

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 820

By: Morgan and Sweeden of the
Senate

6 and

7 Jones of the House

8
9 COMMITTEE SUBSTITUTE

10 (public finance - funding for Oklahoma Higher

11 Learning Access Program - codification -

12 effective date)

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14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 10.4 of Title 62, unless there
18 is created a duplication in numbering, reads as follows:

19 In order to ensure that the Oklahoma Higher Learning Access
20 Program will be fully funded and all eligible and qualifying
21 students receive the scholarships to which they are entitled, the
22 following procedures shall be observed:

23 1. Not later than November 1, 2007, and November 1 of each
24 subsequent year, the Oklahoma State Regents for Higher Education

1 shall determine the amount of revenue necessary to fund awards
2 allowed pursuant to the Oklahoma Higher Learning Access Act, for the
3 fiscal year which begins the following July 1;

4 2. The State Regents shall report such amount to the State
5 Board of Equalization;

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

13 4. Notwithstanding any other provisions of law directing the
14 apportionment of revenues, beginning in fiscal year 2009 and for
15 each subsequent fiscal year, the Director of State Finance shall
16 cause the amount of revenue subtracted pursuant to the provisions of
17 paragraph 3 of this section to be deposited to the Oklahoma Higher
18 Learning Access Trust Fund, in lieu of being deposited to the
19 General Revenue Fund, with at least the following cumulative amounts
20 being deposited according to the following schedule:

- 21 a. by August 1, at least one-fourth (1/4),
- 22 b. by December 1, at least one-half (1/2),
- 23 c. by February 1, at least three-fourths (3/4), and
- 24 d. by June 1, the total amount.

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

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

10 1. Be a resident of this state;

11 2. Be a United States citizen or lawfully present in the United
12 States. The provisions of this paragraph shall not apply to a
13 student participating in the Program prior to the 2007-2008 school
14 year;

15 ~~2- 3.~~ 3. Have a record of satisfactory compliance with agreements
16 executed pursuant to Section 2605 of this title;

17 ~~3- 4.~~ 4. a. for students participating in the program prior to the
18 2007-2008 school year, have graduated within the
19 previous three (3) years from a high school accredited
20 by the State Board of Education, or the Oklahoma
21 School of Science and Mathematics with a minimum 2.5
22 cumulative grade point average on a 4.0 scale for all
23 work attempted in grades nine through twelve. For
24 students beginning participation in the Program after

1 the 2006-2007 school year, have graduated within the
2 previous three (3) years from a high school accredited
3 by the State Board of Education, or the Oklahoma
4 School of Science and Mathematics with a minimum 2.75
5 cumulative grade point average on a 4.0 scale for all
6 work attempted in grades nine through twelve, or

- 7 b. for students participating in the program prior to the
8 2007-2008 school year, have graduated within the
9 previous three (3) years from a high school not
10 accredited by the State Board of Education with a
11 minimum 2.5 cumulative grade point average on a 4.0
12 scale for all work attempted in grades nine through
13 twelve and have achieved a composite score of 22 or
14 higher on the American College Test. For students
15 beginning participation in the Program after the 2006-
16 2007 school year, have graduated within the previous
17 three (3) years from a high school not accredited by
18 the State Board of Education with a minimum 2.75
19 cumulative grade point average on a 4.0 scale for all
20 work attempted in grades nine through twelve and have
21 achieved a composite score of 22 or higher on the
22 American College Test, or
23 c. have satisfactorily completed within the previous
24 three (3) years an educational program that was

1 provided through a means other than a public or
2 private school and have achieved a composite score of
3 22 or higher on the American College Test;

4 ~~4.~~ 5. Have completed the curricular requirements for admission
5 to an institution within The Oklahoma State System of Higher
6 Education and one additional unit or set of competencies in a course
7 that meets college admission requirements; ~~provided the.~~ The
8 curriculum requirements shall include two units or sets of
9 competencies in foreign or non-English language or technology
10 courses that meet the college admission requirements and one unit or
11 set of competencies of a fine arts course. Students shall also have
12 attained a ~~2.5~~ the minimum grade point average as required in
13 paragraph 4 of this subsection in the core curriculum courses; ~~provided that students.~~ Students who attended a high school which
14 did not offer all the core curriculum courses or students who were
15 educated by other means and were not offered all the core curriculum
16 courses shall be allowed to satisfy this curriculum requirement by
17 participating in a program approved by the State Regents for
18 remediation of high school curricular deficiencies;

20 ~~5.~~ 6. Have satisfied admission standards as determined by the
21 Oklahoma State Regents for Higher Education for first-time-entering
22 students for the appropriate type of institution, or, if attending a
23 private institution, have satisfied admission standards as
24 determined by the private institution; provided, no student

1 participating in the Oklahoma Higher Learning Access Program shall
2 be admitted into an institution of higher education by special
3 admission standards;

4 ~~6.~~ 7. Have secured admission to, and enrolled in, an
5 institution which is a member of The Oklahoma State System of Higher
6 Education, a postsecondary vocational-technical program offered
7 pursuant to a duly approved cooperative agreement between a
8 technology center school and an institution of The Oklahoma State
9 System of Higher Education, or a private institution of higher
10 learning located within this state and accredited pursuant to
11 Section 4103 of this title; and

12 ~~7.~~ 8. Have established financial need during the eighth-grade
13 year, ninth-grade year or tenth-grade year according to the
14 standards and provisions promulgated by the Oklahoma State Regents
15 for Higher Education; ~~a.~~ a. For a student who is educated by other
16 means, financial need shall be established between the ages of
17 thirteen (13) and fifteen (15). A student who satisfies the
18 financial need criteria upon initial participation in the Oklahoma
19 Higher Learning Access Program ~~during the eighth, ninth, or tenth~~
20 ~~grade~~ shall not later be denied participation in the Oklahoma Higher
21 Learning Access Program on grounds that the student does not meet
22 the financial need criteria.

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

1 1. Maintain a minimum 2.75 cumulative grade point average on a
2 4.0 scale for all attempted regularly graded course work. If the
3 cumulative grade point average of a student falls below the minimum
4 2.75 average requirement, the student shall be allowed a period not
5 to exceed one (1) semester in which to increase the average to the
6 minimum requirement. The provisions of this paragraph shall not
7 apply to a student participating in the program prior to the 2007-
8 2008 school year;

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

12 ~~2-~~ 3. Comply with the standards related to maintenance of
13 eligibility as promulgated by the Oklahoma State Regents for Higher
14 Education; and

15 4. Comply with codes of conduct of the institution of higher
16 education the student is attending and refrain from substance abuse
17 and commission of crimes or delinquent acts. The provisions of this
18 paragraph shall not apply to a student participating in the program
19 prior to the 2007-2008 school year.

20 C. The Oklahoma State Regents for Higher Education and the
21 State Board of Career and Technology Education shall promulgate
22 rules relating to maintenance of eligibility under this act by a
23 student.
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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 students' award eligibility based upon the completion of seven (7)
9 semesters of high school coursework.

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

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

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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. For students enrolled in a private school or who are
9 educated by other means, a parent or guardian or other person
10 approved by the State Regents shall be designated the contact
11 person.

12 C. Students who qualify on the basis of financial need
13 according to the standards and provisions promulgated by the
14 Oklahoma State Regents for Higher Education shall be given the
15 opportunity throughout the eighth-, ninth-, and tenth-grade years,
16 for students enrolled in a public or private school, or between
17 thirteen (13) through fifteen (15) years of age, for students who
18 are educated by other means, to enter into participation in the
19 program by agreeing to, throughout the remainder of their school
20 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 ~~at the school~~ shall maintain the agreements,
7 which shall be executed on forms provided by the Oklahoma State
8 Regents for Higher Education and managed according to regulations
9 promulgated by the Oklahoma State Regents for Higher Education, and
10 the contact person shall monitor the student's compliance with the
11 terms of the agreement. The Oklahoma State Regents for Higher
12 Education are authorized to process student agreements and verify
13 compliance with the agreements. Students failing to comply with the
14 terms of the agreement shall not be eligible for the awards provided
15 in Section 2604 of this title.

16 D. A student shall not be found to be in financial need for
17 purposes of the Oklahoma Higher Learning Access Program if the
18 income from taxable and nontaxable sources of the student's
19 parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per year. The
20 student's financial qualification shall be certified by the contact
21 person ~~at the school~~ or by the Oklahoma State Regents for Higher
22 Education on the agreement form provided by the Oklahoma State
23 Regents for Higher Education, ~~the~~ the. The form shall be retained in
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1 the student's permanent record and a copy forwarded to the Oklahoma
2 State Regents for Higher Education.

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

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

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

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

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

15 F. The Oklahoma State Regents for Higher Education shall
16 promulgate rules for the determination of student compliance with
17 agreements made pursuant to this section.

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

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

7 I. Students participating in the Oklahoma Higher Learning
8 Access Program shall provide their social security number or their
9 student identification number used by their school to the Oklahoma
10 State Regents for Higher Education. The Regents shall keep the
11 numbers confidential and use them only for administrative purposes.

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

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

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

20 C. The Trust Fund principal shall consist of monies the
21 Legislature appropriates or transfers to the Oklahoma State Regents
22 for Higher Education for the Trust Fund and any monies or assets
23 contributed to the Trust Fund from any other source, public or
24 private. All monies accruing to the credit of said fund are hereby

1 appropriated and may be budgeted and expended by the State Regents.
2 Expenditures from said fund shall be made upon warrants issued by
3 the State Treasurer against claims filed as prescribed by law with
4 the Director of State Finance for approval and payment.

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

18 E. The Regents shall adopt rules for accomplishing transfer of
19 funds from the Oklahoma Higher Learning Access Trust Fund to the
20 appropriate institutional Educational and General Operations
21 Revolving Funds, as provided in Section 3901 of this title, to
22 private institutions, and to the appropriate technology center
23 school district to cover general enrollment fees or tuition for
24 eligible students pursuant to ~~this act~~ the Oklahoma Higher Learning

1 Access Act. Allocations from the Trust Fund may be made only for
2 the purpose of covering the general enrollment fees or tuition of
3 eligible students. No portion of the Trust Fund may be used or
4 allocated for administrative or operating expenses of any higher
5 education institution or technology center school.

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

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