

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1307

By: Lepak

6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 2605, as last amended by Section 1, Chapter
9 63, O.S.L. 2015 (70 O.S. Supp. 2016, Section 2605),
10 which relates to the Oklahoma Higher Learning Access
11 Program; providing that certain students shall be
12 automatically enrolled in Program; allowing certain
13 students that were denied participation in Program to
14 participate if good cause is shown; providing an
15 effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as
18 last amended by Section 1, Chapter 63, O.S.L. 2015 (70 O.S. Supp.
19 2016, Section 2605), is amended to read as follows:

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

1 Education and the State Board of Education shall develop, promote,
2 and coordinate a public awareness program to be utilized in making
3 students and parents aware of the Oklahoma Higher Learning Access
4 Program.

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

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

1 fifteen (15), for students who are educated by other means, to enter
2 into participation in the program by agreeing to, throughout the
3 remainder of their school years or educational program:

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

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

21 3. Students who qualify under subsection E of this section
22 shall be considered to be automatically enrolled in the Oklahoma
23 Higher Learning Access Program and shall not be required to execute
24 an agreement as a condition of their enrollment.

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

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

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

23 2. At the time the student begins postsecondary education and
24 prior to receiving any Oklahoma Higher Learning Access Program

1 benefit award, the federal adjusted gross income of the student's
2 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
3 year.

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

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

16 The provisions of this paragraph shall not apply to any student
17 who has received an Oklahoma Higher Learning Access Program benefit
18 award prior to the 2012-2013 school year;

19 3. The Oklahoma State Regents for Higher Education shall review
20 the determination of financial qualification as set forth in
21 paragraph 1 of this subsection if the income from taxable and
22 nontaxable sources of the student's parent(s) includes 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). If the income from taxable
2 and nontaxable sources of the student's parent(s), excluding income
3 received from nontaxable military benefits or income received from
4 the federal Social Security Administration due to the death or
5 disability of the student's parent(s), does not exceed Fifty
6 Thousand Dollars (\$50,000.00) per year, the student shall be
7 determined to have met the financial qualification set forth in
8 paragraph 1 of this subsection.

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

23 2. A student who was adopted between thirteen (13) and
24 seventeen (17) years of age while in the permanent custody of the

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

13 3. Except for students who qualify pursuant to subsection B of
14 Section 2603 of this title, the determination of financial
15 qualification as set forth in this subsection shall be based on the
16 income of the student, not the income of the parent(s), if the
17 student is determined to be independent of the student's parents for
18 federal financial aid purposes. A determination of financial
19 qualification shall not be required for the student who meets the
20 criteria set forth in this subsection at the time the student
21 applies for participation in the program. The provisions of this
22 paragraph shall not apply to any student who has received an
23 Oklahoma Higher Learning Access Program benefit award prior to the
24 2008-2009 school year.

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

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

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

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

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

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

20 H. Students who are enrolled in a school district located in
21 this state that serves students who reside in both this state and an
22 adjacent state pursuant to a contract as authorized in Section 5-
23 117.1 of this title, are in the eleventh and twelfth grades during
24 the 2006-2007 school year, and who were denied participation in the

1 program shall be allowed to enter or reenter into participation in
2 the program by entering into agreements as set forth in subsections
3 C and D of this section by June 1, 2008. Students who qualify under
4 subsection E of this section and who were denied participation in
5 the program prior to the 2017-2018 school year shall be allowed to
6 participate in the program if good cause is shown.

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

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

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

23 L. Students participating in the Oklahoma Higher Learning
24 Access Program shall provide their social security number or their

1 student identification number used by their school to the Oklahoma
2 State Regents for Higher Education. The Regents shall keep the
3 numbers confidential and use them only for administrative purposes.

4 SECTION 2. This act shall become effective July 1, 2017.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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