

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2446

By: Braddock of the House

and

Paddack, Gumm and Bass of
the Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to schools; amending 70 O.S. 2001,
12 Sections 2603, as last amended by Section 41 of
13 Enrolled Senate Bill No. 1830 of the 2nd Session of
14 the 51st Oklahoma Legislature and 2605, as last
15 amended by Section 43 of Enrolled Senate Bill No.
16 1830 of the 2nd Session of the 51st Oklahoma
17 Legislature, which relate to the Oklahoma Higher
18 Learning Access Act; modifying eligibility
19 requirements for certain students; modifying
20 determination of financial qualification requirement
21 for certain students; requiring financial
22 qualification determination to be based on the
23 student income in certain circumstances; limiting
24 financial qualification determination requirement;
limiting application; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as
last amended by Section 41 of Enrolled Senate Bill No. 1830 of the

1 2nd Session of the 51st Oklahoma Legislature, is amended to read as
2 follows:

3 Section 2603. A. ~~To~~ Except as otherwise provided for in this
4 section, to be eligible to participate in the Oklahoma Higher
5 Learning Access Program and to qualify for an award which includes
6 payment of an amount equivalent to resident tuition or other tuition
7 pursuant to Section 2604 of this title for the first semester or
8 other academic unit of postsecondary enrollment, a student shall:

9 1. Be a resident of this state or be enrolled in a school
10 district located in this state that serves students who reside in
11 both this state and an adjacent state pursuant to a contract as
12 authorized in Section 5-117.1 of this title;

13 2. Be a United States citizen or lawfully present in the United
14 States. A student who is not a United States citizen or lawfully
15 present in the United States shall not be eligible to participate in
16 the Oklahoma Higher Learning Access Program and to qualify for an
17 award notwithstanding the provisions of Section 3242 of this title.
18 The provisions of this paragraph shall not apply to any student who
19 was enrolled in the Oklahoma Higher Learning Access Program prior to
20 the end of the 2006-2007 school year;

21 3. Have a record of satisfactory compliance with agreements
22 executed pursuant to Section 2605 of this title;

23 4. a. have graduated within the previous three (3) years
24 from a high school accredited by the State Board of

1 Education, or the Oklahoma School of Science and
2 Mathematics with a minimum 2.5 cumulative grade point
3 average on a 4.0 scale for all work attempted in
4 grades nine through twelve,

5 b. have graduated within the previous three (3) years
6 from a high school not accredited by the State Board
7 of Education with a minimum 2.5 cumulative grade point
8 average on a 4.0 scale for all work attempted in
9 grades nine through twelve and have achieved a
10 composite score of 22 or higher on the ACT test, or

11 c. have satisfactorily completed within the previous
12 three (3) years an educational program that was
13 provided through a means other than a public or
14 private school and have achieved a composite score of
15 22 or higher on the ACT test;

16 5. Have completed the curricular requirements for admission to
17 an institution within The Oklahoma State System of Higher Education
18 and one additional unit or set of competencies in a course that
19 meets college admission requirements. The curriculum requirements
20 shall include two units or sets of competencies in foreign or non-
21 English language or technology courses that meet the college
22 admission requirements and one unit or set of competencies of a fine
23 arts course. Students shall also have attained a 2.5 grade point
24 average in the core curriculum courses. Students who attended a

1 high school which did not offer all the core curriculum courses or
2 students who were educated by other means and were not offered all
3 the core curriculum courses shall be allowed to satisfy this
4 curriculum requirement by participating in a program approved by the
5 State Regents for remediation of high school curricular
6 deficiencies;

7 6. Have satisfied admission standards as determined by the
8 Oklahoma State Regents for Higher Education for first-time-entering
9 students for the appropriate type of institution, or, if attending a
10 private institution, have satisfied admission standards as
11 determined by the private institution. No student participating in
12 the Oklahoma Higher Learning Access Program shall be admitted into
13 an institution of higher education by special admission standards;

14 7. Have secured admission to, and enrolled in, an institution
15 which is a member of The Oklahoma State System of Higher Education,
16 a postsecondary vocational-technical program offered pursuant to a
17 duly approved cooperative agreement between a technology center
18 school and an institution of The Oklahoma State System of Higher
19 Education, or a private institution of higher learning located
20 within this state and accredited pursuant to Section 4103 of this
21 title; and

22 8. a. have established financial need according to the
23 provisions of subsection D of Section 2605 of this
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1 title and standards and provisions promulgated by the
2 Oklahoma State Regents for Higher Education,

3 b. if the student was adopted between birth and twelve
4 (12) years of age while in the permanent custody of
5 the Department of Human Services, in the court-ordered
6 custody of a licensed private nonprofit child-placing
7 agency, or federally recognized Indian tribe, as
8 defined by the federal Indian Child Welfare Act, have
9 established financial need according to the provisions
10 of paragraph 1 of subsection E of Section 2605 of this
11 title and standards and provisions promulgated by the
12 Oklahoma State Regents for Higher Education, or

13 c. if the student was adopted between thirteen (13) and
14 seventeen (17) years of age while in the permanent
15 custody of the Department of Human Services, in the
16 court-ordered custody of a licensed private nonprofit
17 child-placing agency, or federally recognized Indian
18 tribe, as defined by the federal Indian Child Welfare
19 Act, have established financial need according to the
20 provisions of paragraph 2 of subsection E of Section
21 2605 of this title and standards and provisions
22 promulgated by the Oklahoma State Regents for Higher
23 Education.

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

3 1. Achieve a minimum grade point average of 2.0 on a 4.0 scale
4 or its equivalent for courses taken during the student's sophomore
5 year and achieve a minimum grade point average of 2.5 on a 4.0 scale
6 or its equivalent for courses taken during the student's junior year
7 and thereafter. The provisions of this paragraph shall not apply to
8 any student who has received an Oklahoma Higher Learning Access
9 Program benefit award prior to the 2009-2010 school year;

10 2. Maintain good academic standing and satisfactory academic
11 progress according to standards of the Oklahoma State Regents for
12 Higher Education;

13 3. Comply with the standards related to maintenance of
14 eligibility as promulgated by the Oklahoma State Regents for Higher
15 Education; and

16 4. Refrain from conduct that leads to expulsion or suspension
17 of more than one semester from an institution of higher education.
18 A student who violates the provisions of this paragraph shall
19 permanently lose eligibility for program benefits. The provisions
20 of this paragraph shall become effective January 1, 2008.

21 C. The Oklahoma State Regents for Higher Education and the
22 State Board of Career and Technology Education shall promulgate
23 rules relating to maintenance of eligibility under this act by a
24 student.

1 D. It is the intent of the Legislature that students in the
2 ninth grade for the 1992-93 school year who are determined to be
3 eligible Oklahoma Higher Learning Access students pursuant to this
4 act shall be the first students eligible for benefits from the
5 Oklahoma Higher Learning Access Trust Fund.

6 E. The Oklahoma State Regents for Higher Education are
7 authorized to study, develop and propose criteria for determining
8 award eligibility based upon the completion of seven (7) semesters
9 of high school coursework by a student.

10 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as
11 last amended by Section 43 of Enrolled Senate Bill No. 1830 of the
12 2nd Session of the 51st Oklahoma Legislature, is amended to read as
13 follows:

14 Section 2605. A. Each school year, every fifth- through ninth-
15 grade student in the public and private schools of this state and
16 students who are educated by other means and are in the equivalent
17 of the fifth through ninth grade shall be apprised, together with
18 the parent, custodial parent, or guardian of the student, of the
19 opportunity for access to higher learning under the Oklahoma Higher
20 Learning Access Program. The Oklahoma State Regents for Higher
21 Education and the State Board of Education shall develop, promote,
22 and coordinate a public awareness program to be utilized in making
23 students and parents aware of the Oklahoma Higher Learning Access
24 Program.

1 B. On a form provided by the Oklahoma State Regents for Higher
2 Education, every public school district shall designate at least one
3 Oklahoma Higher Learning Access Program contact person, who shall be
4 a counselor or teacher, at each public school site in this state in
5 which eighth-, ninth- or tenth-grade classes are taught. When
6 requested by the State Regents, the State Board of Education shall
7 assist the State Regents to ensure the designation of contact
8 persons. Private schools shall also designate at least one school
9 official as a contact person. For students who are educated by
10 other means, a parent or guardian or other person approved by the
11 State Regents shall be designated the contact person.

12 C. Students who qualify on the basis of financial need
13 according to ~~subsection~~ subsections D or E of this section and the
14 standards and provisions promulgated by the Oklahoma State Regents
15 for Higher Education shall be given the opportunity throughout the
16 eighth-, ninth-, and tenth-grade years, for students enrolled in a
17 public or private school, or between the ages of thirteen (13) and
18 fifteen (15), for students who are educated by other means, to enter
19 into participation in the program by agreeing to, throughout the
20 remainder of their school years or educational program:

- 21 1. Attend school or an educational program regularly and do
22 homework regularly;
- 23 2. Refrain from substance abuse;
- 24 3. Refrain from commission of crimes or delinquent acts;

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

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

5 6. Participate in program activities.

6 The contact person shall maintain the agreements, which shall be
7 executed on forms provided by the Oklahoma State Regents for Higher
8 Education and managed according to regulations promulgated by the
9 Oklahoma State Regents for Higher Education, and the contact person
10 shall monitor compliance of the student with the terms of the
11 agreement. The Oklahoma State Regents for Higher Education are
12 authorized to process student agreements and verify compliance with
13 the agreements. Students failing to comply with the terms of the
14 agreement shall not be eligible for the awards provided in Section
15 2604 of this title.

16 D. A Except as otherwise provided for in subsection E of this
17 section, a student shall not be found to be in financial need for
18 purposes of the Oklahoma Higher Learning Access Program if:

19 1. At the time the student applies for participation in the
20 Program during the eighth, ninth or tenth grade for students
21 enrolled in a public or private school, or between the ages of
22 thirteen (13) and fifteen (15), for students who are educated by
23 other means, the income from taxable and nontaxable sources of the
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1 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per
2 year; and

3 2. At the time the student begins postsecondary education and
4 prior to receiving any Oklahoma Higher Learning Access Program
5 benefit award, the income from taxable and nontaxable sources of the
6 student's parent(s) exceeds One Hundred Thousand Dollars
7 (\$100,000.00) per year.

8 The determination of financial qualification as set forth in
9 this paragraph shall be based on the income of the student, not the
10 income of the parent(s), if a student:

- 11 a. is determined to be independent of the student's
12 parents for federal financial aid purposes,
- 13 b. was in the permanent custody of the Department of
14 Human Services at the time the student enrolled in the
15 program, or
- 16 c. was in the court-ordered custody of a federally
17 recognized Indian tribe, as defined by the federal
18 Indian Child Welfare Act, at the time the student
19 enrolled in the program.

20 The provisions of this paragraph shall not apply to any student
21 who has received an Oklahoma Higher Learning Access Program benefit
22 award prior to the 2009-2010 school year.

23 E. 1. A student who was adopted between birth and twelve (12)
24 years of age while in the permanent custody of the Department of

1 Human Services, in the court-ordered custody of a licensed private
2 nonprofit child-placing agency, or federally recognized Indian
3 tribe, as defined by the federal Indian Child Welfare Act, shall not
4 be found to be in financial need for purposes of the Oklahoma Higher
5 Learning Access Program if at the time the student begins
6 postsecondary education and prior to receiving any Oklahoma Higher
7 Learning Access Program benefit award, the income from taxable and
8 nontaxable sources of the student's parent(s) exceeds One Hundred
9 Fifty Thousand Dollars (\$150,000.00) per year.

10 2. A student who was adopted between thirteen (13) and
11 seventeen (17) years of age while in the permanent custody of the
12 Department of Human Services, in the court-ordered custody of a
13 licensed private nonprofit child-placing agency, or federally
14 recognized Indian tribe, as defined by the federal Indian Child
15 Welfare Act, shall not be found to be in financial need for purposes
16 of the Oklahoma Higher Learning Access Program if at the time the
17 student begins postsecondary education and prior to receiving any
18 Oklahoma Higher Learning Access Program benefit award, the income
19 from taxable and nontaxable sources of the student's parent(s)
20 exceeds Two Hundred Thousand Dollars (\$200,000.00) per year.

21 3. The determination of financial qualification as set forth in
22 this subsection shall be based on the income of the student, not the
23 income of the parent(s), if the student is determined to be
24 independent of the student's parents for federal financial aid

1 purposes. A determination of financial qualification shall not be
2 required for the student who meets the criteria set forth in this
3 subsection at the time the student applies for participation in the
4 program. The provisions of this subsection shall not apply to any
5 student who has received an Oklahoma Higher Learning Access Program
6 benefit award prior to the 2008-2009 school year.

7 F. The financial qualification of a student as set forth in
8 ~~subsection~~ subsections D and E of this section shall be certified by
9 the contact person or by the Oklahoma State Regents for Higher
10 Education on the agreement form provided by the Oklahoma State
11 Regents for Higher Education. The form shall be retained in the
12 permanent record of the student and a copy forwarded to the Oklahoma
13 State Regents for Higher Education.

14 ~~F.~~ G. Agreements shall be witnessed by the parent, custodial
15 parent, or guardian of the student, who shall further agree to:

- 16 1. Assist the student in achieving compliance with the
17 agreements;
- 18 2. Confer, when requested to do so, with the school contact
19 person, other school personnel, and program mentors;
- 20 3. Provide information requested by the Oklahoma State Regents
21 for Higher Education or the State Board of Education; and
- 22 4. Assist the student in completing forms and reports required
23 for program participation, making applications to institutions and
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1 schools of higher learning, and filing applications for student
2 grants and scholarships.

3 ~~G.~~ H. Students who are enrolled in a school district located in
4 this state that serves students who reside in both this state and an
5 adjacent state pursuant to a contract as authorized in Section 5-
6 117.1 of this title, are in the ~~eleventh~~ eleventh and ~~twelfth~~ grade
7 twelfth grades during the 2006-2007 school year, and who were denied
8 participation in the program shall be allowed to enter or reenter
9 into participation in the program by entering into agreements as set
10 forth in subsections C and D of this section by June 1, 2008.

11 ~~H.~~ I. The Oklahoma State Regents for Higher Education shall
12 promulgate rules for the determination of student compliance with
13 agreements made pursuant to this section.

14 ~~I.~~ J. The Oklahoma State Regents for Higher Education shall
15 designate personnel to coordinate tracking of program records for
16 the years when students participating in the program are still in
17 the schools or are being educated by other means, provide staff
18 development for contact persons in the schools, and provide liaison
19 with the State Board of Education and local organizations and
20 individuals participating in the program.

21 ~~J.~~ K. The school district where an Oklahoma Higher Learning
22 Access Program student is enrolled when the student begins
23 participation in the program and any subsequent school district
24 where the student enrolls shall forward information regarding

1 participation by the student in the program to a school to which the
2 student transfers upon the request of the school for the records of
3 the student.

4 ~~K.~~ L. Students participating in the Oklahoma Higher Learning
5 Access Program shall provide their social security number or their
6 student identification number used by their school to the Oklahoma
7 State Regents for Higher Education. The Regents shall keep the
8 numbers confidential and use them only for administrative purposes.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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