

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 354

By: Myers and Easley of the  
Senate

6 and

7 DeWitt of the House

8  
9 COMMITTEE SUBSTITUTE

10 ( higher education - Oklahoma Higher Learning Access  
11 Program - income limitation for program eligibility  
12 - effective date -  
13 emergency )

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17 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2605, as  
18 last amended by Section 34 of Enrolled Senate Bill No. 764 of the  
19 1st Session of the 52nd Oklahoma Legislature, is amended to read as  
20 follows:

21 Section 2605. A. Each school year, every fifth- through ninth-  
22 grade student in the public and private schools of this state and  
23 students who are educated by other means and are in the equivalent  
24 of the fifth through ninth grade shall be apprised, together with

1 the parent, custodial parent, or guardian of the student, of the  
2 opportunity for access to higher learning under the Oklahoma Higher  
3 Learning Access Program. The Oklahoma State Regents for Higher  
4 Education and the State Board of Education shall develop, promote,  
5 and coordinate a public awareness program to be utilized in making  
6 students and parents aware of the Oklahoma Higher Learning Access  
7 Program.

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

19 C. Students who qualify on the basis of financial need  
20 according to subsections D or E of this section and the standards  
21 and provisions promulgated by the Oklahoma State Regents for Higher  
22 Education shall be given the opportunity throughout the eighth-,  
23 ninth-, and tenth-grade years, for students enrolled in a public or  
24 private school, or between the ages of thirteen (13) and fifteen

1 (15), for students who are educated by other means, to enter into  
2 participation in the program by agreeing to, throughout the  
3 remainder of their school years or educational program:

4 1. Attend school or an educational program regularly and do  
5 homework regularly;

6 2. Refrain from substance abuse;

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

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

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

12 6. Participate in program activities.

13 The contact person shall maintain the agreements, which shall be  
14 executed on forms provided by the Oklahoma State Regents for Higher  
15 Education and managed according to regulations promulgated by the  
16 Oklahoma State Regents for Higher Education, and the contact person  
17 shall monitor compliance of the student with the terms of the  
18 agreement. The Oklahoma State Regents for Higher Education are  
19 authorized to process student agreements and verify compliance with  
20 the agreements. Students failing to comply with the terms of the  
21 agreement shall not be eligible for the awards provided in Section  
22 2604 of this title.

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

4 1. At the time the student applies for participation in the  
5 Program during the eighth, ninth or tenth grade for students  
6 enrolled in a public or private school, or between the ages of  
7 thirteen (13) and fifteen (15), for students who are educated by  
8 other means, the income from taxable and nontaxable sources of the  
9 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per  
10 year, based on a three-year average or the current year, whichever  
11 is less; and

12 2. At the time the student begins postsecondary education and  
13 prior to receiving any Oklahoma Higher Learning Access Program  
14 benefit award, the income from taxable and nontaxable sources of the  
15 student's parent(s) exceeds One Hundred Thousand Dollars  
16 (\$100,000.00) per year.

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

- 20 a. is determined to be independent of the student's  
21 parents for federal financial aid purposes,
- 22 b. was in the permanent custody of the Department of  
23 Human Services at the time the student enrolled in the  
24 program, or

1           c.    was in the court-ordered custody of a federally  
2                    recognized Indian tribe, as defined by the federal  
3                    Indian Child Welfare Act, at the time the student  
4                    enrolled in the program.

5           The provisions of this paragraph shall not apply to any student  
6 who has received an Oklahoma Higher Learning Access Program benefit  
7 award prior to the 2010-2011 school year.

8           E.  1.  A student who was adopted between birth and twelve (12)  
9 years of age while in the permanent custody of the Department of  
10 Human Services, in the court-ordered custody of a licensed private  
11 nonprofit child-placing agency, or federally recognized Indian  
12 tribe, as defined by the federal Indian Child Welfare Act, shall not  
13 be found to be in financial need for purposes of the Oklahoma Higher  
14 Learning Access Program if at the time the student begins  
15 postsecondary education and prior to receiving any Oklahoma Higher  
16 Learning Access Program benefit award, the income from taxable and  
17 nontaxable sources of the student's parent(s) exceeds One Hundred  
18 Fifty Thousand Dollars (\$150,000.00) per year.

19           2.  A student who was adopted between thirteen (13) and  
20 seventeen (17) years of age while in the permanent custody of the  
21 Department of Human Services, in the court-ordered custody of a  
22 licensed private nonprofit child-placing agency, or federally  
23 recognized Indian tribe, as defined by the federal Indian Child  
24 Welfare Act, shall not be found to be in financial need for purposes

1 of the Oklahoma Higher Learning Access Program if at the time the  
2 student begins postsecondary education and prior to receiving any  
3 Oklahoma Higher Learning Access Program benefit award, the income  
4 from taxable and nontaxable sources of the student's parent(s)  
5 exceeds Two Hundred Thousand Dollars (\$200,000.00) per year.

6 3. The determination of financial qualification as set forth in  
7 this subsection shall be based on the income of the student, not the  
8 income of the parent(s), if the student is determined to be  
9 independent of the student's parents for federal financial aid  
10 purposes. A determination of financial qualification shall not be  
11 required for the student who meets the criteria set forth in this  
12 subsection at the time the student applies for participation in the  
13 program. The provisions of this subsection shall not apply to any  
14 student who has received an Oklahoma Higher Learning Access Program  
15 benefit award prior to the 2008-2009 school year.

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

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

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

11 H. Students who are enrolled in a school district located in  
12 this state that serves students who reside in both this state and an  
13 adjacent state pursuant to a contract as authorized in Section 5-  
14 117.1 of this title, are in the eleventh and twelfth grades during  
15 the 2006-2007 school year, and who were denied participation in the  
16 program shall be allowed to enter or reenter into participation in  
17 the program by entering into agreements as set forth in subsections  
18 C and D of this section by June 1, 2008.

19 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 J. The Oklahoma State Regents for Higher Education shall  
23 designate personnel to coordinate tracking of program records for  
24 the years when students participating in the program are still in

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

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

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

16 SECTION 2. This act shall become effective July 1, 2009.

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

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22 52-1-7701 CJB 04/07/09

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