

1 ENGROSSED HOUSE
2 BILL NO. 2446

By: Braddock of the House
and
Paddack of the Senate

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7 (schools - amending 70 O.S., Sections 2603 and 2605
8 - Oklahoma Higher Learning Access Act - modifying
9 eligibility requirements -
10 emergency)

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

14 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as
15 last amended by Section 6, Chapter 355, O.S.L. 2007 (70 O.S. Supp.
16 2007, Section 2603), is amended to read as follows:

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

23 1. Be a resident of this state;

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1 2. Be a United States citizen or lawfully present in the United
2 States. A student who is not a United States citizen or lawfully
3 present in the United States shall not be eligible to participate in
4 the Oklahoma Higher Learning Access Program and to qualify for an
5 award notwithstanding the provisions of Section 3242 of this title.
6 The provisions of this paragraph shall not apply to any student who
7 was enrolled in the Oklahoma Higher Learning Access Program prior to
8 the end of the 2006-2007 school year;

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

11 4. a. have graduated within the previous three (3) years
12 from a high school accredited by the State Board of
13 Education, or the Oklahoma School of Science and
14 Mathematics with a minimum 2.5 cumulative grade point
15 average on a 4.0 scale for all work attempted in
16 grades nine through twelve,

17 b. have graduated within the previous three (3) years
18 from a high school not accredited by the State Board
19 of Education with a minimum 2.5 cumulative grade point
20 average on a 4.0 scale for all work attempted in
21 grades nine through twelve and have achieved a

22 composite score of 22 or higher on the ACT 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 ACT test;

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

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

1 be admitted into an institution of higher education by special
2 admission standards;

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

11 8. a. have established financial need according to the
12 provisions of subsection D of Section 2605 of this
13 title and standards and provisions promulgated by the
14 Oklahoma State Regents for Higher Education,

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

1 c. if the student was adopted between thirteen (13) and
2 seventeen (17) years of age while in the permanent
3 custody of the Department of Human Services, in the
4 court-ordered custody of a licensed private nonprofit
5 child-placing agency, or federally recognized Indian
6 tribe, as defined by the federal Indian Child Welfare
7 Act, not be required to establish financial need.

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

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

17 2. Maintain good academic standing and satisfactory academic
18 progress according to standards of the Oklahoma State Regents for
19 Higher Education;

20 3. Comply with the standards related to maintenance of
21 eligibility as promulgated by the Oklahoma State Regents for Higher
22 Education; and

23 4. Refrain from conduct that leads to expulsion or suspension
24 of more than one semester from an institution of higher education.

1 A student who violates the provisions of this paragraph shall
2 permanently lose eligibility for program benefits. The provisions
3 of this paragraph shall become effective January 1, 2008.

4 C. The Oklahoma State Regents for Higher Education and the
5 State Board of Career and Technology Education shall promulgate
6 rules relating to maintenance of eligibility under this act by a
7 student.

8 D. It is the intent of the Legislature that students in the
9 ninth grade for the 1992-93 school year who are determined to be
10 eligible Oklahoma Higher Learning Access students pursuant to this
11 act shall be the first students eligible for benefits from the
12 Oklahoma Higher Learning Access Trust Fund.

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

17 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as
18 last amended by Section 7, Chapter 355, O.S.L. 2007 (70 O.S. Supp.
19 2007, Section 2605), is amended to read as follows:

20 Section 2605. A. Each school year, every fifth- through ninth-
21 grade student in the public and private schools of this state and
22 students who are educated by other means and are in the equivalent
23 of the fifth through ninth grade shall be apprised, together with
24 the ~~student's~~ parent, custodial parent, or guardian of the student,

1 of the ~~student's~~ opportunity for access to higher learning under the
2 Oklahoma Higher Learning Access Program. The Oklahoma State Regents
3 for Higher Education and the State Board of Education shall develop,
4 promote, and coordinate a public awareness program to be utilized in
5 making students and parents aware of the Oklahoma Higher Learning
6 Access Program.

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

18 C. Students who qualify on the basis of financial need
19 according to subsection D of this section and the standards and
20 provisions promulgated by the Oklahoma State Regents for Higher
21 Education or who are exempt from the financial need eligibility
22 requirement as provided for in subparagraph c of paragraph 8 of
23 subsection A of Section 2603 of this title shall be given the
24 opportunity throughout the eighth-, ninth-, and tenth-grade years,

1 for students enrolled in a public or private school, or between the
2 ages of thirteen (13) and fifteen (15), for students who are
3 educated by other means, to enter into participation in the program
4 by agreeing to, throughout the remainder of their school years or
5 educational program:

6 1. Attend school or an educational program regularly and do
7 homework regularly;

8 2. Refrain from substance abuse;

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

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

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

14 6. Participate in program activities.

15 The contact person shall maintain the agreements, which shall be
16 executed on forms provided by the Oklahoma State Regents for Higher
17 Education and managed according to regulations promulgated by the
18 Oklahoma State Regents for Higher Education, and the contact person
19 shall monitor ~~the student's~~ compliance of the student with the terms
20 of the agreement. The Oklahoma State Regents for Higher Education
21 are authorized to process student agreements and verify compliance
22 with the agreements. Students failing to comply with the terms of
23 the agreement shall not be eligible for the awards provided in
24 Section 2604 of this title.

1 D. Except as otherwise provided for in subsections E and F of
2 this section, a student shall not be found to be in financial need
3 for purposes of the Oklahoma Higher Learning Access Program if:

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

11 2. At the time the student begins postsecondary education and
12 prior to receiving any Oklahoma Higher Learning Access Program
13 benefit award, the income from taxable and nontaxable sources of the
14 student's parent(s) exceeds One Hundred Thousand Dollars
15 (\$100,000.00) per year.

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

- 19 a. is determined to be independent of the student's
20 parents for federal financial aid purposes,
- 21 b. was in the permanent custody of the Department of
22 Human Services at the time the student enrolled in the
23 program, or
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1 c. was in the court-ordered custody of a federally
2 recognized Indian tribe, as defined by the federal
3 Indian Child Welfare Act, at the time the student
4 enrolled in the program.

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

8 E. A student who was adopted between birth and twelve (12)
9 years of age while in the permanent custody of the Department of
10 Human Services, in the court-ordered custody of a licensed private
11 nonprofit child-placing agency, or federally recognized Indian
12 tribe, as defined by the federal Indian Child Welfare Act, shall not
13 be found to be in financial need for purposes of the Oklahoma Higher
14 Learning Access Program if at the time the student begins
15 postsecondary education and prior to receiving any Oklahoma Higher
16 Learning Access Program benefit award, the income from taxable and
17 nontaxable sources of the student's parent(s) exceeds Two Hundred
18 Fifty Thousand Dollars (\$250,000.00) per year. The determination of
19 financial qualifications as set forth in this subsection shall be
20 based on the income of the student, not the income of the parent(s),
21 if the student is determined to be independent of the student's
22 parents for federal financial aid purposes. A determination of
23 financial qualifications shall not be required for the student at
24 the time the student applies for participation in the program. The

1 provisions of this subsection shall not apply to any student who has
2 received an Oklahoma Higher Learning Access Program benefit award
3 prior to the 2008-2009 school year.

4 F. A determination of financial qualification shall not be
5 required for a student who was adopted between thirteen (13) and
6 seventeen (17) years of age while in the permanent custody of the
7 Department of Human Services, in the court-ordered custody of a
8 licensed private nonprofit child-placing agency, or federally
9 recognized Indian tribe, as defined by the federal Indian Child
10 Welfare Act.

11 G. The financial qualification of a student as set forth in
12 subsection D and E of this section shall be certified by the contact
13 person or by the Oklahoma State Regents for Higher Education on the
14 agreement form provided by the Oklahoma State Regents for Higher
15 Education. The form shall be retained in the permanent record of
16 the student and a copy forwarded to the Oklahoma State Regents for
17 Higher Education.

18 ~~F.~~ H. Agreements shall be witnessed by the ~~student's~~ parent,
19 custodial parent, or guardian of the student, who shall further
20 agree to:

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

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

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

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

7 ~~G.~~ I. The Oklahoma State Regents for Higher Education shall
8 promulgate rules for the determination of student compliance with
9 agreements made pursuant to this section.

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

17 ~~I.~~ K. The school district where an Oklahoma Higher Learning
18 Access Program student is enrolled when the student begins
19 participation in the program and any subsequent school district
20 where the student enrolls shall forward information regarding ~~the~~
21 ~~student's~~ participation by the student in the program to a school to
22 which the student transfers upon the ~~school's~~ request of the school
23 for the ~~student's~~ records of the student.

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