

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 354

By: Myers

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5
6 AS INTRODUCED

7 An Act relating to higher education; amending 70 O.S.
8 2001, Section 2605, as last amended by Section 4,
9 Chapter 350, O.S.L. 2008 (70 O.S. Supp. 2008, Section
10 2605), which relates to the Oklahoma Higher Learning
Access Program; modifying income limitation for
11 program eligibility; providing an effective date; and
12 declaring an emergency.

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

14 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2605, as
15 last amended by Section 4, Chapter 350, O.S.L. 2008 (70 O.S. Supp.
16 2008, Section 2605), is amended to read as follows:

17 Section 2605. A. Each school year, every fifth- through ninth-
18 grade student in the public and private schools of this state and
19 students who are educated by other means and are in the equivalent
20 of the fifth through ninth grade shall be apprised, together with
21 the parent, custodial parent, or guardian of the student, of the
22 opportunity for access to higher learning under the Oklahoma Higher
23 Learning Access Program. The Oklahoma State Regents for Higher
24 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 subsection D of this section and the standards and
17 provisions promulgated by the Oklahoma State Regents for Higher
18 Education shall be given the opportunity throughout the eighth-,
19 ninth-, and tenth-grade years, for students enrolled in a public or
20 private school, or between the ages of thirteen (13) and fifteen
21 (15), for students who are educated by other means, to enter into
22 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. A student shall not be found to be in financial need for
21 purposes of the Oklahoma Higher Learning Access Program if:

- 22 1. At the time the student applies for participation in the
23 Program during the eighth, ninth or tenth grade for students
24 enrolled in a public or private school, or between the ages of

1 thirteen (13) and fifteen (15), for students who are educated by
2 other means, the income from taxable and nontaxable sources of the
3 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per
4 year, based on a three-year average; and

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

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

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

22 The provisions of this paragraph shall not apply to any student
23 who has received an Oklahoma Higher Learning Access Program benefit
24 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
24 the 2006-2007 school year, and who were denied participation in the

1 program shall be allowed to enter or reenter into participation in
2 the program by entering into agreements as set forth in subsections
3 C and D of this section by June 1, 2008.

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

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

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

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

1 SECTION 2. This act shall become effective July 1, 2009.

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

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