

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3100

By: Cannaday

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,
8 Section 2605, as last amended by Section 3, Chapter
9 437, O.S.L. 2009 (70 O.S. Supp. 2009, Section 2605),
10 which relates to the Oklahoma Higher Learning Access
11 Program; modifying basis for determination of
12 financial qualification; providing an effective date;
13 and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2605, as
16 last amended by Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
17 2009, Section 2605), is amended to read as follows:

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

1 and coordinate a public awareness program to be utilized in making
2 students and parents aware of the Oklahoma Higher Learning Access
3 Program.

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

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

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- 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:

- 23 1. At the time the student applies for participation in the
24 Program during the eighth, ninth or tenth grade for students

1 enrolled in a public or private school, or between the ages of
2 thirteen (13) and fifteen (15), for students who are educated by
3 other means, the adjusted gross income ~~from taxable and nontaxable~~
4 ~~sources~~ for federal income tax purposes of the student's parent(s)
5 less the amount claimed for personal and dependent exemptions
6 exceeds ~~Fifty Thousand Dollars (\$50,000.00)~~ Forty-three Thousand
7 Dollars (\$43,000.00) per year; and

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

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

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

1 The provisions of this paragraph shall not apply to any student
2 who has received an Oklahoma Higher Learning Access Program benefit
3 award prior to the 2012-2013 school year.

4 E. 1. A student who was adopted between birth and twelve (12)
5 years of age while in the permanent custody of the Department of
6 Human Services, in the court-ordered custody of a licensed private
7 nonprofit child-placing agency, or federally recognized Indian
8 tribe, as defined by the federal Indian Child Welfare Act, shall not
9 be found to be in financial need for purposes of the Oklahoma Higher
10 Learning Access Program if at the time the student begins
11 postsecondary education and prior to receiving any Oklahoma Higher
12 Learning Access Program benefit award, the income from taxable and
13 nontaxable sources of the student's parent(s) exceeds One Hundred
14 Fifty Thousand Dollars (\$150,000.00) per year. The provisions of
15 this paragraph shall not apply to any student who has received an
16 Oklahoma Higher Learning Access Program benefit award prior to the
17 2012-2013 school year.

18 2. A student who was adopted between thirteen (13) and
19 seventeen (17) years of age while in the permanent custody of the
20 Department of Human Services, in the court-ordered custody of a
21 licensed private nonprofit child-placing agency, or federally
22 recognized Indian tribe, as defined by the federal Indian Child
23 Welfare Act, shall not be found to be in financial need for purposes
24 of the Oklahoma Higher Learning Access Program if at the time the

1 student begins postsecondary education and prior to receiving any
2 Oklahoma Higher Learning Access Program benefit award, the income
3 from taxable and nontaxable sources of the student's parent(s)
4 exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The
5 provisions of this paragraph shall not apply to any student who has
6 received an Oklahoma Higher Learning Access Program benefit award
7 prior to the 2012-2013 school year.

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

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

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

3 1. Assist the student in achieving compliance with the
4 agreements;

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

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

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

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

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

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

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

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

19 SECTION 2. This act shall become effective July 1, 2010.

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

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