

SB 309

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THE STATE SENATE
Tuesday, February 17, 2009

Senate Bill No. 309
As Amended

SENATE BILL NO. 309 - By: Paddock of the Senate and Hilliard of the House.

[higher education - Oklahoma Higher Learning Access Program
- eligibility - effective date]

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 2605, as last amended by Section 4, Chapter 350, O.S.L. 2008 (70 O.S. Supp. 2008, Section 2605), 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.

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

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

- 21 1. Attend school or an educational program regularly and do
22 homework regularly;
- 23 2. Refrain from substance abuse;

- 1 3. Refrain from commission of crimes or delinquent acts;
- 2 4. Have school work and school records reviewed by mentors
- 3 designated pursuant to the program;
- 4 5. Provide information requested by the Oklahoma State Regents
- 5 for Higher Education or the State Board of Education; and
- 6 6. Participate in program activities.

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

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

- 20 1. At the time the student applies for participation in the
- 21 Program during the eighth, ninth or tenth grade for students
- 22 enrolled in a public or private school, or between the ages of
- 23 thirteen (13) and fifteen (15), for students who are educated by

1 other means, the income from taxable and nontaxable sources of the
2 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per
3 year; and

4 2. At the time the student begins postsecondary education and
5 prior to receiving any Oklahoma Higher Learning Access Program
6 benefit award, the income from taxable and nontaxable sources of the
7 student's parent(s) exceeds One Hundred Thousand Dollars
8 (\$100,000.00) per year.

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

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

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

1 E. For a student with a parent who is a certified teacher with
2 a minimum of six (6) years' experience employed with a public school
3 in this state, the student shall not be found to be in financial
4 need for purposes of the Oklahoma Higher Learning Access Program if
5 at the time the student applies for participation in the Program,
6 the income from taxable and nontaxable sources of the student's
7 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
8 year; provided, the student's parent who is a certified teacher must
9 continue to teach in a public school in this state for the duration
10 of the award of benefits pursuant to this Program.

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

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

20 1. Assist the student in achieving compliance with the
21 agreements;

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

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

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

7 ~~G.~~ H. Students who are enrolled in a school district located in
8 this state that serves students who reside in both this state and an
9 adjacent state pursuant to a contract as authorized in Section 5-
10 117.1 of this title, are in the eleventh- and twelfth- grade during
11 the 2006-2007 school year, and who were denied participation in the
12 program shall be allowed to enter or reenter into participation in
13 the program by entering into agreements as set forth in subsections
14 C and D of this section by June 1, 2008.

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

18 ~~I.~~ J. The Oklahoma State Regents for Higher Education shall
19 designate personnel to coordinate tracking of program records for
20 the years when students participating in the program are still in
21 the schools or are being educated by other means, provide staff
22 development for contact persons in the schools, and provide liaison

1 with the State Board of Education and local organizations and
2 individuals participating in the program.

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

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

15 SECTION 2. This act shall become effective November 1, 2009.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
17 PASS, As Amended and Coauthored.