

ENROLLED SENATE
BILL NO. 982

By: Ford of the Senate

and

Thomsen of the House

An Act relating to higher education; amending 70 O.S. 2001, Sections 2602, as amended by Section 7, Chapter 278, O.S.L. 2006, 2604, as amended by Section 3, Chapter 350, O.S.L. 2008, and 2605, as last amended by Section 34 of Enrolled Senate Bill No. 764 of the 1st Session of the 52nd Oklahoma Legislature (70 O.S. Supp. 2008, Sections 2602, 2604 and 2605), which relate to the Oklahoma Higher Learning Access Program; specifying nonguaranteed resident tuition for certain award; delaying implementation of certain income limitation; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 2602, as amended by Section 7, Chapter 278, O.S.L. 2006 (70 O.S. Supp. 2008, Section 2602), is amended to read as follows:

Section 2602. There is hereby created the Oklahoma Higher Learning Access Program. The program shall also be known as "Oklahoma's Promise". The purpose of the program is to provide an award to students who meet the criteria set forth in the Oklahoma Higher Learning Access Act, Section 2601 et seq. of this title, and who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or course offered pursuant to a duly

approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, and who are in good academic standing in the institution of higher education or technology center school in which enrolled, to relieve them of the burden of paying nonguaranteed resident tuition at institutions of The Oklahoma State System of Higher Education, to relieve them of the burden of paying tuition for enrollment in postsecondary programs of the technology center districts, or to relieve them of some portion of the burden of paying such fees or tuition, pursuant to the provisions of this act, as may be required of enrollees at private institutions of higher education which are accredited pursuant to Section 4103 of this title. The further purpose of this program is to establish and maintain a variety of support services whereby a broader range of the general student population of this state will be prepared for success in postsecondary endeavors.

SECTION 2. AMENDATORY 70 O.S. 2001, Section 2604, as amended by Section 3, Chapter 350, O.S.L. 2008 (70 O.S. Supp. 2008, Section 2604), is amended to read as follows:

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

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

C. Subject to the availability of funds, an amount equivalent to the tuition for any eligible Oklahoma Higher Learning Access Program student enrolled in a public postsecondary vocational-

technical program or course for the purpose set forth in Section 2602 of this title shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund. Provided, such allocation shall not exceed the amount a student would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education.

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

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

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

4. An award for eligible Oklahoma Higher Learning Access Program students enrolled in cooperative programs pursuant to agreements between technology center schools and institutions of The Oklahoma State System of Higher Education shall be satisfied for

both vocational-technical and college work in which enrolled pursuant to such cooperative program.

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

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

SECTION 3. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by Section 34 of Enrolled Senate Bill No. 764 of the 1st Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents for Higher Education and the State Board of Education shall develop, promote,

and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Higher Learning Access Program.

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

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

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

2. Refrain from substance abuse;

3. Refrain from commission of crimes or delinquent acts;

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

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

6. Participate in program activities.

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

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

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

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

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

- a. is determined to be independent of the student's parents for federal financial aid purposes,
- b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or
- c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal

Indian Child Welfare Act, at the time the student enrolled in the program.

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

E. 1. A student who was adopted between birth and twelve (12) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the income from taxable and nontaxable sources of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

2. A student who was adopted between thirteen (13) and seventeen (17) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the income from taxable and nontaxable sources of the student's parent(s) exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

3. The determination of financial qualification as set forth in this subsection shall be based on the income of the student, not the income of the parent(s), if the student is determined to be independent of the student's parents for federal financial aid purposes. A determination of financial qualification shall not be

required for the student who meets the criteria set forth in this subsection at the time the student applies for participation in the program. The provisions of this ~~subsection~~ paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2008-2009 school year.

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

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

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

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

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

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

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

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

SECTION 4. This act shall become effective July 1, 2009.

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

Passed the Senate the 21st day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2009.

Presiding Officer of the House
of Representatives