

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 1343

By: Proctor, Derby, Kern,  
Hoskin, Tibbs and Ritze of  
the House

6 and

7 Ivester, Allen, David and  
8 Shortey of the Senate

9  
10  
11 COMMITTEE SUBSTITUTE

12 An Act relating to relating to higher education;  
13 amending 70 O.S. 2001, Sections 2603, as last amended  
14 by Section 32, Chapter 2, O.S.L. 2009, 2604, as last  
15 amended by Section 2, Chapter 437, O.S.L. 2009 and  
16 2605, as last amended by Section 3, Chapter 437,  
17 O.S.L. 2009 (70 O.S. Supp. 2010, Sections 2603, 2604  
18 and 2605), which relate to the Oklahoma Higher  
19 Learning Access Act; making certain students eligible  
20 to participate in the Oklahoma Higher Learning Access  
21 Program; specifying eligibility criteria; exempting  
22 certain students from certain eligibility  
23 requirements; modifying extension of program benefits  
24 for certain students; adding certain students to  
participation agreement requirements; allowing  
certain students to enter into participation by  
executing certain agreement; exempting certain  
students from certain income eligibility  
requirements; providing an effective date; and  
declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as  
2 last amended by Section 32, Chapter 2, O.S.L. 2009 (70 O.S. Supp.  
3 2010, Section 2603), is amended to read as follows:

4 Section 2603. A. Except as otherwise provided for in  
5 subsection B of this section and elsewhere in this section, to be  
6 eligible to participate in the Oklahoma Higher Learning Access  
7 Program and to qualify for an award which includes payment of an  
8 amount equivalent to resident tuition or other tuition pursuant to  
9 Section 2604 of this title for the first semester or other academic  
10 unit of postsecondary enrollment, a student shall:

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

15 2. Be a United States citizen or lawfully present in the United  
16 States. A student who is not a United States citizen or lawfully  
17 present in the United States shall not be eligible to participate in  
18 the Oklahoma Higher Learning Access Program and to qualify for an  
19 award notwithstanding the provisions of Section 3242 of this title.  
20 The provisions of this paragraph shall not apply to any student who  
21 was enrolled in the Oklahoma Higher Learning Access Program prior to  
22 the end of the 2006-2007 school year;

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



1 arts course. Students shall also have attained a 2.5 grade point  
2 average in the core curriculum courses. Students who attended a  
3 high school which did not offer all the core curriculum courses or  
4 students who were educated by other means and were not offered all  
5 the core curriculum courses shall be allowed to satisfy this  
6 curriculum requirement by participating in a program approved by the  
7 State Regents for remediation of high school curricular  
8 deficiencies;

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

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

24



1 promulgated by the Oklahoma State Regents for Higher  
2 Education.

3 B. 1. A student shall be eligible to participate in the  
4 Oklahoma Higher Learning Access Program and to qualify for an award  
5 which includes payment of an amount equivalent to resident tuition  
6 or other tuition pursuant to Section 2604 of this title for the  
7 first semester or other academic unit of postsecondary enrollment if  
8 the student meets all of the following criteria:

9 a. is a child of any person killed after January 1, 2000,  
10 in the line of duty in any branch of the United States  
11 Armed Forces or who died after January 1, 2000, as a  
12 result of an injury sustained while in the line of  
13 duty in any branch of the United States Armed Forces  
14 and the person who was killed or died filed an  
15 individual or joint Oklahoma income tax return for the  
16 tax year prior to the year during which the person was  
17 killed or died,

18 b. enrolls in an institution within The Oklahoma State  
19 System of Higher Education prior to reaching the age  
20 of twenty-one (21),

21 c. has satisfied admission standards as determined by the  
22 Oklahoma State Regents for Higher Education for first-  
23 time-entering students for the appropriate type of  
24 institution, or, if attending a private institution,

1 has satisfied admission standards as determined by the  
2 private institution. No student participating in the  
3 Oklahoma Higher Learning Access Program shall be  
4 admitted into an institution of higher education by  
5 special admission standards,

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

16 e. executes an agreement pursuant to subsection C of  
17 Section 2605 of this title.

18 2. A student who is eligible to participate in the Program  
19 pursuant to this subsection shall not be required to meet the  
20 eligibility requirements set forth in subsection A of this section;  
21 provided, however, that the student shall be a resident of this  
22 state or be enrolled in a school district located in this state that  
23 serves students who reside in both this state and an adjacent state

1 pursuant to a contract as authorized in Section 5-117.1 of this  
2 title.

3 C. To retain eligibility while pursuing the program of higher  
4 learning in which enrolled, the student shall:

5 1. Achieve a minimum cumulative grade point average of 2.0 on a  
6 4.0 scale or its equivalent for courses taken through the student's  
7 sophomore year and achieve a minimum grade point average of 2.5 on a  
8 4.0 scale or its equivalent for courses taken during the student's  
9 junior year and thereafter. The provisions of this paragraph shall  
10 not apply to any student who has received an Oklahoma Higher  
11 Learning Access Program benefit award prior to the 2010-2011 school  
12 year;

13 2. Maintain good academic standing and satisfactory academic  
14 progress according to standards of the Oklahoma State Regents for  
15 Higher Education;

16 3. Comply with the standards related to maintenance of  
17 eligibility as promulgated by the Oklahoma State Regents for Higher  
18 Education; and

19 4. Refrain from conduct that leads to expulsion or suspension  
20 of more than one semester from an institution of higher education.  
21 A student who violates the provisions of this paragraph shall  
22 permanently lose eligibility for program benefits. The provisions  
23 of this paragraph shall become effective January 1, 2008.

1       ~~C.~~ D. The Oklahoma State Regents for Higher Education and the  
2 State Board of Career and Technology Education shall promulgate  
3 rules relating to maintenance of eligibility under this act by a  
4 student.

5       ~~D.~~ E. It is the intent of the Legislature that students in the  
6 ninth grade for the 1992-93 school year who are determined to be  
7 eligible Oklahoma Higher Learning Access students pursuant to this  
8 act shall be the first students eligible for benefits from the  
9 Oklahoma Higher Learning Access Trust Fund.

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

14       SECTION 2.       AMENDATORY       70 O.S. 2001, Section 2604, as  
15 last amended by Section 2, Chapter 437, O.S.L. 2009 (70 O.S. Supp.  
16 2010, Section 2604), is amended to read as follows:

17       Section 2604. A. Subject to the availability of funds, an  
18 amount equivalent to the nonguaranteed resident tuition for which an  
19 eligible Oklahoma Higher Learning Access Program student is  
20 obligated at an institution of The Oklahoma State System of Higher  
21 Education shall be awarded by allocation from the Oklahoma Higher  
22 Learning Access Trust Fund.

23       B. Subject to the availability of funds, for each eligible  
24 Oklahoma Higher Learning Access Program student enrolled at a

1 private institution of higher learning located within this state and  
2 accredited pursuant to Section 4103 of this title, the Oklahoma  
3 State Regents for Higher Education shall award from the Oklahoma  
4 Higher Learning Access Trust Fund an amount equivalent to the amount  
5 of resident tuition for which the student would be eligible if the  
6 student were enrolled in a comparable program at a comparable  
7 institution of The Oklahoma State System of Higher Education.  
8 Comparability shall be determined by the State Regents.

9 C. Subject to the availability of funds, an amount equivalent  
10 to the tuition for any eligible Oklahoma Higher Learning Access  
11 Program student enrolled in a public postsecondary vocational-  
12 technical program or course for the purpose set forth in Section  
13 2602 of this title shall be awarded by allocation from the Oklahoma  
14 Higher Learning Access Trust Fund. Provided, such allocation shall  
15 not exceed the amount a student would have received for comparable  
16 enrollment at a two-year institution within The Oklahoma State  
17 System of Higher Education.

18 D. 1. An award allowed by this section shall not be allowed  
19 for courses or other postsecondary units taken in excess of the  
20 requirements for completion of a baccalaureate program or taken more  
21 than five (5) years after the student's first semester of  
22 postsecondary enrollment. The Oklahoma State Regents for Higher  
23 Education may award the Oklahoma Higher Learning Access Program  
24 benefits for courses of postsecondary units taken more than five (5)

1 years after the student's first semester of postsecondary enrollment  
2 only in hardship circumstances; provided, however, no Oklahoma  
3 Higher Learning Access Program participant may receive benefits  
4 beyond a cumulative time period of five (5) years.

5       2. The Oklahoma State Regents for Higher Education may award  
6 the Oklahoma Higher Learning Access Program benefits for a student's  
7 first semester or other academic unit of postsecondary enrollment  
8 taken more than three (3) years after the student graduates from  
9 high school or completes an educational program equivalent to high  
10 school graduation as authorized in subsection A of Section 2603 of  
11 this title or after the student turns twenty-one (21) years of age  
12 as authorized in subsection B of Section 2603 of this title if the  
13 student is a member of the Armed Forces of the United States, the  
14 Reserve Corps of the Armed Forces of the United States, or the  
15 Oklahoma National Guard, and is ordered to active duty or active  
16 duty for special work or training and due to the duty commitment the  
17 student is unable to enroll prior to the end of the three-year  
18 period or before the student reaches twenty-one (21) years of age.  
19 ~~Such three-year~~ The period shall be extended by the length of the  
20 term of duty.

21       3. The Oklahoma State Regents for Higher Education may  
22 establish a maximum limit on the number of courses or other  
23 postsecondary units to which Oklahoma Higher Learning Access Program  
24 benefits will apply.

1           4. An award for eligible Oklahoma Higher Learning Access  
2 Program students enrolled in cooperative programs pursuant to  
3 agreements between technology center schools and institutions of The  
4 Oklahoma State System of Higher Education shall be satisfied for  
5 both vocational-technical and college work in which enrolled  
6 pursuant to such cooperative program.

7           E. Benefits awarded under the Oklahoma Higher Learning Access  
8 Program shall be awarded to all eligible applicants without any  
9 limitation on the number of awards in any year other than the amount  
10 of funds available for the program and the number of eligible  
11 applicants. Subject to the provisions of subsection F of this  
12 section, if funds are not sufficient to provide awards for all  
13 eligible applicants, the Oklahoma State Regents for Higher Education  
14 shall make awards on the basis of need. Provided, the Oklahoma  
15 State Regents for Higher Education shall take into consideration  
16 other grants and scholarships received by an eligible applicant when  
17 making awards.

18           F. The Oklahoma State Regents for Higher Education may, at the  
19 time an award is made on behalf of an Oklahoma Higher Learning  
20 Access Program student, set aside in the Oklahoma Higher Learning  
21 Access Trust Fund funds for the full commitment made to such Higher  
22 Learning Access Program student. For all academic years, students  
23 who have previously received awards under the provisions of the  
24 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this

1 title, and who have continued at all times to fulfill the  
2 requirements for eligibility to receive awards provided pursuant to  
3 this program shall be given an absolute priority for continued  
4 financial support by the Oklahoma Higher Learning Access Program  
5 superior to any students who are applying for such benefits for the  
6 first time.

7 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2605, as  
8 last amended by Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp.  
9 2010, Section 2605), is amended to read as follows:

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

21 B. On a form provided by the Oklahoma State Regents for Higher  
22 Education, every public school district shall designate at least one  
23 Oklahoma Higher Learning Access Program contact person, who shall be  
24 a counselor or teacher, at each public school site in this state in

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

8 C. 1. Students who qualify on the basis of financial need  
9 according to ~~subsections~~ subsection D or E of this section or who  
10 meet the eligibility qualification set forth in subparagraph a of  
11 paragraph 1 of subsection B of Section 2603 of this title prior to  
12 entering the tenth grade or prior to reaching the age of fifteen  
13 (15) and the standards and provisions promulgated by the Oklahoma  
14 State Regents for Higher Education shall be given the opportunity  
15 throughout the eighth-, ninth-, and tenth-grade years, for students  
16 enrolled in a public or private school, or between the ages of  
17 thirteen (13) and fifteen (15), for students who are educated by  
18 other means, to enter into participation in the program by agreeing  
19 to, throughout the remainder of their school years or educational  
20 program:

21 1. ~~Attend~~

22 a. attend school or an educational program regularly and  
23 do homework regularly~~+~~,

24 2. ~~Refrain~~



1 terms of the agreement. The Oklahoma State Regents for Higher  
2 Education are authorized to process student agreements and verify  
3 compliance with the agreements. Students failing to comply with the  
4 terms of the agreement shall not be eligible for the awards provided  
5 in Section 2604 of this title.

6 D. Except as otherwise provided for in subsection E of this  
7 section and except for students who qualify pursuant to subsection B  
8 of Section 2603 of this title, a student shall not be found to be in  
9 financial need for purposes of the Oklahoma Higher Learning Access  
10 Program if:

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

18 2. At the time the student begins postsecondary education and  
19 prior to receiving any Oklahoma Higher Learning Access Program  
20 benefit award, the income from taxable and nontaxable sources of the  
21 student's parent(s) exceeds One Hundred Thousand Dollars  
22 (\$100,000.00) per year.

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

4 a. is determined to be independent of the student's  
5 parents for federal financial aid purposes,

6 b. was in the permanent custody of the Department of  
7 Human Services at the time the student enrolled in the  
8 program, or

9 c. was in the court-ordered custody of a federally  
10 recognized Indian tribe, as defined by the federal  
11 Indian Child Welfare Act, at the time the student  
12 enrolled in the program.

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

16 E. 1. A student who was adopted between birth and twelve (12)  
17 years of age while in the permanent custody of the Department of  
18 Human Services, in the court-ordered custody of a licensed private  
19 nonprofit child-placing agency, or federally recognized Indian  
20 tribe, as defined by the federal Indian Child Welfare Act, shall not  
21 be found to be in financial need for purposes of the Oklahoma Higher  
22 Learning Access Program if at the time the student begins  
23 postsecondary education and prior to receiving any Oklahoma Higher  
24 Learning Access Program benefit award, the income from taxable and

1 nontaxable sources of the student's parent(s) exceeds One Hundred  
2 Fifty Thousand Dollars (\$150,000.00) per year. The provisions of  
3 this paragraph shall not apply to any student who has received an  
4 Oklahoma Higher Learning Access Program benefit award prior to the  
5 2012-2013 school year.

6 2. A student who was adopted between thirteen (13) and  
7 seventeen (17) years of age while in the permanent custody of the  
8 Department of Human Services, in the court-ordered custody of a  
9 licensed private nonprofit child-placing agency, or federally  
10 recognized Indian tribe, as defined by the federal Indian Child  
11 Welfare Act, shall not be found to be in financial need for purposes  
12 of the Oklahoma Higher Learning Access Program if at the time the  
13 student begins postsecondary education and prior to receiving any  
14 Oklahoma Higher Learning Access Program benefit award, the income  
15 from taxable and nontaxable sources of the student's parent(s)  
16 exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The  
17 provisions of this paragraph shall not apply to any student who has  
18 received an Oklahoma Higher Learning Access Program benefit award  
19 prior to the 2012-2013 school year.

20 3. The Except for students who qualify pursuant to subsection B  
21 of Section 2603 of this title, the determination of financial  
22 qualification as set forth in this subsection shall be based on the  
23 income of the student, not the income of the parent(s), if the  
24 student is determined to be independent of the student's parents for

1 federal financial aid purposes. A determination of financial  
2 qualification shall not be required for the student who meets the  
3 criteria set forth in this subsection at the time the student  
4 applies for participation in the program. The provisions of this  
5 paragraph shall not apply to any student who has received an  
6 Oklahoma Higher Learning Access Program benefit award prior to the  
7 2008-2009 school year.

8 F. The financial qualification of a student as set forth in  
9 subsections D and E of this section shall be certified by the  
10 contact person or by the Oklahoma State Regents for Higher Education  
11 on the agreement form provided by the Oklahoma State Regents for  
12 Higher Education. The form shall be retained in the permanent  
13 record of the student and a copy forwarded to the Oklahoma State  
14 Regents for Higher Education.

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

- 17 1. Assist the student in achieving compliance with the  
18 agreements;
- 19 2. Confer, when requested to do so, with the school contact  
20 person, other school personnel, and program mentors;
- 21 3. Provide information requested by the Oklahoma State Regents  
22 for Higher Education or the State Board of Education; and
- 23 4. Assist the student in completing forms and reports required  
24 for program participation, making applications to institutions and

1 schools of higher learning, and filing applications for student  
2 grants and scholarships.

3 H. Students who are enrolled in a school district located in  
4 this state that serves students who reside in both this state and an  
5 adjacent state pursuant to a contract as authorized in Section 5-  
6 117.1 of this title, are in the eleventh and twelfth grades during  
7 the 2006-2007 school year, and who were denied participation in the  
8 program shall be allowed to enter or reenter into participation in  
9 the program by entering into agreements as set forth in subsections  
10 C and D of this section by June 1, 2008.

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

14 J. The Oklahoma State Regents for Higher Education shall  
15 designate personnel to coordinate tracking of program records for  
16 the years when students participating in the program are still in  
17 the schools or are being educated by other means, provide staff  
18 development for contact persons in the schools, and provide liaison  
19 with the State Board of Education and local organizations and  
20 individuals participating in the program.

21 K. The school district where an Oklahoma Higher Learning Access  
22 Program student is enrolled when the student begins participation in  
23 the program and any subsequent school district where the student  
24 enrolls shall forward information regarding participation by the

1 student in the program to a school to which the student transfers  
2 upon the request of the school for the records of the student.

3 L. Students participating in the Oklahoma Higher Learning  
4 Access Program shall provide their social security number or their  
5 student identification number used by their school to the Oklahoma  
6 State Regents for Higher Education. The Regents shall keep the  
7 numbers confidential and use them only for administrative purposes.

8 SECTION 4. This act shall become effective July 1, 2011.

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

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