

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2180

By: Hickman, Montgomery and  
Denney of the House

and

Stanislawski of the Senate

COMMITTEE SUBSTITUTE

[ higher education - Oklahoma Higher Learning Access  
Act - minimum enrollment - advisor - grades and age -

~~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. 2014,  
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        1. Be a resident of this state or be enrolled in a school  
2 district located in this state that serves students who reside in  
3 both this state and an adjacent state pursuant to a contract as  
4 authorized in Section 5-117.1 of this title;

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

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

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

21                b.    have graduated within the previous three (3) years  
22                from a high school not accredited by the State Board  
23                of Education with a minimum 2.5 cumulative grade point  
24                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

1 students for the appropriate type of institution, or, if attending a  
2 private institution, have satisfied admission standards as  
3 determined by the private institution. No student participating in  
4 the Oklahoma Higher Learning Access Program shall be admitted into  
5 an institution of higher education by special admission standards;

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

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

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

1 of paragraph 1 of subsection E of Section 2605 of this  
2 title and standards and provisions promulgated by the  
3 Oklahoma State Regents for Higher Education, or

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

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

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

1 duty in any branch of the United States Armed Forces  
2 and the person who was killed or died filed an  
3 individual or joint Oklahoma income tax return for the  
4 tax year prior to the year during which the person was  
5 killed or died,

6 b. is a resident of this state or is enrolled in a school  
7 district located in this state that serves students  
8 who reside in both this state and an adjacent state  
9 pursuant to a contract as authorized in Section 5-  
10 117.1 of this title,

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

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

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

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

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

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

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

16 1. Achieve a minimum cumulative grade point average of 2.0 on a  
17 4.0 scale or its equivalent for courses taken through the student's  
18 sophomore year and achieve a minimum grade point average of 2.5 on a  
19 4.0 scale or its equivalent for courses taken during the student's  
20 junior year and thereafter. The provisions of this paragraph shall  
21 not apply to any student who has received an Oklahoma Higher  
22 Learning Access Program benefit award prior to the 2012-2013 school  
23 year;  
24

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

4        3. Maintain satisfactory academic progress as required for  
5 eligibility for federal Title IV student financial aid programs.  
6 The provisions of this paragraph shall become effective for the  
7 2012-2013 school year;

- 8        4.    a. Complete a minimum of twenty-four (24) earned credit  
9                    hours per academic year, unless the student meets one  
10                   or more of the following exceptions and the exception  
11                   is approved by the president or highest academic  
12                   officer of the institution on a case-by-case basis:
- 13                (1) the student has a medical emergency which occurs  
14                   during the academic year which substantially  
15                   affects the ability of the student to comply with  
16                   the requirements of this paragraph,
- 17                (2) the student has a medical condition or disability  
18                   that substantially affects the ability of the  
19                   student to comply with the requirements of this  
20                   paragraph,
- 21                (3) a medical emergency or death of a parent,  
22                   sibling, spouse or child of the student which  
23                   occurs during the academic year and substantially  
24



affects the ability of the student to comply with  
the requirements of this paragraph,

(4) the student is a graduating senior who needs less  
than twenty-four (24) hours in his or her last  
academic year,

(5) the student is studying abroad or is in a  
reciprocal exchange program,

(6) the student is completing an internship,

(7) the student is limited to fewer than twelve (12)  
hours in a semester due to the curricular  
structure of the degree program in which the  
student is enrolled,

(8) the student is under contractual agreement with  
the institution that limits enrollment to less  
than twelve (12) credit hours per semester, or

(9) the student is working fifteen (15) hours or more  
per week.

b. A student who does not qualify for one of the  
exceptions and fails to meet the requirements of  
subparagraph a of this paragraph shall retain  
eligibility for the Oklahoma Higher Learning Access  
Program and be placed on scholarship probation the  
following year. A student who does not qualify for  
one of the exceptions and fails to meet the

1                   requirements of subparagraph a of this paragraph for  
2                   two (2) years in a row shall no longer be eligible for  
3                   the Oklahoma Higher Learning Access Program.

4           c.   Students participating in the Oklahoma Higher Learning  
5           Access Program shall be assigned an advisor to develop  
6           a course plan that will ensure successful compliance  
7           with the requirements of this paragraph;

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

11          ~~5.~~ 6.   Refrain from conduct that leads to expulsion or  
12          suspension of more than one semester from an institution of higher  
13          education.   A student who violates the provisions of this paragraph  
14          shall permanently lose eligibility for program benefits.   The  
15          provisions of this paragraph shall become effective January 1, 2008.

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

20          E.   It is the intent of the Legislature that students in the  
21          ninth grade for the 1992-93 school year who are determined to be  
22          eligible Oklahoma Higher Learning Access students pursuant to the  
23          Oklahoma Higher Learning Access Act shall be the first students  
24

1 eligible for benefits from the Oklahoma Higher Learning Access Trust  
2 Fund.

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

7 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2605, as  
8 amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2014,  
9 Section 2605), is amended to read as follows:

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

21 B. On a form provided by the Oklahoma State Regents for Higher  
22 Education, every public school district shall designate at least one  
23 Oklahoma Higher Learning Access Program contact person, who shall be  
24 a counselor or teacher, at each public school site in this state in

1 which eighth-, ninth- ~~or tenth-grade~~, tenth- or eleventh-grade  
2 classes are taught. When requested by the State Regents, the State  
3 Board of Education shall assist the State Regents to ensure the  
4 designation of contact persons. Private schools shall also  
5 designate at least one school official as a contact person. For  
6 students who are educated by other means, a parent or guardian or  
7 other person approved by the State Regents shall be designated the  
8 contact person.

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

1 terms of the agreement shall not be eligible for the awards provided  
2 in Section 2604 of this title.

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

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

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

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

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

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

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

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

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

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

15       3. Except for students who qualify pursuant to subsection B of  
16       Section 2603 of this title, the determination of financial  
17       qualification as set forth in this subsection shall be based on the  
18       income of the student, not the income of the parent(s), if the  
19       student is determined to be independent of the student's parents for  
20       federal financial aid purposes. A determination of financial  
21       qualification shall not be required for the student who meets the  
22       criteria set forth in this subsection at the time the student  
23       applies for participation in the program. The provisions of this  
24       paragraph shall not apply to any student who has received an



1 Oklahoma Higher Learning Access Program benefit award prior to the  
2 2008-2009 school year.

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

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

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

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

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

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

22 H. Students who are enrolled in a school district located in  
23 this state that serves students who reside in both this state and an  
24 adjacent state pursuant to a contract as authorized in Section 5-

1 117.1 of this title, are in the eleventh and twelfth grades during  
2 the 2006-2007 school year, and who were denied participation in the  
3 program shall be allowed to enter or reenter into participation in  
4 the program by entering into agreements as set forth in subsections  
5 C and D of this section by June 1, 2008.

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

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

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

22 L. Students participating in the Oklahoma Higher Learning  
23 Access Program shall provide their social security number or their  
24 student identification number used by their school to the Oklahoma

1 State Regents for Higher Education. The Regents shall keep the  
2 numbers confidential and use them only for administrative purposes.

3 ~~SECTION 3. It being immediately necessary for the preservation~~  
4 ~~of the public peace, health and safety, an emergency is hereby~~  
5 ~~declared to exist, by reason whereof this act shall take effect and~~  
6 ~~be in full force from and after its passage and approval.~~

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