

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1343

By: Proctor, Derby and Kern of
the House

and

Ivester of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

9 b. have graduated within the previous three (3) years
10 from a high school not accredited by the State Board
11 of Education with a minimum 2.5 cumulative grade point
12 average on a 4.0 scale for all work attempted in
13 grades nine through twelve and have achieved a
14 composite score of 22 or higher on the ACT test, or

15 c. have satisfactorily completed within the previous
16 three (3) years an educational program that was
17 provided through a means other than a public or
18 private school and have achieved a composite score of
19 22 or higher on the ACT test;

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

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

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

4 8. a. have established financial need according to the
5 provisions of subsection D of Section 2605 of this
6 title and standards and provisions promulgated by the
7 Oklahoma State Regents for Higher Education,

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

18 c. if the student was adopted between thirteen (13) and
19 seventeen (17) years of age while in the permanent
20 custody of the Department of Human Services, in the
21 court-ordered custody of a licensed private nonprofit
22 child-placing agency, or federally recognized Indian
23 tribe, as defined by the federal Indian Child Welfare

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1 Act, have established financial need according to the
2 provisions of paragraph 2 of subsection E of Section
3 2605 of this title and standards and provisions
4 promulgated by the Oklahoma State Regents for Higher
5 Education.

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

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

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

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

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

20 e. executes an agreement pursuant to subsection C of
21 Section 2605 of this title.

1 2. A student who is eligible to participate in the Program
2 pursuant to this subsection shall not be required to meet the
3 eligibility requirements set forth in subsection A of this section.

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

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

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

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

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

22 A student who violates the provisions of this paragraph shall
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1 permanently lose eligibility for program benefits. The provisions
2 of this paragraph shall become effective January 1, 2008.

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

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

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

16 SECTION 2. AMENDATORY 70 O.S. 2001, Section 2604, as
17 last amended by Section 2, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
18 2010, Section 2604), is amended to read as follows:

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

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

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

22 D. 1. An award allowed by this section shall not be allowed
23 for courses or other postsecondary units taken in excess of the
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1 requirements for completion of a baccalaureate program or taken more
2 than five (5) years after the student's first semester of
3 postsecondary enrollment. The Oklahoma State Regents for Higher
4 Education may award the Oklahoma Higher Learning Access Program
5 benefits for courses of postsecondary units taken more than five (5)
6 years after the student's first semester of postsecondary enrollment
7 only in hardship circumstances; provided, however, no Oklahoma
8 Higher Learning Access Program participant may receive benefits
9 beyond a cumulative time period of five (5) years.

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

1 ~~Such three-year~~ The period shall be extended by the length of the
2 term of duty.

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

7 4. An award for eligible Oklahoma Higher Learning Access
8 Program students enrolled in cooperative programs pursuant to
9 agreements between technology center schools and institutions of The
10 Oklahoma State System of Higher Education shall be satisfied for
11 both vocational-technical and college work in which enrolled
12 pursuant to such cooperative program.

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

1 F. The Oklahoma State Regents for Higher Education may, at the
2 time an award is made on behalf of an Oklahoma Higher Learning
3 Access Program student, set aside in the Oklahoma Higher Learning
4 Access Trust Fund funds for the full commitment made to such Higher
5 Learning Access Program student. For all academic years, students
6 who have previously received awards under the provisions of the
7 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this
8 title, and who have continued at all times to fulfill the
9 requirements for eligibility to receive awards provided pursuant to
10 this program shall be given an absolute priority for continued
11 financial support by the Oklahoma Higher Learning Access Program
12 superior to any students who are applying for such benefits for the
13 first time.

14 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2605, as
15 last amended by Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
16 2010, Section 2605), is amended to read as follows:

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

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

16 C. 1. Students who qualify on the basis of financial need
17 according to ~~subsections~~ subsection D or E of this section or who
18 meet the eligibility qualification set forth in subparagraph a of
19 paragraph 1 of subsection B of Section 2603 of this title prior to
20 entering the tenth grade or prior to reaching the age of fifteen
21 (15) and the standards and provisions promulgated by the Oklahoma
22 State Regents for Higher Education shall be given the opportunity
23 throughout the eighth-, ninth-, and tenth-grade years, for students

1 enrolled in a public or private school, or between the ages of
2 thirteen (13) and fifteen (15), for students who are educated by
3 other means, to enter into participation in the program by agreeing
4 to, throughout the remainder of their school years or educational
5 program:

6 ~~1. Attend~~

7 a. attend school or an educational program regularly and
8 do homework regularly~~†,~~

9 ~~2. Refrain~~

10 b. refrain from substance abuse~~†,~~

11 ~~3. Refrain~~

12 c. refrain from commission of crimes or delinquent acts~~†,~~

13 ~~4. Have~~

14 d. have school work and school records reviewed by
15 mentors designated pursuant to the program~~†,~~

16 ~~5. Provide~~

17 e. provide information requested by the Oklahoma State
18 Regents for Higher Education or the State Board of
19 Education~~†,~~ and

20 ~~6. Participate~~

21 f. participate in program activities.

22 2. Students who meet the eligibility qualification set forth in
23 subparagraph a of paragraph 1 of subsection B of Section 2603 of

1 this title after completing the tenth grade or after reaching the
2 age of sixteen (16) shall be given the opportunity prior to reaching
3 the age of twenty one (21) to enter into participation in the
4 program and shall execute an agreement with provisions as determined
5 by the Oklahoma State Regents for Higher Education.

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

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

21 1. At the time the student applies for participation in the
22 Program during the eighth, ninth or tenth grade for students
23 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.

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

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

18 2. A student who was adopted between thirteen (13) and
19 seventeen (17) years of age while in the permanent custody of the
20 Department of Human Services, in the court-ordered custody of a
21 licensed private nonprofit child-placing agency, or federally
22 recognized Indian tribe, as defined by the federal Indian Child
23 Welfare Act, shall not be found to be in financial need for purposes

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 of the Oklahoma Higher Learning Access Program if at the time the
2 student begins postsecondary education and prior to receiving any
3 Oklahoma Higher Learning Access Program benefit award, the income
4 from taxable and nontaxable sources of the student's parent(s)
5 exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The
6 provisions of this paragraph shall not apply to any student who has
7 received an Oklahoma Higher Learning Access Program benefit award
8 prior to the 2012-2013 school year.

9 3. The Except for students who qualify pursuant to subsection B
10 of Section 2603 of this title, the determination of financial
11 qualification as set forth in this subsection shall be based on the
12 income of the student, not the income of the parent(s), if the
13 student is determined to be independent of the student's parents for
14 federal financial aid purposes. A determination of financial
15 qualification shall not be required for the student who meets the
16 criteria set forth in this subsection at the time the student
17 applies for participation in the program. The provisions of this
18 paragraph shall not apply to any student who has received an
19 Oklahoma Higher Learning Access Program benefit award prior to the
20 2008-2009 school year.

21 F. The financial qualification of a student as set forth in
22 subsections D and E of this section shall be certified by the
23 contact person or by the Oklahoma State Regents for Higher Education

1 on the agreement form provided by the Oklahoma State Regents for
2 Higher Education. The form shall be retained in the permanent
3 record of the student and a copy forwarded to the Oklahoma State
4 Regents for Higher Education.

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

7 1. Assist the student in achieving compliance with the
8 agreements;

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

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

13 4. Assist the student in completing forms and reports required
14 for program participation, making applications to institutions and
15 schools of higher learning, and filing applications for student
16 grants and scholarships.

17 H. Students who are enrolled in a school district located in
18 this state that serves students who reside in both this state and an
19 adjacent state pursuant to a contract as authorized in Section 5-
20 117.1 of this title, are in the eleventh and twelfth grades during
21 the 2006-2007 school year, and who were denied participation in the
22 program shall be allowed to enter or reenter into participation in
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1 the program by entering into agreements as set forth in subsections
2 C and D of this section by June 1, 2008.

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

6 J. The Oklahoma State Regents for Higher Education shall
7 designate personnel to coordinate tracking of program records for
8 the years when students participating in the program are still in
9 the schools or are being educated by other means, provide staff
10 development for contact persons in the schools, and provide liaison
11 with the State Board of Education and local organizations and
12 individuals participating in the program.

13 K. The school district where an Oklahoma Higher Learning Access
14 Program student is enrolled when the student begins participation in
15 the program and any subsequent school district where the student
16 enrolls shall forward information regarding participation by the
17 student in the program to a school to which the student transfers
18 upon the request of the school for the records of the student.

19 L. Students participating in the Oklahoma Higher Learning
20 Access Program shall provide their social security number or their
21 student identification number used by their school to the Oklahoma
22 State Regents for Higher Education. The Regents shall keep the
23 numbers confidential and use them only for administrative purposes.

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

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

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7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
8 03-03-2011 - DO PASS, As Amended and Coauthored.