

1 STATE OF OKLAHOMA

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

3 SENATE BILL 213

By: Marlatt

4
5
6 AS INTRODUCED

7 An Act relating to higher education; amending 70 O.S.
8 2001, Section 2602, as last amended by Section 1,
9 Chapter 437, O.S.L. 2009 (70 O.S. Supp. 2010, Section
10 2602), which relates to Oklahoma Higher Learning
11 Access Program; modifying the purpose of the program;
12 amending 70 O.S. 2001, Section 2603, as last amended
13 by Section 32, Chapter 2, O.S.L. 2009 (70 O.S. Supp.
14 2010, Section 2603), which relates to eligibility
15 requirements; modifying the eligibility requirements;
16 amending 70 O.S. 2001, Section 2604, as last amended
17 by Section 2, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
18 2010, Section 2604), which relates to awards;
19 modifying institutions which may receive allocated
20 funds; providing an effective date; and declaring an
21 emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 2602, as
24 last amended by Section 1, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
2010, Section 2602), is amended to read as follows:

25 Section 2602. There is hereby created the Oklahoma Higher
26 Learning Access Program. The program shall also be known as
27 "Oklahoma's Promise". The purpose of the program is to provide an
28 award to students who meet the criteria set forth in the Oklahoma

1 Higher Learning Access Act, Section 2601 et seq. of this title, and
2 who are pursuing studies in this state, or in a county outside this
3 state if that county is contiguous with the boundaries of this
4 state, leading to an associate or baccalaureate degree or who are
5 pursuing studies in a postsecondary vocational-technical program or
6 course offered pursuant to a duly approved cooperative agreement
7 between a technology center school and an institution of The
8 Oklahoma State System of Higher Education, and who are in good
9 academic standing in the institution of higher education or
10 technology center school in which enrolled, to relieve them of the
11 burden of paying nonguaranteed resident tuition at institutions of
12 The Oklahoma State System of Higher Education, to relieve them of
13 the burden of paying tuition for enrollment in postsecondary
14 programs of the technology center districts, or to relieve them of
15 some portion of the burden of paying such fees or tuition, pursuant
16 to the provisions of ~~this act~~ Section 2601 et seq. of this title, as
17 may be required of enrollees at private institutions of higher
18 education which are accredited pursuant to Section 4103 of this
19 title. The further purpose of this program is to establish and
20 maintain a variety of support services whereby a broader range of
21 the general student population of this state will be prepared for
22 success in postsecondary endeavors.

23

24

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

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

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

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

24

- 1 4. a. have graduated within the previous three (3) years
2 from a high school accredited by the State Board of
3 Education, or the Oklahoma School of Science and
4 Mathematics with a minimum 2.5 cumulative grade point
5 average on a 4.0 scale for all work attempted in
6 grades nine through twelve,
- 7 b. have graduated within the previous three (3) years
8 from a high school not accredited by the State Board
9 of Education with a minimum 2.5 cumulative grade point
10 average on a 4.0 scale for all work attempted in
11 grades nine through twelve and have achieved a
12 composite score of 22 or higher on the ACT test, or
13 c. have satisfactorily completed within the previous
14 three (3) years an educational program that was
15 provided through a means other than a public or
16 private school and have achieved a composite score of
17 22 or higher on the ACT test;

18 5. Have completed the curricular requirements for admission to
19 an institution within The Oklahoma State System of Higher Education
20 and one additional unit or set of competencies in a course that
21 meets college admission requirements. The curriculum requirements
22 shall include two units or sets of competencies in foreign or non-
23 English language or technology courses that meet the college
24 admission requirements and one unit or set of competencies of a fine

1 arts course. Students shall also have attained a 2.5 grade point
2 average in the core curriculum courses. Students who attended a
3 high school which did not offer all the core curriculum courses or
4 students who were educated by other means and were not offered all
5 the core curriculum courses shall be allowed to satisfy this
6 curriculum requirement by participating in a program approved by the
7 State Regents for remediation of high school curricular
8 deficiencies;

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

1 within this state and accredited pursuant to Section 4103 of this
2 title, or a postsecondary vocational-technical program outside this
3 state located in a county which is contiguous with the boundaries of
4 this state; and

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

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

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

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

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

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

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

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

24 A student who violates the provisions of this paragraph shall

1 permanently lose eligibility for program benefits. The provisions
2 of this paragraph shall become effective January 1, 2008.

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~~ Section
6 2601 et seq. of this title by a 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~~ Section 2601 et seq. of this title shall be the first students
11 eligible for benefits from the Oklahoma Higher Learning Access Trust
12 Fund.

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

17 SECTION 3. AMENDATORY 70 O.S. 2001, Section 2604, as
18 last amended by Section 2, Chapter 437, O.S.L. 2009 (70 O.S. Supp.
19 2010, Section 2604), is amended to read as follows:

20 Section 2604. A. Subject to the availability of funds, an
21 amount equivalent to the nonguaranteed resident tuition for which an
22 eligible Oklahoma Higher Learning Access Program student is
23 obligated at an institution of The Oklahoma State System of Higher
24

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. Subject to the availability of funds, an amount equivalent
23 to the tuition for any eligible Oklahoma Higher Learning Access
24 Program student enrolled in a public postsecondary vocational-

1 technical program or course, outside this state which is located in
2 a county contiguous with the boundaries of this state, for the
3 purpose set forth in Section 2602 of this title shall be awarded by
4 allocation from the Oklahoma Higher Learning Access Trust Fund.
5 Provided, such allocation shall not exceed the amount a student
6 would have received for comparable enrollment at a two-year
7 institution within The Oklahoma State System of Higher Education.

8 ~~D.~~ E. 1. An award allowed by this section shall not be allowed
9 for courses or other postsecondary units taken in excess of the
10 requirements for completion of a baccalaureate program or taken more
11 than five (5) years after the student's first semester of
12 postsecondary enrollment. The Oklahoma State Regents for Higher
13 Education may award the Oklahoma Higher Learning Access Program
14 benefits for courses of postsecondary units taken more than five (5)
15 years after the student's first semester of postsecondary enrollment
16 only in hardship circumstances; provided, however, no Oklahoma
17 Higher Learning Access Program participant may receive benefits
18 beyond a cumulative time period of five (5) years.

19 2. The Oklahoma State Regents for Higher Education may award
20 the Oklahoma Higher Learning Access Program benefits for a student's
21 first semester or other academic unit of postsecondary enrollment
22 taken more than three (3) years after the student graduates from
23 high school or completes an educational program equivalent to high
24 school graduation as authorized in Section 2603 of this title if the

1 student is a member of the Armed Forces of the United States, the
2 Reserve Corps of the Armed Forces of the United States, or the
3 Oklahoma National Guard, and is ordered to active duty or active
4 duty for special work or training and due to the duty commitment the
5 student is unable to enroll prior to the end of the three-year
6 period. Such three-year period shall be extended by the length of
7 the term of duty.

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

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

18 ~~E.~~ F. Benefits awarded under the Oklahoma Higher Learning
19 Access Program shall be awarded to all eligible applicants without
20 any limitation on the number of awards in any year other than the
21 amount of funds available for the program and the number of eligible
22 applicants. Subject to the provisions of subsection F of this
23 section, if funds are not sufficient to provide awards for all
24 eligible applicants, the Oklahoma State Regents for Higher Education

1 shall make awards on the basis of need. Provided, the Oklahoma
2 State Regents for Higher Education shall take into consideration
3 other grants and scholarships received by an eligible applicant when
4 making awards.

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

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

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

23

24 53-1-1055 AM 1/11/2011 2:52:10 PM