



Bill Rowland

Bill Analysis
Legislative Service Commission

Sub. H.B. 275*

125th General Assembly
(As Reported by H. Finance and Appropriations)

Reps. Key, Allen, Otterman, C. Evans, Redfern, Seitz, Domenick, Barrett, Jolivette, Schaffer, Sykes, D. Stewart, Sferra, Strahorn, Ujvagi, DeBose, Beatty, S. Smith, Fessler, Bocchieri

BILL SUMMARY

- Provides that an individual is eligible for a War Orphans scholarship if the individual is a child of any person who in the course of honorable service in the armed forces of the United States during Operation Iraqi Freedom either was killed while on active duty or was disabled while on active duty and was discharged from the armed services due to that disability.
- Expands the program that provides tuition waivers for undergraduate studies at state institutions and grants for study at private post-secondary institutions for qualified children and spouses of public safety officers killed in the line of duty, to also include children of members of the armed services of the United States killed in the line of duty during Operation Iraqi Freedom.

CONTENT AND OPERATION

Current law: the War Orphans Scholarship Program

The bill expands eligibility for the War Orphans Scholarship Program. This program, codified in Chapter 5910. of the Revised Code, provides college scholarships to children of certain veterans who served during periods of war. Administering the war orphans scholarships is the War Orphans Scholarship Board comprised of the Chancellor of the Ohio Board of Regents, a member of the

* This analysis was prepared before the report of the House Finance and Appropriations Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

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 the scholarships, and any other functions necessary to administer the program. Scholarships awarded by the War Orphans Scholarship Board are of two types, both of which may be awarded for a maximum of five years of study at the undergraduate level. 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 of scholarship is for those eligible students who attend a private college or university or a private career school.¹ The amount of this scholarship 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 scholarships. A grant to a student attending a private school cannot exceed the total general and instructional charges of the institution.

Currently, 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.²
- Children of deceased or disabled members of the United States 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.

¹ 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).

² 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).

- 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.³
- Children of members of the United States 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.

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.

Additional 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.

War Orphans scholarships for children of persons killed or disabled during Operation Iraqi Freedom

(R.C. 5910.033, 5910.04, and 5910.05)

The bill provides that an individual is eligible for a War Orphans scholarship if the individual is a child of any person who in the course of honorable service in the armed forces of the United States during Operation Iraqi Freedom was either killed while on active duty or disabled while on active duty

³ R.C. 5910.031. "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.

and was discharged from the armed services due to that disability. The child also must meet all other eligibility requirements for War Orphans scholarships as described above. The bill defines "Operation Iraqi Freedom" to mean the period of conflict which began March 20, 2003, and ends on a date declared by the President of the United States or the Congress. The bill also provides that the War Orphans Scholarship Board must not reduce the percentage for scholarships awarded under the bill below 100%.

Tuition waivers for children of persons killed in action during Operation Iraqi Freedom

(R.C. 3333.26)

Under current law, certain children, spouses, and former spouses of firefighters, police officers, and other public service officers killed in the line of duty are entitled 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.⁴ The bill expands this tuition waiver program to include children of members of the armed services of the United States killed in the line of duty during Operation Iraqi Freedom. The bill provides that the tuition waiver applies only to the extent a student is not eligible for a War Orphans scholarship.

To qualify for a tuition waiver or a grant for study at a private institution, a child of a deceased 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).⁵ If the child attends a state university or college, the state university or college is required to 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 is directed to 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

⁴ 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).

⁵ 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."

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 Regent's Ohio Instructional Grant appropriation.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-16-03	p. 1048
Reported, H. Finance & Appropriations	---	---

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