

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 825

By: Paddock of the Senate

and

Kouplen of the House

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9 COMMITTEE SUBSTITUTE

10 [higher education - Oklahoma Higher Learning Access
11 Program - financial need - certain students -
effective date -

emergency]

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as
16 last amended by Section 32, Chapter 2, O.S.L. 2009 (70 O.S. Supp.
17 2010, Section 2603), is amended to read as follows:

18 Section 2603. A. Except as otherwise provided for in this
19 section, to be eligible to participate in the Oklahoma Higher
20 Learning Access Program and to qualify for an award which includes
21 payment of an amount equivalent to resident tuition or other tuition
22 pursuant to Section 2604 of this title for the first semester or
23 other academic unit of postsecondary enrollment, a student shall:

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

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

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

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

21 b. have graduated within the previous three (3) years
22 from a high school not accredited by the State Board
23 of Education with a minimum 2.5 cumulative grade point
24 average on a 4.0 scale for all work attempted in

1 grades nine through twelve and have achieved a
2 composite score of 22 or higher on the ACT test, or
3 c. have satisfactorily completed within the previous
4 three (3) years an educational program that was
5 provided through a means other than a public or
6 private school and have achieved a composite score of
7 22 or higher on the ACT test;

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

23 6. Have satisfied admission standards as determined by the
24 Oklahoma State Regents for Higher Education for first-time-entering

1 students for the appropriate type of institution, or, if attending a
2 private institution, have satisfied admission standards as
3 determined by the private institution. No student participating in
4 the Oklahoma Higher Learning Access Program shall be admitted into
5 an institution of higher education by special admission standards;

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

14 8. a. have established financial need according to the
15 provisions of subsection D of Section 2605 of this
16 title and standards and provisions promulgated by the
17 Oklahoma State Regents for Higher Education,

18 b. if the student was adopted between birth and twelve
19 (12) years of age while in the permanent custody of
20 the Department of Human Services, in the court-ordered
21 custody of a licensed private nonprofit child-placing
22 agency, or federally recognized Indian tribe, as
23 defined by the federal Indian Child Welfare Act, have
24 established financial need according to the provisions

1 of paragraph 1 of subsection E of Section 2605 of this
2 title and standards and provisions promulgated by the
3 Oklahoma State Regents for Higher Education, ~~or~~

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

15 d. if the student was a resident in a nonprofit
16 residential child care facility licensed pursuant to
17 the Oklahoma Child Care Facilities Licensing Act
18 during grades eight through ten for a student enrolled
19 in a public or private school, or between the ages of
20 thirteen (13) and fifteen (15) for a student who is
21 educated by other means, have established financial
22 need according to subsection F of Section 2605 of this
23 title and standards and provisions promulgated by the
24 Oklahoma State Regents for Higher Education.

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

3 1. Achieve a minimum cumulative grade point average of 2.0 on a
4 4.0 scale or its equivalent for courses taken through the student's
5 sophomore year and achieve a minimum grade point average of 2.5 on a
6 4.0 scale or its equivalent for courses taken during the student's
7 junior year and thereafter. The provisions of this paragraph shall
8 not apply to any student who has received an Oklahoma Higher
9 Learning Access Program benefit award prior to the 2010-2011 school
10 year;

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

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

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

22 C. The Oklahoma State Regents for Higher Education and the
23 State Board of Career and Technology Education shall promulgate
24

1 rules relating to maintenance of eligibility under ~~this act~~ the
2 Oklahoma Higher Learning Access Act by a student.

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

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

13 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2605, as
14 last amended by Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
15 2010, Section 2605), is amended to read as follows:

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

1 students and parents aware of the Oklahoma Higher Learning Access
2 Program.

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

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

23 1. Attend school or an educational program regularly and do
24 homework regularly;

- 1 2. Refrain from substance abuse;
- 2 3. Refrain from commission of crimes or delinquent acts;
- 3 4. Have school work and school records reviewed by mentors
- 4 designated pursuant to the program;
- 5 5. Provide information requested by the Oklahoma State Regents
- 6 for Higher Education or the State Board of Education; and
- 7 6. Participate in program activities.

8 The contact person shall maintain the agreements, which shall be
9 executed on forms provided by the Oklahoma State Regents for Higher
10 Education and managed according to regulations promulgated by the
11 Oklahoma State Regents for Higher Education, and the contact person
12 shall monitor compliance of the student with the terms of the
13 agreement. The Oklahoma State Regents for Higher Education are
14 authorized to process student agreements and verify compliance with
15 the agreements. Students failing to comply with the terms of the
16 agreement shall not be eligible for the awards provided in Section
17 2604 of this title.

18 D. Except as otherwise provided for in ~~subsection~~ subsections E
19 and F of this section, a student shall not be found to be in
20 financial need for purposes of the Oklahoma Higher Learning Access
21 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; 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 2012-2013 school year.

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

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

1 exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The
2 provisions of this paragraph shall not apply to any student who has
3 received an Oklahoma Higher Learning Access Program benefit award
4 prior to the 2012-2013 school year.

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

15 F. 1. A determination of financial qualification at the time
16 of application for participation in the program shall not be
17 required for a student who is a resident in a nonprofit residential
18 child care facility licensed pursuant to the Oklahoma Child Care
19 Facilities Licensing Act during grades eight through ten, and who
20 has been a resident for at least one (1) year.

21 2. A student described in paragraph 1 of this subsection shall
22 not be found to be in financial need for purposes of the Oklahoma
23 Higher Learning Access Program if, at the time the student begins
24 postsecondary education and prior to receiving any Oklahoma Higher

1 Learning Access Program benefit award, the income from taxable and
2 nontaxable sources of the student's parent(s) exceeds One Hundred
3 Thousand Dollars (\$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 the student is determined to be
7 independent of the student's parents for federal financial aid
8 purposes.

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

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

19 ~~G.~~ H. Agreements shall be witnessed by the parent, custodial
20 parent, or guardian of the student, who shall further agree to:

21 1. Assist the student in achieving compliance with the
22 agreements;

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

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

3 4. Assist the student in completing forms and reports required
4 for program participation, making applications to institutions and
5 schools of higher learning, and filing applications for student
6 grants and scholarships.

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

15 ~~F.~~ J. The Oklahoma State Regents for Higher Education shall
16 promulgate rules for the determination of student compliance with
17 agreements made pursuant to this section.

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

1 ~~K.~~ L. The school district where an Oklahoma Higher Learning
2 Access Program student is enrolled when the student begins
3 participation in the program and any subsequent school district
4 where the student enrolls shall forward information regarding
5 participation by the student in the program to a school to which the
6 student transfers upon the request of the school for the records of
7 the student.

8 ~~L.~~ M. Students participating in the Oklahoma Higher Learning
9 Access Program shall provide their social security number or their
10 student identification number used by their school to the Oklahoma
11 State Regents for Higher Education. The Regents shall keep the
12 numbers confidential and use them only for administrative purposes.

13 SECTION 3. This act shall become effective July 1, 2011.

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

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