

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL 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

1 grades nine through twelve and have achieved a
2 composite score of 22 or higher on the ACT test, or
3 c. have satisfactorily completed within the previous
4 three (3) years an educational program that was
5 provided through a means other than a public or
6 private school and have achieved a composite score of
7 22 or higher on the ACT test;

8 5. Have completed the curricular requirements for admission to
9 an institution within The Oklahoma State System of Higher Education
10 and one additional unit or set of competencies in a course that
11 meets college admission requirements. The curriculum requirements
12 shall include two units or sets of competencies in foreign or non-
13 English language or technology courses that meet the college
14 admission requirements and one unit or set of competencies of a fine
15 arts course. Students shall also have attained a 2.5 grade point
16 average in the core curriculum courses. Students who attended a
17 high school which did not offer all the core curriculum courses or
18 students who were educated by other means and were not offered all
19 the core curriculum courses shall be allowed to satisfy this
20 curriculum requirement by participating in a program approved by the
21 State Regents for remediation of high school curricular
22 deficiencies;

23 6. Have satisfied admission standards as determined by the
24 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

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

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

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

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

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

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

H. Students who are enrolled in a school district located in this state that serves students who reside in both this state and an 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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