

THE HOUSE OF REPRESENTATIVES
Monday, February 25, 2008

House Bill No. 2446
As Amended

HOUSE BILL NO. 2446 - By: BRADDOCK of the House and PADDACK of the Senate.

(schools - amending 70 O.S. Supp. 2007, Sections 2603 and 2605 - Oklahoma
Higher Learning Access Act - modifying eligibility requirements for certain
students - making an exception –
emergency)

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

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

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

9 1. Be a resident of this state;

10 2. Be a United States citizen or lawfully present in the United States. A student
11 who is not a United States citizen or lawfully present in the United States shall not be
12 eligible to participate in the Oklahoma Higher Learning Access Program and to qualify

1 for an award notwithstanding the provisions of Section 3242 of this title. The provisions
2 of this paragraph shall not apply to any student who was enrolled in the Oklahoma
3 Higher Learning Access Program prior to the end of the 2006-2007 school year;

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

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

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

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

20 5. Have completed the curricular requirements for admission to an institution
21 within The Oklahoma State System of Higher Education and one additional unit or set of
22 competencies in a course that meets college admission requirements. The curriculum

1 requirements shall include two units or sets of competencies in foreign or non-English
2 language or technology courses that meet the college admission requirements and one
3 unit or set of competencies of a fine arts course. Students shall also have attained a 2.5
4 grade point average in the core curriculum courses. Students who attended a high school
5 which did not offer all the core curriculum courses or students who were educated by
6 other means and were not offered all the core curriculum courses shall be allowed to
7 satisfy this curriculum requirement by participating in a program approved by the State
8 Regents for remediation of high school curricular deficiencies;

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

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

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

4 B. The eligibility requirements set forth in paragraph 8 of subsection A of this
5 section shall not apply to any student who was adopted while in the permanent custody
6 of the Department of Human Services, in the court-ordered custody of a licensed private
7 nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the
8 federal Indian Child Welfare Act.

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

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

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

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

21 4. Refrain from conduct that leads to expulsion or suspension of more than one
22 semester from an institution of higher education. A student who violates the provisions

1 of this paragraph shall permanently lose eligibility for program benefits. The provisions
2 of this paragraph shall become effective January 1, 2008.

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

6 ~~D. E.~~ It is the intent of the Legislature that students in the ninth grade for the
7 1992-93 school year who are determined to be eligible Oklahoma Higher Learning Access
8 students pursuant to this act shall be the first students eligible for benefits from the
9 Oklahoma Higher Learning Access Trust Fund.

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

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

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

1 utilized in making students and parents aware of the Oklahoma Higher Learning Access
2 Program.

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

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

- 20 1. Attend school or an educational program regularly and do homework regularly;
- 21 2. Refrain from substance abuse;
- 22 3. Refrain from commission of crimes or delinquent acts;

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

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

5 6. Participate in program activities.

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

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

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

21 2. At the time the student begins postsecondary education and prior to receiving
22 any Oklahoma Higher Learning Access Program benefit award, the income from taxable

1 and nontaxable sources of the student's parent(s) exceeds One Hundred Thousand
2 Dollars (\$100,000.00) per year.

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

- 5 a. is determined to be independent of the student's parents for federal
6 financial aid purposes,
- 7 b. was in the permanent custody of the Department of Human Services at
8 the time the student enrolled in the program, or
- 9 c. was in the court-ordered custody of a federally recognized Indian tribe,
10 as defined by the federal Indian Child Welfare Act, at the time the
11 student enrolled in the program.

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

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

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

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

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

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

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

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

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

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

20 J. Students participating in the Oklahoma Higher Learning Access Program shall
21 provide their social security number or their student identification number used by their

1 school to the Oklahoma State Regents for Higher Education. The Regents shall keep the
2 numbers confidential and use them only for administrative purposes.

3 SECTION 3. It being immediately necessary for the preservation of the public
4 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
5 this act shall take effect and be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 02-21-08 - DO
7 PASS, As Amended and Coauthored.