

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 529

By: Smalley of the Senate

and

6 Henke of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to schools; amending 70 O.S. 2011,
11 Sections 2602, 2603, as amended by Section 24,
12 Chapter 11, O.S.L. 2012, 2604 and 2605, as last
13 amended by Section 1, Chapter 63, O.S.L. 2015 (70
14 O.S. Supp. 2016, Sections 2603 and 2605), which
15 relate to the Oklahoma Higher Learning Access Act;
16 updating reference to postsecondary vocational-
17 technical program; specifying program to meet
18 eligibility requirements for federal student aid;
19 modifying eligibility for enrolled students;
20 directing the Oklahoma State Regents for Higher
21 Education to establish maximum limit on courses;
22 deleting award for cooperative programs; prohibiting
23 award for remedial noncredit-earning courses after
24 specified date; modifying income qualification
eligibility for certain students; requiring income
qualification to be verified beginning in specified
academic year; updating references; 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 2602, is
amended to read as follows:

1 Section 2602. There is hereby created the Oklahoma Higher
2 Learning Access Program. The program shall also be known as
3 "Oklahoma's Promise". The purpose of the program is to provide an
4 award to students who meet the criteria set forth in the Oklahoma
5 Higher Learning Access Act, ~~Section 2601 et seq. of this title, and~~
6 who are pursuing studies in this state leading to an associate or
7 baccalaureate degree or who are pursuing studies in a postsecondary
8 ~~vocational-technical~~ career technology program ~~or course that would~~
9 meet the requirements to be eligible for federal student financial
10 aid and is offered ~~pursuant to a duly approved cooperative agreement~~
11 ~~between by~~ a technology center school and an institution of The
12 ~~Oklahoma State System of Higher Education~~ supervised by the State
13 Board of Career and Technology Education, and who are in good
14 academic standing in the institution ~~of higher education~~ or
15 ~~technology center~~ school in which the student is enrolled, ~~to that~~
16 will relieve ~~them~~ the student of the burden of paying nonguaranteed
17 resident tuition at institutions of The Oklahoma State System of
18 Higher Education, ~~to relieve them of the burden of~~ paying tuition
19 for enrollment in postsecondary programs of the technology center
20 districts, or ~~to relieve them of some portion of the burden of~~
21 paying some portion of such fees or tuition, pursuant to the
22 provisions of ~~this act~~ the Oklahoma Higher Learning Access Act, as
23 may be required of enrollees at private institutions of higher
24 education which are accredited pursuant to Section 4103 of this

1 title. The further purpose of this program is to establish and
2 maintain a variety of support services whereby a broader range of
3 the general student population of this state will be prepared for
4 success in postsecondary endeavors.

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2603, as
6 amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2016,
7 Section 2603), is amended to read as follows:

8 Section 2603. A. Except as otherwise provided for in
9 subsection B of this section and elsewhere in this section, to be
10 eligible to participate in the Oklahoma Higher Learning Access
11 Program and to qualify for an award which includes payment of an
12 amount equivalent to resident tuition or other tuition pursuant to
13 Section 2604 of this title for the first semester or other academic
14 unit of postsecondary enrollment, a student shall:

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

19 2. Be a United States citizen or lawfully present in the United
20 States. A student who is not a United States citizen or lawfully
21 present in the United States shall not be eligible to participate in
22 the Oklahoma Higher Learning Access Program and to qualify for an
23 award notwithstanding the provisions of Section 3242 of this title.
24 The provisions of this paragraph shall not apply to any student who

1 was enrolled in the Oklahoma Higher Learning Access Program prior to
2 the end of the 2006-2007 school year;

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

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

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

17 c. have satisfactorily completed within the previous
18 three (3) years an educational program that was
19 provided through a means other than a public or
20 private school and have achieved a composite score of
21 22 or higher on the ACT test;

22 5. Have completed the curricular requirements for admission to
23 an institution within The Oklahoma State System of Higher Education
24 and one additional unit or set of competencies in a course that

1 meets college admission requirements. The curriculum requirements
2 shall include two units or sets of competencies in foreign or non-
3 English language or technology courses that meet the college
4 admission requirements and one unit or set of competencies of a fine
5 arts course. Students shall also have attained a 2.5 grade point
6 average in the core curriculum courses. Students who attended a
7 high school which did not offer all the core curriculum courses or
8 students who were educated by other means and were not offered all
9 the core curriculum courses shall be allowed to satisfy this
10 curriculum requirement by participating in a program approved by the
11 State Regents for remediation of high school curricular
12 deficiencies;

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

20 7. Have secured admission to, and enrolled in, an institution
21 which is a member of The Oklahoma State System of Higher Education,
22 a postsecondary vocational-technical program offered ~~pursuant to a~~
23 ~~duly approved cooperative agreement between~~ by a technology center
24 ~~school and an institution of The Oklahoma State System of Higher~~

1 ~~Education~~ that meets the requirements to be eligible for federal
2 student financial aid, or a private institution of higher learning
3 located within this state and accredited pursuant to Section 4103 of
4 this title; and

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

9 b. if the student was adopted between birth and twelve
10 (12) years of age while in the permanent custody of
11 the Department of Human Services, in the court-ordered
12 custody of a licensed private nonprofit child-placing
13 agency, or federally recognized Indian tribe, as
14 defined by the federal Indian Child Welfare Act, have
15 established financial need according to the provisions
16 of paragraph 1 of subsection E of Section 2605 of this
17 title and standards and provisions promulgated by the
18 Oklahoma State Regents for Higher Education, or

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

1 Act, have established financial need according to the
2 provisions of paragraph 2 of subsection E of Section
3 2605 of this title and standards and provisions
4 promulgated by the Oklahoma State Regents for Higher
5 Education.

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

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

21 b. is a resident of this state or is enrolled in a school
22 district located in this state that serves students
23 who reside in both this state and an adjacent state
24

1 pursuant to a contract as authorized in Section 5-
2 117.1 of this title,

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

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

15 e. has secured admission to, and enrolled in, an
16 institution which is a member of The Oklahoma State
17 System of Higher Education, a postsecondary
18 vocational-technical program offered ~~pursuant to a~~
19 ~~duly approved cooperative agreement between~~ by a
20 technology center school ~~and an institution of The~~
21 ~~Oklahoma State System of Higher Education~~ that meets
22 the requirements to be eligible for federal student
23 financial aid, or a private institution of higher
24

learning located within this state and accredited
pursuant to Section 4103 of this title, and

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

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

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

~~1. Achieve a minimum cumulative grade point average of 2.0 on a
4.0 scale or its equivalent for courses taken through the student's
sophomore year and achieve a minimum grade point average of 2.5 on a
4.0 scale or its equivalent for courses taken during the student's
junior year and thereafter. 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~~ Meet the requirements for retention and degree completion as
established by the institution in which the student is enrolled;

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

3. Maintain satisfactory academic progress as required for
eligibility for federal Title IV student financial aid programs.

1 The provisions of this paragraph shall become effective for the
2 2012-2013 school year;

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

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

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

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

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

1 SECTION 3. AMENDATORY 70 O.S. 2011, Section 2604, is
2 amended to read as follows:

3 Section 2604. A. Subject to the availability of funds, an
4 amount equivalent to the nonguaranteed resident tuition for which an
5 eligible Oklahoma Higher Learning Access Program student is
6 obligated at an institution of The Oklahoma State System of Higher
7 Education shall be awarded by allocation from the Oklahoma Higher
8 Learning Access Trust Fund.

9 B. Subject to the availability of funds, for each eligible
10 Oklahoma Higher Learning Access Program student enrolled at a
11 private institution of higher learning located within this state and
12 accredited pursuant to Section 4103 of this title, the Oklahoma
13 State Regents for Higher Education shall award from the Oklahoma
14 Higher Learning Access Trust Fund an amount equivalent to the amount
15 of resident tuition for which the student would be eligible if the
16 student were enrolled in a comparable program at a comparable
17 institution of The Oklahoma State System of Higher Education.
18 Comparability shall be determined by the State Regents.

19 C. Subject to the availability of funds, an amount equivalent
20 to the tuition for any eligible Oklahoma Higher Learning Access
21 Program student enrolled in a public postsecondary vocational-
22 technical program or course for the purpose set forth in Section
23 2602 of this title shall be awarded by allocation from the Oklahoma
24 Higher Learning Access Trust Fund. Provided, such allocation shall

1 not exceed the amount a student would have received for comparable
2 enrollment at a two-year institution within The Oklahoma State
3 System of Higher Education.

4 D. 1. An award allowed by this section shall not be allowed
5 for courses or other postsecondary units taken in excess of the
6 requirements for completion of a baccalaureate program or taken more
7 than five (5) years after the student's first semester of
8 postsecondary enrollment. The Oklahoma State Regents for Higher
9 Education may award the Oklahoma Higher Learning Access Program
10 benefits for courses of postsecondary units taken more than five (5)
11 years after the student's first semester of postsecondary enrollment
12 only in hardship circumstances; provided, however, no Oklahoma
13 Higher Learning Access Program participant may receive benefits
14 beyond a cumulative time period of five (5) years.

15 2. The Oklahoma State Regents for Higher Education may award
16 the Oklahoma Higher Learning Access Program benefits for a student's
17 first semester or other academic unit of postsecondary enrollment
18 taken more than three (3) years after the student graduates from
19 high school or completes an educational program equivalent to high
20 school graduation as authorized in subsection A of Section 2603 of
21 this title or after the student turns twenty-one (21) years of age
22 as authorized in subsection B of Section 2603 of this title if the
23 student is a member of the Armed Forces of the United States, the
24 Reserve Corps of the Armed Forces of the United States, or the

1 Oklahoma National Guard, and is ordered to active duty or active
2 duty for special work or training and due to the duty commitment the
3 student is unable to enroll prior to the end of the three-year
4 period or before the student reaches twenty-one (21) years of age.
5 The period shall be extended by the length of the term of duty.

6 3. The Oklahoma State Regents for Higher Education ~~may~~ shall
7 establish a maximum limit on the number of courses or other
8 postsecondary units to which Oklahoma Higher Learning Access Program
9 benefits will apply.

10 ~~4. An award for eligible Oklahoma Higher Learning Access~~
11 ~~Program students enrolled in cooperative programs pursuant to~~
12 ~~agreements between technology center schools and institutions of The~~
13 ~~Oklahoma State System of Higher Education shall be satisfied for~~
14 ~~both vocational-technical and college work in which enrolled~~
15 ~~pursuant to such cooperative program.~~

16 E. Benefits awarded under the Oklahoma Higher Learning Access
17 Program shall be awarded to all eligible applicants without any
18 limitation on the number of awards in any year other than the amount
19 of funds available for the program and the number of eligible
20 applicants. Subject to the provisions of subsection F of this
21 section, if funds are not sufficient to provide awards for all
22 eligible applicants, the Oklahoma State Regents for Higher Education
23 shall make awards on the basis of need. Provided, the Oklahoma
24 State Regents for Higher Education shall take into consideration

1 other grants and scholarships received by an eligible applicant when
2 making awards.

3 F. The Oklahoma State Regents for Higher Education may, at the
4 time an award is made on behalf of an Oklahoma Higher Learning
5 Access Program student, set aside in the Oklahoma Higher Learning
6 Access Trust Fund funds for the full commitment made to such Higher
7 Learning Access Program student. For all academic years, students
8 who have previously received awards under the provisions of the
9 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this
10 title, and who have continued at all times to fulfill the
11 requirements for eligibility to receive awards provided pursuant to
12 this program shall be given an absolute priority for continued
13 financial support by the Oklahoma Higher Learning Access Program
14 superior to any students who are applying for such benefits for the
15 first time.

16 G. Beginning with the 2018-2019 academic year, an award allowed
17 by this section shall not include an amount for payment of remedial
18 noncredit-earning courses taken by an eligible Oklahoma Higher
19 Learning Access Program student.

20 SECTION 4. AMENDATORY 70 O.S. 2011, Section 2605, as
21 last amended by Section 1, Chapter 63, O.S.L. 2015 (70 O.S. Supp.
22 2016, Section 2605), is amended to read as follows:

23 Section 2605. A. Each school year, every fifth- through ninth-
24 grade student in the public and private schools of this state and

1 students who are educated by other means and are in the equivalent
2 of the fifth through ninth grade shall be apprised, together with
3 the parent, custodial parent, or guardian of the student, of the
4 opportunity for access to higher learning under the Oklahoma Higher
5 Learning Access Program. The Oklahoma State Regents for Higher
6 Education and the State Board of Education shall develop, promote,
7 and coordinate a public awareness program to be utilized in making
8 students and parents aware of the Oklahoma Higher Learning Access
9 Program.

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

21 C. 1. Students who qualify on the basis of financial need
22 according to subsection D or E of this section or who meet the
23 eligibility qualification set forth in subparagraph a of paragraph 1
24 of subsection B of Section 2603 of this title prior to entering the

1 tenth grade or prior to reaching the age of fifteen (15) and the
2 standards and provisions promulgated by the Oklahoma State Regents
3 for Higher Education shall be given the opportunity throughout the
4 eighth-, ninth-, and tenth-grade years, for students enrolled in a
5 public or private school, or between the ages of thirteen (13) and
6 fifteen (15), for students who are educated by other means, to enter
7 into participation in the program by agreeing to, throughout the
8 remainder of their school years or educational program:

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

19 2. Students who meet the eligibility qualification set forth in
20 subparagraph a of paragraph 1 of subsection B of Section 2603 of
21 this title after completing the tenth grade or after reaching the
22 age of sixteen (16) shall be given the opportunity prior to reaching
23 the age of twenty-one (21) to enter into participation in the
24

1 program and shall execute an agreement with provisions as determined
2 by the Oklahoma State Regents for Higher Education.

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

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

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

1 2. 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 2017-2018
5 school year, the federal adjusted gross income of the student's
6 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

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

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

18 5. Beginning with the 2018-2019 academic year, prior to
19 receiving any Oklahoma Higher Learning Access Program benefit award
20 for any year during which the student is enrolled in an institution
21 which is a member of The Oklahoma State System of Higher Education,
22 a postsecondary vocational-technical program offered by a technology
23 center school that meets the requirements to be eligible for federal
24 student financial aid or a private institution of higher learning

1 located within this state and accredited pursuant to Section 4103 of
2 this title, the federal adjusted gross income of the student's
3 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
4 year.

5 The determination of financial qualification as set forth in
6 ~~this paragraph~~ paragraphs 4 and 5 of this subsection shall be based
7 on the income of the student, not the income of the parent(s), if a
8 student:

- 9 a. is determined to be independent of the student's
10 parents for federal financial aid purposes,
11 b. was in the permanent custody of the Department of
12 Human Services at the time the student enrolled in the
13 program, or
14 c. was in the court-ordered custody of a federally
15 recognized Indian tribe, as defined by the federal
16 Indian Child Welfare Act, at the time the student
17 enrolled in the program.

18 The provisions of this paragraph shall ~~not~~ apply to any student
19 who has received an Oklahoma Higher Learning Access Program benefit
20 award ~~prior to~~ after the ~~2012-2013~~ 2017-2018 school year;

21 ~~3.~~ 6. The Oklahoma State Regents for Higher Education shall
22 review the determination of financial qualification as set forth in
23 ~~paragraph~~ paragraphs 1, 2 and 3 of this subsection if the income
24 from taxable and nontaxable sources of the student's parent(s)

1 includes income received from nontaxable military benefits or income
2 received from the federal Social Security Administration due to the
3 death or disability of the student's parent(s). If the income from
4 taxable and nontaxable sources of the student's parent(s), excluding
5 income received from nontaxable military benefits or income received
6 from the federal Social Security Administration due to the death or
7 disability of the student's parent(s), does not exceed ~~Fifty~~
8 ~~Thousand Dollars (\$50,000.00) per year~~ the limitations set forth by
9 paragraphs 1, 2 and 3 of this subsection, the student shall be
10 determined to have met the financial qualification set forth in
11 ~~paragraph~~ paragraphs 1, 2 and 3 of this subsection.

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

1 Learning Access Program benefit award prior to the 2012-2013 school
2 year.

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

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

1 applies for participation in the program. The provisions of this
2 paragraph shall not apply to any student who has received an
3 Oklahoma Higher Learning Access Program benefit award prior to the
4 2008-2009 school year.

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

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

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

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

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

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

1 H. Students who are enrolled in a school district located in
2 this state that serves students who reside in both this state and an
3 adjacent state pursuant to a contract as authorized in Section 5-
4 117.1 of this title, are in the eleventh and twelfth grades during
5 the 2006-2007 school year, and who were denied participation in the
6 program shall be allowed to enter or reenter into participation in
7 the program by entering into agreements as set forth in subsections
8 C and D of this section by June 1, 2008.

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

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

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

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

6 SECTION 5. This act shall become effective July 1, 2017.

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

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12 56-1-7642 JM 04/18/17

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