

THE HOUSE OF REPRESENTATIVES
Tuesday, April 17, 2007

Committee Substitute for
ENGROSSED
Senate Bill No. 820

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 820 - By:
MORGAN AND SWEEDEN of the Senate and JONES of the House.

(public finance – funding for Oklahoma Higher Learning Access Program –
codification -
effective date)

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

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

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

7 1. Not later than November 1, 2007, and November 1 of each subsequent year, the
8 Oklahoma State Regents for Higher Education shall determine the amount of revenue
9 necessary to fund awards allowed pursuant to the Oklahoma Higher Learning Access
10 Act, for the fiscal year which begins the following July 1;

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

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

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

- 13 a. by August 1, at least one-fourth (1/4),
14 b. by December 1, at least one-half (1/2),
15 c. by February 1, at least three-fourths (3/4), and
16 d. by June 1, the total amount.

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

20 Section 2603. A. To be eligible to participate in the Oklahoma Higher Learning
21 Access Program and to qualify for an award which includes payment of an amount

1 equivalent to resident tuition or other tuition pursuant to Section 2604 of this title for
2 the first semester or other academic unit of postsecondary enrollment, a student shall:

3 1. Be a resident of this state;

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

7 ~~2.~~ 3. Have a record of satisfactory compliance with agreements executed pursuant
8 to Section 2605 of this title;

9 ~~3.~~ 4. a. for students participating in the program prior to the 2007-2008 school
10 year, have graduated within the previous three (3) years from a high
11 school accredited by the State Board of Education, or the Oklahoma
12 School of Science and Mathematics with a minimum 2.5 cumulative
13 grade point average on a 4.0 scale for all work attempted in grades
14 nine through twelve. For students beginning participation in the
15 Program after the 2006-2007 school year, have graduated within the
16 previous three (3) years from a high school accredited by the State
17 Board of Education, or the Oklahoma School of Science and
18 Mathematics with a minimum 2.75 cumulative grade point average on
19 a 4.0 scale for all work attempted in grades nine through twelve, or

20 b. for students participating in the program prior to the 2007-2008 school
21 year, have graduated within the previous three (3) years from a high
22 school not accredited by the State Board of Education with a minimum

1 2.5 cumulative grade point average on a 4.0 scale for all work
2 attempted in grades nine through twelve and have achieved a
3 composite score of 22 or higher on the American College Test. For
4 students beginning participation in the Program after the 2006-2007
5 school year, have graduated within the previous three (3) years from a
6 high school not accredited by the State Board of Education with a
7 minimum 2.75 cumulative grade point average on a 4.0 scale for all
8 work attempted in grades nine through twelve and have achieved a
9 composite score of 22 or higher on the American College Test, or
10 c. have satisfactorily completed within the previous three (3) years an
11 educational program that was provided through a means other than a
12 public or private school and have achieved a composite score of 22 or
13 higher on the American College Test;

14 4. ~~5.~~ Have completed the curricular requirements for admission to an institution
15 within The Oklahoma State System of Higher Education and one additional unit or set of
16 competencies in a course that meets college admission requirements; ~~provided that.~~ The
17 curriculum requirements shall include two units or sets of competencies in foreign or
18 non-English language or technology courses that meet the college admission
19 requirements and one unit or set of competencies of a fine arts course. Students shall
20 also have attained a ~~2.5~~ the minimum grade point average as required in paragraph 4 of
21 this subsection in the core curriculum courses; ~~provided that students.~~ Students who
22 attended a high school which did not offer all the core curriculum courses or students

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

4 ~~5.~~ 6. Have satisfied admission standards as determined by the Oklahoma State
5 Regents for Higher Education for first-time-entering students for the appropriate type of
6 institution, or, if attending a private institution, have satisfied admission standards as
7 determined by the private institution; provided, no student participating in the
8 Oklahoma Higher Learning Access Program shall be admitted into an institution of
9 higher education by special admission standards;

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

16 ~~7.~~ 8. Have established financial need during the eighth-grade year, ninth-grade
17 year or tenth-grade year according to the standards and provisions promulgated by the
18 Oklahoma State Regents for Higher Education; ~~a.~~ For a student who is educated by
19 other means, financial need shall be established between the ages of thirteen (13) and
20 fifteen (15). A student who satisfies the financial need criteria upon initial participation
21 in the Oklahoma Higher Learning Access Program ~~during the eighth, ninth, or tenth~~

1 ~~grade~~ shall not later be denied participation in the Oklahoma Higher Learning Access
2 Program on grounds that the student does not meet the financial need criteria.

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

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

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

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

15 4. Comply with codes of conduct of the institution of higher education the student is
16 attending and refrain from substance abuse and commission of crimes or delinquent acts.

17 The provisions of this paragraph shall not apply to a student participating in the
18 program prior to the 2007-2008 school year.

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

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

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

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

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

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

1 the State Regents, the State Board of Education shall assist the State Regents to ensure
2 the designation of contact persons. For students enrolled in a private school or who are
3 educated by other means, a parent or guardian or other person approved by the State
4 Regents shall be designated the contact person.

5 C. Students who qualify on the basis of financial need according to the standards
6 and provisions promulgated by the Oklahoma State Regents for Higher Education shall
7 be given the opportunity throughout the eighth-, ninth-, and tenth-grade years, for
8 students enrolled in a public or private school, or between thirteen (13) through fifteen
9 (15) years of age, 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
11 years or 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
16 to the program;
- 17 5. Provide information requested by the Oklahoma State Regents for Higher
18 Education or the State Board of Education; and
- 19 6. Participate in program activities.

20 The contact person ~~at the school~~ shall maintain the agreements, which shall be executed
21 on forms provided by the Oklahoma State Regents for Higher Education and managed
22 according to regulations promulgated by the Oklahoma State Regents for Higher

1 Education, and the contact person shall monitor the student's compliance with the terms
2 of the agreement. The Oklahoma State Regents for Higher Education are authorized to
3 process student agreements and verify compliance with the agreements. Students failing
4 to comply with the terms of the agreement shall not be eligible for the awards provided in
5 Section 2604 of this title.

6 D. A student shall not be found to be in financial need for purposes of the
7 Oklahoma Higher Learning Access Program if the income from taxable and nontaxable
8 sources of the student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per year.
9 The student's financial qualification shall be certified by the contact person ~~at the school~~
10 or by the Oklahoma State Regents for Higher Education on the agreement form provided
11 by the Oklahoma State Regents for Higher Education; ~~the~~ The form shall be retained in
12 the student's permanent record and a copy forwarded to the Oklahoma State Regents for
13 Higher Education.

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

- 16 1. Assist the student in achieving compliance with the agreements;
- 17 2. Confer, when requested to do so, with the school contact person, other school
18 personnel, and program mentors;
- 19 3. Provide information requested by the Oklahoma State Regents for Higher
20 Education or the State Board of Education; and

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

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

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

12 H. The school district where an Oklahoma Higher Learning Access Program
13 student is enrolled when the student begins participation in the program and any
14 subsequent school district where the student enrolls shall forward information regarding
15 the student's participation in the program to a school to which the student transfers
16 upon the school's request for the student's records.

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

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

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

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

6 C. The Trust Fund principal shall consist of monies the Legislature appropriates or
7 transfers to the Oklahoma State Regents for Higher Education for the Trust Fund and
8 any monies or assets contributed to the Trust Fund from any other source, public or
9 private. All monies accruing to the credit of said fund are hereby appropriated and may
10 be budgeted and expended by the State Regents. Expenditures from said fund shall be
11 made upon warrants issued by the State Treasurer against claims filed as prescribed by
12 law with the Director of State Finance for approval and payment.

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

1 E. The Regents shall adopt rules for accomplishing transfer of funds from the
2 Oklahoma Higher Learning Access Trust Fund to the appropriate institutional
3 Educational and General Operations Revolving Funds, as provided in Section 3901 of
4 this title, to private institutions, and to the appropriate technology center school district
5 to cover general enrollment fees or tuition for eligible students pursuant to ~~this act~~ the
6 Oklahoma Higher Learning Access Act. Allocations from the Trust Fund may be made
7 only for the purpose of covering the general enrollment fees or tuition of eligible students.
8 No portion of the Trust Fund may be used or allocated for administrative or operating
9 expenses of any higher education institution or technology center school.

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

11 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 04-16-07 - DO
12 PASS, As Amended.