

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 982

By: Ford of the Senate

3 and

4 Thomsen of the House

5  
6  
7 ( higher education - Oklahoma Higher Learning Access  
8 Program Act - codification - effective date -  
9 emergency )

10  
11  
12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

13  
14 "( higher education - tuition - Oklahoma Higher  
15 Learning Access Program Act - codification -  
16 effective date -  
17 emergency )

18  
19  
20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 2283 of Title 70, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The dependent of a deceased serviceperson shall receive the  
24 benefits of free tuition at an institution that is a member of The

1 Oklahoma State System of Higher Education, as set forth in Section  
2 3201 of Title 70 of the Oklahoma Statutes, if the following factors  
3 are met:

4 1. The serviceperson died after January 1, 2000, while actively  
5 serving in the Armed Forces of the United States of America; and

6 2. The serviceperson timely filed an Oklahoma state income tax  
7 return, and if applicable, paid state income taxes for the taxable  
8 year preceding death and any taxes due for the taxable year in which  
9 the serviceperson died.

10 B. To be eligible for free tuition, the dependent of a deceased  
11 serviceperson shall:

12 1. Prove the relationship of the dependent to the deceased  
13 serviceperson; and

14 2. Satisfy the entrance and eligibility requirements imposed by  
15 the institution of higher learning.

16 C. Free tuition shall not exceed a period of more than forty-  
17 eight (48) months for qualified dependents.

18 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2603, as  
19 last amended by Section 32 of Enrolled Senate Bill No. 764 of the  
20 1st Session of the 52nd Oklahoma Legislature, is amended to read as  
21 follows:

22 Section 2603. A. Except as otherwise provided for in this  
23 section, to be eligible to participate in the Oklahoma Higher  
24 Learning Access Program and to qualify for an award which includes

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

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

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

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

18 4. a. have graduated within the previous three (3) years  
19 from a high school accredited by the State Board of  
20 Education, or the Oklahoma School of Science and  
21 Mathematics with a minimum 2.5 cumulative grade point  
22 average on a 4.0 scale for all work attempted in  
23 grades nine through twelve,  
24

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

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

1 State Regents for remediation of high school curricular  
2 deficiencies;

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

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

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

22 b. if the student was adopted between birth and twelve  
23 (12) years of age while in the permanent custody of  
24 the Department of Human Services, in the court-ordered

1 custody of a licensed private nonprofit child-placing  
2 agency, or federally recognized Indian tribe, as  
3 defined by the federal Indian Child Welfare Act, have  
4 established financial need according to the provisions  
5 of paragraph 1 of subsection E of Section 2605 of this  
6 title and standards and provisions promulgated by the  
7 Oklahoma State Regents for Higher Education, or

8 c. if the student was adopted between thirteen (13) and  
9 seventeen (17) years of age while in the permanent  
10 custody of the Department of Human Services, in the  
11 court-ordered custody of a licensed private nonprofit  
12 child-placing agency, or federally recognized Indian  
13 tribe, as defined by the federal Indian Child Welfare  
14 Act, have established financial need according to the  
15 provisions of paragraph 2 of subsection E of Section  
16 2605 of this title and standards and provisions  
17 promulgated by the Oklahoma State Regents for Higher  
18 Education.

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

21 1. Achieve a minimum cumulative grade point average of 2.0 on a  
22 4.0 scale or its equivalent for courses taken through the student's  
23 sophomore year and achieve a minimum grade point average of 2.5 on a  
24 4.0 scale or its equivalent for courses taken during the student's

1 junior year and thereafter. The provisions of this paragraph shall  
2 not apply to any student who has received an Oklahoma Higher  
3 Learning Access Program benefit award prior to the 2010-2011 school  
4 year;

5 2. Maintain good academic standing and satisfactory academic  
6 progress according to standards of the Oklahoma State Regents for  
7 Higher Education and the institution of higher learning in which the  
8 student is enrolled;

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

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

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

21 D. It is the intent of the Legislature that students in the  
22 ninth grade for the 1992-93 school year who are determined to be  
23 eligible Oklahoma Higher Learning Access students ~~pursuant to this~~  
24

1 ~~act~~ shall be the first students eligible for benefits from the  
2 Oklahoma Higher Learning Access Trust Fund.

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

7 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2604, as  
8 amended by Section 3, Chapter 350, O.S.L. 2008 (70 O.S. Supp. 2008,  
9 Section 2604), is amended to read as follows:

10 Section 2604. A. Subject to the availability of funds, an  
11 amount equivalent to the nonguaranteed resident tuition for which an  
12 eligible Oklahoma Higher Learning Access Program student is  
13 obligated at an institution of The Oklahoma State System of Higher  
14 Education shall be awarded by allocation from the Oklahoma Higher  
15 Learning Access Trust Fund.

16 B. Subject to the availability of funds, for each eligible  
17 Oklahoma Higher Learning Access Program student enrolled at a  
18 private institution of higher learning located within this state and  
19 accredited pursuant to Section 4103 of this title, the Oklahoma  
20 State Regents for Higher Education shall award from the Oklahoma  
21 Higher Learning Access Trust Fund an amount equivalent to the amount  
22 of resident tuition for which the student would be eligible if the  
23 student were enrolled in a comparable program at a comparable  
24

1 institution of The Oklahoma State System of Higher Education.

2 Comparability shall be determined by the State Regents.

3 C. Subject to the availability of funds, an amount equivalent  
4 to the tuition for any eligible Oklahoma Higher Learning Access  
5 Program student enrolled in a public postsecondary vocational-  
6 technical program or course for the purpose set forth in Section  
7 2602 of this title shall be awarded by allocation from the Oklahoma  
8 Higher Learning Access Trust Fund. Provided, such allocation shall  
9 not exceed the amount a student would have received for comparable  
10 enrollment at a two-year institution within The Oklahoma State  
11 System of Higher Education.

12 D. 1. An award allowed by this section shall not be allowed  
13 for courses or other postsecondary units taken in excess of the  
14 requirements for completion of a baccalaureate program or taken more  
15 than five (5) years after the student's first semester of  
16 postsecondary enrollment. The Oklahoma State Regents for Higher  
17 Education may award the Oklahoma Higher Learning Access Program  
18 benefits for courses of postsecondary units taken more than five (5)  
19 years after the student's first semester of postsecondary enrollment  
20 only in hardship circumstances; provided, however, no Oklahoma  
21 Higher Learning Access Program participant may receive benefits  
22 beyond a cumulative time period of five (5) years.

23 2. The Oklahoma State Regents for Higher Education may award  
24 the Oklahoma Higher Learning Access Program benefits for a student's

1 first semester or other academic unit of postsecondary enrollment  
2 taken more than three (3) years after the student graduates from  
3 high school or completes an educational program equivalent to high  
4 school graduation as authorized in Section 2603 of this title if the  
5 student is a member of the Armed Forces of the United States, the  
6 Reserve Corps of the Armed Forces of the United States, or the  
7 Oklahoma National Guard, and is ordered to active duty or active  
8 duty for special work or training and due to the duty commitment the  
9 student is unable to enroll prior to the end of the three-year  
10 period. Such three-year period shall be extended by the length of  
11 the term of duty.

12 3. The Oklahoma State Regents for Higher Education may  
13 establish a maximum limit on the number of courses or other  
14 postsecondary units to which Oklahoma Higher Learning Access Program  
15 benefits will apply.

16 4. An award for eligible Oklahoma Higher Learning Access  
17 Program students enrolled in cooperative programs pursuant to  
18 agreements between technology center schools and institutions of The  
19 Oklahoma State System of Higher Education shall be satisfied for  
20 both vocational-technical and college work in which enrolled  
21 pursuant to such cooperative program.

22 E. Benefits awarded under the Oklahoma Higher Learning Access  
23 Program shall be awarded to all eligible applicants without any  
24 limitation on the number of awards in any year other than the amount

1 of funds available for the program and the number of eligible  
2 applicants. Subject to the provisions of subsection F of this  
3 section, if funds are not sufficient to provide awards for all  
4 eligible applicants, the Oklahoma State Regents for Higher Education  
5 shall make awards on the basis of need. Provided, the Oklahoma  
6 State Regents for Higher Education shall take into consideration  
7 other grants and scholarships received by an eligible applicant when  
8 making awards.

9 F. The Oklahoma State Regents for Higher Education may, at the  
10 time an award is made on behalf of an Oklahoma Higher Learning  
11 Access Program student, set aside in the Oklahoma Higher Learning  
12 Access Trust Fund funds for the full commitment made to such Higher  
13 Learning Access Program student. For all academic years, students  
14 who have previously received awards under the provisions of the  
15 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this  
16 title, and who have continued at all times to fulfill the  
17 requirements for eligibility to receive awards provided pursuant to  
18 this program shall be given an absolute priority for continued  
19 financial support by the Oklahoma Higher Learning Access Program  
20 superior to any students who are applying for such benefits for the  
21 first time.

22 SECTION 4. AMENDATORY 70 O.S. 2001, Section 2605, as  
23 last amended by Section 34 of Enrolled Senate Bill No. 764 of the  
24

1 1st Session of the 52nd Oklahoma Legislature, is amended to read as  
2 follows:

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

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

1 C. Students who qualify on the basis of financial need  
2 according to subsections D or E of this section and the standards  
3 and provisions promulgated by the Oklahoma State Regents for Higher  
4 Education shall be given the opportunity throughout the eighth-,  
5 ninth-, and tenth-grade years, for students enrolled in a public or  
6 private school, or between the ages of thirteen (13) and fifteen  
7 (15), for students who are educated by other means, to enter into  
8 participation in the program by agreeing to, throughout the  
9 remainder of their school years or educational program:

10 1. Attend school or an educational program regularly and do  
11 homework regularly;

12 2. Refrain from substance abuse;

13 3. Refrain from commission of crimes or delinquent acts;

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

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

18 6. Participate in program activities.

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

1 authorized to process student agreements and verify compliance with  
2 the agreements. Students failing to comply with the terms of the  
3 agreement shall not be eligible for the awards provided in Section  
4 2604 of this title.

5 D. Except as otherwise provided for in subsection E of this  
6 section, a student shall not be found to be in financial need for  
7 purposes of the Oklahoma Higher Learning Access Program if:

8 1. At the time the student applies for participation in the  
9 Program during the eighth, ninth or tenth grade for students  
10 enrolled in a public or private school, or between the ages of  
11 thirteen (13) and fifteen (15), for students who are educated by  
12 other means, the adjusted gross income from taxable and nontaxable  
13 sources for federal income tax purposes of the student's parent(s)  
14 less the amount eligible for personal and dependent exemptions  
15 exceeds ~~Fifty Thousand Dollars (\$50,000.00)~~ Forty-three Thousand  
16 Dollars (\$43,000.00) per year, which may be based on the most recent  
17 tax year or a three-year average of the most recent tax year and the  
18 two (2) preceding tax years. Beginning with the 2011-2012 school  
19 year, the Legislature shall review the income limit every three (3)  
20 years and consider adjusting it if necessary toward the goal of  
21 providing eligibility for fifty percent (50%) of Oklahoma families;  
22 and

23 2. At the time the student begins postsecondary education and  
24 prior to receiving any Oklahoma Higher Learning Access Program

1 benefit award, the income from taxable and nontaxable sources of the  
2 student's parent(s) exceeds One Hundred Thousand Dollars  
3 (\$100,000.00) per year.

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

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

16 The provisions of this paragraph shall not apply to any student  
17 who has received an Oklahoma Higher Learning Access Program benefit  
18 award prior to the ~~2010-2011~~ 2012-2013 school year.

19 E. 1. A student who was adopted between birth and twelve (12)  
20 years of age while in the permanent custody of the Department of  
21 Human Services, in the court-ordered custody of a licensed private  
22 nonprofit child-placing agency, or federally recognized Indian  
23 tribe, as defined by the federal Indian Child Welfare Act, shall not  
24 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 One Hundred  
5 Fifty Thousand Dollars (\$150,000.00) per year.

6 2. A student who was adopted between thirteen (13) and  
7 seventeen (17) years of age while in the permanent custody of the  
8 Department of Human Services, in the court-ordered custody of a  
9 licensed private nonprofit child-placing agency, or federally  
10 recognized Indian tribe, as defined by the federal Indian Child  
11 Welfare Act, shall not be found to be in financial need for purposes  
12 of the Oklahoma Higher Learning Access Program if at the time the  
13 student begins postsecondary education and prior to receiving any  
14 Oklahoma Higher Learning Access Program benefit award, the income  
15 from taxable and nontaxable sources of the student's parent(s)  
16 exceeds Two Hundred Thousand Dollars (\$200,000.00) per year.

17 3. The determination of financial qualification as set forth in  
18 this subsection shall be based on the income of the student, not the  
19 income of the parent(s), if the student is determined to be  
20 independent of the student's parents for federal financial aid  
21 purposes. A determination of financial qualification shall not be  
22 required for the student who meets the criteria set forth in this  
23 subsection at the time the student applies for participation in the  
24 program. The provisions of this subsection shall not apply to any

1 student who has received an Oklahoma Higher Learning Access Program  
2 benefit award prior to the 2008-2009 school year.

3 F. The financial qualification of a student as set forth in  
4 subsections D and E of this section shall be certified by the  
5 contact person or by the Oklahoma State Regents for Higher Education  
6 on the agreement form provided by the Oklahoma State Regents for  
7 Higher Education. The form shall be retained in the permanent  
8 record of the student and a copy forwarded to the Oklahoma State  
9 Regents for Higher Education.

10 G. Agreements shall be witnessed by the parent, custodial  
11 parent, or guardian of the student, who shall further agree to:

12 1. Assist the student in achieving compliance with the  
13 agreements;

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

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

18 4. Assist the student in completing forms and reports required  
19 for program participation, making applications to institutions and  
20 schools of higher learning, and filing applications for student  
21 grants and scholarships.

22 H. Students who are enrolled in a school district located in  
23 this state that serves students who reside in both this state and an  
24 adjacent state pursuant to a contract as authorized in Section 5-

1 117.1 of this title, are in the eleventh and twelfth grades during  
2 the 2006-2007 school year, and who were denied participation in the  
3 program shall be allowed to enter or reenter into participation in  
4 the program by entering into agreements as set forth in subsections  
5 C and D of this section by June 1, 2008.

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

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

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

22 L. Students participating in the Oklahoma Higher Learning  
23 Access Program shall provide their social security number or their  
24 student identification number used by their school to the Oklahoma

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

3 SECTION 5. This act shall become effective July 1, 2009.

4 SECTION 6. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval."

8 Passed the House of Representatives the 23rd day of April, 2009.

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\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

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13 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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Presiding Officer of the Senate

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