

1 STATE OF OKLAHOMA

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

3 SENATE BILL 753

By: Halligan

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7 AS INTRODUCED

8 An Act relating to higher education; amending 70 O.S.  
9 2001, Sections 2603 and 2605, as last amended by  
10 Sections 2 and 4, Chapter 350, O.S.L. 2008 (70 O.S.  
11 Supp. 2008, Sections 2603 and 2605), which relate to  
12 the Oklahoma Higher Learning Access Program Act;  
13 deleting certain grade point average requirement for  
14 retention of eligibility; providing for retention of  
15 eligibility according to standards of certain  
16 institutions of higher learning; delaying  
17 applicability of certain income limitation; providing  
18 an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as  
last amended by Section 2, Chapter 350, O.S.L. 2008 (70 O.S. Supp.  
2008, Section 2603), is amended to read as follows:

Section 2603. A. To be eligible to participate in the Oklahoma  
Higher Learning Access Program and to qualify for an award which  
includes payment of an amount equivalent to resident tuition or

1 other tuition pursuant to Section 2604 of this title for the first  
2 semester or other academic unit of postsecondary enrollment, a  
3 student shall:

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

8 2. Be a United States citizen or lawfully present in the United  
9 States. A student who is not a United States citizen or lawfully  
10 present in the United States shall not be eligible to participate in  
11 the Oklahoma Higher Learning Access Program and to qualify for an  
12 award notwithstanding the provisions of Section 3242 of this title.  
13 The provisions of this paragraph shall not apply to any student who  
14 was enrolled in the Oklahoma Higher Learning Access Program prior to  
15 the end of the 2006-2007 school year;

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

18 4. a. have graduated within the previous three (3) years  
19 from a high school accredited by the State Board of  
20 Education, or the Oklahoma School of Science and  
21 Mathematics with a minimum 2.5 cumulative grade point  
22 average on a 4.0 scale for all work attempted in  
23 grades nine through twelve,

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- 1           b.    have graduated within the previous three (3) years  
2                    from a high school not accredited by the State Board  
3                    of Education with a minimum 2.5 cumulative grade point  
4                    average on a 4.0 scale for all work attempted in  
5                    grades nine through twelve and have achieved a  
6                    composite score of 22 or higher on the ACT test, or  
7           c.    have satisfactorily completed within the previous  
8                    three (3) years an educational program that was  
9                    provided through a means other than a public or  
10                   private school and have achieved a composite score of  
11                   22 or higher on the ACT test;

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

1 State Regents for remediation of high school curricular  
2 deficiencies;

3 6. Have satisfied admission standards as determined by the  
4 Oklahoma State Regents for Higher Education for first-time-entering  
5 students for the appropriate type of institution, or, if attending a  
6 private institution, have satisfied admission standards as  
7 determined by the private institution. No student participating in  
8 the Oklahoma Higher Learning Access Program shall be admitted into  
9 an institution of higher education by special admission standards;

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

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

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

23 1. ~~Achieve a minimum cumulative grade point average of 2.0 on a~~  
24 ~~4.0 scale or its equivalent for courses taken through the student's~~

1 ~~sophomore year and achieve a minimum grade point average of 2.5 on a~~  
2 ~~4.0 scale or its equivalent for courses taken during the student's~~  
3 ~~junior year and thereafter. The provisions of this paragraph shall~~  
4 ~~not apply to any student who has received an Oklahoma Higher~~  
5 ~~Learning Access Program benefit award prior to the 2010-2011 school~~  
6 ~~year;~~

7 2. Maintain good academic standing and satisfactory academic  
8 progress according to standards of the Oklahoma State Regents for  
9 Higher Education and the institution of higher learning in which the  
10 student is enrolled;

11 ~~3.~~ 2. Comply with the standards related to maintenance of  
12 eligibility as promulgated by the Oklahoma State Regents for Higher  
13 Education; and

14 ~~4.~~ 3. Refrain from conduct that leads to expulsion or  
15 suspension of more than one semester from an institution of higher  
16 education. A student who violates the provisions of this paragraph  
17 shall permanently lose eligibility for program benefits. The  
18 provisions of this paragraph shall become effective January 1, 2008.

19 C. The Oklahoma State Regents for Higher Education and the  
20 State Board of Career and Technology Education shall promulgate  
21 rules relating to maintenance of eligibility ~~under this act~~ by a  
22 student.

23 D. It is the intent of the Legislature that students in the  
24 ninth grade for the 1992-93 school year who are determined to be

1 eligible Oklahoma Higher Learning Access students ~~pursuant to this~~  
2 ~~act~~ shall be the first students eligible for benefits from the  
3 Oklahoma Higher Learning Access Trust Fund.

4 E. The Oklahoma State Regents for Higher Education are  
5 authorized to study, develop and propose criteria for determining  
6 award eligibility based upon the completion of seven (7) semesters  
7 of high school coursework by a student.

8 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as  
9 last amended by Section 4, Chapter 350, O.S.L. 2008 (70 O.S. Supp.  
10 2008, Section 2605), is amended to read as follows:

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

22 B. On a form provided by the Oklahoma State Regents for Higher  
23 Education, every public school district shall designate at least one  
24 Oklahoma Higher Learning Access Program contact person, who shall be

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

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

- 18 1. Attend school or an educational program regularly and do  
19 homework regularly;
- 20 2. Refrain from substance abuse;
- 21 3. Refrain from commission of crimes or delinquent acts;
- 22 4. Have school work and school records reviewed by mentors  
23 designated pursuant to the program;

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

3           6. Participate in program activities.

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

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

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

23           2. At the time the student begins postsecondary education and  
24 prior to receiving any Oklahoma Higher Learning Access Program

1 benefit award, the income from taxable and nontaxable sources of the  
2 student's parent(s) exceeds One Hundred Thousand Dollars  
3 (\$100,000.00) per year.

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

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

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

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

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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.

23 SECTION 4. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

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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