

**SENATE CHAMBER**

STATE OF OKLAHOMA

DISPOSITION BY SENATE

**FLOOR AMENDMENT**

No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend \_\_\_Senate\_\_\_ Bill No. \_\_\_467\_\_\_, Page \_\_\_2\_\_\_, Line \_\_\_14 1/2\_\_\_,

as follows:

By inserting new SECTIONS \_\_\_2 - 5\_\_\_ to read as per attached, by renumbering subsequent sections, and by amending the title to conform.

Submitted by:

\_\_\_\_\_  
Senator Bass

Bass-KM-FA-SB467  
2/25/2009 3:15 PM

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

3 Section 2602. There is hereby created the Oklahoma Higher Learning Access Program. The  
4 program shall also be known as “Oklahoma’s Promise”. The purpose of the program is to provide  
5 an award to students who meet the criteria set forth in the Oklahoma Higher Learning Access Act,  
6 Section 2601 et seq. of this title, and who are pursuing studies in this state leading to an associate or  
7 baccalaureate degree or who are pursuing studies in a postsecondary vocational-technical program or  
8 course offered pursuant to a duly approved cooperative agreement between a technology center  
9 school and an institution of The Oklahoma State System of Higher Education, and who are in good  
10 academic standing in the institution of higher education or technology center school in which  
11 enrolled, to relieve them of the burden of paying resident tuition, mandatory fees, and a portion of  
12 the cost of required textbooks at institutions of The Oklahoma State System of Higher Education, to  
13 relieve them of the burden of paying tuition, mandatory fees, and a portion of the cost of required  
14 textbooks for enrollment in postsecondary programs of the technology center districts, or to relieve  
15 them of some portion of the burden of paying such fees or tuition, mandatory fees, and a portion of  
16 the cost of required textbooks pursuant to the provisions of ~~this act~~ the Oklahoma Higher Learning  
17 Access Act, as may be required of enrollees at private institutions of higher education which are  
18 accredited pursuant to Section 4103 of this title. The further purpose of this program is to establish  
19 and maintain a variety of support services whereby a broader range of the general student population  
20 of this state will be prepared for success in postsecondary endeavors.

21 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2603, as last amended by Section  
22 2, Chapter 350, O.S.L. 2008 (70 O.S. Supp. 2008, Section 2603), is amended to read as follows:

23 Section 2603. A. To be eligible to participate in the Oklahoma Higher Learning Access  
24 Program and to qualify for an award which includes payment of an amount equivalent to resident

1 tuition or other tuition, mandatory fees, and a portion of the cost of required textbooks pursuant to  
2 Section 2604 of this title for the first semester or other academic unit of postsecondary enrollment, a  
3 student shall:

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

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

13 3. Have a record of satisfactory compliance with agreements executed pursuant to Section  
14 2605 of this title;

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

19 b. have graduated within the previous three (3) years from a high school not  
20 accredited by the State Board of Education with a minimum 2.5 cumulative  
21 grade point average on a 4.0 scale for all work attempted in grades nine through  
22 twelve and have achieved a composite score of 22 or higher on the ACT test, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 ~~D.~~ C. 1. An award allowed by this section shall not be allowed for courses or other  
25 postsecondary units taken in excess of the requirements for completion of a baccalaureate program

1 or taken more than five (5) years after the student's first semester of postsecondary enrollment. The  
2 Oklahoma State Regents for Higher Education may award the Oklahoma Higher Learning Access  
3 Program benefits for courses of postsecondary units taken more than five (5) years after the student's  
4 first semester of postsecondary enrollment only in hardship circumstances; provided, however, no  
5 Oklahoma Higher Learning Access Program participant may receive benefits beyond a cumulative  
6 time period of five (5) years.

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

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

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

23         ~~E. D.~~ Benefits awarded under the Oklahoma Higher Learning Access Program shall be  
24 awarded to all eligible applicants without any limitation on the number of awards in any year other  
25 than the amount of funds available for the program and the number of eligible applicants. Subject to

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

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

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

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

19 B. The State Regents shall utilize said Trust Fund to implement the provisions of Sections  
20 2601 through 2604 of this title.

21 C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers  
22 to the Oklahoma State Regents for Higher Education for the Trust Fund and any monies or assets  
23 contributed to the Trust Fund from any other source, public or private. All monies accruing to the  
24 credit of said fund are hereby appropriated and may be budgeted and expended by the State Regents.

1 Expenditures from said fund shall be made upon warrants issued by the State Treasurer against  
2 claims filed as prescribed by law with the Director of State Finance for approval and payment.

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

12 E. The Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma  
13 Higher Learning Access Trust Fund to the appropriate institutional Educational and General  
14 Operations Revolving Funds, as provided in Section 3901 of this title, to private institutions, and to  
15 the appropriate technology center school district to cover general enrollment fees or tuition,  
16 mandatory fees, and a portion of the cost of required textbooks for eligible students pursuant to the  
17 Oklahoma Higher Learning Access Act. Allocations from the Trust Fund may be made only for the  
18 purpose of covering the general enrollment fees or tuition, mandatory fees, and a portion of the cost  
19 of required textbooks of eligible students. No portion of the Trust Fund may be used or allocated for  
20 administrative or operating expenses of any higher education institution or technology center school.