



**TED STRICKLAND**  
GOVERNOR  
STATE OF OHIO

## **Executive Order 2008 – 17S**

### **Immediate Adoption of Rule to Honor Veterans' Service and Attract Them to Ohio's Workforce**

- 1. The United States Has a Rich and Proud History of Its Citizens Serving in the Armed Forces.** Throughout our nation's history, millions of Americans have defended and protected the United States and its people through their brave and selfless service in the Armed Forces.
- 2. The United States Recognizes the Sacrifices of its Armed Forces Members in Various Ways.** There are myriad ways we honor the contributions of those who serve in the Armed Forces. One way in which the United States recognizes the sacrifices of its Armed Forces members is to help pay for educational programs for our veterans through various federal G.I. Bills which the Congress has enacted over the years. While these bills have the primary effect of providing our veterans with higher education degrees and facilitating their readjustment to civilian life after service, they also have the ancillary effect of boosting local economies, increasing the number of skilled workers in cities and states, and repopulating areas that have been depleted because of veterans' service in the Armed Forces.
- 3. New Funding for Veterans' Education Has Just Become Available.** Recognizing that the current educational assistance program for veterans was outdated, Congress recently passed, and, last week, the President signed into law, the latest G.I. Bill: the Post 9/11 Veterans Educational Assistance Act of 2008 ("Post 9/11 Act"). The Post 9/11 Act entitles veterans, who served in the Armed Forces on or after September 11, 2001, to receive up to thirty-six (36) months of monetary assistance to cover costs associated with attendance at a qualifying educational institution for an authorized program of study. Veterans who qualify for this monetary assistance, which can be used at public colleges and universities across the United States and covers their respective in-state tuition rates, may

begin receiving this benefit beginning August 1, 2009. The Post 9/11 Act benefits are separate G.I. benefits from those available to other veterans who served our nation before September 11, 2001.

4. **Ohio is Committed to Ensuring that Our Nation's Veterans and Their Families Receive the Services and Support that They Deserve.** Ohioans recognize and celebrate the sacrifices that all veterans have made in serving this country. We believe that these veterans and their families should have the greatest possible access to the benefits that they have earned and Ohio is eager to do its part in honoring veterans' dedication to their country.
5. **The Chancellor's Authority to Determine Who May Pay Reduced In-State Rates.** Ohio residents are entitled to pay a reduced "in-state" tuition rate at our public colleges and universities. Ohio law allows the Chancellor of the Ohio Board of Regents (OBOR) to establish, through administrative rule-making, which students at Ohio's public colleges and universities are deemed Ohio residents, and therefore entitled to pay the reduced in-state tuition rate. Furthermore, Ohio law provides the Chancellor wide discretion in making that determination, but indicates that he should not include within the definition of residents those who are present in the state primarily for the purpose of attending a state-supported or state-assisted institution of higher education.
6. **Residency Status of Active Duty and National Guard Servicemembers.** The Ohio Administrative Code currently defines those on active or National Guard duty in Ohio as residents who are entitled to pay a reduced in-state tuition rate.
7. **Recognizing the Value of Attracting Veterans to Ohio.** Veterans are known to be significant contributors to the workforces of which they are a part. They generally have a strong work ethic, significant work experience, clear recognition of the importance of teamwork, and an array of other attributes making them valued employees at their workplaces. It is, unquestionably, in the interest of Ohio employers to expand Ohio's workforce to include more veterans.
8. **Encouraging Veterans to Settle in Ohio.** The Chancellor, the Director of Veterans Services and I all believe that those who come to Ohio to complete a course of study at one of our public colleges or universities are, in general, more likely to permanently settle in Ohio than those who do not. We also believe that those who conduct community service activity while engaged in a course of study at one of our public colleges or universities and those who participate in internships or co-op programs

during that course of study are, in general, more likely than others to stay in Ohio following the conclusion of their course of study. And we believe that veterans are looking for communities in which to settle which honor and celebrate their service to our nation and which are working to maximize the value of their benefits under the various G.I. Bills. Accordingly, we believe that veterans who come to Ohio to complete a course of study at one of our public colleges or universities and who participate in community service programs or internship or co-op programs during that course of study, are evidencing an intent to stay permanently in Ohio and, on the whole, are far more likely to do so than others coming to Ohio to avail themselves of the University System of Ohio.

9. **Broadly Defining Veterans as Ohio Residents.** By expansively including veterans and their spouses and dependents within the definition of residents entitled to pay in-state tuition rates at our public colleges and universities, we maximize the value of their G.I. Bill benefits while increasing the likelihood that more veterans will ultimately settle in Ohio, thus benefiting Ohio's employers. Accordingly, the Chancellor has determined that veterans, along with their spouses and dependents, who live in Ohio while attending a public college or university will be conclusively presumed to have demonstrated an intent to reside permanently in Ohio, and therefore will be deemed residents of Ohio entitled to pay in-state tuition rates, when they:
  - a. are eligible for benefits under the Post 9/11 Act or any prior federal act establishing veterans' education benefits,
  - b. remain domiciled in Ohio during their course of study, and
  - c. during that course of study, accept a community service position approved by the Chancellor or participate in an internship or co-op program established by the Chancellor or the college or university to which they have been accepted.
9. **Procedure for the Immediate Adoption of New Rule.** Section 119.03 of the Ohio Revised Code authorizes the Governor, on the request of a state agency, to suspend the normal rule-making procedures with respect to a specific rule, when an emergency exists necessitating the immediate adoption, amendment or rescission of the rule. When such a determination is made, the agency may immediately adopt that rule, but the rule is valid for only ninety (90) days.

10. **Determination of an Emergency.** I believe that an emergency exists justifying the suspension of the normal rule-making process when failure to act immediately would negatively impact the citizens of Ohio. The Chancellor of the Ohio Board of Regents has asked me to determine, and I have determined, that the failure to immediately adopt a rule expanding the definition of "resident" to include veterans evidencing intent to reside permanently in Ohio will negatively impact the people of Ohio. Therefore, an emergency exists necessitating the immediate adoption of a new administrative rule in this regard.
11. **Authorization for Immediate Rule Implementation.** Accordingly, the normal rule-making procedures are suspended with respect to the adoption of Rule 3333-1-10(E)(9) of the Ohio Administrative Code, establishing that certain veterans, their spouses and their dependents shall be deemed Ohio residents for the purpose of determining their entitlement to pay in-state tuition rates at Ohio's public colleges and universities. The Chancellor may, therefore, adopt this rule immediately by electronically filing it with the Secretary of State, the Director of the Legislative Service Commission, and the Joint Committee on Agency Rule Review.
12. **Making this Temporary Rule Permanent.** Because this Order can only authorize the implementation of this new rule for ninety (90) days, the Chancellor is directed to immediately take steps to establish, through a filing with the Joint Committee on Agency Rule Review, a proposed permanent addition of Rule 3333-1-10(E)(9) to the Ohio Administrative Code.
13. **All Colleges and Universities in the University System of Ohio shall become Servicemember Opportunity Colleges.** The Chancellor shall work with Ohio's public universities and colleges and with the American Council on Education (ACE) to insure that each institution is certified as a Servicemember Opportunity College. This step, which is part of the Strategic Plan for Higher Education, will allow all college credits received during military service and approved by ACE, to transfer to every University System of Ohio institution.
14. **Establishment of The Ohio G.I. Promise Council.** In order to promote educational opportunities in Ohio for veterans and to ensure that the University System of Ohio has the best possible educational opportunities and student support services for veterans, I will appoint, in consultation with the Chancellor, the Adjutant General and the Director of Veterans Services, The Ohio G.I. Promise Council. This Council will be charged with developing recommendations and taking steps to encourage veterans

across the United States to come, with their spouses and dependents, to Ohio to utilize their G.I. Bill benefits, and to identify resources which can be utilized to advise veterans about the educational opportunities available to them in Ohio.

15. I signed this Executive Order on July 8, 2008 in Columbus, Ohio. The portion of the Order authorizing the implementation of a new administrative rule under suspended rule-making procedures will expire at the end of the ninetieth day this Order is in effect, October 6, 2008. All other portions of this Order will expire on my last day as Governor unless rescinded before then.



  
Ted Strickland, Governor

ATTEST:

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Jennifer Brunner, Secretary of State