

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 354

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 354 - By: MYERS
AND EASLEY of the Senate and DEWITT of the House.

(higher education - Oklahoma Higher Learning Access Program - income
limitation for program eligibility - effective date –
emergency)

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by
2 Section 34 of Enrolled Senate Bill No. 764 of the 1st Session of the 52nd Oklahoma
3 Legislature, is amended to read as follows:
4 Section 2605. A. Each school year, every fifth- through ninth-grade student in the
5 public and private schools of this state and students who are educated by other means
6 and are in the equivalent of the fifth through ninth grade shall be apprised, together
7 with the parent, custodial parent, or guardian of the student, of the opportunity for
8 access to higher learning under the Oklahoma Higher Learning Access Program. The
9 Oklahoma State Regents for Higher Education and the State Board of Education shall
10 develop, promote, and coordinate a public awareness program to be utilized in making
11 students and parents aware of the Oklahoma Higher Learning Access Program.

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

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

- 17 1. Attend school or an educational program regularly and do homework regularly;
- 18 2. Refrain from substance abuse;
- 19 3. Refrain from commission of crimes or delinquent acts;
- 20 4. Have school work and school records reviewed by mentors designated pursuant
21 to the program;

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

3 6. Participate in program activities.

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

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

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

21 2. At the time the student begins postsecondary education and prior to receiving
22 any Oklahoma Higher Learning Access Program benefit award, the income from taxable

1 and nontaxable sources of the student's parent(s) exceeds One Hundred Thousand
2 Dollars (\$100,000.00) per year.

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

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

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

15 E. 1. A student who was adopted between birth and twelve (12) years of age while
16 in the permanent custody of the Department of Human Services, in the court-ordered
17 custody of a licensed private nonprofit child-placing agency, or federally recognized
18 Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be
19 in financial need for purposes of the Oklahoma Higher Learning Access Program if at the
20 time the student begins postsecondary education and prior to receiving any Oklahoma
21 Higher Learning Access Program benefit award, the income from taxable and nontaxable

1 sources of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars
2 (\$150,000.00) per year.

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

12 3. The determination of financial qualification as set forth in this subsection shall
13 be based on the income of the student, not the income of the parent(s), if the student is
14 determined to be independent of the student's parents for federal financial aid purposes.
15 A determination of financial qualification shall not be required for the student who meets
16 the criteria set forth in this subsection at the time the student applies for participation in
17 the program. The provisions of this subsection shall not apply to any student who has
18 received an Oklahoma Higher Learning Access Program benefit award prior to the 2008-
19 2009 school year.

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

1 Higher Education. The form shall be retained in the permanent record of the student
2 and a copy forwarded to the Oklahoma State Regents for Higher Education.

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

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

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

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

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

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

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

21 J. The Oklahoma State Regents for Higher Education shall designate personnel to
22 coordinate tracking of program records for the years when students participating in the

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

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

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

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

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
18 dated 04-07-09 - DO PASS, As Amended.