

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1721

By: Osborn

6 AS INTRODUCED

7 An Act relating to higher education; amending 70 O.S.
8 2011, Section 2605, as amended by Section 26, Chapter
9 11, O.S.L. 2012 (70 O.S. Supp. 2012, Section 2605),
10 which relates to qualifications for the Oklahoma
11 Higher Learning Access Program; deleting certain
income requirement for determining financial need;
updating language; deleting starting date for
application of certain provision; and declaring an
emergency.

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

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

18 Section 2605. A. Each school year, every fifth- through ninth-
19 grade student in the public and private schools of this state and
20 students who are educated by other means and are in the equivalent
21 of the fifth through ninth grade shall be apprised, together with
22 the parent, custodial parent, or guardian of the student, of the
23 opportunity for access to higher learning under the Oklahoma Higher
24 Learning Access Program. The Oklahoma State Regents for Higher

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

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

16 C. 1. Students who qualify on the basis of financial need
17 according to subsection D or E of this section or who meet the
18 eligibility qualification set forth in subparagraph a of paragraph 1
19 of subsection B of Section 2603 of this title prior to entering the
20 tenth grade or prior to reaching the age of fifteen (15) and the
21 standards and provisions promulgated by the Oklahoma State Regents
22 for Higher Education shall be given the opportunity throughout the
23 eighth-, ninth-, and tenth-grade years, for students enrolled in a
24 public or private school, or between the ages of thirteen (13) and

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

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

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

21 3. The contact person shall maintain the agreements, which
22 shall be executed on forms provided by the Oklahoma State Regents
23 for Higher Education and managed according to regulations
24 promulgated by the Oklahoma State Regents for Higher Education, and

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

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

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

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

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

4 a. ~~is~~ 1. Is determined to be independent of the
5 student's parents for federal financial aid purposes,
6 ;

7 b. ~~was~~ 2. Was in the permanent custody of the Department
8 of Human Services at the time the student enrolled in
9 the program~~;~~ ; or

10 c. ~~was~~ 3. Was in the court-ordered custody of a
11 federally recognized Indian tribe, as defined by the
12 federal Indian Child Welfare Act, at the time the
13 student enrolled in the program.

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

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

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

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

21 3. Except for students who qualify pursuant to subsection B of
22 Section 2603 of this title, the determination of financial
23 qualification as set forth in this subsection shall be based on the
24 income of the student, not the income of the parent(s), if the

1 student is determined to be independent of the student's parents for
2 federal financial aid purposes. A determination of financial
3 qualification shall not be required for the student who meets the
4 criteria set forth in this subsection at the time the student
5 applies for participation in the program. 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 2008-2009 school year.

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

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

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

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

22 3. Provide information requested by the Oklahoma State Regents
23 for Higher Education or the State Board of Education; and
24

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

5 H. Students who are enrolled in a school district located in
6 this state that serves students who reside in both this state and an
7 adjacent state pursuant to a contract as authorized in Section 5-
8 117.1 of this title, are in the eleventh and twelfth grades during
9 the 2006-2007 school year, and who were denied participation in the
10 program shall be allowed to enter or reenter into participation in
11 the program by entering into agreements as set forth in subsections
12 C and D of this section by June 1, 2008.

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

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

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

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

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

10 SECTION 2. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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