

1 ENGROSSED SENATE
2 BILL NO. 97

By: Bergstrom of the Senate

3 and

4 Rogers of the House

5
6 [Oklahoma Higher Learning Access Program -
7 eligibility requirements - children of certain
8 teachers - student agreements - financial need -
9 ~~effective date~~ -

emergency]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2603, as
13 last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
14 2017, Section 2603), is amended to read as follows:

15 Section 2603. A. Except as otherwise provided for in
16 subsection B of this section and elsewhere in this section, to be
17 eligible to participate in the Oklahoma Higher Learning Access
18 Program and to qualify for an award which includes payment of an
19 amount equivalent to resident tuition or other tuition pursuant to
20 Section 2604 of this title for the first semester or other academic
21 unit of postsecondary enrollment, a student shall:

22 1. Be a resident of this state or be enrolled in a school
23 district located in this state that serves students who reside in
24

1 both this state and an adjacent state pursuant to a contract as
2 authorized in Section 5-117.1 of this title;

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

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

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

19 b. have graduated within the previous three (3) years
20 from a high school not accredited by the State Board
21 of Education 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 and have achieved a
24 composite score of 22 or higher on the ACT test, or

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

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

21 6. Have satisfied admission standards as determined by the
22 Oklahoma State Regents for Higher Education for first-time-entering
23 students for the appropriate type of institution, or, if attending a
24 private institution, have satisfied admission standards as

1 determined by the private institution. No student participating in
2 the Oklahoma Higher Learning Access Program shall be admitted into
3 an institution of higher education by special admission standards;

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

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

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

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

12 d. if the student is the child of a certified classroom
13 teacher, as provided for in paragraph 4 of subsection
14 E of Section 2605 of this title. For the purposes of
15 this paragraph, "certified classroom teacher" means
16 any certified, full-time teacher who has been employed
17 by a public school district in this state for a
18 minimum of five (5) years.

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 by a technology
7 center school that meets the requirements to be
8 eligible for federal student financial aid, or a
9 private institution of higher learning located within
10 this state and accredited pursuant to Section 4103 of
11 this title, and

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

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

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

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

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

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

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

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

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

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

23 F. The Oklahoma State Regents for Higher Education are
24 authorized to study, develop and propose criteria for determining

1 award eligibility based upon the completion of seven semesters of
2 high school coursework by a student.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2605, as
4 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
5 2017, Section 2605), is amended to read as follows:

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

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

1 official as a contact person. For students who are educated by
2 other means, a parent or guardian or other person approved by the
3 State Regents shall be designated the contact person.

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

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

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

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

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

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

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

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

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

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

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

4 6. The Oklahoma State Regents for Higher Education shall review
5 the determination of financial qualification as set forth in
6 paragraphs 1, 2 and 3 of this subsection if the income from taxable
7 and nontaxable sources of the student's parent(s) includes income
8 received from nontaxable military benefits or income received from
9 the federal Social Security Administration due to the death or
10 disability of the student's parent(s). If the income from taxable
11 and nontaxable sources of the student's parent(s), excluding income
12 received from nontaxable military benefits or income received from
13 the federal Social Security Administration due to the death or
14 disability of the student's parent(s), does not exceed the
15 limitations set forth by paragraphs 1, 2 and 3 of this subsection,
16 the student shall be determined to have met the financial
17 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

18 E. 1. A student who was adopted between birth and twelve (12)
19 years of age while in the permanent custody of the Department of
20 Human Services, in the court-ordered custody of a licensed private
21 nonprofit child-placing agency, or federally recognized Indian
22 tribe, as defined by the federal Indian Child Welfare Act, shall not
23 be found to be in financial need for purposes of the Oklahoma Higher
24 Learning Access Program if at the time the student begins

1 postsecondary education and prior to receiving any Oklahoma Higher
2 Learning Access Program benefit award, the federal adjusted gross
3 income of the student's parent(s) exceeds One Hundred Fifty Thousand
4 Dollars (\$150,000.00) per year. The provisions of this paragraph
5 shall not apply to any student who has received an Oklahoma Higher
6 Learning Access Program benefit award prior to the 2012-2013 school
7 year.

8 2. A student who was adopted between thirteen (13) and
9 seventeen (17) years of age while in the permanent custody of the
10 Department of Human Services, in the court-ordered custody of a
11 licensed private nonprofit child-placing agency, or federally
12 recognized Indian tribe, as defined by the federal Indian Child
13 Welfare Act, shall not be found to be in financial need for purposes
14 of the Oklahoma Higher Learning Access Program if at the time the
15 student begins postsecondary education and prior to receiving any
16 Oklahoma Higher Learning Access Program benefit award, the federal
17 adjusted gross income of the student's parent(s) exceeds Two Hundred
18 Thousand Dollars (\$200,000.00) per year. The provisions of this
19 paragraph shall not apply to any student who has received an
20 Oklahoma Higher Learning Access Program benefit award prior to the
21 2012-2013 school year.

22 3. Except for students who qualify pursuant to subsection B of
23 Section 2603 of this title, the determination of financial
24 qualification as set forth in this subsection shall be based on the

1 income of the student, not the income of the parent(s), if the
2 student is determined to be independent of the student's parent(s)
3 for federal financial aid purposes. A determination of financial
4 qualification shall not be required for the student who meets the
5 criteria set forth in this subsection at the time the student
6 applies for participation in the program. The provisions of this
7 paragraph shall not apply to any student who has received an
8 Oklahoma Higher Learning Access Program benefit award prior to the
9 2008-2009 school year.

10 4. a. A student who is the child of a certified classroom
11 teacher shall not be found to be in financial need for
12 purposes of the Oklahoma Higher Learning Access
13 Program if at the time the student applies for
14 participation in the Oklahoma Higher Learning Access
15 Program, at the time the student begins postsecondary
16 education and prior to receiving any Oklahoma Higher
17 Learning Access Program benefit award the federal
18 adjusted gross income of the student's parent(s)
19 exceeds One Hundred Fifty Thousand Dollars
20 (\$150,000.00) per year. The State Regents for Higher
21 Education shall verify the employment status of the
22 student's parent(s) prior to the student receiving any
23 Oklahoma Higher Learning Access Program benefit award.
24 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
employed by the same public school district for five
(5) years.

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;

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

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

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

9 H. Students who are enrolled in a school district located in
10 this state that serves students who reside in both this state and an
11 adjacent state pursuant to a contract as authorized in Section 5-
12 117.1 of this title, are in the eleventh and twelfth grades during
13 the 2006-2007 school year, and who were denied participation in the
14 program shall be allowed to enter or reenter into participation in
15 the program by entering into agreements as set forth in subsections
16 C and D of this section by June 1, 2008.

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

20 J. The Oklahoma State Regents for Higher Education shall
21 designate personnel to coordinate tracking of program records for
22 the years when students participating in the program are still in
23 the schools or are being educated by other means, provide staff
24 development for contact persons in the schools, and provide liaison

1 with the State Board of Education and local organizations and
2 individuals participating in the program.

3 K. The school district where an Oklahoma Higher Learning Access
4 Program student is enrolled when the student begins participation in
5 the program and any subsequent school district where the student
6 enrolls shall forward information regarding participation by the
7 student in the program to a school to which the student transfers
8 upon the request of the school for the records of the student.

9 L. Students participating in the Oklahoma Higher Learning
10 Access Program shall provide their Social Security number or their
11 student identification number used by their school to the Oklahoma
12 State Regents for Higher Education. The Regents shall keep the
13 numbers confidential and use them only for administrative purposes.

14 ~~SECTION 3. This act shall become effective July 1, 2018.~~

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

1 Passed the Senate the 12th day of March, 2018.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2018.

7
8 _____
9 Presiding Officer of the House
10 of Representatives