



Sub. H.B. 275*

125th General Assembly
(As Reported by S. Education)

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

BILL 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 of duty during Operation Enduring Freedom or Operation Iraqi Freedom, unless they qualify for War Orphans scholarships.
- Contingently requires the Educator Standards Board to establish a standing subcommittee on higher education.

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

- Contingently clarifies the selection process for representatives of higher education appointed to the Educator Standards Board.

CONTENT AND OPERATION

Current law: the War Orphans Scholarship Program

The bill addresses 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 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 the scholarships, 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 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 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 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

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), not in the bill).

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

- 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.
- 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, 1960.⁴

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

nonservice-connected disability as determined by the U.S. Department of Veterans Affairs (R.C. 5910.01(B) and (E)).

³ *R.C. 5910.031, not in the bill. "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.*

⁴ *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 bill.)*

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 veterans of Operation Enduring Freedom and Operation Iraqi Freedom

(R.C. 5910.01)

Current law probably provides for War Orphans scholarships for children of veterans of Operation Enduring Freedom or Operation Iraqi Freedom because, as noted above, the scholarships are available for children of deceased or disabled veterans of any period of conflict established by the U.S. Department of Veterans Affairs for pension purposes. Presumably, the conflicts in Afghanistan and Iraq would count for pension purposes under federal regulations. The bill, however, explicitly includes the children of deceased or disabled veterans who served during the time of Operation Enduring Freedom or Operation Iraqi Freedom among those individuals who are eligible for War Orphans scholarships. As with the children of veterans of other conflicts, the children of veterans of Operation Enduring Freedom or Operation Iraqi Freedom are eligible for scholarships if the veteran parent is deceased or disabled at the time of application, regardless of the time or cause of the death or disability.

"Operation Enduring Freedom" refers to the conflict in Afghanistan that began October 7, 2001, and ends on a date declared by the President of the United States or Congress. "Operation Iraqi Freedom" is the period of conflict which began March 20, 2003, and ends on a date declared by the President or Congress.

Tuition waivers for children of persons killed in action during Operation Enduring Freedom or 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.⁵ The bill expands this tuition waiver program to include children of members of the armed

⁵ 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)).

services of the United States killed in the line of duty during Operation Iraqi Freedom.

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 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).⁶ However, the bill provides that the tuition waiver is available only if a student is not eligible for a War Orphans scholarship. Because it appears that most, if not all, children of veterans killed in Operation Enduring Freedom or Operation Iraqi Freedom could qualify for War Orphans scholarships, they would not also qualify for the tuition waiver program.

The bill also requires reductions in tuition waivers under certain circumstances. Specifically, 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 tuition waivers granted to children of persons killed in the line of duty during Operation Enduring Freedom or Operation Iraqi Freedom must 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 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 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

⁶ *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."*

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.

Changes affecting Educator Standards Board

(R.C. 3319.60; Section 3)

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 bill makes two changes affecting the Educator Standards Board. Enactment of these changes is contingent upon Am. Sub. S.B. 2 of the 125th General Assembly becoming law.⁷

First, the bill requires the Educator Standards Board to establish a standing subcommittee on higher education. As under Am. Sub. S.B. 2, the Educator Standards Board may create other standing subcommittees when necessary.

Second, the bill clarifies 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 bill 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.

⁷ *The conference committee report for Am. Sub. S.B. 2 was approved by the House of Representatives on January 28, 2004. It was accepted by the Senate on February 4, 2004.*

HISTORY

ACTION	DATE	JOURNAL ENTRY
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	---	---

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