

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 820

By: Morgan and Sweeden of the
Senate

3
4 and

Jones of the House
5
6
7

8 (public finance - funding for Oklahoma Higher
9 Learning Access Program - codification -
10 effective date)
11

12 AUTHORS: Add the following House Coauthors: Terrill and Shannon

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "(public finance - funding for Oklahoma Higher
16 Learning Access Program - codification -
17 effective date)
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 10.4 of Title 62, unless there
23 is created a duplication in numbering, reads as follows:
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1 In order to ensure that the Oklahoma Higher Learning Access
2 Program will be fully funded and all eligible and qualifying
3 students receive scholarships, the following procedures shall be
4 observed:

5 1. Not later than November 1, 2007, and November 1 of each
6 subsequent year, the Oklahoma State Regents for Higher Education
7 shall determine the amount of revenue necessary to fund awards
8 allowed pursuant to the Oklahoma Higher Learning Access Act, for the
9 fiscal year which begins the following July 1;

10 2. The State Regents shall report such amount to the State
11 Board of Equalization;

12 3. At its meeting in December 2007, and December of each
13 subsequent year, held pursuant to the provisions of paragraph 1 of
14 Section 23 of Article X of the Oklahoma Constitution, the State
15 Board of Equalization shall subtract the amount reported by the
16 State Regents from the amount it certifies as available for
17 appropriation from the General Revenue Fund by the Legislature for
18 the fiscal year which begins the following July 1; and

19 4. Notwithstanding any other provisions of law directing the
20 apportionment of revenues, beginning with fiscal year ending June
21 30, 2009, and for each subsequent fiscal year, the Director of State
22 Finance shall transfer the amount of revenue subtracted pursuant to
23 the provisions of paragraph 3 of this section to be deposited to the
24 Oklahoma Higher Learning Access Trust Fund, in lieu of being

1 deposited to the General Revenue Fund, with at least the following
2 cumulative amounts being deposited according to the following
3 schedule:

- 4 a. by September 1, at least forty-five percent (45%),
- 5 b. by January 1, at least forty-five percent (45%), and
- 6 c. by June 1, the total amount.

7 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2603, as
8 amended by Section 1, Chapter 293, O.S.L. 2002 (70 O.S. Supp. 2006,
9 Section 2603), is amended to read as follows:

10 Section 2603. A. To be eligible to participate in the Oklahoma
11 Higher Learning Access Program and to qualify for an award which
12 includes payment of an amount equivalent to resident tuition or
13 other tuition pursuant to Section 2604 of this title for the first
14 semester or other academic unit of postsecondary enrollment, a
15 student shall:

- 16 1. Be a resident of this state;
- 17 2. Be a United States citizen or lawfully present in the United
18 States. A student who is not a United States citizen or lawfully
19 present in the United States shall not be eligible to participate in
20 the Oklahoma Higher Learning Access Program and to qualify for an
21 award notwithstanding the provisions of Section 3242 of this title.
22 The provisions of this paragraph shall not apply to any student who
23 has received an Oklahoma Higher Learning Access Program benefit
24 award prior to the 2007-2008 school year;

1 curriculum requirements shall include two units or sets of
2 competencies in foreign or non-English language or technology
3 courses that meet the college admission requirements and one unit or
4 set of competencies of a fine arts course. Students shall also have
5 attained a 2.5 grade point average in the core curriculum courses,
6 ~~provided that students.~~ Students who attended a high school which
7 did not offer all the core curriculum courses or students who were
8 educated by other means and were not offered all the core curriculum
9 courses shall be allowed to satisfy this curriculum requirement by
10 participating in a program approved by the State Regents for
11 remediation of high school curricular deficiencies;

12 ~~5.~~ 6. Have satisfied admission standards as determined by the
13 Oklahoma State Regents for Higher Education for first-time-entering
14 students for the appropriate type of institution, or, if attending a
15 private institution, have satisfied admission standards as
16 determined by the private institution; provided, no student
17 participating in the Oklahoma Higher Learning Access Program shall
18 be admitted into an institution of higher education by special
19 admission standards;

20 ~~6.~~ 7. Have secured admission to, and enrolled in, an
21 institution which is a member of The Oklahoma State System of Higher
22 Education, a postsecondary vocational-technical program offered
23 pursuant to a duly approved cooperative agreement between a
24 technology center school and an institution of The Oklahoma State

1 System of Higher Education, or a private institution of higher
2 learning located within this state and accredited pursuant to
3 Section 4103 of this title; and

4 ~~7. 8.~~ Have established financial need ~~during the eighth grade~~
5 ~~year, ninth grade year or tenth grade year~~ according to the
6 provisions of Section 2605 of this title and standards and
7 provisions promulgated by the Oklahoma State Regents for Higher
8 Education; ~~a student who satisfies the financial need criteria upon~~
9 ~~initial participation in the Oklahoma Higher Learning Access Program~~
10 ~~during the eighth, ninth, or tenth grade shall not later be denied~~
11 ~~participation in the Oklahoma Higher Learning Access Program on~~
12 ~~grounds that the student does not meet the financial need criteria.~~

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

15 1. Maintain a minimum 2.5 cumulative grade point average on a
16 4.0 scale for all attempted regularly graded course work. If the
17 cumulative grade point average of a student falls below the minimum
18 2.5 average requirement, the student shall be allowed a period not
19 to exceed one (1) semester in which to increase the average to the
20 minimum requirement. The provisions of this paragraph shall not
21 apply to any student who has received an Oklahoma Higher Learning
22 Access Program benefit award prior to the 2007-2008 school year;

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1 2. Maintain good academic standing and satisfactory academic
2 progress according to standards of the Oklahoma State Regents for
3 Higher Education; ~~and~~

4 ~~2.~~ 3. Comply with the standards related to maintenance of
5 eligibility as promulgated by the Oklahoma State Regents for Higher
6 Education; and

7 4. Comply with codes of conduct of the institution of higher
8 education the student is attending and refrain from substance abuse
9 and commission of crimes or delinquent acts. The provisions of this
10 paragraph shall not apply to any student who has received an
11 Oklahoma Higher Learning Access Program benefit award prior to the
12 2007-2008 school year.

13 C. The Oklahoma State Regents for Higher Education and the
14 State Board of Career and Technology Education shall promulgate
15 rules relating to maintenance of eligibility under this act by a
16 student.

17 D. It is the intent of the Legislature that students in the
18 ninth grade for the 1992-93 school year who are determined to be
19 eligible Oklahoma Higher Learning Access students pursuant to this
20 act shall be the first students eligible for benefits from the
21 Oklahoma Higher Learning Access Trust Fund.

22 E. The Oklahoma State Regents for Higher Education are
23 authorized to study, develop and propose criteria for determining
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1 students' award eligibility based upon the completion of seven (7)
2 semesters of high school coursework.

3 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2605, as
4 amended by Section 1, Chapter 134, O.S.L. 2003 (70 O.S. Supp. 2006,
5 Section 2605), is amended to read as follows:

6 Section 2605. A. Each school year, every fifth- through ninth-
7 grade student in the public and private schools of this state and
8 students who are educated by other means and are in the equivalent
9 of the fifth- through ninth-grade shall be apprised, together with
10 the student's parent, custodial parent, or guardian, of the
11 student's opportunity for access to higher learning under the
12 Oklahoma Higher Learning Access Program. The Oklahoma State Regents
13 for Higher Education and the State Board of Education shall develop,
14 promote, and coordinate a public awareness program to be utilized in
15 making students and parents aware of the Oklahoma Higher Learning
16 Access Program.

17 B. On a form provided by the Oklahoma State Regents for Higher
18 Education, every public school district shall designate at least one
19 Oklahoma Higher Learning Access Program contact person, who shall be
20 a counselor or teacher, at each public school site in this state in
21 which eighth-, ninth- or tenth-grade classes are taught. When
22 requested by the State Regents, the State Board of Education shall
23 assist the State Regents to ensure the designation of contact
24 persons. For students enrolled in a private school or who are

1 educated by other means, a parent or guardian or other person
2 approved by the State Regents shall be designated the contact
3 person.

4 C. Students who qualify on the basis of financial need
5 according to subsection D of this section and the standards and
6 provisions promulgated by the Oklahoma State Regents for Higher
7 Education shall be given the opportunity throughout the eighth-,
8 ninth-, and tenth-grade years, for students enrolled in a public or
9 private school, or between thirteen (13) through fifteen (15) years
10 of age, for students who are educated by other means, to enter into
11 participation in the program by agreeing to, throughout the
12 remainder of their school years or educational program:

13 1. Attend school or an educational program regularly and do
14 homework regularly;

15 2. Refrain from substance abuse;

16 3. Refrain from commission of crimes or delinquent acts;

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

19 5. Provide information requested by the Oklahoma State Regents
20 for Higher Education or the State Board of Education; and

21 6. Participate in program activities.

22 The contact person ~~at the school~~ shall maintain the agreements,
23 which shall be executed on forms provided by the Oklahoma State
24 Regents for Higher Education and managed according to regulations

1 promulgated by the Oklahoma State Regents for Higher Education, and
2 the contact person shall monitor the student's compliance with the
3 terms of the agreement. The Oklahoma State Regents for Higher
4 Education are authorized to process student agreements and verify
5 compliance with the agreements. Students failing to comply with the
6 terms of the agreement shall not be eligible for the awards provided
7 in Section 2604 of this title.

8 D. A student shall not be found to be in financial need for
9 purposes of the Oklahoma Higher Learning Access Program if:

10 1. At the time the student applies for participation in the
11 Program during the eighth, ninth or tenth grade for students
12 enrolled in a public or private school, or between thirteen (13)
13 through fifteen (15) years of age, for students who are educated by
14 other means, the income from taxable and nontaxable sources of the
15 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per
16 year; and

17 2. At the time the student completes the eligibility
18 requirements set forth in subsection A of Section 2603 of this title
19 and prior to receiving any Oklahoma Higher Learning Access Program
20 benefit award, the income from taxable and nontaxable sources of the
21 student's parent(s) exceeds One Hundred Thousand Dollars
22 (\$100,000.00) per year.

23 E. The student's financial qualification of a student as set
24 forth in subsection D of this section shall be certified by the

1 contact person ~~at the school~~ or by the Oklahoma State Regents for
2 Higher Education on the agreement form provided by the Oklahoma
3 State Regents for Higher Education, ~~the~~. The form shall be retained
4 in the ~~student's~~ permanent record of the student and a copy
5 forwarded to the Oklahoma State Regents for Higher Education.

6 ~~E.~~ F. Agreements shall be witnessed by the student's parent,
7 custodial parent, or guardian, who shall further agree to:

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

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

12 3. Provide information requested by the Oklahoma State Regents
13 for Higher Education or the State Board of Education; and

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

18 ~~F.~~ G. The Oklahoma State Regents for Higher Education shall
19 promulgate rules for the determination of student compliance with
20 agreements made pursuant to this section.

21 ~~G.~~ H. The Oklahoma State Regents for Higher Education shall
22 designate personnel to coordinate tracking of program records for
23 the years when students participating in the program are still in
24 the ~~public~~ schools or are being educated by other means, provide

1 staff development for contact persons in the ~~public~~ schools, and
2 provide liaison with the State Board of Education and local
3 organizations and individuals participating in the program.

4 ~~H.~~ I. The school district where an Oklahoma Higher Learning
5 Access Program student is enrolled when the student begins
6 participation in the program and any subsequent school district
7 where the student enrolls shall forward information regarding the
8 student's participation in the program to a school to which the
9 student transfers upon the school's request for the student's
10 records.

11 ~~I.~~ J. Students participating in the Oklahoma Higher Learning
12 Access Program shall provide their social security number or their
13 student identification number used by their school to the Oklahoma
14 State Regents for Higher Education. The Regents shall keep the
15 numbers confidential and use them only for administrative purposes.

16 SECTION 4. AMENDATORY 70 O.S. 2001, Section 3953.1, is
17 amended to read as follows:

18 Section 3953.1 A. There is hereby created a trust fund to be
19 known as the "Oklahoma Higher Learning Access Trust Fund". The
20 Oklahoma State Regents for Higher Education shall be the trustees of
21 said Trust Fund.

22 B. The State Regents shall utilize said Trust Fund to implement
23 the provisions of Sections 2601 through 2604 of this title.

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1 C. The Trust Fund principal shall consist of monies the
2 Legislature appropriates or transfers to the Oklahoma State Regents
3 for Higher Education for the Trust Fund and any monies or assets
4 contributed to the Trust Fund from any other source, public or
5 private. All monies accruing to the credit of said fund are hereby
6 appropriated and may be budgeted and expended by the State Regents.
7 Expenditures from said fund shall be made upon warrants issued by
8 the State Treasurer against claims filed as prescribed by law with
9 the Director of State Finance for approval and payment.

10 D. Notwithstanding other provisions of law, income and
11 investment return on Trust Fund principal shall accrue to the Trust
12 Fund for use as provided by authorization of the trustees for the
13 purposes provided in Sections 2601 through 2604 of this title. The
14 State Regents may also utilize the Trust Fund principal for the
15 purposes provided in Sections 2601 through 2604 of this title.
16 Except as otherwise provided by law, no such income or investment
17 return or principal shall be used for administrative expenses;
18 expenses incurred by the State Regents in the administration of the
19 Trust Fund and of the Oklahoma Higher Learning Access Program
20 established by ~~this act~~ the Oklahoma Higher Learning Access Act
21 shall be paid from monies appropriated to the State Regents
22 coordinating board for their general operating budget.

23 E. The Regents shall adopt rules for accomplishing transfer of
24 funds from the Oklahoma Higher Learning Access Trust Fund to the

1 appropriate institutional Educational and General Operations
2 Revolving Funds, as provided in Section 3901 of this title, to
3 private institutions, and to the appropriate technology center
4 school district to cover general enrollment fees or tuition for
5 eligible students pursuant to ~~this act~~ the Oklahoma Higher Learning
6 Access Act. Allocations from the Trust Fund may be made only for
7 the purpose of covering the general enrollment fees or tuition of
8 eligible students. No portion of the Trust Fund may be used or
9 allocated for administrative or operating expenses of any higher
10 education institution or technology center school.

11 SECTION 5. This act shall become effective September 1, 2007."

12 Passed the House of Representatives the 23rd day of April, 2007.

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Presiding Officer of the House of
Representatives

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17 Passed the Senate the ____ day of _____, 2007.

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Presiding Officer of the Senate

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