STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1046 By: Smalley

AS INTRODUCED

An Act relating to the Oklahoma Higher Learning Access Program; amending 70 O.S. 2011, Section 2603, as amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2015, Section 2603), which relates to eligibility; modifying reference to enrollment in certain institution; amending 70 O.S. 2011, Section 2604, which relates to Oklahoma Higher Learning Access Program awards; directing students applying for awards after certain date to enroll in certain institution; providing for transfer of student upon certain demonstration; providing exemption for certain students; amending 70 O.S. 2011, Section 2605, as last amended by Section 1, Chapter 63, O.S.L. 2015 (70 O.S. Supp. 2015, Section 2605), which relates to student agreements; modifying certain income qualification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 2603, as amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2015, Section 2603), is amended to read as follows:

Section 2603. A. Except as otherwise provided for in subsection B of this section and elsewhere in this section, to be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award which includes payment of an

amount equivalent to resident tuition or other tuition pursuant to Section 2604 of this title for the first semester or other academic unit of postsecondary enrollment, a student shall:

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

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

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

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

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

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

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

State Regents for remediation of high school curricular deficiencies;

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

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

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

b. if the student was adopted between birth and twelve (12) years of age while in the permanent custody of the Department of Human Services, in the court-ordered

custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, have established financial need according to the provisions of paragraph 1 of subsection E of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education, or

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

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

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

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

c. enrolls in ~~an~~ a two-year institution within The Oklahoma State System of Higher Education prior to reaching the age of twenty-one (21),

d. has satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, has satisfied admission standards as determined by the private institution. No student participating in the Oklahoma Higher Learning Access Program shall be

admitted into an institution of higher education by special admission standards,

e. has secured admission to, and enrolled in, ~~an~~ a two-year institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, and

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

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

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

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

not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year;

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

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

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

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

D. The Oklahoma State Regents for Higher Education and the State Board of Career and Technology Education shall promulgate rules relating to maintenance of eligibility under the Oklahoma Higher Learning Access Act by a student.

E. It is the intent of the Legislature that students in the ninth grade for the 1992-93 school year who are determined to be

eligible Oklahoma Higher Learning Access students pursuant to the Oklahoma Higher Learning Access Act shall be the first students eligible for benefits from the Oklahoma Higher Learning Access Trust Fund.

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

SECTION 2. AMENDATORY 70 O.S. 2011, Section 2604, is amended to read as follows:

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

B. Subject to the availability of funds, for each eligible Oklahoma Higher Learning Access Program student enrolled at a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, the Oklahoma State Regents for Higher Education shall award from the Oklahoma Higher Learning Access Trust Fund an amount equivalent to the amount of resident tuition for which the student would be eligible if the student were enrolled in a comparable program at a comparable

institution of The Oklahoma State System of Higher Education. Comparability shall be determined by the State Regents.

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

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

2. The Oklahoma State Regents for Higher Education may award the Oklahoma Higher Learning Access Program benefits for a student's

first semester or other academic unit of postsecondary enrollment taken more than three (3) years after the student graduates from high school or completes an educational program equivalent to high school graduation as authorized in subsection A of Section 2603 of this title or after the student turns twenty-one (21) years of age as authorized in subsection B of Section 2603 of this title if the student is a member of the Armed Forces of the United States, the Reserve Corps of the Armed Forces of the United States, or the Oklahoma National Guard, and is ordered to active duty or active duty for special work or training and due to the duty commitment the student is unable to enroll prior to the end of the three-year period or before the student reaches twenty-one (21) years of age. The period shall be extended by the length of the term of duty.

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

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

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

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

G. 1. Beginning with the 2016-2017 school year, any student who applies for the first time to receive an Oklahoma Higher Learning Access Program benefit award and is deemed eligible pursuant to the provisions of subsection B of Section 2603 of this title shall enroll in a two-year institution which is a member of The Oklahoma State System of Higher Education, a postsecondary vocational-technical program offered pursuant to a duly approved cooperative agreement between a technology center school and an institution of The Oklahoma State System of Higher Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title.

2. Any student who receives an Oklahoma Higher Learning Access Program benefit award pursuant to this subsection and is enrolled in a two-year institution which is a member of The Oklahoma State System of Higher Education shall be eligible to transfer to a comprehensive institution within The Oklahoma State System of Higher Education if he or she demonstrates satisfactory academic progress toward earning a sufficient number of credits to be recognized as a junior.

3. A student who is eligible to participate in the Oklahoma Higher Learning Access Program and who has achieved a composite score of 24 or higher on the ACT test shall be exempt from the provisions of this subsection and shall be eligible to enroll in a

comprehensive institution within The Oklahoma State System of Higher Education.

SECTION 3. AMENDATORY 70 O.S. 2011, Section 2605, as last amended by Section 1, Chapter 63, O.S.L. 2015 (70 O.S. Supp. 2015, Section 2605), is amended to read as follows:

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

B. On a form provided by the Oklahoma State Regents for Higher Education, every public school district shall designate at least one Oklahoma Higher Learning Access Program contact person, who shall be a counselor or teacher, at each public school site in this state in which eighth-, ninth- or tenth-grade classes are taught. When requested by the State Regents, the State Board of Education shall assist the State Regents to ensure the designation of contact persons. Private schools shall also designate at least one school

official as a contact person. For students who are educated by other means, a parent or guardian or other person approved by the State Regents shall be designated the contact person.

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

a. attend school or an educational program regularly and do homework regularly,

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

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

1. At the time the student applies for participation in the Program during the eighth, ninth or tenth grade for students enrolled in a public or private school, or between the ages of thirteen (13) and fifteen (15), for students who are educated by other means, the income from taxable and nontaxable sources of the student's parent(s) exceeds ~~Fifty Thousand Dollars ($50,000.00)~~ Seventy-Five Thousand Dollars ($75,000.00) per year; and

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

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

a. is determined to be independent of the student's parents for federal financial aid purposes,

b. was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or

c. was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, at the time the student enrolled in the program.

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

3. The Oklahoma State Regents for Higher Education shall review the determination of financial qualification as set forth in paragraph 1 of this subsection if the income from taxable and nontaxable sources of the student's parent(s) includes income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s). If the income from taxable and nontaxable sources of the student's parent(s), excluding income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s), does not exceed Fifty Thousand Dollars ($50,000.00) per year, the student shall be determined to have met the financial qualification set forth in paragraph 1 of this subsection.

E. 1. A student who was adopted between birth and twelve (12) years of age while in the permanent custody of the Department of Human Services, in the court-ordered custody of a licensed private nonprofit child-placing agency, or federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins

postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars ($150,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

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

3. Except for students who qualify pursuant to subsection B of Section 2603 of this title, the determination of financial qualification as set forth in this subsection shall be based on the

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

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

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

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

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

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

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

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

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

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

K. The school district where an Oklahoma Higher Learning Access Program student is enrolled when the student begins participation in

the program and any subsequent school district where the student enrolls shall forward information regarding participation by the student in the program to a school to which the student transfers upon the request of the school for the records of the student.

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

SECTION 4. This act shall become effective July 1, 2016.

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

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