

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 2446, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Paddack

Paddack-KM-FA-HB2446

4/23/2008 1:02 PM

[Insert floor substitute on next page]

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2446

By: Braddock of the House

6 and

7 Paddack of the Senate

8
9 FLOOR SUBSTITUTE

10 (higher education - Oklahoma Higher Learning Access Program - eligibility -
11 noncodification - emergency)

12
13
14 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

15 SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes
16 reads as follows:

17 A. There is hereby created until December 31, 2008, the Task Force on Oklahoma’s Promise –
18 the Oklahoma Higher Learning Access Program. The task force shall conduct a comprehensive review
19 of the program’s family income requirements for participation and the requirements for maintaining
20 eligibility for the program award in college. The task force shall conduct the review in the context of
21 the program’s statutory mission to prepare a broader range of students for success in postsecondary
22 education.

23 B. The task force shall consist of eleven (11) members comprised of the following:
24

- 1 1. Two members of the Oklahoma House of Representatives appointed by the Speaker of the
2 Oklahoma House of Representatives;
- 3 2. Two members of the Oklahoma Senate appointed by the President Pro Tempore and Co-
4 President Pro Tempore of the Senate;
- 5 3. The Chancellor of the Oklahoma State System of Higher Education, or designee, who shall
6 serve as Chair of the task force;
- 7 4. A student financial aid official of a research university within the Oklahoma State System of
8 Higher Education, to be appointed by the Chancellor;
- 9 5. A student financial aid official of a regional university within the Oklahoma State System of
10 Higher Education, to be appointed by the Chancellor;
- 11 6. A student financial aid official of a community college within the Oklahoma State System of
12 Higher Education, to be appointed by the Chancellor;
- 13 7. A representative of an independent Oklahoma college or university, to be appointed by the
14 Governor;
- 15 8. The State Superintendent of Public Instruction, or designee; and
- 16 9. The Director of the Oklahoma Department of Career and Technology Education, or designee.
- 17 C. Staff assistance shall be provided by the Oklahoma State Regents for Higher Education.
- 18 D. The task force shall:
 - 19 1. Review the current family income requirements for participation in the program related to the
20 following issues: the definition of income to be considered, adjustment for family size, adjustment for
21 inflation, adjustment for the number of children attending college simultaneously, and consideration of
22 a lesser benefit for families whose income moderately exceeds the limits;
 - 23 2. Review the retention requirements for students receiving the award in college; and
 - 24

1 3. Submit a report by December 31, 2008, to the Governor, the President Pro Tempore of the
2 Senate, and the Speaker of the House of Representatives. The report shall include findings and
3 recommendations for any statutory changes necessary to improve the equity, effectiveness, and
4 stability of the program.

5 E. Members of the task force shall receive no compensation for serving on the task force, but
6 shall receive travel reimbursement as follows:

7 1. State employees who are members of the task force shall be reimbursed for travel expenses
8 incurred in the performance of their duties by their respective agencies in accordance with the State
9 Travel Reimbursement Act;

10 2. All other task force members shall be reimbursed by the appointing authority for travel
11 expenses incurred in the performance of their duties in accordance with the State Travel
12 Reimbursement Act; and

13 3. Legislative members shall be reimbursed in accordance with Section 456 of Title 74 of the
14 Oklahoma Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

16 8. a. have established financial need according to the provisions of subsection D of Section
17 2605 of this title and standards and provisions promulgated by the Oklahoma
18 State Regents for Higher Education,

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

1 2605 of this title and standards and provisions promulgated by the Oklahoma
2 State Regents for Higher Education, or

3 c. if the student was adopted between thirteen (13) and seventeen (17) years of age
4 while in the permanent custody of the Department of Human Services, in the
5 court-ordered custody of a licensed private nonprofit child-placing agency, or
6 federally recognized Indian 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 learning in which enrolled, the
9 student shall:

10 1. Achieve a minimum cumulative grade point average of 2.0 on a 4.0 scale or its equivalent for
11 courses taken ~~during~~ through the student's sophomore year and achieve a minimum cumulative grade
12 point average of 2.5 on a 4.0 scale or its equivalent for courses taken ~~during~~ through the student's
13 junior year and thereafter. The provisions of this paragraph shall not apply to any student who has
14 received an Oklahoma Higher Learning Access Program benefit award prior to the ~~2009-2010~~ 2010-
15 2011 school year;

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

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

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

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

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

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

10 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by Section 43
11 of Enrolled Senate Bill No. 1830 of the 2nd Session of the 51st Oklahoma Legislature, is amended to
12 read as follows:

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

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

1 designate at least one school official as a contact person. For students who are educated by other
2 means, a parent or guardian or other person approved by the State Regents shall be designated the
3 contact person.

4 C. Students who qualify on the basis of financial need according to subsection D of this section
5 and the standards and provisions promulgated by the Oklahoma State Regents for Higher Education or
6 who are exempt from the financial need eligibility requirement as provided for in subparagraph c of
7 paragraph 8 of subsection A of Section 2603 of this title shall be given the opportunity throughout the
8 eighth-, ninth-, and tenth-grade years, for students enrolled in a public or private school, or between
9 the ages of thirteen (13) and fifteen (15), for students who are educated by other means, to enter into
10 participation in the program by agreeing to, throughout the remainder of their school years or
11 educational program:

- 12 1. Attend school or an educational program regularly and do homework regularly;
- 13 2. Refrain from substance abuse;
- 14 3. Refrain from commission of crimes or delinquent acts;
- 15 4. Have school work and school records reviewed by mentors designated pursuant to the
16 program;
- 17 5. Provide information requested by the Oklahoma State Regents for Higher Education or the
18 State Board of Education; and
- 19 6. Participate in program activities.

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

1 to comply with the terms of the agreement shall not be eligible for the awards provided in Section
2 2604 of this title.

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

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

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

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

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

21 The provisions of this paragraph shall not apply to any student who has received an Oklahoma
22 Higher Learning Access Program benefit award prior to the ~~2009-2010~~ 2010-2011 school year.

23 E. A student who was adopted between birth and twelve (12) years of age while in the
24 permanent custody of the Department of Human Services, in the court-ordered custody of a licensed

1 private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal
2 Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma
3 Higher Learning Access Program if at the time the student begins postsecondary education and prior to
4 receiving any Oklahoma Higher Learning Access Program benefit award, the income from taxable and
5 nontaxable sources of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars
6 (\$150,000.00) per year. The determination of financial qualifications as set forth in this subsection
7 shall be based on the income of the student, not the income of the parent(s), if the student is
8 determined to be independent of the student's parents for federal financial aid purposes. A
9 determination of financial qualifications shall not be required for the student at the time the student
10 applies for participation in the program. The provisions of this subsection shall not apply to any
11 student who has received an Oklahoma Higher Learning Access Program benefit award prior to the
12 2008-2009 school year.

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

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

23 F. H. Agreements shall be witnessed by the parent, custodial parent, or guardian of the student,
24 who shall further agree to:

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

9 ~~G.~~ I. Students who are enrolled in a school district located in this state that serves students who
10 reside in both this state and an adjacent state pursuant to a contract as authorized in Section 5-117.1 of
11 this title, are in the eleventh- and twelfth-grade during the 2006-2007 school year, and who were
12 denied participation in the program shall be allowed to enter or reenter into participation in the
13 program by entering into agreements as set forth in subsections C and D of this section by June 1,
14 2008.

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

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

22 ~~J.~~ L. The school district where an Oklahoma Higher Learning Access Program student is
23 enrolled when the student begins participation in the program and any subsequent school district where
24

1 the student enrolls shall forward information regarding participation by the student in the program to a
2 school to which the student transfers upon the request of the school for the records of the student.

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

7 SECTION 4. It being immediately necessary for the preservation of the public peace, health and
8 safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in
9 full force from and after its passage and approval.

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