which they are composed, are not subject to the referendum 444
under Ohio Constitution Article II, section 1d and section 1.471 445
of the Revised Code and, therefore, go into immediate effect when 446
this act becomes law. 447