

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 3333-1-10

**Rule Type:** Amendment

**Rule Title/Tagline:** Ohio student residency for state subsidy and tuition surcharge purposes.

**Agency Name:** Department of Higher Education

**Division:**

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#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 4/12/2021
2. Is this rule the result of recent legislation? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? HB 16 - 133  
- Rick Perales
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3333.31, 3333.04
5. What statute(s) does the rule implement or amplify? 3333.31
6. What are the reasons for proposing the rule?

Reason for the proposed rule changes are to reflect the legislation passed under the 133rd General Assembly.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

OAC 3333-1-10 is the rule promulgating state law relating to Ohio student residency for state subsidy and tuition surcharge purposes. The amendments to the rules are in accordance with the passage of Amended House Bill 16 (Perales) and Substitute Senate Bill 40 (Brenner, McColley) of the 133rd General Assembly. Am. H.B. 16 required the Chancellor of Higher Education to grant residency status to any military service members on active duty, as well as their spouses and dependents, to qualify for in-state tuition at state institutions of higher education. Further, the legislation specified that service members, spouses, and dependents do not need to establish domicile (a permanent home) in Ohio as of the first day of an institution's term of enrollment to qualify, as otherwise generally required by residency provisions; and a student seeking in-state tuition must be living in the state by that date. Sub. S.B. 40 required the Chancellor of Higher Education to grant residency status for in-state tuition to students who, while residing in Ohio officially withdrew from school, passed a high school equivalency test, and received a certificate of high school equivalence, but subsequently moved out of state and then relocated back to Ohio. Additionally, under the bill, the student must not have received a high school diploma in Ohio or another state or country. OAC 3333-1-10 is required to be amended to reflect both of these provisions enacted by the General Assembly, in addition to its Five-Year Review.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

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Not Applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

### **III. Common Sense Initiative (CSI) Questions**

16. Was this rule filed with the Common Sense Initiative Office? No

17. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

### **IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

**A. How many new regulatory restrictions do you propose adding? 2**

3333-1-10 (C)(10) - Required by statute.

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**B. How many existing regulatory restrictions do you propose removing? 2**

3333-1-10 (C)(10) - Since added restriction was required by statute, there is no restriction to be removed.

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