

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. 1663

By: Osborn of the House

and

Ford of the Senate

7
8
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 the
15 Oklahoma Higher Learning Access Act; adding certain
16 eligibility requirement; modifying parental income
17 amount used to determine financial need at certain
18 time; limiting parental income amount while a student
19 is receiving any Oklahoma Higher Learning Access
20 Program benefit award; requiring a financial
21 qualification determination to be based on certain
22 income information; providing an effective date; and
23 declaring an emergency.

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

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

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

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

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

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

21 4. a. have graduated within the previous three (3) years
22 from a high school accredited by the State Board of
23 Education, or the Oklahoma School of Science and
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1 Mathematics 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,

4 b. have graduated within the previous three (3) years
5 from a high school not accredited by the State Board
6 of Education 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 and have achieved a
9 composite score of 22 or higher on the ACT test, or

10 c. have satisfactorily completed within the previous
11 three (3) years an educational program that was
12 provided through a means other than a public or
13 private school and have achieved a composite score of
14 22 or higher on the ACT test;

15 5. Have completed the curricular requirements for admission to
16 an institution within The Oklahoma State System of Higher Education
17 and one additional unit or set of competencies in a course that
18 meets college admission requirements. The curriculum requirements
19 shall include two units or sets of competencies in foreign or non-
20 English language or technology courses that meet the college
21 admission requirements and one unit or set of competencies of a fine
22 arts course. Students shall also have attained a 2.5 grade point
23 average in the core curriculum courses. Students who attended a

1 high school which did not offer all the core curriculum courses or
2 students who were educated by other means and were not offered all
3 the core curriculum courses shall be allowed to satisfy this
4 curriculum requirement by participating in a program approved by the
5 State Regents for remediation of high school curricular
6 deficiencies;

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

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

22 8. a. have established financial need according to the
23 provisions of subsection D of Section 2605 of this

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1 title and standards and provisions promulgated by the
2 Oklahoma State Regents for Higher Education,
3 b. if the student was adopted between birth and twelve
4 (12) years of age while in the permanent custody of
5 the Department of Human Services, in the court-ordered
6 custody of a licensed private nonprofit child-placing
7 agency, or federally recognized Indian tribe, as
8 defined by the federal Indian Child Welfare Act, have
9 established financial need according to the provisions
10 of paragraph 1 of subsection ~~E~~ F of Section 2605 of
11 this title and standards and provisions promulgated by
12 the Oklahoma State Regents for Higher Education, or
13 c. if the student was adopted between thirteen (13) and
14 seventeen (17) years of age while in the permanent
15 custody of the Department of Human Services, in the
16 court-ordered custody of a licensed private nonprofit
17 child-placing agency, or federally recognized Indian
18 tribe, as defined by the federal Indian Child Welfare
19 Act, have established financial need according to the
20 provisions of paragraph 2 of subsection ~~E~~ F of Section
21 2605 of this title and standards and provisions
22 promulgated by the Oklahoma State Regents for Higher
23 Education; and

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

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

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

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

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

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

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

3 C. 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. 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. 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 2605, as
17 last amended by Section 3, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
18 2010, Section 2605), is amended to read as follows:

19 Section 2605. A. Each school year, every fifth- through ninth-
20 grade student in the public and private schools of this state and
21 students who are educated by other means and are in the equivalent
22 of the fifth through ninth grade shall be apprised, together with
23 the parent, custodial parent, or guardian of the student, of the

1 opportunity for access to higher learning under the Oklahoma Higher
2 Learning Access Program. The Oklahoma State Regents for Higher
3 Education and the State Board of Education shall develop, promote,
4 and coordinate a public awareness program to be utilized in making
5 students and parents aware of the Oklahoma Higher Learning Access
6 Program.

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

18 C. Students who qualify on the basis of financial need
19 according to subsections D or ~~E~~ F of this section and the standards
20 and provisions promulgated by the Oklahoma State Regents for Higher
21 Education shall be given the opportunity throughout the eighth-,
22 ninth-, and tenth-grade years, for students enrolled in a public or
23 private school, or between the ages of thirteen (13) and fifteen

1 (15), for students who are educated by other means, to enter into
2 participation in the program by agreeing ~~to~~, throughout the
3 remainder of their school years or educational program, to:

4 1. Attend school or an educational program regularly and do
5 homework regularly;

6 2. Refrain from substance abuse;

7 3. Refrain from commission of crimes or delinquent acts;

8 4. Have school work and school records reviewed by mentors
9 designated pursuant to the program;

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

12 6. Participate in program activities.

13 The contact person shall maintain the agreements, which shall be
14 executed on forms provided by the Oklahoma State Regents for Higher
15 Education and managed according to regulations promulgated by the
16 Oklahoma State Regents for Higher Education, and the contact person
17 shall monitor compliance of the student with the terms of the
18 agreement. The Oklahoma State Regents for Higher Education are
19 authorized to process student agreements and verify compliance with
20 the agreements. Students failing to comply with the terms of the
21 agreement shall not be eligible for the awards provided in Section
22 2604 of this title.

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

4 1. At the time the student applies for participation in the
5 Program during the eighth, ninth or tenth grade for students
6 enrolled in a public or private school, or between the ages of
7 thirteen (13) and fifteen (15), for students who are educated by
8 other means, the income from taxable and nontaxable sources of the
9 ~~student's~~ parent(s) of the student exceeds Fifty Thousand Dollars
10 (\$50,000.00) per year; ~~and~~

11 2. At the time the student begins postsecondary education and
12 prior to receiving any Oklahoma Higher Learning Access Program
13 benefit award, the income from taxable and nontaxable sources of the
14 ~~student's~~ parent(s) of the student exceeds One Hundred Thousand
15 Dollars (\$100,000.00) per year. The provisions of this paragraph
16 shall apply to any student who receives an Oklahoma Higher Learning
17 Access Program benefit award beginning with the 2012-2013 school
18 year through the end of the 2015-2016 school year; and

19 3. At the time the student begins postsecondary education and
20 prior to receiving an Oklahoma Higher learning Access Program
21 benefit award and at any time while the student is enrolled in a
22 postsecondary education program and is receiving any Oklahoma Higher
23 Learning Access Program benefit award, the income from taxable and

1 nontaxable sources of the parent(s) of the student exceeds Seventy-
2 five Thousand Dollars (\$75,000.00) per year. The provisions of this
3 paragraph shall apply to any student who receives an Oklahoma Higher
4 Learning Access Program benefit award after the 2015-2016 school
5 year.

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

10 ~~a. is~~

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

13 ~~b. was~~

14 2. Was in the permanent custody of the Department of Human
15 Services at the time the student enrolled in the program~~;~~i or

16 ~~c. was~~

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

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

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

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

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

16 ~~F.~~ G. The financial qualification of a student as set forth in
17 subsections D and ~~E~~ F of this section shall be certified by the
18 contact person or by the Oklahoma State Regents for Higher Education
19 on the agreement form provided by the Oklahoma State Regents for
20 Higher Education. The form shall be retained in the permanent
21 record of the student and a copy forwarded to the Oklahoma State
22 Regents for Higher Education. The determination of financial
23 qualification of a student as set forth in paragraphs 2 and 3 of

1 subsection D and paragraphs 1 and 2 of subsection F of this section
2 shall be based on income information contained in the federal
3 financial aid application submitted by the student.

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

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

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

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

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

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

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

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

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

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

23 SECTION 3. This act shall become effective July 1, 2010.

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

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