

1 ENGROSSED HOUSE  
2 BILL NO. 1663

By: Osborn and Kern of the  
House

3 and

4 Ford of the Senate  
5  
6

7 An Act relating to higher education; amending 70 O.S.  
8 2001, Sections 2603, as last amended by Section 32,  
9 Chapter 2, O.S.L. 2009 and 2605, as last amended by  
10 Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp.  
11 2010, Sections 2603 and 2605), which relate to the  
12 Oklahoma Higher Learning Access Act; adding certain  
13 eligibility requirement; modifying parental income  
14 amount used to determine financial need at certain  
15 time; limiting parental income amount while a student  
16 is receiving any Oklahoma Higher Learning Access  
17 Program benefit award; requiring a financial  
18 qualification determination to be based on certain  
19 income information; providing an effective date; and  
20 declaring an emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2603, as  
23 last amended by Section 32, Chapter 2, O.S.L. 2009 (70 O.S. Supp.  
24 2010, Section 2603), is amended to read as follows:

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  
payment of an amount equivalent to resident tuition or other tuition

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

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

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

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

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

23 b. have graduated within the previous three (3) years  
24 from a high school not accredited by the State Board

1 of Education with a minimum 2.5 cumulative grade point  
2 average on a 4.0 scale for all work attempted in  
3 grades nine through twelve and have achieved a  
4 composite score of 22 or higher on the ACT test, or  
5 c. have satisfactorily completed within the previous  
6 three (3) years an educational program that was  
7 provided through a means other than a public or  
8 private school and have achieved a composite score of  
9 22 or higher on the ACT test;

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

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

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

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

20            b.    if the student was adopted between birth and twelve  
21                    (12) years of age while in the permanent custody of  
22                    the Department of Human Services, in the court-ordered  
23                    custody of a licensed private nonprofit child-placing  
24                    agency, or federally recognized Indian tribe, as

1 defined by the federal Indian Child Welfare Act, have  
2 established financial need according to the provisions  
3 of paragraph 1 of subsection ~~E~~ F of Section 2605 of  
4 this title and standards and provisions promulgated by  
5 the Oklahoma State Regents for Higher Education, or  
6 c. if the student was adopted between thirteen (13) and  
7 seventeen (17) years of age while in the permanent  
8 custody of the Department of Human Services, in the  
9 court-ordered custody of a licensed private nonprofit  
10 child-placing agency, or federally recognized Indian  
11 tribe, as defined by the federal Indian Child Welfare  
12 Act, have established financial need according to the  
13 provisions of paragraph 2 of subsection ~~E~~ F of Section  
14 2605 of this title and standards and provisions  
15 promulgated by the Oklahoma State Regents for Higher  
16 Education; and

17 9. Have submitted an application for federal financial aid.

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

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

1 not apply to any student who has received an Oklahoma Higher  
2 Learning Access Program benefit award prior to the 2010-2011 school  
3 year;

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

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

10 4. Refrain from conduct that leads to expulsion or suspension  
11 of more than one semester from an institution of higher education.

12 A student who violates the provisions of this paragraph shall  
13 permanently lose eligibility for program benefits. The provisions  
14 of this paragraph shall become effective January 1, 2008; and

15 5. Have submitted an application for federal financial aid each  
16 year the student is enrolled in a program of higher learning.

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

21 D. It is the intent of the Legislature that students in the  
22 ninth grade for the 1992-93 school year who are determined to be  
23 eligible Oklahoma Higher Learning Access students pursuant to this  
24

1 act shall be the first students eligible for benefits from the  
2 Oklahoma Higher Learning 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~~ F 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, to:

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~~ F 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) of the student exceeds Fifty Thousand Dollars  
21 (\$50,000.00) per 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 income from taxable and nontaxable sources of the

1 ~~student's~~ parent(s) of the student exceeds One Hundred Thousand  
2 Dollars (\$100,000.00) per year. The provisions of this paragraph  
3 shall apply to any student who receives an Oklahoma Higher Learning  
4 Access Program benefit award beginning with the 2012-2013 school  
5 year through the end of the 2015-2016 school year; and

6 3. At the time the student begins postsecondary education and  
7 prior to receiving an Oklahoma Higher learning Access Program  
8 benefit award and at any time while the student is enrolled in a  
9 postsecondary education program and is receiving any Oklahoma Higher  
10 Learning Access Program benefit award, the income from taxable and  
11 nontaxable sources of the parent(s) of the student exceeds Seventy-  
12 five Thousand Dollars (\$75,000.00) per year. The provisions of this  
13 paragraph shall apply to any student who receives an Oklahoma Higher  
14 Learning Access Program benefit award after the 2015-2016 school  
15 year.

16 E. The determination of financial qualification as set forth in  
17 ~~this paragraph~~ subsection D of this section shall be based on the  
18 income of the student, not the income of the parent(s), if a  
19 student:

20 a. ~~is~~

21 1. Is determined to be independent of the student's parents for  
22 federal financial aid purposes~~;~~;

23 b. ~~was~~

24

1        2. Was in the permanent custody of the Department of Human  
2 Services at the time the student enrolled in the program~~7~~; or

3            ~~e. was~~

4        3. Was in the court-ordered custody of a federally recognized  
5 Indian tribe, as defined by the federal Indian Child Welfare Act, at  
6 the time the student enrolled in the program.

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

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

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

15           3. The determination of financial qualification as set forth in  
16 this subsection shall be based on the income of the student, not the  
17 income of the parent(s), if the student is determined to be  
18 independent of the student's parents for federal financial aid  
19 purposes. A determination of financial qualification shall not be  
20 required for the student who meets the criteria set forth in this  
21 subsection at the time the student applies for participation in the  
22 program. The provisions of this paragraph shall not apply to any  
23 student who has received an Oklahoma Higher Learning Access Program  
24 benefit award prior to the 2008-2009 school year.

1       ~~F.~~ G. The financial qualification of a student as set forth in  
2 subsections D and ~~E~~ F of this section shall be certified by the  
3 contact person or by the Oklahoma State Regents for Higher Education  
4 on the agreement form provided by the Oklahoma State Regents for  
5 Higher Education. The form shall be retained in the permanent  
6 record of the student and a copy forwarded to the Oklahoma State  
7 Regents for Higher Education. The determination of financial  
8 qualification of a student as set forth in paragraphs 2 and 3 of  
9 subsection D and paragraphs 1 and 2 of subsection F of this section  
10 shall be based on income information contained in the federal  
11 financial aid application submitted by the student.

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

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

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

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

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

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

1 student transfers upon the request of the school for the records of  
2 the student.

3 ~~L.~~ M. 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, 2010.

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.

13 Passed the House of Representatives the 9th day of March, 2011.

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Presiding Officer of the House of  
Representatives

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18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

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Presiding Officer of the Senate

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