

CS for EHB 2249

THE STATE SENATE
Monday, April 6, 2009

Committee Substitute for
ENGROSSED

House Bill No. 2249

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2249 - By:
Terrill, Hilliard, Kern, Shumate, Fields, McDaniel (Jeannie),
Denney, Tibbs, Inman, Walker, Buck and Sears 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:~~

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,

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

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

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

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

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

20 D. 1. An award allowed by this section shall not be allowed
21 for courses or other postsecondary units taken in excess of the
22 requirements for completion of a baccalaureate program or taken more
23 than five (5) years after the student's first semester of

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

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

21 3. The Oklahoma State Regents for Higher Education may
22 establish a maximum limit on the number of courses or other

1 postsecondary units to which Oklahoma Higher Learning Access Program
2 benefits will apply.

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

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

20 F. The Oklahoma State Regents for Higher Education may, at the
21 time an award is made on behalf of an Oklahoma Higher Learning
22 Access Program student, set aside in the Oklahoma Higher Learning
23 Access Trust Fund funds for the full commitment made to such Higher

1 Learning Access Program student. For all academic years, students
2 who have previously received awards under the provisions of the
3 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this
4 title, and who have continued at all times to fulfill the
5 requirements for eligibility to receive awards provided pursuant to
6 this program shall be given an absolute priority for continued
7 financial support by the Oklahoma Higher Learning Access Program
8 superior to any students who are applying for such benefits for the
9 first time.

10 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2605, as
11 last amended by Section 34 of Enrolled Senate Bill No. 764 of the
12 1st Session of the 52nd Oklahoma Legislature, is amended to read as
13 follows:

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

1 students and parents aware of the Oklahoma Higher Learning Access
2 Program.

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

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

- 1 1. Attend school or an educational program regularly and do
- 2 homework regularly;
- 3 2. Refrain from substance abuse;
- 4 3. Refrain from commission of crimes or delinquent acts;
- 5 4. Have school work and school records reviewed by mentors
- 6 designated pursuant to the program;
- 7 5. Provide information requested by the Oklahoma State Regents
- 8 for Higher Education or the State Board of Education; and
- 9 6. Participate in program activities.

10 The contact person shall maintain the agreements, which shall be
11 executed on forms provided by the Oklahoma State Regents for Higher
12 Education and managed according to regulations promulgated by the
13 Oklahoma State Regents for Higher Education, and the contact person
14 shall monitor compliance of the student with the terms of the
15 agreement. The Oklahoma State Regents for Higher Education are
16 authorized to process student agreements and verify compliance with
17 the agreements. Students failing to comply with the terms of the
18 agreement shall not be eligible for the awards provided in Section
19 2604 of this title.

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

1 1. At the time the student applies for participation in the
2 Program during the eighth, ninth or tenth grade for students
3 enrolled in a public or private school, or between the ages of
4 thirteen (13) and fifteen (15), for students who are educated by
5 other means, the adjusted gross income from taxable and nontaxable
6 ~~sources~~ for federal income tax purposes of the student's parent(s)
7 less the amount claimed for personal and dependent exemptions
8 exceeds ~~Fifty Thousand Dollars (\$50,000.00)~~ Forty-three Thousand
9 Dollars (\$43,000.00) per year, which may be based on the most recent
10 tax year or a three-year average; and

11 2. At the time the student begins postsecondary education and
12 prior to receiving any Oklahoma Higher Learning Access Program
13 benefit award, the income from taxable and nontaxable sources of the
14 student's parent(s) exceeds One Hundred Thousand Dollars
15 (\$100,000.00) per year.

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

- 19 a. is determined to be independent of the student's
20 parents for federal financial aid purposes,
21 b. was in the permanent custody of the Department of
22 Human Services at the time the student enrolled in the
23 program, or

1 c. was in the court-ordered custody of a federally
2 recognized Indian tribe, as defined by the federal
3 Indian Child Welfare Act, at the time the student
4 enrolled in the program.

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

8 E. 1. A student who was adopted between birth and twelve (12)
9 years of age while in the permanent custody of the Department of
10 Human Services, in the court-ordered custody of a licensed private
11 nonprofit child-placing agency, or federally recognized Indian
12 tribe, as defined by the federal Indian Child Welfare Act, shall not
13 be found to be in financial need for purposes of the Oklahoma Higher
14 Learning Access Program if at the time the student begins
15 postsecondary education and prior to receiving any Oklahoma Higher
16 Learning Access Program benefit award, the income from taxable and
17 nontaxable sources of the student's parent(s) exceeds One Hundred
18 Fifty Thousand Dollars (\$150,000.00) per year. The provisions of
19 this paragraph shall not apply to any student who has received an
20 Oklahoma Higher Learning Access Program benefit award prior to the
21 2009-2010 school year.

22 2. A student who was adopted between thirteen (13) and
23 seventeen (17) years of age while in the permanent custody of the

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

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

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

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

10 1. Assist the student in achieving compliance with the
11 agreements;

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

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

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

20 H. Students who are enrolled in a school district located in
21 this state that serves students who reside in both this state and an
22 adjacent state pursuant to a contract as authorized in Section 5-
23 117.1 of this title, are in the eleventh and twelfth grades during

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

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

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

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

21 L. Students participating in the Oklahoma Higher Learning
22 Access Program shall provide their social security number or their
23 student identification number used by their school to the Oklahoma

1 State Regents for Higher Education. The Regents shall keep the
2 numbers confidential and use them only for administrative purposes.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO
9 PASS, As Amended and Coauthored.