
ADJUTANT GENERAL (ADJ)

- Modifies the Ohio National Guard Scholarship Program.

Ohio National Guard Scholarship Program

(R.C. 5919.34 and 5919.341)

Ohio National Guard Scholarships for all eligible applicants

The act establishes the principle that the Adjutant General is to approve Ohio National Guard Scholarships for all eligible applicants.

On or before the first day of each academic term, the Adjutant General is required to provide an eligibility roster to the Chancellor of the Ohio Board of Regents and to each institution of higher education at which one or more Ohio National Guard Scholarship recipients have applied for enrollment. The institution must use the roster to certify the actual enrollment of scholarship recipients at the institution to the Adjutant General and Chancellor. The Chancellor then is required to provide for payment of the appropriate number and amount of scholarships to each institution of higher education.

To ensure these payments are made, the act requires the Adjutant General, the Chancellor, and the Director of Budget and Management, or their designees, jointly to estimate the costs of the Ohio National Guard Scholarship Program for each upcoming fiscal biennium, and to report that estimate prior to the beginning of the fiscal biennium to the chairpersons of the finance committees of the Senate and House of Representatives. The Adjutant General must also report, on a semi-annual (rather than a quarterly) basis, to the Director, the Speaker of the House of Representatives, the President of the Senate, and the Chancellor the number of scholarship recipients, the size of the scholarship-eligible population, and a projection of the cost of the program for the remainder of the biennium.¹ And, during each fiscal year of the biennium, the Adjutant General, Chancellor, and Director, or their designees, are required to meet regularly to monitor the actual costs of the Ohio National Guard Scholarship Program and to update cost projections for the remainder of the biennium as necessary.

¹ The act eliminates a requirement that the Adjutant General report to the Chancellor the number of students in the Ohio National Guard Scholarship Program at each institution of higher education.



If the amounts appropriated for the Ohio National Guard Scholarship Program and any amounts in the Ohio National Guard Scholarship Reserve Fund are inadequate to provide scholarships in the amounts specified for all applicants, the Chancellor is required to do both of the following to ensure that each scholarship recipient receives a scholarship or its equivalent:

(1) Notify each private institution of higher education at which an Ohio National Guard Scholarship recipient is enrolled, that, by accepting the Ohio National Guard Scholarship Program as payment for all or part of the institution's tuition, the institution has agreed that if the Chancellor reduces the amount of each such scholarship, the institution is required to provide each scholarship recipient a grant or a tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the Chancellor.

(2) Reduce the amount of each scholarship at state institutions of higher education proportionally, based on the amount of remaining available funds. Each state institution of higher education then is required to provide each scholarship recipient a grant or a tuition waiver in an amount equal to the amount the recipient's scholarship was reduced by the Chancellor.

Under prior law, if the Adjutant General estimated that appropriations and any funds in the National Guard Scholarship Reserve Fund would be insufficient to pay for all scholarships applied for and likely to be used during an academic term, the Adjutant General was required promptly to inform all applicants not receiving scholarships for the academic term of the next academic term for which appropriations would be adequate for the scholarships. Any applicant whose application was denied was then entitled to apply again for a scholarship beginning at that academic term, so long as the applicant was in compliance with all requirements of the Ohio National Guard Scholarship Program.

National Guard Scholarship Reserve Fund

The act requires the Chancellor, instead of the Board of Regents, to certify to the Director of Budget and Management, not later than July 1, the unencumbered balance of General Revenue Fund appropriations made in the immediately preceding fiscal year for purposes of the Ohio National Guard Scholarship Program. The Director is authorized to transfer an amount not exceeding the certified amount from the General Revenue Fund to the National Guard Scholarship Reserve Fund. Moneys in the National Guard Scholarship Reserve Fund are used to pay scholarship obligations in excess of General Revenue Fund appropriations for that purpose. The act authorizes the Chancellor, rather than the Adjutant General, to request the Director, rather than the



Board of Regents, to seek Controlling Board approval to establish appropriations as necessary.

Clarification of meaning of "tuition"

The act clarifies that "tuition," the cost of which is defrayed by an Ohio National Guard Scholarship, means the charges imposed to attend an institution of higher education, including both general and instructional fees. But "tuition" does not include laboratory fees, room and board, or other similar fees and charges.

Continuing eligibility for scholarships

The act specifies that an Ohio National Guard Scholarship recipient's part-time enrollment for at least three but less than six credit hours in an academic term equals three eligibility units (if a semester term) or two eligibility units (if a quarter term). A scholarship recipient can continue to apply for scholarships until the recipient has accumulated 96 eligibility units. The minimum enrollment contemplated by prior law was at least six credit hours.

Scholarship recipient liability for repayment

The act removes an exception, thus making a scholarship recipient who fails to complete the recipient's term of enlistment in the National Guard because the recipient enlists in the active component, or an active reserve component, of the United States armed forces liable to repay a percentage of the Ohio National Guard Scholarship paid on behalf of the recipient, plus interest at the rate of 10%. The scholarship percentage equals the percentage of the term of National Guard enlistment not completed. The act requires the Attorney General, on behalf of the Chancellor (rather than on behalf of the Adjutant General), to commence a civil action to recover repayment amounts for which scholarship recipients are liable. Under prior law, a scholarship recipient could enlist in the active or active reserve components of the United States armed forces without incurring any liability for repayment.

Scholarship reduction removed

The act repeals law that required an Ohio National Guard Scholarship to be reduced by the amount of an applicant's tuition benefits under a federal act, The Post 9/11 Veterans Education Assistance Act of 2008. This law conflicted with the federal act because the federal act requires a scholarship recipient to use state benefits *before* using the benefits provided by the federal act.