

1 **SENATE FLOOR VERSION**

2 February 20, 2013

3 **AS AMENDED**

4 SENATE BILL NO. 399

5 By: Ivester, Marlatt and Bass
6 of the Senate

7 and

8 Perryman of the House

9 **[Oklahoma Higher Learning Access Program -
10 eligibility to participate in the Oklahoma Higher
11 Learning Access Program - effective date -
12 emergency]**

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

14 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2603, as
15 amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2012,
16 Section 2603), is amended to read as follows:

17 Section 2603. A. Except as otherwise provided for in
18 ~~subsection~~ subsections B and C of this section and elsewhere 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:

24 1. Be a resident of this state or be enrolled in a school
district located in this state that serves students who reside in

1 both this state and an adjacent state pursuant to a contract as
2 authorized in Section 5-117.1 of this title;

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

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

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

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

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

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

21 6. Have satisfied admission standards as determined by the
22 Oklahoma State Regents for Higher Education for first-time-entering
23 students for the appropriate type of institution, or, if attending a
24 private institution, have satisfied admission standards as

1 determined by the private institution. No student participating in
2 the Oklahoma Higher Learning Access Program shall be admitted into
3 an institution of higher education by special admission standards;

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

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

16 b. if the student was adopted between birth and twelve
17 (12) years of age while in the permanent custody of
18 the Department of Human Services, in the court-ordered
19 custody of a licensed private nonprofit child-placing
20 agency, or federally recognized Indian tribe, as
21 defined by the federal Indian Child Welfare Act, have
22 established financial need according to the provisions
23 of paragraph 1 of subsection E of Section 2605 of this
24

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

14 B. 1. A student shall be eligible to participate in the
15 Oklahoma Higher Learning Access Program and to qualify for an award
16 which includes payment of an amount equivalent to resident tuition
17 or other tuition pursuant to Section 2604 of this title for the
18 first semester or other academic unit of postsecondary enrollment if
19 the student meets all of the following criteria:

20 a. is a child of any person killed after January 1, 2000,
21 in the line of duty in any branch of the United States
22 Armed Forces or who died after January 1, 2000, as a
23 result of an injury sustained while in the line of
24 duty in any branch of the United States Armed Forces

1 and the person who was killed or died filed an
2 individual or joint Oklahoma income tax return for the
3 tax year prior to the year during which the person was
4 killed or died,

5 b. is a resident of this state or is enrolled in a school
6 district located in this state that serves students
7 who reside in both this state and an adjacent state
8 pursuant to a contract as authorized in Section 5-
9 117.1 of this title,

10 c. enrolls in an institution within The Oklahoma State
11 System of Higher Education prior to reaching the age
12 of twenty-one (21),

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

22 e. has secured admission to, and enrolled in, an
23 institution which is a member of The Oklahoma State
24 System of Higher Education, a postsecondary

1 vocational-technical program offered pursuant to a
2 duly approved cooperative agreement between a
3 technology center school and an institution of The
4 Oklahoma State System of Higher Education, or a
5 private institution of higher learning located within
6 this state and accredited pursuant to Section 4103 of
7 this title, and

8 f. executes an agreement pursuant to subsection C of
9 Section 2605 of this title.

10 2. A student who is eligible to participate in the program
11 pursuant to this subsection shall not be required to meet the
12 eligibility requirements set forth in subsection A of this section.

13 C. A student shall be eligible to participate in the Oklahoma
14 Higher Learning Access Program and to qualify for an award which
15 includes payment of an amount equivalent to resident tuition or
16 other tuition pursuant to Section 2604 of this title for the first
17 semester or other academic unit of postsecondary enrollment if the
18 student meets all of the following criteria:

19 1. The student's parent or guardian died during the student's
20 11th or 12th grade year and the deceased parent or guardian of the
21 student filed an individual or joint Oklahoma income tax return for
22 the tax year prior to the year during which the person died; and

23 2. The student complies with the provisions of subsection A of
24 this section.

1 D. 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 2012-2013 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. Maintain satisfactory academic progress as required for
15 eligibility for federal Title IV student financial aid programs.
16 The provisions of this paragraph shall become effective for the
17 2012-2013 school year;

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

21 5. Refrain from conduct that leads to expulsion or suspension
22 of more than one semester from an institution of higher education.
23 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 ~~D.~~ E. 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 the Oklahoma
6 Higher Learning Access Act by a student.

7 ~~E.~~ F. 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 the
10 Oklahoma Higher Learning Access Act shall be the first students
11 eligible for benefits from the Oklahoma Higher Learning Access Trust
12 Fund.

13 ~~F.~~ G. 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 2. AMENDATORY 70 O.S. 2011, Section 2604, is
18 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
23 Education shall be awarded by allocation from the Oklahoma Higher
24 Learning Access Trust Fund.

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

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

20 D. 1. An award allowed by this section shall not be allowed
21 for courses or other postsecondary units taken in excess of the
22 requirements for completion of a baccalaureate program or taken more
23 than five (5) years after the student's first semester of
24 postsecondary enrollment. The Oklahoma State Regents for Higher

1 Education may award the Oklahoma Higher Learning Access Program
2 benefits for courses of postsecondary units taken more than five (5)
3 years after the student's first semester of postsecondary enrollment
4 only in hardship circumstances; provided, however, no Oklahoma
5 Higher Learning Access Program participant may receive benefits
6 beyond a cumulative time period of five (5) years.

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

23 3. The Oklahoma State Regents for Higher Education may
24 establish a maximum limit on the number of courses or other

1 postsecondary units to which Oklahoma Higher Learning Access Program
2 benefits will apply.

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

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

20 F. The Oklahoma State Regents for Higher Education may, at the
21 time an award is made on behalf of an Oklahoma Higher Learning
22 Access Program student, set aside in the Oklahoma Higher Learning
23 Access Trust Fund funds for the full commitment made to such Higher
24 Learning Access Program student. For all academic years, students

1 who have previously received awards under the provisions of the
2 Oklahoma Higher Learning Access Act, ~~Section 2601 et seq. of this~~
3 ~~title,~~ and who have continued at all times to fulfill the
4 requirements for eligibility to receive awards provided pursuant to
5 this program shall be given an absolute priority for continued
6 financial support by the Oklahoma Higher Learning Access Program
7 superior to any students who are applying for such benefits for the
8 first time.

9 SECTION 3. AMENDATORY 70 O.S. 2011, Section 2605, as
10 amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2012,
11 Section 2605), is amended to read as follows:

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

23 B. On a form provided by the Oklahoma State Regents for Higher
24 Education, every public school district shall designate at least one

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

10 C. 1. Students who qualify on the basis of financial need
11 according to subsection D or E of this section or who meet the
12 eligibility qualification set forth in subparagraph a of paragraph 1
13 of subsection B of Section 2603 of this title prior to entering the
14 tenth grade or prior to reaching the age of fifteen (15) and the
15 standards and provisions promulgated by the Oklahoma State Regents
16 for Higher Education shall be given the opportunity throughout the
17 eighth-, ninth-, and tenth-grade years, for students enrolled in a
18 public or private school, or between the ages of thirteen (13) and
19 fifteen (15), for students who are educated by other means, to enter
20 into participation in the program by agreeing to, throughout the
21 remainder of their school years or educational program:

- 22 a. attend school or an educational program regularly and
- 23 do homework regularly,
- 24 b. refrain from substance abuse,

- c. refrain from commission of crimes or delinquent acts,
- d. have school work and school records reviewed by mentors designated pursuant to the program,
- e. provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education, and
- f. participate in program activities.

2. Students who meet the eligibility qualification set forth in subparagraph a of paragraph 1 of subsection B of Section 2603 of this title after completing the tenth grade or after reaching the age of sixteen (16) shall be given the opportunity prior to reaching the age of twenty-one (21) to enter into participation in the program and shall execute an agreement with provisions as determined by the Oklahoma State Regents for Higher Education.

3. Students who meet the eligibility qualification set forth in subparagraph a of paragraph 1 of subsection C of Section 2603 of this title after completing the 10th grade or after reaching the age of sixteen (16) shall be given the opportunity prior to reaching the age of twenty-one (21) to participate in the program and shall execute an agreement with provisions as determined by the Oklahoma State Regents for Higher Education.

4. The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to regulations

1 promulgated by the Oklahoma State Regents for Higher Education, and
2 the contact person shall monitor compliance of the student with the
3 terms of the agreement. The Oklahoma State Regents for Higher
4 Education are authorized to process student agreements and verify
5 compliance with the agreements. Students failing to comply with the
6 terms of the agreement shall not be eligible for the awards provided
7 in Section 2604 of this title.

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

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

20 2. At the time the student applies for participation in the
21 program pursuant to subsection C of Section 2603 of this title, the
22 income from taxable and nontaxable sources of the student's
23 parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per year; and
24

1 3. At the time the student begins postsecondary education and
2 prior to receiving any Oklahoma Higher Learning Access Program
3 benefit award, the federal adjusted gross income of the student's
4 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
5 year.

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

- 9 a. is determined to be independent of the student's
10 parents for federal financial aid purposes,
- 11 b. was in the permanent custody of the Department of
12 Human Services at the time the student enrolled in the
13 program, or
- 14 c. was in the court-ordered custody of a federally
15 recognized Indian tribe, as defined by the federal
16 Indian Child Welfare Act, at the time the student
17 enrolled in the program.

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

21 E. 1. A student who was adopted between birth and twelve (12)
22 years of age while in the permanent custody of the Department of
23 Human Services, in the court-ordered custody of a licensed private
24 nonprofit child-placing agency, or federally recognized Indian

1 | tribe, as defined by the federal Indian Child Welfare Act, shall not
2 | be found to be in financial need for purposes of the Oklahoma Higher
3 | Learning Access Program if at the time the student begins
4 | postsecondary education and prior to receiving any Oklahoma Higher
5 | Learning Access Program benefit award, the federal adjusted gross
6 | income of the student's parent(s) exceeds One Hundred Fifty Thousand
7 | Dollars (\$150,000.00) per year. The provisions of this paragraph
8 | shall not apply to any student who has received an Oklahoma Higher
9 | Learning Access Program benefit award prior to the 2012-2013 school
10 | year.

11 | 2. A student who was adopted between thirteen (13) and
12 | seventeen (17) years of age while in the permanent custody of the
13 | Department of Human Services, in the court-ordered custody of a
14 | licensed private nonprofit child-placing agency, or federally
15 | recognized Indian tribe, as defined by the federal Indian Child
16 | Welfare Act, shall not be found to be in financial need for purposes
17 | of the Oklahoma Higher Learning Access Program if at the time the
18 | student begins postsecondary education and prior to receiving any
19 | Oklahoma Higher Learning Access Program benefit award, the federal
20 | adjusted gross income of the student's parent(s) exceeds Two Hundred
21 | Thousand Dollars (\$200,000.00) per year. The provisions of this
22 | paragraph shall not apply to any student who has received an
23 | Oklahoma Higher Learning Access Program benefit award prior to the
24 | 2012-2013 school year.

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

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

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

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

24

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

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

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

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

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

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

1 with the State Board of Education and local organizations and
2 individuals participating in the program.

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

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

14 SECTION 4. This act shall become effective July 1, 2013.

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

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 20, 2013 - DO PASS AS AMENDED
20
21
22
23
24