

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1721

By: Osborn of the House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

11 [higher education - qualifications for the Oklahoma
12 Higher Learning Access Program - income requirement
13 for determining financial need - effective date]
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17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as
19 amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2012,
20 Section 2605), is amended to read as follows:

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

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

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

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

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

3 3. The contact person shall maintain the agreements, which
4 shall be executed on forms provided by the Oklahoma State Regents
5 for Higher Education and managed according to regulations
6 promulgated by the Oklahoma State Regents for Higher Education, and
7 the contact person shall monitor compliance of the student with the
8 terms of the agreement. The Oklahoma State Regents for Higher
9 Education are authorized to process student agreements and verify
10 compliance with the agreements. Students failing to comply with the
11 terms of the agreement shall not be eligible for the awards provided
12 in Section 2604 of this title.

13 D. 1. Except as otherwise provided for in subsection E of this
14 section and except for students who qualify pursuant to subsection B
15 of Section 2603 of this title, a student shall not be found to be in
16 financial need for purposes of the Oklahoma Higher Learning Access
17 Program if:

18 ~~1.~~ ~~At~~

19 a. at the time the student applies for participation in
20 the Program during the eighth, ninth or tenth grade
21 for students enrolled in a public or private school,
22 or between the ages of thirteen (13) and fifteen (15),
23 for students who are educated by other means, the
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1 income from taxable and nontaxable sources of the
2 student's parent(s) exceeds Fifty Thousand Dollars
3 (\$50,000.00) per year~~+~~, and

4 ~~2.~~ ~~At~~

5 b. the time the student begins postsecondary education
6 and prior to receiving any Oklahoma Higher Learning
7 Access Program benefit award, the federal adjusted
8 gross income of the student's parent(s) exceeds ~~One~~
9 ~~Hundred Thousand Dollars (\$100,000.00)~~ Seventy-five
10 Thousand Dollars (\$75,000.00) per year.

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

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

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

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

18 2. A student who was adopted between thirteen (13) and
19 seventeen (17) years of age while in the permanent custody of the
20 Department of Human Services, in the court-ordered custody of a
21 licensed private nonprofit child-placing agency, or federally
22 recognized Indian tribe, as defined by the federal Indian Child
23 Welfare Act, shall not be found to be in financial need for purposes
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1 of the Oklahoma Higher Learning Access Program if at the time the
2 student begins postsecondary education and prior to receiving any
3 Oklahoma Higher Learning Access Program benefit award, the federal
4 adjusted gross income of the student's parent(s) exceeds Two Hundred
5 Thousand Dollars (\$200,000.00) per year. The provisions of this
6 paragraph shall not apply to any student who has received an
7 Oklahoma Higher Learning Access Program benefit award prior to the
8 2012-2013 school year.

9 3. Except for students who qualify pursuant to subsection B of
10 Section 2603 of this title, the determination of financial
11 qualification as set forth in this subsection shall be based on the
12 income of the student, not the income of the parent(s), if the
13 student is determined to be independent of the student's parents for
14 federal financial aid purposes. A determination of financial
15 qualification shall not be required for the student who meets the
16 criteria set forth in this subsection at the time the student
17 applies for participation in the program. The provisions of this
18 paragraph shall not apply to any student who has received an
19 Oklahoma Higher Learning Access Program benefit award prior to the
20 2008-2009 school year.

21 F. The financial qualification of a student as set forth in
22 subsections D and E of this section shall be certified by the
23 contact person or by the Oklahoma State Regents for Higher Education
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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
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1 the program by entering into agreements as set forth in subsections
2 C and D of this section by June 1, 2008.

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
02/18/2013 - DO PASS, As Amended and Coauthored.