

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 2927

By: Branham

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5  
6 AS INTRODUCED

7 An Act relating to children; amending 70 O.S. 2011,  
8 Section 2605, as last amended by Section 4, Chapter  
9 289, O.S.L. 2017 (70 O.S. Supp. 2019, Section 2605),  
10 which relates to the Oklahoma Higher Learning Access  
11 Program; creating the Connecting Futures Act;  
12 allowing Department of Human Services to issue  
13 administrative power of attorney for care and custody  
14 of child; establishing requirements; setting  
15 limitations and expiration; directing agency to  
16 promulgate rules; allowing for students who are  
17 subject of administrative power of attorney to apply  
18 for Oklahoma Higher Access Learning Program without  
19 parental income; providing for codification; and  
20 providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 702 of Title 10, unless there is  
created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Connecting  
Futures Act".

B. The Department of Human Services may issue an administrative  
power of attorney to a qualified youth services agency for the care  
and custody of a child. The administrative power of attorney shall

1 convey any of the powers regarding the care and custody of the  
2 child, except the power to consent to marriage or adoption of the  
3 child, the performance or inducement of an abortion on or for the  
4 child, or the termination of parental rights to the child. A  
5 delegation of powers under this section shall not deprive the parent  
6 or legal guardian of any parental or legal authority regarding the  
7 care and custody of the child.

8 C. The Department may issue an administrative power of attorney  
9 for the care and custody of a child to a qualified youth services  
10 agency when a representative of the youth services agency submits to  
11 the Department a sworn statement requesting an administrative power  
12 of attorney for the care and custody of the child that states:

13 1. The child is known to be homeless and unaccompanied;

14 2. The child is over fourteen (14) years of age and under  
15 eighteen (18) years of age;

16 3. The names of the child's parents or legal guardians and that  
17 the whereabouts of the child's parents or legal guardians are  
18 unknown and unascertainable with reasonable search;

19 4. The child has not been adjudicated deprived by a state or  
20 tribal court and there is no open juvenile deprived case for the  
21 child in any state or tribal court;

22 5. Whether the child is a member of, or eligible for membership  
23 in, a federally recognized Indian tribe and, if so, the name of the  
24 child's tribe or tribes;

1       6. The child is in need of services;

2       7. The youth services agency is willing and able to provide  
3 services and care to the child; and

4       8. An administrative power of attorney for the care and custody  
5 of the child is in the child's best interest.

6       D. The request shall be accompanied by a statement by the child  
7 expressing a desire to receive care and services from the youth  
8 services agency.

9       E. Upon receiving a request for an administrative power of  
10 attorney for the care and custody of the child, the Department  
11 shall:

12       1. Use due diligence to substantiate the claims made in the  
13 request;

14       2. Use due diligence to locate the parents or legal guardians  
15 of the child and provide them notice of the request;

16       3. Send notice to the child's tribe, if applicable; and

17       4. Issue an administrative power of attorney for the care and  
18 custody of the child to the youth services agency if:

19           a. the statements made in the request are determined to  
20 be accurate,

21           b. no parent or legal guardian has come forward,

22           c. the child's tribe has not begun a juvenile deprived  
23 case for the child, and  
24

1           d.    the Department determines that the administrative  
2                   power of attorney for the care and custody of the  
3                   child is in the child's best interest.

4           F.    An administrative power of attorney for the care and custody  
5 of the child shall be for a period of no more than one (1) year.  
6 After one (1) year, the youth services agency may request subsequent  
7 administrative powers of attorney; provided, however, that the  
8 administrative power of attorney shall terminate immediately upon:

9           1.    The child's parent or guardian notifying the Department that  
10 he or she intends to retake care and custody of the child;

11           2.    A state or tribal court adjudicating the child to be  
12 deprived;

13           3.    The child being adopted or becoming subject to a  
14 guardianship in state or tribal court;

15           4.    The youth services agency notifying the Department of its  
16 desire to terminate the administrative power of attorney;

17           5.    The child entering the custody of an Office of Juvenile  
18 Affairs facility; or

19           6.    The child reaching eighteen (18) years of age.

20           G.    The Department shall have the authority to promulgate rules  
21 for the purposes of administering this section.

22           SECTION 2.        AMENDATORY        70 O.S. 2011, Section 2605, as  
23 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.  
24 2019, Section 2605), is amended to read as follows:

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

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

23 C. 1. Students who qualify on the basis of financial need  
24 according to subsection D or E of this section or who meet the

1 eligibility qualification set forth in subparagraph a of paragraph 1  
2 of subsection B of Section 2603 of this title prior to entering the  
3 tenth grade or prior to reaching the age of fifteen (15) and the  
4 standards and provisions promulgated by the Oklahoma State Regents  
5 for Higher Education shall be given the opportunity throughout the  
6 eighth-, ninth-, and tenth-grade years, for students enrolled in a  
7 public or private school, or between the ages of thirteen (13) and  
8 fifteen (15), for students who are educated by other means, to enter  
9 into participation in the program by agreeing to, throughout the  
10 remainder of their school years or educational program:

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

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

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

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

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

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

1 center school 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, the federal adjusted gross income of the student's  
5 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
6 year.

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

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

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

22 6. The Oklahoma State Regents for Higher Education shall review  
23 the determination of financial qualification as set forth in  
24 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 or is the subject of an  
23 administrative power of attorney for the care and custody of the  
24 child pursuant to Section 1 of this act. A determination of

1 financial qualification shall not be required for the student who  
2 meets the criteria set forth in this subsection at the time the  
3 student applies for participation in the program. The provisions of  
4 this paragraph shall not apply to any student who has received an  
5 Oklahoma Higher Learning Access Program benefit award prior to the  
6 2008-2009 school year.

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

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

16 1. Assist the student in achieving compliance with the  
17 agreements;

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

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

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

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

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

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

21 K. The school district where an Oklahoma Higher Learning Access  
22 Program student is enrolled when the student begins participation in  
23 the program and any subsequent school district where the student  
24 enrolls shall forward information regarding participation by the

1 student in the program to a school to which the student transfers  
2 upon the request of the school for the records of the student.

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

8 SECTION 3. This act shall become effective November 1, 2020.

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