



## **Sub. H.B. 275**

125th General Assembly  
(As Passed by the General Assembly)

**Reps.** Key, Allen, Otterman, C. Evans, Redfern, Seitz, Domenick, Barrett, Jolivette, Schaffer, Sykes, D. Stewart, Sferra, Strahorn, Ujvagi, DeBose, Beatty, S. Smith, Fessler, Boccieri, Calvert, Core, DeWine, Faber, Flowers, Grendell, Hartnett, Hoops, Hughes, Husted, Jerse, Kearns, Miller, S. Patton, T. Patton, Peterson, Schlichter, Schmidt, J. Stewart, Trakas, Webster, Wilson, Aslanides, Book, Brown, Buehrer, Callender, Carano, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, Distel, Driehaus, D. Evans, Gibbs, Gilb, Hagan, Harwood, Kilbane, Koziura, Latta, Martin, Mason, McGregor, Niehaus, Oelslager, Olman, Perry, Price, Raga, Raussen, Reidelbach, Reinhard, Schneider, Seaver, Setzer, Skindell, G. Smith, Taylor, Wagner, Walcher, White, Widener, Widowfield, Willamowski, Woodard, Yates, Young

**Sens.** Harris, Randy Gardner, Fedor, Prentiss, Austria, Carey, DiDonato, Robert Gardner, Jordan, Mallory, Miller, Mumper, Nein, Roberts, Schuler, Stivers, Zurz, Dann, Goodman, Padgett, Hottinger, Armbruster, Spada, Jacobson, Coughlin, Blessing, Brady, Amstutz, Fingerhut, Hagan, Schuring, Wachtmann, White

**Effective date:** \*

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### **ACT SUMMARY**

- Specifically includes among those persons eligible for War Orphans scholarships any individual who is the child of a deceased or disabled veteran who served during the time of Operation Enduring Freedom or Operation Iraqi Freedom.
- Expands the program that provides college tuition waivers and grants to children and spouses of public safety officers killed in the line of duty, to also include children of members of the armed services killed in the line

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

of duty during Operation Enduring Freedom or Operation Iraqi Freedom, unless they qualify for War Orphans scholarships.

- Requires the Educator Standards Board to establish a standing subcommittee on higher education.
- Clarifies the selection process for representatives of higher education appointed to the Educator Standards Board.

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## CONTENT AND OPERATION

### *The War Orphans Scholarship Program*

(R.C. 5910.01)

The act specifies that children of deceased or disabled veterans who served during the time of Operation Enduring Freedom (the conflict in Afghanistan) or Operation Iraqi Freedom are eligible to participate in the War Orphans Scholarship Program.

#### *Background: War Orphans scholarships*

The War Orphans Scholarship Program provides college scholarships to children of certain veterans who served during periods of war. Administering the program is the War Orphans Scholarship Board comprised of the Chancellor of the Ohio Board of Regents, a member of the House of Representatives, a member of the Senate, and four representatives of veterans organizations. The Board is responsible for determining the amount of scholarships, who is eligible to receive them, and any other functions necessary to administer the program.

Scholarships awarded by the Board are of two types, both of which may be awarded for a maximum of five years of undergraduate study. The first type is an exemption from 100% of the instructional and general fees charged by a state university or college. In the event there are insufficient funds to fully fund all scholarships, the Board has the authority, generally, to decrease the amount of these scholarships. The second type is for students who attend a private college or university or a private career school.<sup>1</sup> The scholarship amount is equivalent to the average amount of a scholarship awarded a student attending a state university or college in the previous year, unless there are insufficient funds for fully funded

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<sup>1</sup> A student attending a private career school must be pursuing an associate degree or a baccalaureate degree to qualify for a grant (R.C. 5910.04(B), not in the act).

scholarships. A grant to a private school student cannot exceed the total general and instructional charges of the institution.

The following students are eligible for War Orphans scholarships:

- Children of deceased or disabled veterans of the United States armed services who served in World War I, World War II, the Korean war, the Vietnam war, the Persian Gulf war, or any other period of conflict established by the United States Department of Veterans Affairs for pension purposes.<sup>2</sup> The act specifically includes the children of deceased or disabled veterans who served during the time of Operation Enduring Freedom or Operation Iraqi Freedom among those eligible.
- Children of deceased or disabled members of the U.S. Merchant Marine who had an honorable report of separation from the active duty military service or who died on active duty while serving in a war zone during World War II.
- Children of members of the Ohio National Guard and armed services reserves who are either killed or permanently and totally disabled while on active military duty or while at a scheduled training event.<sup>3</sup>
- Children of members of the U.S. armed services who are declared prisoners of war or missing in action by the U.S. Department of Defense during an armed conflict occurring on or after January 1, 1960.<sup>4</sup>

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<sup>2</sup> *To qualify for a scholarship on the basis of a veteran's disability, the disability must be incurred during one of the listed conflicts and must be at least a 60% or greater service-connected disability or the veteran must be receiving benefits for a permanent and total nonservice-connected disability as determined by the U.S. Department of Veterans Affairs (R.C. 5910.01(B) and (E)).*

<sup>3</sup> *R.C. 5910.031, not in the act. "Permanently and totally disabled" means having a disability that renders the veteran incapable of engaging in substantially gainful employment on a permanent basis, as determined by a review board.*

<sup>4</sup> *Scholarships for children of prisoners of war and troops missing in action may not be reduced below 100% of the general and instructional fees at a state college or university and also include expenses for room, board, books, and lab fees. In addition, these children are exempt from all other eligibility criteria except for the age requirement. (R.C. 5910.032 and 5910.04(B), neither section in the act.)*

In addition to the natural or adopted children of a qualifying service member, certain stepchildren also are eligible. To qualify for a War Orphans scholarship as a stepchild of a veteran, the veteran parent must be married to the child's natural parent at the time of scholarship application or have been married to the natural parent at the time of the veteran's death. Second, the stepchild must have resided with the veteran for at least ten consecutive years before the veteran's death or before scholarship application, if the veteran is still alive. Third, the stepchild must have received financial support from the veteran parent for at least ten consecutive years before application or before the veteran's death.

Other requirements for scholarship eligibility are that a child must be between the ages of 16 and 21 at the time of application, and must be in financial need as determined by the War Orphans Scholarship Board. The child also must meet a residency requirement, which varies depending on whether the veteran parent resided in Ohio at the time of entering the armed services. If the veteran parent resided in Ohio when the parent entered the armed services, the child need only have resided in Ohio for the year preceding scholarship application. If the veteran parent was not an Ohio resident when entering the armed services, the child must have resided in Ohio not only for the last preceding year but also for any four of the last ten years.

### **Tuition waiver program**

(R.C. 3333.26)

The act also addresses the tuition waiver program, which entitles certain children, spouses, and former spouses of firefighters, police officers, and other public service officers killed in the line of duty to either a waiver of tuition and fees at a state university or college or a grant for study at a private post-secondary institution.<sup>5</sup> The act expands this tuition waiver program to include children of members of the armed services killed in the line of duty during Operation Iraqi Freedom or Operation Enduring Freedom. The act does not, however, extend this benefit to spouses and qualified former spouses of the same armed services member.

To qualify for a tuition waiver at a state institution or a grant for study at a private institution, a child of a deceased Operation Enduring Freedom or

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<sup>5</sup> Specifically, a public service officer includes a volunteer firefighter; an Ohio firefighter; a police officer; a member of the Highway Patrol; certain employees of park districts who are designated to function as police officers, such as park rangers; other peace officers; and any person holding an equivalent position in another state (R.C. 3333.26(B)(1)(b)).

Operation Iraqi Freedom veteran must be a resident of Ohio and under the age of 26 (or under the age of 30 if the student has been honorably discharged from the armed forces).<sup>6</sup> The act provides that the tuition waiver is available only if a student is not eligible for a War Orphans scholarship. Additionally, in any year in which the War Orphans Scholarship Board decreases the amount of a War Orphans scholarship below 100% of the general and instructional fees at state universities and colleges due to insufficient funds, the act requires that the tuition waivers granted to children of persons killed in the line of duty during Operation Enduring Freedom or Operation Iraqi Freedom be reduced by the same percentage. This reduction does not apply to tuition waivers for children, spouses, or former spouses of public service officers killed in the line of duty.

**Background: tuition waiver program**

Under the tuition waiver program, if the child attends a state university or college, the state institution must waive all instructional and general fees for up to four years of undergraduate study. If the child enrolls in a nonprofit, private college or university, a private career school, or a qualifying for-profit school that chooses to participate in the program by reducing the tuition and fees of qualifying students, the Ohio Board of Regents must reimburse the private institution. The amount of reimbursement is based on the amount of tuition waivers at state universities and colleges. Each year, state universities and colleges must report the number of students receiving tuition waivers and the average amount of such waivers. The Board of Regents, then, must determine the average amount of all waivers awarded by state universities and colleges. This average amount is the grant award to private schools in the ensuing academic year. For example, if the average tuition waiver in the 2001-2002 academic year at state universities and colleges was \$3,000, a private school could receive reimbursement for tuition reductions in the 2002-2003 academic year in an amount of \$3,000. Grants for study at private institutions cannot exceed the amount of tuition and student fees the student would be charged without a grant.

Funding to reimburse both public and private institutions for tuition waivers and grants awarded under this program is provided through the Board of Regents' Ohio Instructional Grant appropriation.

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<sup>6</sup> *Unlike the War Orphans Scholarship Program, the term "child" is undefined for this program. Thus, presumably only a natural or adopted son or daughter would be eligible for a waiver of tuition as a "child."*

## **Changes affecting Educator Standards Board**

(R.C. 3319.60)

Am. Sub. S.B. 2 of the 125th General Assembly creates an Educator Standards Board comprised of representatives of teachers, administrators, school boards, and higher education appointed by the State Board of Education, plus certain ex officio members. Among other things, the Educator Standards Board is required to recommend statewide standards for teachers and principals, educator license renewal, and professional development. The act makes two changes affecting the Educator Standards Board.

First, the act requires the Educator Standards Board to establish a standing subcommittee on higher education. The Board may also create other standing subcommittees when necessary.

Second, the act modifies the selection process for the three higher education representatives who serve on the Educator Standards Board. Under Am. Sub. S.B. 2, the Chancellor of the Ohio Board of Regents must submit a list of two nominees for each of the three slots, and the State Board of Education presumably must select one appointee from each list. This process is changed by the act to require the Chancellor to submit two slates of nominees for the appointments, from which the State Board must select one entire slate to serve as members of the Educator Standards Board.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>	<b>JOURNAL ENTRY</b>
Introduced	09-16-03	p. 1048
Reported, H. Finance & Appropriations	11-13-03	pp. 1161-1162
Passed House (93-0)	11-13-03	pp. 1184-1185
Reported, S. Education	02-18-04	p. 1549
Passed Senate (33-0)	02-18-04	pp. 1565-1566
House concurred in Senate amendments (96-0)	03-09-04	pp. 1664-1665

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