

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2180

By: Hickman

COMMITTEE SUBSTITUTE

An Act relating to higher education; amending 70 O.S. 2011, Sections 2603, as amended by Section 24, Chapter 11, O.S.L. 2012 and 2605, as amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2014, Sections 2603 and 2605), which relate to the Oklahoma Higher Learning Access Act; adding minimum enrollment requirement to maintain eligibility while pursuing a program of higher learning; providing certain exceptions to minimum enrollment requirement; limiting requirement to certain students; changing grades and age during which students can enter into participation in the program; 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. 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

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

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

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

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

18 4. a. have graduated within the previous three (3) years
19 from a high school accredited by the State Board of
20 Education, or the Oklahoma School of Science and
21 Mathematics with a minimum 2.5 cumulative grade point
22 average on a 4.0 scale for all work attempted in
23 grades nine through twelve,
24

- 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

1 State Regents for remediation of high school curricular
2 deficiencies;

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

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

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

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

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

8 c. if the student was adopted between thirteen (13) and
9 seventeen (17) years of age while in the permanent
10 custody of the Department of Human Services, in the
11 court-ordered custody of a licensed private nonprofit
12 child-placing agency, or federally recognized Indian
13 tribe, as defined by the federal Indian Child Welfare
14 Act, have established financial need according to the
15 provisions of paragraph 2 of subsection E of Section
16 2605 of this title and standards and provisions
17 promulgated by the Oklahoma State Regents for Higher
18 Education.

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

- 1 a. is a child of any person killed after January 1, 2000,
2 in the line of duty in any branch of the United States
3 Armed Forces or who died after January 1, 2000, as a
4 result of an injury sustained while in the line of
5 duty in any branch of the United States Armed Forces
6 and the person who was killed or died filed an
7 individual or joint Oklahoma income tax return for the
8 tax year prior to the year during which the person was
9 killed or died,
- 10 b. is a resident of this state or is enrolled in a school
11 district located in this state that serves students
12 who reside in both this state and an adjacent state
13 pursuant to a contract as authorized in Section 5-
14 117.1 of this title,
- 15 c. enrolls in an institution within The Oklahoma State
16 System of Higher Education prior to reaching the age
17 of twenty-one (21),
- 18 d. has satisfied admission standards as determined by the
19 Oklahoma State Regents for Higher Education for first-
20 time-entering students for the appropriate type of
21 institution, or, if attending a private institution,
22 has satisfied admission standards as determined by the
23 private institution. No student participating in the
24 Oklahoma Higher Learning Access Program shall be

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

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

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

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

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

20 1. Achieve a minimum cumulative grade point average of 2.0 on a
21 4.0 scale or its equivalent for courses taken through the student's
22 sophomore year and achieve a minimum grade point average of 2.5 on a
23 4.0 scale or its equivalent for courses taken during the student's
24 junior year and thereafter. The provisions of this paragraph shall

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

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

7 3. Maintain satisfactory academic progress as required for
8 eligibility for federal Title IV student financial aid programs.
9 The provisions of this paragraph shall become effective for the
10 2012-2013 school year;

11 4. a. For students enrolled at a four-year institution,
12 complete a minimum of thirty (30) earned credit hours
13 per academic year, unless the student meets one or
14 more of the following exceptions and the exception is
15 approved by the president or highest academic officer
16 of the institution on a case-by-case basis:

17 (1) the student has a medical emergency which occurs
18 during the academic year which substantially
19 affects the ability of the student to comply with
20 the requirements of this paragraph,

21 (2) the student has a medical condition or disability
22 that substantially affects the ability of the
23 student to comply with the requirements of this
24 paragraph,

- 1 (3) a medical emergency or death of a parent,
2 sibling, spouse or child of the student which
3 occurs during the academic year and substantially
4 affects the ability of the student to comply with
5 the requirements of this paragraph,
- 6 (4) the student is a graduating senior who needs less
7 than fifteen (15) hours in their last semester or
8 less than thirty (30) hours in their last fall
9 and spring semester,
- 10 (5) the student is studying abroad or is in a
11 reciprocal exchange program,
- 12 (6) the student is completing an internship,
- 13 (7) the student is limited to fewer than fifteen (15)
14 hours in a semester due to the curricular
15 structure of the degree program that the student
16 is enrolled in, or
- 17 (8) the student is under contractual agreement with
18 the institution that limits enrollment to less
19 than fifteen (15) credit hours per semester.

20 b. The provisions of this paragraph shall not apply to
21 students exclusively enrolled at a two-year
22 institution;

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

4 ~~5.~~ 6. Refrain from conduct that leads to expulsion or
5 suspension of more than one semester from an institution of higher
6 education. A student who violates the provisions of this paragraph
7 shall permanently lose eligibility for program benefits. The
8 provisions of this paragraph shall become effective January 1, 2008.

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

13 E. It is the intent of the Legislature that students in the
14 ninth grade for the 1992-93 school year who are determined to be
15 eligible Oklahoma Higher Learning Access students pursuant to the
16 Oklahoma Higher Learning Access Act shall be the first students
17 eligible for benefits from the Oklahoma Higher Learning Access Trust
18 Fund.

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

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

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

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

1 other person approved by the State Regents shall be designated the
2 contact person.

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

- 16 a. attend school or an educational program regularly and
17 do homework regularly,
- 18 b. refrain from substance abuse,
- 19 c. refrain from commission of crimes or delinquent acts,
- 20 d. have school work and school records reviewed by
21 mentors designated pursuant to the program,
- 22 e. provide information requested by the Oklahoma State
23 Regents for Higher Education or the State Board of
24 Education, and

1 f. participate in program activities.

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

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

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

1 1. At the time the student applies for participation in the
2 Program during the eighth, ninth ~~or~~, tenth or eleventh grade for
3 students enrolled in a public or private school, or between the ages
4 of thirteen (13) and ~~fifteen (15)~~ eighteen (18), for students who
5 are educated by other means, the income from taxable and nontaxable
6 sources of the student's parent(s) exceeds Fifty Thousand Dollars
7 (\$50,000.00) per year; and

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

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

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

1 student begins postsecondary education and prior to receiving any
2 Oklahoma Higher Learning Access Program benefit award, the federal
3 adjusted gross income of the student's parent(s) exceeds Two Hundred
4 Thousand Dollars (\$200,000.00) per year. The provisions of this
5 paragraph shall not apply to any student who has received an
6 Oklahoma Higher Learning Access Program benefit award prior to the
7 2012-2013 school year.

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

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

1 record of the student and a copy forwarded to the Oklahoma State
2 Regents for Higher Education.

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

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

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

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

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

15 H. Students who are enrolled in a school district located in
16 this state that serves students who reside in both this state and an
17 adjacent state pursuant to a contract as authorized in Section 5-
18 117.1 of this title, are in the eleventh and twelfth grades during
19 the 2006-2007 school year, and who were denied participation in the
20 program shall be allowed to enter or reenter into participation in
21 the program by entering into agreements as set forth in subsections
22 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 3. This act shall become effective July 1, 2015.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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