

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 889

By: Brecheen

AS INTRODUCED

An Act relating to the Oklahoma Higher Learning Access Program; 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; modifying income qualification eligibility for students prior to beginning postsecondary education beginning in certain academic year; modifying income qualification eligibility for students prior to receiving any benefit award beginning in certain academic year; prohibiting certain provisions from applying to certain students before certain academic year; updating references; and providing an effective date.

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through ninth grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the

1 opportunity for access to higher learning under the Oklahoma Higher
2 Learning Access Program. The Oklahoma State Regents for Higher
3 Education and the State Board of Education shall develop, promote,
4 and coordinate a public awareness program to be utilized in making
5 students and parents aware of the Oklahoma Higher Learning Access
6 Program.

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

18 C. 1. Students who qualify on the basis of financial need
19 according to subsection D or E of this section or who meet the
20 eligibility qualification set forth in subparagraph a of paragraph 1
21 of subsection B of Section 2603 of this title prior to entering the
22 tenth grade or prior to reaching the age of fifteen (15) and the
23 standards and provisions promulgated by the Oklahoma State Regents
24 for Higher Education shall be given the opportunity throughout the

1 eighth-, ninth-, and tenth-grade years, for students enrolled in a
2 public or private school, or between the ages of thirteen (13) and
3 fifteen (15), for students who are educated by other means, to enter
4 into participation in the program by agreeing to, throughout the
5 remainder of their school years or educational program:

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

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

23 3. The contact person shall maintain the agreements, which
24 shall be executed on forms provided by the Oklahoma State Regents

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

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

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

21 2. Beginning with eighth-, ninth- or tenth-grade students who
22 are enrolled in a public or private school or students between the
23 ages of thirteen (13) and fifteen (15) who are educated by other
24 means who apply for participation in the program in the 2017-2018

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

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

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

15 b. beginning with the 2023-2024 academic year, at the
16 time the student begins postsecondary education and
17 prior to receiving any Oklahoma Higher Learning Access
18 Program benefit award, the federal adjusted gross
19 income of the student's parent(s) exceeds Seventy-five
20 Thousand Dollars (\$75,000.00) per year;

21 5. Beginning with the 2018-2019 academic year, prior to
22 receiving any Oklahoma Higher Learning Access Program benefit award
23 for any year during which the student is enrolled in an institution
24 which is a member of The Oklahoma State System of Higher Education,

1 a postsecondary vocational-technical program offered by a technology
2 center school that meets the requirements to be eligible for federal
3 student financial aid or a private institution of higher learning
4 located within this state and accredited pursuant to Section 4103 of
5 this title, the federal adjusted gross income of the student's
6 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
7 year. The provisions of this paragraph shall apply to any student
8 who has received an Oklahoma Higher Learning Access Program benefit
9 award after the 2017-2018 school year;

10 6. Beginning with the 2023-2024 academic year, prior to
11 receiving any Oklahoma Higher Learning Access Program benefit award
12 for any year during which the student is enrolled in an institution
13 which is a member of The Oklahoma State System of Higher Education,
14 a postsecondary vocational-technical program offered by a technology
15 center school that meets the requirements to be eligible for federal
16 student financial aid or a private institution of higher learning
17 located within this state and accredited pursuant to Section 4103 of
18 this title, the federal adjusted gross income of the student's
19 parent(s) exceeds Seventy-five Thousand Dollars (\$75,000.00) per
20 year. The provisions of this paragraph shall not apply to any
21 student who has received an Oklahoma Higher Learning Access Program
22 benefit award prior to the 2023-2024 academic year.

23 The determination of financial qualification as set forth in
24 paragraphs 4 ~~and~~, 5 and 6 of this subsection shall be based on the

1 income of the student, not the income of the parent(s), if a
2 student:

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

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

15 ~~6.~~ 7. The Oklahoma State Regents for Higher Education shall
16 review the determination of financial qualification as set forth in
17 paragraphs 1, 2 and 3 of this subsection if the income from taxable
18 and nontaxable sources of the student's parent(s) includes income
19 received from nontaxable military benefits or income received from
20 the federal Social Security Administration due to the death or
21 disability of the student's parent(s). If the income from taxable
22 and nontaxable sources of the student's parent(s), excluding income
23 received from nontaxable military benefits or income received from
24 the federal Social Security Administration due to the death or

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

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

19 2. A student who was adopted between thirteen (13) and
20 seventeen (17) years of age while in the permanent custody of the
21 Department of Human Services, in the court-ordered custody of a
22 licensed private nonprofit child-placing agency, or federally
23 recognized Indian tribe, as defined by the federal Indian Child
24 Welfare Act, shall not be found to be in financial need for purposes

1 of the Oklahoma Higher Learning Access Program if at the time the
2 student begins postsecondary education and prior to receiving any
3 Oklahoma Higher Learning Access Program benefit award, the federal
4 adjusted gross income of the student's parent(s) exceeds Two Hundred
5 Thousand Dollars (\$200,000.00) per year. The provisions of this
6 paragraph shall not apply to any student who has received an
7 Oklahoma Higher Learning Access Program benefit award prior to the
8 2012-2013 school year.

9 3. Except for students who qualify pursuant to subsection B of
10 Section 2603 of this title, the determination of financial
11 qualification as set forth in this subsection shall be based on the
12 income of the student, not the income of the parent(s), if the
13 student is determined to be independent of the student's parent(s)
14 for federal financial aid purposes. A determination of financial
15 qualification shall not be required for the student who meets the
16 criteria set forth in this subsection at the time the student
17 applies for participation in the program. The provisions of this
18 paragraph shall not apply to any student who has received an
19 Oklahoma Higher Learning Access Program benefit award prior to the
20 2008-2009 school year.

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

1 Higher Education. The form shall be retained in the permanent
2 record of the student and a copy forwarded to the Oklahoma State
3 Regents for Higher Education.

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

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

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

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

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

16 H. Students who are enrolled in a school district located in
17 this state that serves students who reside in both this state and an
18 adjacent state pursuant to a contract as authorized in Section 5-
19 117.1 of this title, are in the eleventh and twelfth grades during
20 the 2006-2007 school year, and who were denied participation in the
21 program shall be allowed to enter or reenter into participation in
22 the program by entering into agreements as set forth in subsections
23 C and D of this section by June 1, 2008.

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

4 J. The Oklahoma State Regents for Higher Education shall
5 designate personnel to coordinate tracking of program records for
6 the years when students participating in the program are still in
7 the schools or are being educated by other means, provide staff
8 development for contact persons in the schools, and provide liaison
9 with the State Board of Education and local organizations and
10 individuals participating in the program.

11 K. The school district where an Oklahoma Higher Learning Access
12 Program student is enrolled when the student begins participation in
13 the program and any subsequent school district where the student
14 enrolls shall forward information regarding participation by the
15 student in the program to a school to which the student transfers
16 upon the request of the school for the records of the student.

17 L. Students participating in the Oklahoma Higher Learning
18 Access Program shall provide their Social Security number or their
19 student identification number used by their school to the Oklahoma
20 State Regents for Higher Education. The Regents shall keep the
21 numbers confidential and use them only for administrative purposes.

22 SECTION 2. This act shall become effective November 1, 2018.
23

24 56-2-2049 EB 12/19/2017 2:56:22 PM