

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 97

By: Bergstrom of the Senate

and

Rogers of the House

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Higher Learning Access Program; amending 70 O.S. 2011, Section 2603, as last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2017, Section 2603), which relates to eligibility requirements; providing eligibility for children of certain teachers; providing definition; amending 70 O.S. 2011, Section 2605, as last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2017, Section 2605), which relates to student agreements; providing for determination of financial need for students who are children of certain teachers; directing the Oklahoma State Regents for Higher Education to verify certain employment status; providing definition; 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 last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2017, Section 2603), is amended to read as follows:

1       Section 2603. A. Except as otherwise provided for in  
2 subsection B of this section and elsewhere in this section, to be  
3 eligible to participate in the Oklahoma Higher Learning Access  
4 Program and to qualify for an award which includes payment of an  
5 amount equivalent to resident tuition or other tuition pursuant to  
6 Section 2604 of this title for the first semester or other academic  
7 unit of postsecondary enrollment, a student shall:

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

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

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

22       4. a. have graduated within the previous three (3) years  
23               from a high school accredited by the State Board of  
24               Education, or the Oklahoma School of Science and

1 Mathematics with a minimum 2.5 cumulative grade point  
2 average on a 4.0 scale for all work attempted in  
3 grades nine through twelve,

4 b. have graduated within the previous three (3) years  
5 from a high school not accredited by the State Board  
6 of Education with a minimum 2.5 cumulative grade point  
7 average on a 4.0 scale for all work attempted in  
8 grades nine through twelve and have achieved a  
9 composite score of 22 or higher on the ACT test, or

10 c. have satisfactorily completed within the previous  
11 three (3) years an educational program that was  
12 provided through a means other than a public or  
13 private school and have achieved a composite score of  
14 22 or higher on the ACT test;

15 5. Have completed the curricular requirements for admission to  
16 an institution within The Oklahoma State System of Higher Education  
17 and one additional unit or set of competencies in a course that  
18 meets college admission requirements. The curriculum requirements  
19 shall include two units or sets of competencies in foreign or non-  
20 English language or technology courses that meet the college  
21 admission requirements and one unit or set of competencies of a fine  
22 arts course. Students shall also have attained a 2.5 grade point  
23 average in the core curriculum courses. Students who attended a  
24 high school which did not offer all the core curriculum courses or

1 students who were educated by other means and were not offered all  
2 the core curriculum courses shall be allowed to satisfy this  
3 curriculum requirement by participating in a program approved by the  
4 State Regents for remediation of high school curricular  
5 deficiencies;

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

13 7. Have secured admission to, and enrolled in, an institution  
14 which is a member of The Oklahoma State System of Higher Education,  
15 a postsecondary vocational-technical program offered by a technology  
16 center school that meets the requirements to be eligible for federal  
17 student financial aid, or a private institution of higher learning  
18 located within this state and accredited pursuant to Section 4103 of  
19 this title; and

20 8. a. have established financial need according to the  
21 provisions of subsection D of Section 2605 of this  
22 title and standards and provisions promulgated by the  
23 Oklahoma State Regents for Higher Education,  
24

- 1           b.    if the student was adopted between birth and twelve  
2               (12) years of age while in the permanent custody of  
3               the Department of Human Services, in the court-ordered  
4               custody of a licensed private nonprofit child-placing  
5               agency, or federally recognized Indian tribe, as  
6               defined by the federal Indian Child Welfare Act, have  
7               established financial need according to the provisions  
8               of paragraph 1 of subsection E of Section 2605 of this  
9               title and standards and provisions promulgated by the  
10              Oklahoma State Regents for Higher Education, ~~or~~
- 11          c.    if the student was adopted between thirteen (13) and  
12               seventeen (17) years of age while in the permanent  
13               custody of the Department of Human Services, in the  
14               court-ordered custody of a licensed private nonprofit  
15               child-placing agency, or federally recognized Indian  
16               tribe, as defined by the federal Indian Child Welfare  
17               Act, have established financial need according to the  
18               provisions of paragraph 2 of subsection E of Section  
19               2605 of this title and standards and provisions  
20               promulgated by the Oklahoma State Regents for Higher  
21               Education, or
- 22          d.    if the student is the child of a certified classroom  
23               teacher, as provided for in paragraph 4 of subsection  
24               E of Section 2605 of this title. For the purposes of

1                   this paragraph, "certified classroom teacher" means  
2                   any certified, full-time teacher who has been employed  
3                   by a public school district in this state for a  
4                   minimum of five (5) years.

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

11           a. is a child of any person killed after January 1, 2000,  
12 in the line of duty in any branch of the United States  
13 Armed Forces or who died after January 1, 2000, as a  
14 result of an injury sustained while in the line of  
15 duty in any branch of the United States Armed Forces  
16 and the person who was killed or died filed an  
17 individual or joint Oklahoma income tax return for the  
18 tax year prior to the year during which the person was  
19 killed or died,

20           b. is a resident of this state or is enrolled in a school  
21 district located in this state that serves students  
22 who reside in both this state and an adjacent state  
23 pursuant to a contract as authorized in Section 5-  
24 117.1 of this title,

- 1 c. enrolls in an institution within The Oklahoma State  
2 System of Higher Education prior to reaching the age  
3 of twenty-one (21),
- 4 d. has satisfied admission standards as determined by the  
5 Oklahoma State Regents for Higher Education for first-  
6 time-entering students for the appropriate type of  
7 institution, or, if attending a private institution,  
8 has satisfied admission standards as determined by the  
9 private institution. No student participating in the  
10 Oklahoma Higher Learning Access Program shall be  
11 admitted into an institution of higher education by  
12 special admission standards,
- 13 e. has secured admission to, and enrolled in, an  
14 institution which is a member of The Oklahoma State  
15 System of Higher Education, a postsecondary  
16 vocational-technical program offered by a technology  
17 center school that meets the requirements to be  
18 eligible for federal student financial aid, or a  
19 private institution of higher learning located within  
20 this state and accredited pursuant to Section 4103 of  
21 this title, and
- 22 f. executes an agreement pursuant to subsection C of  
23 Section 2605 of this title.  
24

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

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

6            1. Meet the requirements for retention and degree completion as  
7 established by the institution in which the student is enrolled;

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

11           3. Maintain satisfactory academic progress as required for  
12 eligibility for federal Title IV student financial aid programs.  
13 The provisions of this paragraph shall become effective for the  
14 2012-2013 school year;

15           4. Comply with the standards related to maintenance of  
16 eligibility as promulgated by the Oklahoma State Regents for Higher  
17 Education; and

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

23        D. The Oklahoma State Regents for Higher Education and the  
24 State Board of Career and Technology Education shall promulgate



1 rules relating to maintenance of eligibility under the Oklahoma  
2 Higher Learning Access Act by a student.

3 E. It is the intent of the Legislature that students in the  
4 ninth grade for the 1992-93 school year who are determined to be  
5 eligible Oklahoma Higher Learning Access students pursuant to the  
6 Oklahoma Higher Learning Access Act shall be the first students  
7 eligible for benefits from the Oklahoma Higher Learning Access Trust  
8 Fund.

9 F. The Oklahoma State Regents for Higher Education are  
10 authorized to study, develop and propose criteria for determining  
11 award eligibility based upon the completion of seven semesters of  
12 high school coursework by a student.

13 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2605, as  
14 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.  
15 2017, Section 2605), is amended to read as follows:

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

1 students and parents aware of the Oklahoma Higher Learning Access  
2 Program.

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

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

1 into participation in the program by agreeing to, throughout the  
2 remainder of their school years or educational program:

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

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

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

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

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

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

18 2. Beginning with eighth-, ninth- or tenth-grade students who  
19 are enrolled in a public or private school or students between the  
20 ages of thirteen (13) and fifteen (15) who are educated by other  
21 means who apply for participation in the program in the 2017-2018  
22 school year, the federal adjusted gross income of the student's  
23 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

1        3. Beginning with eighth-, ninth- or tenth-grade students who  
2 are enrolled in a public or private school or students between the  
3 ages of thirteen (13) and fifteen (15) who are educated by other  
4 means who apply for participation in the program in the 2021-2022  
5 school year, the federal adjusted gross income of the student's  
6 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

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

12       5. Beginning with the 2018-2019 academic year, prior to  
13 receiving any Oklahoma Higher Learning Access Program benefit award  
14 for any year during which the student is enrolled in an institution  
15 which is a member of The Oklahoma State System of Higher Education,  
16 a postsecondary vocational-technical program offered by a technology  
17 center school that meets the requirements to be eligible for federal  
18 student financial aid or a private institution of higher learning  
19 located within this state and accredited pursuant to Section 4103 of  
20 this title, the federal adjusted gross income of the student's  
21 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
22 year.

1       The determination of financial qualification as set forth in  
2 paragraphs 4 and 5 of this subsection shall be based on the income  
3 of the student, not the income of the parent(s), if a student:

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

6           b.    was in the permanent custody of the Department of  
7                Human Services at the time the student enrolled in the  
8                program, or

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

13       The provisions of this paragraph shall apply to any student who  
14 has received an Oklahoma Higher Learning Access Program benefit  
15 award after the 2017-2018 school year;

16       6.   The Oklahoma State Regents for Higher Education shall review  
17 the determination of financial qualification as set forth in  
18 paragraphs 1, 2 and 3 of this subsection if the income from taxable  
19 and nontaxable sources of the student's parent(s) includes income  
20 received from nontaxable military benefits or income received from  
21 the federal Social Security Administration due to the death or  
22 disability of the student's parent(s). If the income from taxable  
23 and nontaxable sources of the student's parent(s), excluding income  
24 received from nontaxable military benefits or income received from

1 the federal Social Security Administration due to the death or  
2 disability of the student's parent(s), does not exceed the  
3 limitations set forth by paragraphs 1, 2 and 3 of this subsection,  
4 the student shall be determined to have met the financial  
5 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

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

20 2. A student who was adopted between thirteen (13) and  
21 seventeen (17) years of age while in the permanent custody of the  
22 Department of Human Services, in the court-ordered custody of a  
23 licensed private nonprofit child-placing agency, or federally  
24 recognized Indian tribe, as defined by the federal Indian Child

Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

3. Except for students who qualify pursuant to subsection B of Section 2603 of this title, the determination of financial qualification as set forth in this subsection shall be based on the income of the student, not the income of the parent(s), if the student is determined to be independent of the student's parent(s) for federal financial aid purposes. A determination of financial qualification shall not be required for the student who meets the criteria set forth in this subsection at the time the student applies for participation in the program. The provisions of this 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.

4. a. A student who is the child of a certified classroom teacher shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access



Program if at the time the student applies for participation in the Oklahoma Higher Learning Access Program, at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award the federal adjusted gross income of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year. The State Regents for Higher Education shall verify the employment status of the student's parent(s) prior to the student receiving any Oklahoma Higher Learning Access Program benefit award. The provisions of this paragraph shall apply to eighth-, ninth- or tenth-grade students who are enrolled in a public or private school or students between the ages of thirteen (13) and fifteen (15) who are educated by other means who apply for participation in the program after the 2017-2018 school year.

b. For the purposes of this paragraph, "certified classroom teacher" means any certified, full-time teacher who has been employed by a public school district in this state for a minimum of five (5) years. The teacher shall not be required to have been

1                   employed by the same public school district for five  
2                   (5) years.

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. This act shall become effective July 1, 2018.

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

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