

SB 354

1 THE STATE SENATE  
2 Tuesday, February 17, 2009

3 Senate Bill No. 354  
4 As Amended

5 SENATE BILL NO. 354 - By: Myers of the Senate and DeWitt of the  
6 House.

7 [ higher education - Oklahoma Higher Learning Access Program  
8 - income limitation - effective date -  
9 emergency ]

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

11 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2605, as  
12 last amended by Section 4, Chapter 350, O.S.L. 2008 (70 O.S. Supp.  
13 2008, Section 2605), is amended to read as 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  
23 students and parents aware of the Oklahoma Higher Learning Access  
24 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 D of this section and the standards and  
14 provisions promulgated by the Oklahoma State Regents for Higher  
15 Education shall be given the opportunity throughout the eighth-,  
16 ninth-, and tenth-grade years, for students enrolled in a public or  
17 private school, or between the ages of thirteen (13) and fifteen  
18 (15), for students who are educated by other means, to enter into  
19 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 student shall not be found to be in financial need for  
18       purposes of the Oklahoma Higher Learning Access Program if:

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

1 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per  
2 year, based on a three-year average or the current year, whichever  
3 is less; 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. The financial qualification of a student as set forth in  
2 subsection D of this section shall be certified by the contact  
3 person or by the Oklahoma State Regents for Higher Education on the  
4 agreement form provided by the Oklahoma State Regents for Higher  
5 Education. The form shall be retained in the permanent record of  
6 the student and a copy forwarded to the Oklahoma State Regents for  
7 Higher Education.

8 F. 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 G. 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-grade 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 H. 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 I. 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 J. 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 K. 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 2. This act shall become effective July 1, 2009.

4 SECTION 3. 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 2-11-09 - DO  
9 PASS, As Amended and Coauthored.