

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1300

By: Montgomery

AS INTRODUCED

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. 2019, Section 2603), which relates to eligibility for the program; providing eligibility to participate for students who were in the permanent custody of the Department of Human Services upon entering certain grade or reaching certain age and upon graduation; amending 70 O.S. 2011, Section 2605, as last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2019, Section 2605), which relates to student agreements; allowing certain students who meet certain eligibility criteria to participate in the program until they reach certain age; requiring certain students to execute certain agreements beginning with certain school year; directing the Oklahoma State Regents of Higher Education to coordinate with the Department of Human Services to provide certain assistance; requiring certain agreement to include certain provision; 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. 2019, 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
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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,
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- 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.

22 B. 1. A student shall be eligible to participate in the
23 Oklahoma Higher Learning Access Program and to qualify for an award
24 which includes payment of an amount equivalent to resident tuition

1 or other tuition pursuant to Section 2604 of this title for the
2 first semester or other academic unit of postsecondary enrollment if
3 the student meets all of the following criteria:

4 a. (1) is a child of any person killed after January 1,
5 2000, in the line of duty in any branch of the
6 United States Armed Forces or who died after
7 January 1, 2000, as a result of an injury
8 sustained while in the line of duty in any branch
9 of the United States Armed Forces and the person
10 who was killed or died filed an individual or
11 joint Oklahoma income tax return for the tax year
12 prior to the year during which the person was
13 killed or died, or

14 (2) was in the permanent custody of the Department of
15 Human Services after completing the eighth grade
16 or reaching the age of thirteen (13) and upon
17 graduation,

18 b. is a resident of this state or is enrolled in a school
19 district located in this state that serves students
20 who reside in both this state and an adjacent state
21 pursuant to a contract as authorized in Section 5-
22 117.1 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.
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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 2019, 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
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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 division (1) of subparagraph a of paragraph 1 of subsection B of
15 Section 2603 of this title after completing the tenth grade or after
16 reaching the age of sixteen (16) shall be given the opportunity
17 prior to reaching the age of twenty-one (21) to enter into
18 participation in the program and shall execute an agreement with
19 provisions as determined by the Oklahoma State Regents for Higher
20 Education.

21 3. Students who meet the eligibility qualification set forth in
22 division (2) of subparagraph a of paragraph 1 of subsection B of
23 Section 2603 of this title after completing the eighth grade or
24 reaching the age of thirteen (13) and upon graduation shall be given

1 the opportunity prior to reaching the age of twenty-one (21) to
2 enter into participation in the program and shall execute an
3 agreement with provisions as determined by the Oklahoma State
4 Regents for Higher Education.

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

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

20 1. At the time the student applies for participation in the
21 program during the eighth, ninth or tenth grade for students
22 enrolled in a public or private school, or between the ages of
23 thirteen (13) and fifteen (15), for students who are educated by
24 other means, the income from taxable and nontaxable sources of the

1 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per
2 year;

3 2. 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 2017-2018
7 school year, the federal adjusted gross income of the student's
8 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

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

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

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

center school that meets the requirements to be eligible for federal student financial aid or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per year.

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

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

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

6. The Oklahoma State Regents for Higher Education shall review the determination of financial qualification as set forth in paragraphs 1, 2 and 3 of this subsection if the income from taxable

1 and nontaxable sources of the student's parent(s) includes income
2 received from nontaxable military benefits or income received from
3 the federal Social Security Administration due to the death or
4 disability of the student's parent(s). If the income from taxable
5 and nontaxable sources of the student's parent(s), excluding income
6 received from nontaxable military benefits or income received from
7 the federal Social Security Administration due to the death or
8 disability of the student's parent(s), does not exceed the
9 limitations set forth by paragraphs 1, 2 and 3 of this subsection,
10 the student shall be determined to have met the financial
11 qualification set forth in 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
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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 parent(s)
22 for 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.
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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. Beginning with the 2020-2021 school year, students who are
20 in the permanent custody of the Department of Human Services and
21 entering the eighth grade at a public or private school or reaching
22 the age of thirteen (13) and being educated by other means shall
23 enter into participation in the program and shall execute an
24 agreement with provisions as determined by the Oklahoma State

1 Regents for Higher Education. The Oklahoma State Regents for Higher
2 Education shall coordinate with the Department of Human Services to
3 assist students in completing the necessary forms to participate in
4 the program. The agreement executed pursuant to this subsection
5 shall include a provision stipulating the application of the income
6 qualification provided for in paragraph 2 of subsection E of this
7 subsection if the student is adopted between thirteen (13) and
8 seventeen (17) years of age.

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

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

20 SECTION 3. This act shall become effective July 1, 2020.

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