



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 760
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Merrin

Mike Niemi, Research Analyst

SUMMARY

- Extends Ohio residency status to qualify for a waiver of post-secondary tuition and fees for the child, spouse, or qualified former spouse of a public service officer or U.S. armed services member killed in the line of duty, if the child or spouse was an Ohio resident when the public service officer or service member was killed.
- Entitles the bill the “Anthony Dia Act.”

DETAILED ANALYSIS

Ohio residency requirement for waiver of tuition and fees

The bill permits the child, spouse, or qualified former spouse of a public service officer or U.S. armed service member killed in the line of duty to meet the Ohio residency requirement of a provision of continuing law that allows such individuals to qualify for a waiver of post-secondary tuition and fees, so long as the child, spouse, or qualified former spouse was an Ohio resident when the service officer or service member was killed in the line of duty, and meet other criteria. The bill further clarifies that the child, spouse, or qualified former spouse is *not* required to have been an Ohio resident when the service office or service member was killed in order to qualify for the waiver.¹

In other words, current law qualifies “a resident of this state” for a waiver. The bill expands the qualification to a resident of this state at the time the service officer or member is killed in action. However, the bill specifies that this expansion does not revoke the qualification of current law.

¹ R.C. 3333.26(D).

Continuing law provides an eligible child, spouse, or qualified former spouse of a public service officer or U.S. armed services member killed in the line of duty with a waiver of up to four academic years of undergraduate tuition and fees at state institutions of higher education and reduced tuition and fees at participating private nonprofit and for-profit educational institutions. A “public service officer” is an Ohio firefighter, volunteer firefighter, police officer, or other specified peace officer, or a person holding any equivalent position in another state. To be eligible for that waiver, the child, spouse, or qualified former spouse must satisfy certain additional criteria, one of which is to be an Ohio resident.²

Background

Other conditions for the waiver

To be eligible, besides the residency requirement, a child must be either under 26 years old or, if honorably discharged from the armed forces, under 30 years old. A child also may not use the waiver provision if the child is also eligible for War Orphans and Severely Disabled Veterans’ Children Scholarship under separate law.³

On the other hand, a spouse or qualified former spouse does not appear to be subject to an age requirement. Rather, a spouse or qualified spouse simply must be an Ohio resident to be eligible. A “qualified former spouse” is the former spouse of the public service officer, or armed services member, who is the custodial parent of a minor child of that marriage.⁴

All state institutions of higher education must waive tuition and fees in accordance with the provision. That includes the 13 state universities, the Northeast Ohio Medical University, and all community colleges, state community colleges, technical colleges, and university branch campuses. A private institution participates by reducing its tuition and fees for eligible individuals by an amount indicated by the Chancellor of Higher Education and in return the institution becomes eligible for a grant from the Chancellor. Private institutions that may participate include private nonprofit colleges and universities, private for-profit career colleges and schools, and licensed barber and cosmetology schools.⁵

Reimbursement

Under continuing law, state and participating private institutions may receive grants from the Chancellor to reimburse them for the waived or reduced tuition and fees. Private institution may receive a grant in an amount up to the statewide average amount waived by state institutions in the previous year. The Chancellor reimburses state and private institutions

² R.C. 3333.26(B) and (C).

³ R.C. 3333.26(B)(2). For the War Orphans and Severely Disabled Veterans’ Scholarship, see R.C. 5910.01 to 5910.08, none in the bill.

⁴ R.C. 3333.26(B)(3) and (4).

⁵ R.C. 3333.26(B) and (C). For the War Orphans and Severely Disabled Veterans’ Scholarship, see R.C. 5910.01 to 5910.08, none in the bill.

through the Ohio Safety Officer College Memorial Fund, which is earmarked from the amount appropriated for the Ohio College Opportunity Grants.⁶

Chancellor’s rules regarding Ohio residency

Continuing law requires the Chancellor to adopt administrative rules defining Ohio residency status for individuals enrolled at state institutions of higher education. The residency rules are primarily used to determine whether an individual qualifies for in-state tuition at state institutions and whether a state institution receives state operating subsidies for that individual. With only a few exceptions, the Chancellor’s rules must generally deny residency status to any individual living in Ohio primarily to attend a state institution.⁷

HISTORY

Action	Date
Introduced	09-16-20

H0760-I-133/ks

⁶ R.C. 3333.26(C) and Section 381.360(C) of H.B. 166 of the 133rd General Assembly. See also <https://www.ohiohighered.org/safety-officers-college-fund>. The law on College Opportunity Grants for need-based financial assistance is codified in R.C. 3333.12, not in the bill.

⁷ R.C. 3333.31, not in the bill.