

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

SUBCOMMITTEE RECOMMENDATION

FOR

HOUSE BILL NO. 1721

By: Osborn

SUBCOMMITTEE RECOMMENDATION

An Act relating to higher education; amending 70 O.S. 2011, Section 2605, as amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2012, Section 2605), which relates to qualifications for the Oklahoma Higher Learning Access Program; changing certain income requirement for determining financial need by certain date; updating language; deleting starting date for application of certain provision; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2012, 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

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

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

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

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

- 5 a. attend school or an educational program regularly and
6 do homework regularly,
- 7 b. refrain from substance abuse,
- 8 c. refrain from commission of crimes or delinquent acts,
- 9 d. have school work and school records reviewed by
10 mentors designated pursuant to the program,
- 11 e. provide information requested by the Oklahoma State
12 Regents for Higher Education or the State Board of
13 Education, and
- 14 f. participate in program activities.

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

22 3. The contact person shall maintain the agreements, which
23 shall be executed on forms provided by the Oklahoma State Regents
24 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. 1. 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~~

a. 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) per year~~+~~, and

~~2. At~~

b. for any student who has received an Oklahoma Higher Learning Access Program benefit award:

1 (1) prior to the 2014-2015 school year, at the time
2 the student begins postsecondary education and
3 prior to receiving any Oklahoma Higher Learning
4 Access Program benefit award, the federal
5 adjusted gross income of the student's parent(s)
6 exceeds One Hundred Thousand Dollars
7 (\$100,000.00) per year, or

8 (2) after the 2014-2015 school year, at the time the
9 student begins postsecondary education and prior
10 to receiving any Oklahoma Higher Learning Access
11 Program benefit award, the federal adjusted gross
12 income of the student's parent(s) exceeds Fifty
13 Thousand Dollars (\$50,000.00) per year.

14 2. The determination of financial qualification as set forth in
15 ~~this subparagraph b of paragraph 1 of this subsection~~ shall be based
16 on the income of the student, not the income of the parent(s), if a
17 student:

- 18 a. is determined to be independent of the student's
19 parents for federal financial aid purposes,
20 b. was in the permanent custody of the Department of
21 Human Services at the time the student enrolled in the
22 program, or
23 c. was in the court-ordered custody of a federally
24 recognized Indian tribe, as defined by the federal

1 Indian Child Welfare Act, at the time the student
2 enrolled in the program.

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

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

20 2. A student who was adopted between thirteen (13) and
21 seventeen (17) years of age while in the permanent custody of the
22 Department of Human Services, in the court-ordered custody of a
23 licensed private nonprofit child-placing agency, or federally
24 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

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

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

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

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

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

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

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

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

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

22 SECTION 2. This act shall become effective November 1, 2013.
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