

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2446

By: Braddock

4  
5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Sections 2603, as last amended by Section 6, Chapter  
9 355, O.S.L. 2007 and 2605, as last amended by Section  
10 7, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2007,  
11 Sections 2603 and 2605), which relate to the Oklahoma  
12 Higher Learning Access Act; updating statutory  
13 language; modifying eligibility requirements for  
14 certain students; making an exception from certain  
15 eligibility requirement for certain students; and  
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as  
19 last amended by Section 6, Chapter 355, O.S.L. 2007 (70 O.S. Supp.  
20 2007, Section 2603), is amended to read as follows:

21 Section 2603. A. ~~To~~ Except as otherwise provided for in  
22 subsection B of this section, to be eligible to participate in the  
23 Oklahoma Higher Learning Access Program and to qualify for an award  
24 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        1. Be a resident of this state;
- 2        2. Be a United States citizen or lawfully present in the United
- 3 States. A student who is not a United States citizen or lawfully
- 4 present in the United States shall not be eligible to participate in
- 5 the Oklahoma Higher Learning Access Program and to qualify for an
- 6 award notwithstanding the provisions of Section 3242 of this title.
- 7 The provisions of this paragraph shall not apply to any student who
- 8 was enrolled in the Oklahoma Higher Learning Access Program prior to
- 9 the end of the 2006-2007 school year;
- 10       3. Have a record of satisfactory compliance with agreements
- 11 executed pursuant to Section 2605 of this title;
- 12       4.    a.    have graduated within the previous three (3) years
- 13                from a high school accredited by the State Board of
- 14                Education, or the Oklahoma School of Science and
- 15                Mathematics with a minimum 2.5 cumulative grade point
- 16                average on a 4.0 scale for all work attempted in
- 17                grades nine through twelve,
- 18        b.    have graduated within the previous three (3) years
- 19                from a high school not accredited by the State Board
- 20                of Education with a minimum 2.5 cumulative grade point
- 21                average on a 4.0 scale for all work attempted in
- 22                grades nine through twelve and have achieved a
- 23                composite score of 22 or higher on the ACT test, or
- 24

1           c.    have satisfactorily completed within the previous  
2                    three (3) years an educational program that was  
3                    provided through a means other than a public or  
4                    private school and have achieved a composite score of  
5                    22 or higher on the ACT test;

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

21           6.    Have satisfied admission standards as determined by the  
22   Oklahoma State Regents for Higher Education for first-time-entering  
23   students for the appropriate type of institution, or, if attending a  
24   private institution, have satisfied admission standards as

1 determined by the private institution, ~~provided, no.~~ No student  
2 participating in the Oklahoma Higher Learning Access Program shall  
3 be admitted into an institution of higher education by special  
4 admission standards;

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

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

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

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

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

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

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

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

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

23           ~~D.~~ E. It is the intent of the Legislature that students in the  
24 ninth grade for the 1992-93 school year who are determined to be

1 eligible Oklahoma Higher Learning Access students pursuant to this  
2 act shall be the first students eligible for benefits from the  
3 Oklahoma Higher Learning Access Trust Fund.

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

8 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as  
9 last amended by Section 7, Chapter 355, O.S.L. 2007 (70 O.S. Supp.  
10 2007, Section 2605), is amended to read as follows:

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

22 B. On a form provided by the Oklahoma State Regents for Higher  
23 Education, every public school district shall designate at least one  
24 Oklahoma Higher Learning Access Program contact person, who shall be

1 a counselor or teacher, at each public school site in this state in  
2 which eighth-, ninth- or tenth-grade classes are taught. When  
3 requested by the State Regents, the State Board of Education shall  
4 assist the State Regents to ensure the designation of contact  
5 persons. Private schools shall also designate at least one school  
6 official as a contact person. For students who are educated by  
7 other means, a parent or guardian or other person approved by the  
8 State Regents shall be designated the contact person.

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

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

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

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

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

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

1           2. At the time the student begins postsecondary education and  
2 prior to receiving any Oklahoma Higher Learning Access Program  
3 benefit award, the income from taxable and nontaxable sources of the  
4 student's parent(s) exceeds One Hundred Thousand Dollars  
5 (\$100,000.00) per year.

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

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

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

21           E. The financial qualification of a student as set forth in  
22 subsection D of this section shall be certified by the contact  
23 person or by the Oklahoma State Regents for Higher Education on the  
24 agreement form provided by the Oklahoma State Regents for Higher

1 Education. The form shall be retained in the permanent record of  
2 the student and a copy forwarded to the Oklahoma State Regents for  
3 Higher Education.

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

7 1. Assist the student in achieving compliance with the  
8 agreements;

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

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

13 4. Assist the student in completing forms and reports required  
14 for program participation, making applications to institutions and  
15 schools of higher learning, and filing applications for student  
16 grants and scholarships.

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

20 H. The Oklahoma State Regents for Higher Education shall  
21 designate personnel to coordinate tracking of program records for  
22 the years when students participating in the program are still in  
23 the schools or are being educated by other means, provide staff  
24 development for contact persons in the schools, and provide liaison

1 with the State Board of Education and local organizations and  
2 individuals participating in the program.

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

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

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

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