

3 Senate Bill No. 753

4 As Amended

5 SENATE BILL NO. 753 - By: Halligan of the Senate and Terrill of the  
6 House.

7 [ higher education - Oklahoma Higher Learning Access Program  
8 Act - retention of eligibility - 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 2603, as  
12 last amended by Section 2, Chapter 350, O.S.L. 2008 (70 O.S. Supp.  
13 2008, Section 2603), is amended to read as follows:

14 Section 2603. A. To be eligible to participate in the Oklahoma  
15 Higher Learning Access Program and to qualify for an award which  
16 includes payment of an amount equivalent to resident tuition or  
17 other tuition pursuant to Section 2604 of this title for the first  
18 semester or other academic unit of postsecondary enrollment, a  
19 student shall:

20 1. Be a resident of this state or be enrolled in a school  
21 district located in this state that serves students who reside in  
22 both this state and an adjacent state pursuant to a contract as  
23 authorized in Section 5-117.1 of this title;

24 2. Be a United States citizen or lawfully present in the United  
25 States. A student who is not a United States citizen or lawfully

1 present in the United States shall not be eligible to participate in  
2 the Oklahoma Higher Learning Access Program and to qualify for an  
3 award notwithstanding the provisions of Section 3242 of this title.  
4 The provisions of this paragraph shall not apply to any student who  
5 was enrolled in the Oklahoma Higher Learning Access Program prior to  
6 the end of the 2006-2007 school year;

7 3. Have a record of satisfactory compliance with agreements  
8 executed pursuant to Section 2605 of this title;

- 9 4. a. have graduated within the previous three (3) years  
10 from a high school accredited by the State Board of  
11 Education, or the Oklahoma School of Science and  
12 Mathematics with a minimum 2.5 cumulative grade point  
13 average on a 4.0 scale for all work attempted in  
14 grades nine through twelve,
- 15 b. have graduated within the previous three (3) years  
16 from a high school not accredited by the State Board  
17 of Education with a minimum 2.5 cumulative grade point  
18 average on a 4.0 scale for all work attempted in  
19 grades nine through twelve and have achieved a  
20 composite score of 22 or higher on the ACT test, or  
21 c. have satisfactorily completed within the previous  
22 three (3) years an educational program that was  
23 provided through a means other than a public or

1 private school and have achieved a composite score of  
2 22 or higher on the ACT test;

3 5. Have completed the curricular requirements for admission to  
4 an institution within The Oklahoma State System of Higher Education  
5 and one additional unit or set of competencies in a course that  
6 meets college admission requirements. The curriculum requirements  
7 shall include two units or sets of competencies in foreign or non-  
8 English language or technology courses that meet the college  
9 admission requirements and one unit or set of competencies of a fine  
10 arts course. Students shall also have attained a 2.5 grade point  
11 average in the core curriculum courses. Students who attended a  
12 high school which did not offer all the core curriculum courses or  
13 students who were educated by other means and were not offered all  
14 the core curriculum courses shall be allowed to satisfy this  
15 curriculum requirement by participating in a program approved by the  
16 State Regents for remediation of high school curricular  
17 deficiencies;

18 6. Have satisfied admission standards as determined by the  
19 Oklahoma State Regents for Higher Education for first-time-entering  
20 students for the appropriate type of institution, or, if attending a  
21 private institution, have satisfied admission standards as  
22 determined by the private institution. No student participating in

1 the Oklahoma Higher Learning Access Program shall be admitted into  
2 an institution of higher education by special admission standards;

3 7. Have secured admission to, and enrolled in, an institution  
4 which is a member of The Oklahoma State System of Higher Education,  
5 a postsecondary vocational-technical program offered pursuant to a  
6 duly approved cooperative agreement between a technology center  
7 school and an institution of The Oklahoma State System of Higher  
8 Education, or a private institution of higher learning located  
9 within this state and accredited pursuant to Section 4103 of this  
10 title; and

11 8. Have established financial need according to the provisions  
12 of Section 2605 of this title and standards and provisions  
13 promulgated by the Oklahoma State Regents for Higher Education.

14 B. To retain eligibility while pursuing the program of higher  
15 learning in which enrolled, the student shall:

16 1. ~~Achieve a minimum cumulative grade point average of 2.0 on a~~  
17 ~~4.0 scale or its equivalent for courses taken through the student's~~  
18 ~~sophomore year and achieve a minimum grade point average of 2.5 on a~~  
19 ~~4.0 scale or its equivalent for courses taken during the student's~~  
20 ~~junior year and thereafter. The provisions of this paragraph shall~~  
21 ~~not apply to any student who has received an Oklahoma Higher~~  
22 ~~Learning Access Program benefit award prior to the 2010-2011 school~~  
23 ~~year;~~

1       ~~2-~~ Maintain good academic standing and satisfactory academic  
2 progress according to standards of the Oklahoma State Regents for  
3 Higher Education and the institution of higher learning in which the  
4 student is enrolled;

5       ~~3-~~ 2. Comply with the standards related to maintenance of  
6 eligibility as promulgated by the Oklahoma State Regents for Higher  
7 Education; and

8       ~~4-~~ 3. Refrain from conduct that leads to expulsion or  
9 suspension of more than one semester from an institution of higher  
10 education. A student who violates the provisions of this paragraph  
11 shall permanently lose eligibility for program benefits. The  
12 provisions of this paragraph shall become effective January 1, 2008.

13       C. The Oklahoma State Regents for Higher Education and the  
14 State Board of Career and Technology Education shall promulgate  
15 rules relating to maintenance of eligibility ~~under this act~~ by a  
16 student.

17       D. It is the intent of the Legislature that students in the  
18 ninth grade for the 1992-93 school year who are determined to be  
19 eligible Oklahoma Higher Learning Access students ~~pursuant to this~~  
20 ~~act~~ shall be the first students eligible for benefits from the  
21 Oklahoma Higher Learning Access Trust Fund.

22       E. The Oklahoma State Regents for Higher Education are  
23 authorized to study, develop and propose criteria for determining

1 award eligibility based upon the completion of seven (7) semesters  
2 of high school coursework by a student.

3 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as  
4 last amended by Section 4, Chapter 350, O.S.L. 2008 (70 O.S. Supp.  
5 2008, Section 2605), is amended to read as follows:

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

17 B. On a form provided by the Oklahoma State Regents for Higher  
18 Education, every public school district shall designate at least one  
19 Oklahoma Higher Learning Access Program contact person, who shall be  
20 a counselor or teacher, at each public school site in this state in  
21 which eighth-, ninth- or tenth-grade classes are taught. When  
22 requested by the State Regents, the State Board of Education shall  
23 assist the State Regents to ensure the designation of contact

1 persons. Private schools shall also designate at least one school  
2 official as a contact person. For students who are educated by  
3 other means, a parent or guardian or other person approved by the  
4 State Regents shall be designated the contact person.

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

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

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

11          D. A student shall not be found to be in financial need for  
12          purposes of the Oklahoma Higher Learning Access Program if:

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

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

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

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

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

15 The provisions of this paragraph shall not apply to any student  
16 who has received an Oklahoma Higher Learning Access Program benefit  
17 award prior to the ~~2010-2011~~ 2012-2013 school year.

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

1 the student and a copy forwarded to the Oklahoma State Regents for  
2 Higher Education.

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

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

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

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

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

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

1           H. The Oklahoma State Regents for Higher Education shall  
2 promulgate rules for the determination of student compliance with  
3 agreements made pursuant to this section.

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

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO  
6 PASS, As Amended and Coauthored.