

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 610

By: Ford of the Senate

and

Thomsen of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to higher education; amending 70 O.S.
11 2001, Sections 2603, as last amended by Section 32,
12 Chapter 2, O.S.L. 2009 and 2605, as last amended by
13 Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
14 2010, Sections 2603 and 2605), which relate to
15 Oklahoma Higher Learning Access Program; changing
16 application date of certain eligibility requirement;
17 clarifying statutory language; modifying types of
18 income used to determine need; providing an effective
19 date; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as
22 last amended by Section 32, Chapter 2, O.S.L. 2009 (70 O.S. Supp.
23 2010, Section 2603), is amended to read as follows:

24 Section 2603. A. Except as otherwise provided for in this
section, to be eligible to participate in the Oklahoma Higher
Learning Access Program and to qualify for an award which includes

1 payment of an amount equivalent to resident tuition or other tuition
2 pursuant to Section 2604 of this title for the first semester or
3 other academic unit of postsecondary enrollment, a 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,
24

- 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. a. have established financial need according to the
19 provisions of subsection D of Section 2605 of this
20 title and standards and provisions promulgated by the
21 Oklahoma State Regents for Higher Education,

22 b. if the student was adopted between birth and twelve
23 (12) years of age while in the permanent custody of
24 the Department of Human Services, in the court-ordered

1 custody of a licensed private nonprofit child-placing
2 agency, or federally recognized Indian tribe, as
3 defined by the federal Indian Child Welfare Act, have
4 established financial need according to the provisions
5 of paragraph 1 of subsection E of Section 2605 of this
6 title and standards and provisions promulgated by the
7 Oklahoma State Regents for Higher Education, or

8 c. if the student was adopted between thirteen (13) and
9 seventeen (17) years of age while in the permanent
10 custody of the Department of Human Services, in the
11 court-ordered custody of a licensed private nonprofit
12 child-placing agency, or federally recognized Indian
13 tribe, as defined by the federal Indian Child Welfare
14 Act, have established financial need according to the
15 provisions of paragraph 2 of subsection E of Section
16 2605 of this title and standards and provisions
17 promulgated by the Oklahoma State Regents for Higher
18 Education.

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

21 1. Achieve a minimum cumulative grade point average of 2.0 on a
22 4.0 scale or its equivalent for courses taken through the student's
23 sophomore year and achieve a minimum grade point average of 2.5 on a
24 4.0 scale or its equivalent for courses taken during the student's

1 junior year and thereafter. The provisions of this paragraph shall
2 not apply to any student who has received an Oklahoma Higher
3 Learning Access Program benefit award prior to the ~~2010-2011~~ 2012-
4 2013 school year;

5 2. Maintain good academic standing and satisfactory academic
6 progress according to standards of the Oklahoma State Regents for
7 Higher Education;

8 3. Comply with the standards related to maintenance of
9 eligibility as promulgated by the Oklahoma State Regents for Higher
10 Education; and

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

16 C. The Oklahoma State Regents for Higher Education and the
17 State Board of Career and Technology Education shall promulgate
18 rules relating to maintenance of eligibility under ~~this act~~ the
19 Oklahoma Higher Learning Access Act by a student.

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

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

7 SECTION 2. 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. Students who qualify on the basis of financial need
9 | according to subsections D or E of this section and the standards
10 | and provisions promulgated by the Oklahoma State Regents for Higher
11 | Education shall be given the opportunity throughout the eighth-,
12 | ninth-, and tenth-grade years, for students enrolled in a public or
13 | private school, or between the ages of thirteen (13) and fifteen
14 | (15), for students who are educated by other means, to enter into
15 | participation in the program by agreeing to, throughout the
16 | remainder of their school years or educational program:

17 | 1. Attend school or an educational program regularly and do
18 | homework regularly;

19 | 2. Refrain from substance abuse;

20 | 3. Refrain from commission of crimes or delinquent acts;

21 | 4. Have school work and school records reviewed by mentors
22 | designated pursuant to the program;

23 | 5. Provide information requested by the Oklahoma State Regents
24 | for Higher Education or the State Board of Education; and

1 6. Participate in program activities.

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

12 D. Except as otherwise provided for in subsection E of this
13 section, a student shall not be found to be in financial need for
14 purposes of the Oklahoma Higher Learning Access Program if:

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

22 2. At the time the student begins postsecondary education and
23 prior to receiving any Oklahoma Higher Learning Access Program
24 benefit award, the federal adjusted gross income ~~from taxable and~~

1 ~~nontaxable sources~~ of the student's parent(s) exceeds One Hundred
2 Thousand Dollars (\$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 2012-2013 school year.

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

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

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

22 3. The determination of financial qualification as set forth in
23 this subsection shall be based on the income of the student, not the
24 income of the parent(s), if the student is determined to be

1 independent of the student's parents for federal financial aid
2 purposes. A determination of financial qualification shall not be
3 required for the student who meets the criteria set forth in this
4 subsection at the time the student applies for participation in the
5 program. The provisions of this paragraph shall not apply to any
6 student who has received an Oklahoma Higher Learning Access Program
7 benefit award prior to the 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 3. This act shall become effective July 1, 2011.

9 SECTION 4. 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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