

THE HOUSE OF REPRESENTATIVES  
Monday, March 2, 2009

Committee Substitute for  
House Bill No. 2249

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2249 - By: TERRILL, HILLIARD, KERN, SHUMATE, FIELDS, MCDANIEL (JEANNIE) AND DENNEY of the House and MYERS of the Senate.

( Schools - Oklahoma Higher Learning Access Program - nonguaranteed  
resident tuition – effective date –  
emergency )

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2602, as amended by  
2 Section 7, Chapter 278, O.S.L. 2006 (70 O.S. Supp. 2008, Section 2602), is amended to  
3 read as follows:  
4 Section 2602. There is hereby created the Oklahoma Higher Learning Access  
5 Program. The program shall also be known as “Oklahoma’s Promise”. The purpose of  
6 the program is to provide an award to students who meet the criteria set forth in the  
7 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this title, and who are  
8 pursuing studies in this state leading to an associate or baccalaureate degree or who are  
9 pursuing studies in a postsecondary vocational-technical program or course offered  
10 pursuant to a duly approved cooperative agreement between a technology center school  
11 and an institution of The Oklahoma State System of Higher Education, and who are in

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

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

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

19 B. Subject to the availability of funds, for each eligible Oklahoma Higher Learning  
20 Access Program student enrolled at a private institution of higher learning located  
21 within this state and accredited pursuant to Section 4103 of this title, the Oklahoma  
22 State Regents for Higher Education shall award from the Oklahoma Higher Learning

1 Access Trust Fund an amount equivalent to the amount of resident tuition for which the  
2 student would be eligible if the student were enrolled in a comparable program at a  
3 comparable institution of The Oklahoma State System of Higher Education.

4 Comparability shall be determined by the State Regents.

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

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

21 2. The Oklahoma State Regents for Higher Education may award the Oklahoma  
22 Higher Learning Access Program benefits for a student's first semester or other academic

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

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

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

17 E. Benefits awarded under the Oklahoma Higher Learning Access Program shall  
18 be awarded to all eligible applicants without any limitation on the number of awards in  
19 any year other than the amount of funds available for the program and the number of  
20 eligible applicants. Subject to the provisions of subsection F of this section, if funds are  
21 not sufficient to provide awards for all eligible applicants, the Oklahoma State Regents  
22 for Higher Education shall make awards on the basis of need. Provided, the Oklahoma

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 State Regents for Higher Education shall take into consideration other grants and  
2 scholarships received by an eligible applicant when making awards.

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

13 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by  
14 Section 2, Chapter 409, O.S.L. 2008 (70 O.S. Supp. 2008, Section 2605), is amended to  
15 read as follows:

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

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

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

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

- 19 1. Attend school or an educational program regularly and do homework regularly;
- 20 2. Refrain from substance abuse;
- 21 3. Refrain from commission of crimes or delinquent acts;

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

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

5           6. Participate in program activities.

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

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

17           1. At the time the student applies for participation in the Program during the  
18 eighth, ninth or tenth grade for students enrolled in a public or private school, or  
19 between the ages of thirteen (13) and fifteen (15), for students who are educated by other  
20 means, the adjusted gross income from taxable and nontaxable sources for federal income  
21 tax purposes of the student's parent(s) less the amount claimed for personal and

1 dependent exemptions exceeds ~~Fifty Thousand Dollars (\$50,000.00)~~ Forty-three  
2 Thousand Dollars (\$43,000.00) per year; and

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

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

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

16 The provisions of this paragraph shall not apply to any student who has received an  
17 Oklahoma Higher Learning Access Program benefit award prior to the 2009-2010 school  
18 year.

19 E. 1. A student who was adopted between birth and twelve (12) years of age while  
20 in the permanent custody of the Department of Human Services, in the court-ordered  
21 custody of a licensed private nonprofit child-placing agency, or federally recognized  
22 Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be

1 in financial need for purposes of the Oklahoma Higher Learning Access Program if at the  
2 time the student begins postsecondary education and prior to receiving any Oklahoma  
3 Higher Learning Access Program benefit award, the income from taxable and nontaxable  
4 sources of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars  
5 (\$150,000.00) per year. The provisions of this paragraph shall not apply to any student  
6 who has received an Oklahoma Higher Learning Access Program benefit award prior to  
7 the 2009-2010 school year.

8 2. A student who was adopted between thirteen (13) and seventeen (17) years of  
9 age while in the permanent custody of the Department of Human Services, in the court-  
10 ordered custody of a licensed private nonprofit child-placing agency, or federally  
11 recognized Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be  
12 found to be in financial need for purposes of the Oklahoma Higher Learning Access  
13 Program if at the time the student begins postsecondary education and prior to receiving  
14 any Oklahoma Higher Learning Access Program benefit award, the income from taxable  
15 and nontaxable sources of the student's parent(s) exceeds Two Hundred Thousand  
16 Dollars (\$200,000.00) per year. The provisions of this paragraph shall not apply to any  
17 student who has received an Oklahoma Higher Learning Access Program benefit award  
18 prior to the 2009-2010 school year.

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

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

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

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

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

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

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

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

20 H. Students who are enrolled in a school district located in this state that serves  
21 students who reside in both this state and an adjacent state pursuant to a contract as  
22 authorized in Section 5-117.1 of this title, are in the eleventh and twelfth grades during

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

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

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

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

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

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

21 SECTION 5. It being immediately necessary for the preservation of the public  
22 peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and be in full force from and  
2 after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,  
4 dated 02-26-09 - DO PASS, As Amended and Coauthored.