ENGROSSED SENATE
BILL NO. 2164 By: Bass, Easley and Coates of the Senate

and

Dorman of the House

[higher education - Oklahoma Higher Learning Access Program (OHLAP) Enhancement Act – Second Century Promise program – codification - effective date - 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 2606 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Higher Learning Access Program (OHLAP) Enhancement Act".

B. Any student who fulfills the requirements of the Oklahoma Higher Learning Access Program and qualifies for an award as provided for in Section 2604 of Title 70 of the Oklahoma Statutes shall be eligible for an OHLAP Enhancement Award.

C. Subject to the availability of funds, an OHLAP Enhancement Award shall provide an amount equivalent to the fees and books for which an eligible student is obligated at an institution of The

Oklahoma State System of Higher Education. The portion of the OHLAP Enhancement Award that provides for the cost of books shall not exceed One Thousand Dollars ($1,000.00) per academic year per student. OHLAP Enhancement Awards as provided for in this section shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund.

SECTION 2. 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:

This act shall be known and may be cited as the "Second Century Promise Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2607 of Title 70, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Second Century Promise program, which shall be considered an integral part of the Oklahoma Higher Learning Access Act and Program. The purpose of the Second Century Promise program is to provide an award to students who meet the criteria set forth in the Second Century Promise Act, and who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education,

and who are in good academic standing in the institution of higher education or technology center school in which enrolled, to relieve them of the burden of paying resident tuition and fees at two-year institutions of The Oklahoma State System of Higher Education, to relieve them of the burden of paying tuition and fees for enrollment in postsecondary programs of the technology center districts, or to relieve them of some portion of the burden of paying resident tuition and fees at four-year institutions of The Oklahoma State System of Higher Education.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2608 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. To be eligible to participate in the Second Century Promise program and qualify for an award pursuant to Section 5 of this act, a student shall:

1. Be a resident of this state;

2. a. have graduated from a high school accredited by the State Board of Education or the Oklahoma School of Science and Mathematics with a minimum 2.0 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve,

b. have graduated from a high school not accredited by the State Board of Education with a minimum 2.0 cumulative grade point average on a 4.0 scale for all

work attempted in grades nine through twelve and have achieved a composite score of 19 or higher on the ACT test,

c. have satisfactorily completed an educational program that was provided through a means other than a public or private school and have achieved a composite score of 19 or higher on the ACT test, or

d. have been awarded a General Educational Development State Diploma by the State Department of Education and have achieved a composite score of 19 or higher on the ACT test;

3. Not have been adjudicated as a delinquent for an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense or convicted as an adult of an offense defined in Section 571 of Title 57 of the Oklahoma Statutes as an exception to a nonviolent offense;

4. Agree to participate in community service activities during the time period of receipt of an award pursuant to this act. The community service requirement shall be determined by each individual postsecondary institution;

5. Begin the first semester of postsecondary enrollment no later than the Fall semester immediately following high school graduation, or no later than two (2) years after the student's cohort high school class graduates if the student has been awarded a

General Educational Development State Diploma. Exceptions to this requirement may be granted for individuals entering the military or, in the case of an individual's sincerely held religious beliefs, to be determined on a case-by-case basis by the State Regents;

6. Have submitted an application for federal financial aid; and

7. Meet the income eligibility requirement, for which the student's parent(s) income from taxable sources shall not exceed Fifty Thousand Dollars ($50,000.00) per year. The determination of eligibility as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if a student:

a. is determined to be independent of the student's parent(s) for federal financial aid purposes,

b. was in the permanent custody of the Department of Human Services at the time the student reached eighteen (18) years of age, or

c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, 21 U.S.C. Section 1901 et seq. (1978), at the time the student reached eighteen (18) years of age.

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

a. be continuously enrolled on at least a half-time basis, and be making progress toward a degree or vocational-technical program certificate,

b. maintain good academic standing and satisfactory academic progress according to standards of the State Regents or the State Board of Career and Technology Education, and

c. refrain from substance abuse, commission of crimes or delinquent acts, and conduct that leads to expulsion or suspension of more than one semester.

SECTION 5 NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2609 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Payment of awards as provided in this section shall begin for students who meet the eligibility requirements as set forth in Section 4 of this act and are enrolling in a higher learning program, who graduate from high school during the 2008-2009 school year, and shall continue for eligible students graduating from high school through the 2012-2013 school year.

B. Beginning with students graduating from high school during the 2013-2014 school year, students who complete all requirements for eligibility for the Oklahoma Higher Learning Access Program pursuant to Section 2603 of Title 70 of the Oklahoma Statutes, except did not attain the 2.5 grade point average, but did attain at

least a 2.0 grade point average, shall be eligible for payment of awards as provided in this section.

C. Subject to the availability of funds, an amount equivalent to the:

1. Resident tuition and fees for which an eligible student is obligated at a two-year institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Such awards shall be limited to a total of sixty-four (64) credit hours;

2. Average resident tuition and fees charged at all two-year institutions in The Oklahoma State System of Higher Education for which an eligible student is obligated at a four-year institution of The Oklahoma State System of Higher Education shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Such awards shall be limited to a total of sixty-four (64) credit hours; or

3. Tuition and fees for any eligible student enrolled in a public postsecondary vocational-technical program or course for the purpose set forth in Section 3 of this act shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Provided, such allocation shall not exceed the amount a student would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education. Such awards shall be limited to the lesser of a two-year time period

or completion of the vocational-technical program in which the student is enrolled.

D. At anytime after completion of thirty (30) credit hours at a two-year or four-year institution in The Oklahoma State System of Higher Education and attainment of a 2.5 cumulative grade point average, a student who received an award as set forth in subsection A or B of this section shall qualify for full Oklahoma Higher Learning Access Program benefits as provided in Section 2604 of Title 70 of the Oklahoma Statutes, subject to the family income limitations specified in Section 2605 of Title 70 of the Oklahoma Statutes.

E. An award allowed by this section shall not be allowed for remedial courses, courses or other postsecondary units taken in excess of the requirements for completion of a baccalaureate program, or courses taken more than five (5) years after the student's first semester of postsecondary enrollment. The Oklahoma State Regents for Higher Education may award benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of postsecondary enrollment only in hardship circumstances; provided, however, no participant may receive benefits beyond a cumulative time period of five (5) years. An award for eligible students enrolled in cooperative programs pursuant to agreements between technology center schools and institutions of The Oklahoma State System of Higher Education shall

be satisfied for both vocational-technical and college work in which enrolled pursuant to such cooperative program.

F. Benefits shall be awarded to all eligible applicants without any limitation on the number of awards in any year other than the amount of funds available for the program and the number of eligible applicants. Subject to the provisions of subsection G of this section, if funds are not sufficient to provide awards for all eligible applicants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. Provided, the Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible applicant when making awards.

G. The Oklahoma State Regents for Higher Education may, at the time an award is made on behalf of an eligible student, set aside in the Oklahoma Higher Learning Access Trust Fund funds for the full commitment made to such student. For all academic years, students who have previously received awards under the provisions of this act, and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to this program, shall be given an absolute priority for continued financial support superior to any students who are applying for such benefits for the first time.

SECTION 6 AMENDATORY 70 O.S. 2001, Section 2603, as last amended by Section 41 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Legislature, is amended to read as follows:

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

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

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

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

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

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

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

5. Have completed the curricular requirements for admission to an institution within The Oklahoma State System of Higher Education and one additional unit or set of competencies in a course that meets college admission requirements. The curriculum requirements shall include two units or sets of competencies in foreign or non-English language or technology courses that meet the college admission requirements and one unit or set of competencies of a fine

arts course. Students shall also have attained a 2.5 grade point average in the core curriculum courses. Students who attended a high school which did not offer all the core curriculum courses or students who were educated by other means and were not offered all the core curriculum courses shall be allowed to satisfy this curriculum requirement by participating in a program approved by the State Regents for remediation of high school curricular deficiencies;

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

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

8. Have established financial need according to the provisions of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education; and

9. Have submitted an application for federal financial aid.

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

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

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

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

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

5. Have submitted an application for federal financial aid.

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

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

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

SECTION 7. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by Section 43 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Legislature, is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher

Education and the State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

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

2. School districts and private schools shall ensure that all students enrolling in the ninth, tenth, and eleventh grades have made application or the student's parent or guardian has determined the student is ineligible for the Oklahoma Higher Learning Access Program at the time of enrollment.

C. Students who qualify on the basis of financial need according to subsection D of this section and the standards and provisions promulgated by the Oklahoma State Regents for Higher

Education shall be given the opportunity throughout the eighth-, ninth-, and tenth-grade years, for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, to enter into participation in the program by agreeing to, throughout the remainder of their school years or educational program:

1. Attend school or an educational program 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 Oklahoma State Regents for Higher Education or the State Board of Education; and

6. Participate in program activities.

The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor compliance of the student with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the

agreement shall not be eligible for the awards provided in Section 2604 of this title.

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

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

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

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

a. is determined to be independent of the student's parents for federal financial aid purposes,

b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or

c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, 21 U.S.C. Section 1901 et seq. (1978), at the time the student enrolled in the program.

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

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

F. Agreements shall be witnessed by the parent, custodial parent, or guardian of the student, 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 Oklahoma State Regents for Higher Education or 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.

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

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

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

J. The school district where an Oklahoma Higher Learning Access Program student is enrolled when the student begins participation in

the program and any subsequent school district where the student enrolls shall forward information regarding participation by the student in the program to a school to which the student transfers upon the request of the school for the records of the student.

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

SECTION 8. AMENDATORY 70 O.S. 2001, Section 3953.1, as amended by Section 8, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3953.1), is amended to read as follows:

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

B. The State Regents shall utilize ~~said~~ the Oklahoma Higher Learning Access Trust Fund to implement the provisions of Sections 2601 through 2604 of this title and Sections 2 through 5 of this act.

C. The Oklahoma Higher Learning Access Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the ~~Trust Fund~~ fund and any monies or assets contributed to the ~~Trust Fund~~ fund

from any other source, public or private. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the State Regents. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

D. Notwithstanding other provisions of law, income and investment return on Oklahoma Higher Learning Access Trust Fund principal shall accrue to the ~~Trust Fund~~ fund for use as provided by authorization of the trustees for the purposes provided in Sections 2601 through 2604 of this title and Sections 2 through 5 of this act. The State Regents may also utilize the ~~Trust Fund~~ fund principal for the purposes provided in Sections 2601 through 2604 of this title and Sections 2 through 5 of this act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the ~~Trust Fund~~ fund and of the Oklahoma Higher Learning Access Program established by the Oklahoma Higher Learning Access Act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Higher Learning Access Trust Fund to the appropriate institutional Educational and General Operations

Revolving Funds, as provided in Section 3901 of this title, to private institutions, and to the appropriate technology center school district to cover general enrollment fees or tuition for eligible students pursuant to the Oklahoma Higher Learning Access Act. Allocations from the Oklahoma Higher Learning Access Trust Fund may be made only for the purpose of covering the general enrollment fees or tuition of eligible students. No portion of the Oklahoma Higher Learning Access Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2605.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

School districts and private schools shall ensure that all students enrolling for the ninth, tenth, and eleventh grades have made application for or the student's parent or guardian has determined that the student is ineligible for the Oklahoma Higher Learning Access Program at the time of enrollment.

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

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent

of the fifth through ninth grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher Education and the State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

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

C. Students who qualify on the basis of financial need according to subsection D of this section and the standards and provisions promulgated by the Oklahoma State Regents for Higher Education shall be given the opportunity throughout the eighth-, ninth-, and tenth-grade years, for students enrolled in a public or

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

1. Attend school or an educational program 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 Oklahoma State Regents for Higher Education or the State Board of Education; and

6. Participate in program activities.

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

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

1. At the time the student applies for participation in the Program during the eighth, ninth or tenth grade for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, the income from taxable and nontaxable sources of the student's parent(s) exceeds ~~Fifty Thousand Dollars ($50,000.00)~~ Seventy-five Thousand Dollars ($75,000.00) per year; and

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

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

a. is determined to be independent of the student's parents for federal financial aid purposes,

b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or

c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal

Indian Child Welfare Act, 21 U.S.C. Section 1901 et seq. (1978), at the time the student enrolled in the program.

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

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

F. Agreements shall be witnessed by the parent, custodial parent, or guardian of the student, 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 Oklahoma State Regents for Higher Education or 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.

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

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

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

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

student in the program to a school to which the student transfers upon the request of the school for the records of the student.

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

SECTION 11. This act shall become effective July 1, 2008.

SECTION 12. 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.

Passed the Senate the 4th day of March, 2008.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2008.

_____
Presiding Officer of the House of Representatives