

1 ENGROSSED SENATE
2 BILL NO. 467

By: Corn of the Senate

and

Christian of the House

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7 [higher education - resident tuition waivers -
8 Oklahoma Higher Learning Access Program - Trust
9 Fund - codification - effective date -
10 emergency]

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3246 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A student shall be eligible for a full resident tuition
17 waiver at an institution within The Oklahoma State System of Higher
18 Education or at a technology center school, provided the student:

19 1. Is a veteran discharged from the Armed Forces of the United
20 States under conditions other than dishonorable discharge;

21 2. Was a resident of the State of Oklahoma one (1) year prior
22 to entrance into service and remains a resident of the State of
23 Oklahoma immediately following discharge from service. Such

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1 residency shall meet requirements as set by the Oklahoma State
2 Regents for Higher Education;

3 3. Meets all of the admission and retention requirements of an
4 institution in The Oklahoma State System of Higher Education or a
5 technology center school, as applicable; and

6 4. Is enrolled in a program of study leading to either:

7 a. an associate or a baccalaureate degree and has not
8 previously completed a baccalaureate or graduate
9 degree, or

10 b. a postsecondary vocational-technical certificate
11 program.

12 B. A waiver of tuition awarded pursuant to this section shall
13 not be allowed for courses or other postsecondary units taken in
14 excess of the requirements for completion of a baccalaureate program
15 or taken more than a period of five (5) years from the date of the
16 last discharge of the veteran from service.

17 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2602, as
18 amended by Section 7, Chapter 278, O.S.L. 2006 (70 O.S. Supp. 2008,
19 Section 2602), is amended to read as follows:

20 Section 2602. There is hereby created the Oklahoma Higher
21 Learning Access Program. The program shall also be known as
22 "Oklahoma's Promise". The purpose of the program is to provide an
23 award to students who meet the criteria set forth in the Oklahoma
24 Higher Learning Access Act, Section 2601 et seq. of this title, and

1 who are pursuing studies in this state leading to an associate or
2 baccalaureate degree or who are pursuing studies in a postsecondary
3 vocational-technical program or course offered pursuant to a duly
4 approved cooperative agreement between a technology center school
5 and an institution of The Oklahoma State System of Higher Education,
6 and who are in good academic standing in the institution of higher
7 education or technology center school in which enrolled, to relieve
8 them of the burden of paying resident tuition, mandatory fees, and a
9 portion of the cost of required textbooks at institutions of The
10 Oklahoma State System of Higher Education, to relieve them of the
11 burden of paying tuition, mandatory fees, and a portion of the cost
12 of required textbooks for enrollment in postsecondary programs of
13 the technology center districts, or to relieve them of some portion
14 of the burden of paying such fees or tuition, mandatory fees, and a
15 portion of the cost of required textbooks pursuant to the provisions
16 of ~~this act~~ the Oklahoma Higher Learning Access Act, as may be
17 required of enrollees at private institutions of higher education
18 which are accredited pursuant to Section 4103 of this title. The
19 further purpose of this program is to establish and maintain a
20 variety of support services whereby a broader range of the general
21 student population of this state will be prepared for success in
22 postsecondary endeavors.

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1 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2603, as
2 last amended by Section 2, Chapter 350, O.S.L. 2008 (70 O.S. Supp.
3 2008, Section 2603), is amended to read as follows:

4 Section 2603. A. To be eligible to participate in the Oklahoma
5 Higher Learning Access Program and to qualify for an award which
6 includes payment of an amount equivalent to resident tuition or
7 other tuition, mandatory fees, and a portion of the cost of required
8 textbooks pursuant to Section 2604 of this title for the first
9 semester or other academic unit of postsecondary enrollment, a
10 student shall:

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

15 2. Be a United States citizen or lawfully present in the United
16 States. A student who is not a United States citizen or lawfully
17 present in the United States shall not be eligible to participate in
18 the Oklahoma Higher Learning Access Program and to qualify for an
19 award notwithstanding the provisions of Section 3242 of this title.
20 The provisions of this paragraph shall not apply to any student who
21 was enrolled in the Oklahoma Higher Learning Access Program prior to
22 the end of the 2006-2007 school year;

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

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

18 5. Have completed the curricular requirements for admission to
19 an institution within The Oklahoma State System of Higher Education
20 and one additional unit or set of competencies in a course that
21 meets college admission requirements. The curriculum requirements
22 shall include two units or sets of competencies in foreign or non-
23 English language or technology courses that meet the college
24 admission requirements and one unit or set of competencies of a fine

1 arts course. Students shall also have attained a 2.5 grade point
2 average in the core curriculum courses. Students who attended a
3 high school which did not offer all the core curriculum courses or
4 students who were educated by other means and were not offered all
5 the core curriculum courses shall be allowed to satisfy this
6 curriculum requirement by participating in a program approved by the
7 State Regents for remediation of high school curricular
8 deficiencies;

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

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

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

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

6 1. Achieve a minimum cumulative grade point average of 2.0 on a
7 4.0 scale or its equivalent for courses taken through the student's
8 sophomore year and achieve a minimum grade point average of 2.5 on a
9 4.0 scale or its equivalent for courses taken during the student's
10 junior year and thereafter. The provisions of this paragraph shall
11 not apply to any student who has received an Oklahoma Higher
12 Learning Access Program benefit award prior to the 2010-2011 school
13 year;

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

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

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

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

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

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

14 SECTION 4. AMENDATORY 70 O.S. 2001, Section 2604, as
15 amended by Section 3, Chapter 350, O.S.L. 2008 (70 O.S. Supp. 2008,
16 Section 2604), is amended to read as follows:

17 Section 2604. A. 1. Subject to the availability of funds, an
18 amount equivalent to the resident tuition and mandatory fees for
19 which an eligible Oklahoma Higher Learning Access Program student is
20 obligated at an institution of The Oklahoma State System of Higher
21 Education shall be awarded by allocation from the Oklahoma Higher
22 Learning Access Trust Fund.

23 ~~B.~~ 2. Subject to the availability of funds, for each eligible
24 Oklahoma Higher Learning Access Program student enrolled at a

1 private institution of higher learning located within this state and
2 accredited pursuant to Section 4103 of this title, the Oklahoma
3 State Regents for Higher Education shall award from the Oklahoma
4 Higher Learning Access Trust Fund an amount equivalent to the amount
5 of resident tuition and mandatory fees for which the student would
6 be eligible if the student were enrolled in a comparable program at
7 a comparable institution of The Oklahoma State System of Higher
8 Education. Comparability shall be determined by the State Regents.

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

18 B. Subject to the availability of funds, an amount equivalent
19 to the cost of required textbooks, not to exceed One Thousand
20 Dollars (\$1,000.00) per academic year, shall be awarded to each
21 Oklahoma Higher Learning Access Program student by allocation from
22 the Oklahoma Higher Learning Access Trust Fund; provided, any
23 textbooks received with funds pursuant to this subsection shall be
24 returned to the institution attended by the student and the student

1 shall be afforded the opportunity to purchase the textbooks at the
2 time of return.

3 ~~D.~~ C. 1. An award allowed by this section shall not be allowed
4 for courses or other postsecondary units taken in excess of the
5 requirements for completion of a baccalaureate program or taken more
6 than five (5) years after the student's first semester of
7 postsecondary enrollment. The Oklahoma State Regents for Higher
8 Education may award the Oklahoma Higher Learning Access Program
9 benefits for courses of postsecondary units taken more than five (5)
10 years after the student's first semester of postsecondary enrollment
11 only in hardship circumstances; provided, however, no Oklahoma
12 Higher Learning Access Program participant may receive benefits
13 beyond a cumulative time period of five (5) years.

14 2. The Oklahoma State Regents for Higher Education may award
15 the Oklahoma Higher Learning Access Program benefits for a student's
16 first semester or other academic unit of postsecondary enrollment
17 taken more than three (3) years after the student graduates from
18 high school or completes an educational program equivalent to high
19 school graduation as authorized in Section 2603 of this title if the
20 student is a member of the Armed Forces of the United States, the
21 Reserve Corps of the Armed Forces of the United States, or the
22 Oklahoma National Guard, and is ordered to active duty or active
23 duty for special work or training and due to the duty commitment the
24 student is unable to enroll prior to the end of the three-year

1 period. Such three-year period shall be extended by the length of
2 the term of duty.

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

7 4. An award for eligible Oklahoma Higher Learning Access
8 Program students enrolled in cooperative programs pursuant to
9 agreements between technology center schools and institutions of The
10 Oklahoma State System of Higher Education shall be satisfied for
11 both vocational-technical and college work in which enrolled
12 pursuant to such cooperative program.

13 ~~E~~. D. Benefits awarded under the Oklahoma Higher Learning
14 Access Program shall be awarded to all eligible applicants without
15 any limitation on the number of awards in any year other than the
16 amount of funds available for the program and the number of eligible
17 applicants. Subject to the provisions of subsection ~~F~~ E of this
18 section, if funds are not sufficient to provide awards for all
19 eligible applicants, the Oklahoma State Regents for Higher Education
20 shall make awards on the basis of need. Provided, the Oklahoma
21 State Regents for Higher Education shall take into consideration
22 other grants and scholarships received by an eligible applicant when
23 making awards.

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

14 SECTION 5. AMENDATORY 70 O.S. 2001, Section 3953.1, as
15 amended by Section 8, Chapter 355, O.S.L. 2007 (70 O.S. Supp. 2008,
16 Section 3953.1), is amended to read as follows:

17 Section 3953.1 A. There is hereby created a trust fund to be
18 known as the "Oklahoma Higher Learning Access Trust Fund". The
19 Oklahoma State Regents for Higher Education shall be the trustees of
20 said Trust Fund.

21 B. The State Regents shall utilize said Trust Fund to implement
22 the provisions of Sections 2601 through 2604 of this title.

23 C. The Trust Fund principal shall consist of monies the
24 Legislature appropriates or transfers to the Oklahoma State Regents

1 for Higher Education for the Trust Fund and any monies or assets
2 contributed to the Trust Fund from any other source, public or
3 private. All monies accruing to the credit of said fund are hereby
4 appropriated and may be budgeted and expended by the State Regents.
5 Expenditures from said fund shall be made upon warrants issued by
6 the State Treasurer against claims filed as prescribed by law with
7 the Director of State Finance for approval and payment.

8 D. Notwithstanding other provisions of law, income and
9 investment return on Trust Fund principal shall accrue to the Trust
10 Fund for use as provided by authorization of the trustees for the
11 purposes provided in Sections 2601 through 2604 of this title. The
12 State Regents may also utilize the Trust Fund principal for the
13 purposes provided in Sections 2601 through 2604 of this title.
14 Except as otherwise provided by law, no such income or investment
15 return or principal shall be used for administrative expenses;
16 expenses incurred by the State Regents in the administration of the
17 Trust Fund and of the Oklahoma Higher Learning Access Program
18 established by the Oklahoma Higher Learning Access Act shall be paid
19 from monies appropriated to the State Regents coordinating board for
20 their general operating budget.

21 E. The Regents shall adopt rules for accomplishing transfer of
22 funds from the Oklahoma Higher Learning Access Trust Fund to the
23 appropriate institutional Educational and General Operations
24 Revolving Funds, as provided in Section 3901 of this title, to

1 private institutions, and to the appropriate technology center
2 school district to cover general enrollment fees or tuition,
3 mandatory fees, and a portion of the cost of required textbooks for
4 eligible students pursuant to the Oklahoma Higher Learning Access
5 Act. Allocations from the Trust Fund may be made only for the
6 purpose of covering the general enrollment fees or tuition,
7 mandatory fees, and a portion of the cost of required textbooks of
8 eligible students. No portion of the Trust Fund may be used or
9 allocated for administrative or operating expenses of any higher
10 education institution or technology center school.

11 SECTION 6. This act shall become effective July 1, 2009.

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

16 Passed the Senate the 11th day of March, 2009.

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Presiding Officer of the Senate

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20 Passed the House of Representatives the ____ day of _____,
21 2009.

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Presiding Officer of the House
of Representatives

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