

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE STATE SENATE  
Monday, April 7, 2008

ENGROSSED  
House Bill No. 2446  
As Amended

ENGROSSED HOUSE BILL NO. 2446 - By: Braddock of the House and Paddock of the Senate.

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

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

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

Section 2603. A. ~~To~~ Except as otherwise provided for in this section, 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;
- 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

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

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

- 8 4. a. have graduated within the previous three (3) years  
9 from a high school accredited by the State Board of  
10 Education, or the Oklahoma School of Science and  
11 Mathematics with a minimum 2.5 cumulative grade point  
12 average on a 4.0 scale for all work attempted in  
13 grades nine through twelve,  
14 b. have graduated within the previous three (3) years  
15 from a high school not accredited by the State Board  
16 of Education with a minimum 2.5 cumulative grade point  
17 average on a 4.0 scale for all work attempted in  
18 grades nine through twelve and have achieved a  
19 composite score of 22 or higher on the ACT test, or  
20 c. have satisfactorily completed within the previous  
21 three (3) years an educational program that was  
22 provided through a means other than a public or

1 private school and have achieved a composite score of  
2 22 or higher on the ACT test;

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

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

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

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

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

1                   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  
4           seventeen (17) years of age while in the permanent  
5           custody of the Department of Human Services, in the  
6           court-ordered custody of a licensed private nonprofit  
7           child-placing agency, or federally recognized Indian  
8           tribe, as defined by the federal Indian Child Welfare  
9           Act, not be required to establish financial need.

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

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

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

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

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

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

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as  
2 last amended by Section 7, Chapter 355, O.S.L. 2007 (70 O.S. Supp.  
3 2007, Section 2605), is amended to read as follows:

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

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

1 other means, a parent or guardian or other person approved by the  
2 State Regents shall be designated the contact person.

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

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

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

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

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

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

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

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

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

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

18 E. A student who was adopted between birth and twelve (12)  
19 years of age while in the permanent custody of the Department of  
20 Human Services, in the court-ordered custody of a licensed private  
21 nonprofit child-placing agency, or federally recognized Indian  
22 tribe, as defined by the federal Indian Child Welfare Act, shall not  
23 be found to be in financial need for purposes of the Oklahoma Higher

1 Learning Access Program if at the time the student begins  
2 postsecondary education and prior to receiving any Oklahoma Higher  
3 Learning Access Program benefit award, the income from taxable and  
4 nontaxable sources of the student's parent(s) exceeds Two Hundred  
5 Fifty Thousand Dollars (\$250,000.00) per year. The determination of  
6 financial qualifications as set forth in this subsection shall be  
7 based on the income of the student, not the income of the parent(s),  
8 if the student is determined to be independent of the student's  
9 parents for federal financial aid purposes. A determination of  
10 financial qualifications shall not be required for the student at  
11 the time the student applies for participation in the program. The  
12 provisions of this subsection shall not apply to any student who has  
13 received an Oklahoma Higher Learning Access Program benefit award  
14 prior to the 2008-2009 school year.

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

22 G. The financial qualification of a student as set forth in  
23 subsection D and E of this section shall be certified by the contact

1 person or by the Oklahoma State Regents for Higher Education on the  
2 agreement form provided by the Oklahoma State Regents for Higher  
3 Education. The form shall be retained in the permanent record of  
4 the student and a copy forwarded to the Oklahoma State Regents for  
5 Higher Education.

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

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

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

22 ~~H.~~ J. The Oklahoma State Regents for Higher Education shall  
23 designate personnel to coordinate tracking of program records for

1 the years when students participating in the program are still in  
2 the schools or are being educated by other means, provide staff  
3 development for contact persons in the schools, and provide liaison  
4 with the State Board of Education and local organizations and  
5 individuals participating in the program.

6 ~~F.~~ K. The school district where an Oklahoma Higher Learning  
7 Access Program student is enrolled when the student begins  
8 participation in the program and any subsequent school district  
9 where the student enrolls shall forward information regarding ~~the~~  
10 ~~student's~~ participation by the student in the program to a school to  
11 which the student transfers upon the ~~school's~~ request of the school  
12 for the ~~student's~~ records of the student.

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-08 - DO  
23 PASS, As Amended.