

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 156

BY: HORNER, RUBOTTOM, WILLIAMS
(Penny), MILES-LaGRANGE
and LONG (Ed) of the
SENATE

and

ROSS and WILLIAMS of the
HOUSE

COMMITTEE SUBSTITUTE

AN ACT RELATING TO SCHOOLS; PROVIDING SHORT TITLE;

ENACTING THE OKLAHOMA HIGHER LEARNING ACCESS ACT;

CREATING OKLAHOMA HIGHER LEARNING ACCESS PROGRAM;

STATING PURPOSES; PROVIDING FOR CERTAIN WAIVERS OF

FEES; SETTING CERTAIN FEE LIMIT; REQUIRING

ESTABLISHMENT OF POLICIES AND PROMULGATION OF

REGULATIONS BY OKLAHOMA STATE REGENTS FOR HIGHER

EDUCATION, STATE BOARD OF EDUCATION, AND STATE

BOARD OF VOCATIONAL AND TECHNICAL EDUCATION;

ESTABLISHING CERTAIN REQUIREMENTS FOR ELIGIBILITY

AND RETENTION OF ELIGIBILITY; REQUIRING CERTAIN

NOTIFICATION TO STUDENTS AND PARENTS; PROVIDING FOR

CERTAIN AGREEMENTS; REQUIRING CERTAIN RECORDS

MANAGEMENT, LIAISON, AND PROVISION OF STAFF

DEVELOPMENT BY THE STATE DEPARTMENT OF EDUCATION;

CREATING THE OKLAHOMA HIGHER LEARNING ACCESS

PROGRAM STATE ADVISORY BOARD; ESTABLISHING TERMS;

PROVIDING FOR MEMBERSHIP AND APPOINTMENTS;

PROVIDING FOR QUALIFICATIONS OF MEMBERS, SELECTION

OF OFFICERS, ELIGIBILITY TO VOTE, AND REQUIREMENTS FOR QUORUM; REQUIRING CERTAIN CONDUCT OF BUSINESS PURSUANT TO OPEN MEETINGS ACT, OPEN RECORDS ACT, AND ADMINISTRATIVE PROCEDURES ACT; PROVIDING FOR REIMBURSEMENT OF TRAVEL EXPENSES; PROVIDING FOR STAFF; ESTABLISHING DUTIES; REQUIRING ESTABLISHMENT OF CERTAIN PUBLIC TRUST; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2601 of Title 70, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Higher Learning Access Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2602 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Oklahoma Higher Learning Access Program. The purpose of the program is to ensure that students who meet the criteria set forth in this act and who are pursuing studies in this state leading to an associate or baccalaureate degree or postsecondary vocational-technical certificate, and who are in good academic standing in the institution of higher education or vocational-technical school in which enrolled, are relieved of the burden of paying undergraduate general enrollment fees at institutions of The Oklahoma State System of Higher Education or are relieved of the burden of paying tuition for enrollment in postsecondary programs of the area vocational-technical districts.

The further purpose of this program is to establish and maintain a variety of support services whereby a broader range of the general student population of this state will be prepared for success in postsecondary endeavors.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2603 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To be eligible to participate in the Oklahoma Higher Learning Access Program and to receive fee or tuition waivers pursuant to Section 4 of this act for the first semester or other academic unit of postsecondary enrollment, a student shall:

1. Be a resident of this state;
2. Have a record of satisfactory compliance with agreements executed pursuant to Section 5 of this act;
3. Not have been convicted of any criminal act except misdemeanor traffic offenses that have not caused suspension or revocation of the driver's license;
4. Have graduated within the previous three (3) years from a high school accredited by the State Board of Education with a minimum 2.5 cumulative grade point average on a 4.0 scale, irrespective of honor points, for all work attempted in grades nine through twelve;
5. Have earned a minimum grade of "C" in each of the courses required by the Oklahoma State Regents for Higher Education for regular admission to baccalaureate degree programs;
6. Have secured admission to, and enrolled in, an institution which is a member of the Oklahoma State System of Higher Education or postsecondary vocational-technical program at an area vocational-technical school district in this state;
7. Have established financial need according to the provisions of subsection B of this section; provided, financial standards applied at the time of matriculation shall not deny financial need

to anyone whose financial need would be recognized if criteria in use at the time the student became a program participant as a ninth-grade student were applied; and

8. Have applied for any federal, state, or private grant or scholarship funding for which eligible as an enrollee at such institution or school.

B. A student shall be found to be in financial need if:

1. The family has one child less than twenty-one (21) years of age who is not emancipated and the annual gross income of the family is less than Twenty-five Thousand Dollars (\$25,000.00), or

2. The family has two children less than twenty-one (21) years of age who are not emancipated and the annual gross income of the family is less than Thirty Thousand Dollars (\$30,000.00), or

3. The family has three or more children less than twenty-one (21) years of age who are not emancipated and the annual gross income of the family is less than Thirty-five Thousand Dollars (\$35,000.00).

4. The annual gross income of the family shall be verified by Internal Revenue Service returns.

C. To retain eligibility while pursuing the program of higher learning in which enrolled, the student shall:

1. Maintain good academic standing and satisfactory academic progress according to standards of the Oklahoma State Regents for Higher Education or the area vocational-technical school district in which enrolled;

2. Not be convicted of any criminal act except misdemeanor traffic offenses that have not caused suspension or revocation of the driver's license; and

3. Not be suspended or expelled, for disciplinary reasons or for falsification of records, from the institution or school in which enrolled.

D. The Oklahoma State Regents for Higher Education and the State Board of Vocational and Technical Education shall promulgate regulations relating to maintenance of eligibility under this act by a student who changes academic program, transfers among or between the institutions of higher learning the student is eligible to attend, or who must withdraw from the academic program being pursued for reasons not related to maintenance of good academic standing.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2604 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the fee-waiver authority granted the Oklahoma State Regents for Higher Education by Section 3219 of Title 70 of the Oklahoma Statutes, the general enrollment fees or portion thereof not paid by other state, federal or private scholarship or grant funds for which an eligible Oklahoma Higher Learning Access Program student is obligated shall be waived by the institution of The Oklahoma State System of Higher Education in which said student is enrolled. The total of an institution's commitment to fee waivers for this program shall not exceed ten percent (10%) of three percent (3%) of the institution's Educational and General Budget - Part I for the current year, unless the need exists. The State Regents shall maintain the capability of waiving said fees of all such eligible students. For Oklahoma Higher Learning Access Program students, the general enrollment fee limit under Section 2 of Article XIII-A of the Oklahoma Constitution shall, notwithstanding the provisions of Section 3218.1 et seq. of Title 70 of the Oklahoma Statutes, be the portion paid by other state, federal or private scholarship or grant funds.

B. The State Board of Vocational and Technical Education shall establish policies whereby tuition shall be waived for any eligible Oklahoma Higher Learning Access Program student enrolled in a public

postsecondary vocational-technical program for the purpose set forth in Section 2 of this act.

C. Fee and tuition waivers required by this section shall not be required for courses or other postsecondary units repeated or taken in excess of the requirements for completion of a baccalaureate program or postsecondary vocational-technical certificate program; provided, eligible Oklahoma Higher Learning Access Program students enrolled in cooperative programs pursuant to agreements between area vocational-technical schools and institutions of The Oklahoma State System of Higher Education shall receive such waivers for both vocational-technical and college work in which enrolled pursuant to such cooperative program.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2605 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each school year, every ninth-grade student in the public schools of this state shall be apprised, together with the student's parent, custodial parent, or guardian, of the student's opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. Further, the State Board of Education shall ensure that every public school district designates at least one Oklahoma Higher Learning Access Program contact person, who shall be a counselor or teacher, at each public school in this state in which ninth-grade classes are taught.

B. Ninth-grade students shall be given the opportunity throughout the ninth-grade year to enter into participation in the program by agreeing to, throughout the remainder of their school years:

1. Attend school regularly and do homework regularly;
2. Refrain from substance abuse;
3. Refrain from commission of crimes or delinquent acts;

4. Have school work and school records reviewed by mentors designated pursuant to the program;

5. Provide information requested by the State Board of Education; and

6. Participate in program activities.

The contact person at the school shall maintain the agreements, which shall be executed on forms provided by the State Board of Education and managed according to regulations promulgated by the State Board of Education, and the contact person shall monitor the student's compliance with the terms of the agreement.

C. Agreements shall be witnessed by the student's parent, custodial parent, or guardian, who shall further agree to:

1. Assist the student in achieving compliance with the agreements;

2. Confer, when requested to do so, with the school contact person, other school personnel, and program mentors;

3. Provide information requested by the State Board of Education; and

4. Assist the student in completing forms and reports required for program participation, making applications to institutions and schools of higher learning, and filing applications for student grants and scholarships.

D. The State Board of Education shall promulgate regulations for the determination of student compliance with agreements made pursuant to this section.

E. The State Board of Education shall designate personnel of the State Department of Education to coordinate tracking of program records for the years when students participating in the program are still in the public schools, provide staff development for contact persons in the public schools, and provide liaison with the Oklahoma State Regents for Higher Education, the Oklahoma Higher Learning

Access Program State Advisory Board and local organizations operating under the auspices of the State Advisory Board.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2606 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Higher Learning Access Program State Advisory Board, to consist of twenty-five (25) appointed members and four (4) ex officio members. Twenty-four members shall be appointed by the Governor to four-year terms, staggered on an annual basis, ending June 30, with initial appointments to partial terms as necessary to provide a full complement of members. Half of said twenty-four members shall be female, half male. Appointment of said twenty-four members shall be so made that the membership of the twenty-nine-member Board is, by race, as nearly as possible, proportional to the distribution, by race, of children in poverty in this state as determined by the most recent Federal Decennial Census, excepting races whose portion of such distribution is less than five percent (5%), who shall, in the aggregate, be represented by one member of one such race. The twenty-fifth appointed member, who shall be appointed by the Governor, shall chair the State Advisory Board and shall serve at the pleasure of the Governor. Appointed members shall be individuals noted for accomplishment in their respective pursuits but shall not be officers or employees of this state or of any public school district, state-accredited private school, or institution of higher education accredited by the Oklahoma State Regents for Higher Education. The Secretary of Education, the State Superintendent of Public Instruction, the Director of the State Department of Vocational and Technical Education, and the Chancellor of Higher Education, or their designees, shall serve as ex officio, voting members. Thirteen appointed members shall constitute a quorum. Appointed members may send designees of their sex and race

who may participate in meetings but shall not be counted for a quorum and shall not vote. The State Advisory Board shall elect a vice-chairperson, and such other officers as deemed appropriate, on an annual basis. The State Advisory Board is authorized to utilize committees and subcommittees of its members or their designees for the conduct of its business. Policy determinations, however, shall have no effect until approved by the State Advisory Board, which shall conduct its business in compliance with the Open Meetings Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes, the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, and the Administrative Procedures Act, Sections 250 et seq. and 301 et seq. of Title 75 of the Oklahoma Statutes.

B. Appointed members of the State Advisory Board and their designees shall be reimbursed for actual travel expenses incurred in carrying out their duties under this act pursuant to the provisions of the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Said reimbursement shall be paid from funds appropriated for the State Department of Education, which shall also provide staff services required by the State Advisory Board.

C. The chairperson of the State Advisory Board shall, pursuant to the requirements of federal and state law, act to establish a public trust, to be known as the Oklahoma Higher Learning Access Trust, the officers of which shall be designated by the State Advisory Board from among its appointed members. Said trust shall be established for the purpose of obtaining, managing, and expending private funds for programs and activities in support of the Oklahoma Higher Learning Access Program.

D. The duties of the Oklahoma Higher Learning Access State Advisory Board shall include but not necessarily be limited to:

1. Advising the State Board of Education, the State Department of Education, the Oklahoma State Regents for Higher Education and

the schools and institutions of higher learning of this state regarding the support services needed by Oklahoma Higher Learning Program participants during their school and postsecondary years;

2. Providing such services in cooperation with the schools and the postsecondary institutions;

3. Establishing local development boards in the various communities of the state for the recruitment of role-model mentors and other volunteers who will provide one-on-one support for each eligible participant in the Oklahoma Higher Learning Program who is of school age;

4. Conducting, together with or independently of, the schools and the institutions of higher learning, enrichment programs; cultural, workplace, and campus visits; award ceremonies; and other beneficial activities, including provision of supplemental educational equipment and materials, for students, and for their families; and

5. Conducting public awareness programs and obtaining cooperation of the media to inform the population of this state of the opportunities available to individuals pursuant to the Oklahoma Higher Learning Program and of the benefits of the program for the general well-being of the populace.

SECTION 7. This act shall become effective July 1, 1991.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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