

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 639

By: Pugh, Stephens, Bullard and
Bergstrom of the Senate

3

and

4

Baker of the House

5

6

7 An Act relating to the Oklahoma Higher Learning
8 Access Program; amending 70 O.S. 2011, Section 2602,
9 as amended by Section 1, Chapter 289, O.S.L. 2017 (70
10 O.S. Supp. 2020, Section 2602), which relates to the
11 purpose of the program; allowing the program to
12 include certain identified postsecondary career
13 technology programs; amending 70 O.S. 2011, Section
14 2603, as last amended by Section 2, Chapter 289,
15 O.S.L. 2017 (70 O.S. Supp. 2020, Section 2603), which
16 relates to eligibility for the program; adding
17 reference to certain identified postsecondary
18 vocational-technical program; 70 O.S. 2011, Section
19 2604, as amended by Section 3, Chapter 289, O.S.L.
20 2017 (70 O.S. Supp. 2020, Section 2604), which
21 relates to program awards; requiring repayment of
22 award if program is not completed within certain time
23 period; providing for deposit of repayments; allowing
24 consideration of hardship circumstances; amending 70
O.S. 2011, Section 2605, as last amended by Section
4, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020,
Section 2605), which relates to student agreements;
adding reference to certain identified postsecondary
vocational-technical programs; directing the
Executive Director of the Oklahoma Department of
Commerce in certain consultation to publish certain
list by certain date; providing for identification of
postsecondary vocational-technical programs that
correlate to certain occupation areas; requiring
completion of certain program within certain time
period; allowing completion of program regardless of
placement on certain list; requiring repayment of
award if program is not completed within certain time
period; providing for promulgation of rules;
providing for codification; providing an effective
date; and declaring an emergency.

24

1 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
2 and replace with:

3 "An Act relating to the Oklahoma Higher Learning
4 Access Program; amending 70 O.S. 2011, Section 2602,
5 as amended by Section 1, Chapter 289, O.S.L. 2017 (70
6 O.S. Supp. 2020, Section 2602), which relates to the
7 purpose of the program; allowing the program to
8 include certain identified postsecondary career
9 technology programs; amending 70 O.S. 2011, Section
10 2603, as last amended by Section 2, Chapter 289,
11 O.S.L. 2017 (70 O.S. Supp. 2020, Section 2603), which
12 relates to eligibility for the program; adding
13 reference to certain identified postsecondary
14 vocational-technical program; amending 70 O.S. 2011,
15 Section 2604, as amended by Section 3, Chapter 289,
16 O.S.L. 2017 (70 O.S. Supp. 2020, Section 2604), which
17 relates to program awards; establishing time
18 limitation for certain courses; providing hardship
19 exception; amending 70 O.S. 2011, Section 2605, as
20 last amended by Section 4, Chapter 289, O.S.L. 2017
21 (70 O.S. Supp. 2020, Section 2605), which relates to
22 student agreements; adding reference to certain
23 identified postsecondary vocational-technical
24 programs; directing the Executive Director of the
Oklahoma Department of Commerce in certain
consultation to publish certain list by certain date;
providing for identification of postsecondary
vocational-technical programs that correlate to
certain occupation areas; requiring completion of
certain program within certain time period; allowing
completion of program regardless of placement on
certain list; providing for promulgation of rules;
providing for codification; providing an effective
date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2602, as
2 amended by Section 1, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020,
3 Section 2602), is amended to read as follows:

4 Section 2602. There is hereby created the Oklahoma Higher
5 Learning Access Program. The program shall also be known as
6 "Oklahoma's Promise". The purpose of the program is to provide an
7 award to students who meet the criteria set forth in the Oklahoma
8 Higher Learning Access Act who are pursuing studies in this state
9 leading to an associate or baccalaureate degree or who are pursuing
10 studies in a postsecondary career technology program that would meet
11 the requirements to be eligible for federal student financial aid or
12 that has been identified as a critical occupation area pursuant to
13 Section 5 of this act and is offered by a technology center school
14 supervised by the State Board of Career and Technology Education,
15 and who are in good academic standing in the institution or school
16 in which the student is enrolled, that will relieve the student of
17 the burden of paying nonguaranteed resident tuition at institutions
18 of The Oklahoma State System of Higher Education, paying tuition for
19 enrollment in postsecondary programs of the technology center
20 districts, or paying some portion of such fees or tuition, pursuant
21 to the provisions of the Oklahoma Higher Learning Access Act, as may
22 be required of enrollees at private institutions of higher education
23 which are accredited pursuant to Section 4103 of this title. The
24 further purpose of this program is to establish and maintain a

1 variety of support services whereby a broader range of the general
2 student population of this state will be prepared for success in
3 postsecondary endeavors.

4 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2603, as
5 last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
6 2020, Section 2603), is amended to read as follows:

7 Section 2603. A. Except as otherwise provided for in
8 subsection B of this section and elsewhere in this section, to be
9 eligible to participate in the Oklahoma Higher Learning Access
10 Program and to qualify for an award which includes payment of an
11 amount equivalent to resident tuition or other tuition pursuant to
12 Section 2604 of this title for the first semester or other academic
13 unit of postsecondary enrollment, a student shall:

14 1. Be a resident of this state or be enrolled in a school
15 district located in this state that serves students who reside in
16 both this state and an adjacent state pursuant to a contract as
17 authorized in Section 5-117.1 of this title;

18 2. Be a United States citizen or lawfully present in the United
19 States. A student who is not a United States citizen or lawfully
20 present in the United States shall not be eligible to participate in
21 the Oklahoma Higher Learning Access Program and to qualify for an
22 award notwithstanding the provisions of Section 3242 of this title.
23 The provisions of this paragraph shall not apply to any student who
24

1 was enrolled in the Oklahoma Higher Learning Access Program prior to
2 the end of the 2006-2007 school year;

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

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

11 b. have graduated within the previous three (3) years
12 from a high school not accredited by the State Board
13 of Education with a minimum 2.5 cumulative grade point
14 average on a 4.0 scale for all work attempted in
15 grades nine through twelve and have achieved a
16 composite score of 22 or higher on the ACT test, or

17 c. have satisfactorily completed within the previous
18 three (3) years an educational program that was
19 provided through a means other than a public or
20 private school and have achieved a composite score of
21 22 or higher on the ACT test;

22 5. Have completed the curricular requirements for admission to
23 an institution within The Oklahoma State System of Higher Education
24 and one additional unit or set of competencies in a course that

1 meets college admission requirements. The curriculum requirements
2 shall include two units or sets of competencies in foreign or non-
3 English language or technology courses that meet the college
4 admission requirements and one unit or set of competencies of a fine
5 arts course. Students shall also have attained a 2.5 grade point
6 average in the core curriculum courses. Students who attended a
7 high school which did not offer all the core curriculum courses or
8 students who were educated by other means and were not offered all
9 the core curriculum courses shall be allowed to satisfy this
10 curriculum requirement by participating in a program approved by the
11 State Regents for remediation of high school curricular
12 deficiencies;

13 6. Have satisfied admission standards as determined by the
14 Oklahoma State Regents for Higher Education for first-time-entering
15 students for the appropriate type of institution, or, if attending a
16 private institution, have satisfied admission standards as
17 determined by the private institution. No student participating in
18 the Oklahoma Higher Learning Access Program shall be admitted into
19 an institution of higher education by special admission standards;

20 7. Have secured admission to, and enrolled in, an institution
21 which is a member of The Oklahoma State System of Higher Education,
22 a postsecondary vocational-technical program offered by a technology
23 center school that meets the requirements to be eligible for federal
24 student financial aid or that has been identified as a critical

1 occupation area pursuant to Section 5 of this act, or a private
2 institution of higher learning located within this state and
3 accredited pursuant to Section 4103 of this title; and

4 8. a. have established financial need according to the
5 provisions of subsection D of Section 2605 of this
6 title and standards and provisions promulgated by the
7 Oklahoma State Regents for Higher Education,

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

18 c. if the student was adopted between thirteen (13) and
19 seventeen (17) years of age while in the permanent
20 custody of the Department of Human Services, in the
21 court-ordered custody of a licensed private nonprofit
22 child-placing agency, or federally recognized Indian
23 tribe, as defined by the federal Indian Child Welfare
24 Act, have established financial need according to the

1 provisions of paragraph 2 of subsection E of Section
2 2605 of this title and standards and provisions
3 promulgated by the Oklahoma State Regents for Higher
4 Education.

5 B. 1. A student shall be eligible to participate in the
6 Oklahoma Higher Learning Access Program and to qualify for an award
7 which includes payment of an amount equivalent to resident tuition
8 or other tuition pursuant to Section 2604 of this title for the
9 first semester or other academic unit of postsecondary enrollment if
10 the student meets all of the following criteria:

11 a. is a child of any person killed after January 1, 2000,
12 in the line of duty in any branch of the United States
13 Armed Forces or who died after January 1, 2000, as a
14 result of an injury sustained while in the line of
15 duty in any branch of the United States Armed Forces
16 and the person who was killed or died filed an
17 individual or joint Oklahoma income tax return for the
18 tax year prior to the year during which the person was
19 killed or died,

20 b. is a resident of this state or is enrolled in a school
21 district located in this state that serves students
22 who reside in both this state and an adjacent state
23 pursuant to a contract as authorized in Section 5-
24 117.1 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 that has
19 been identified as a critical occupation area pursuant
20 to Section 5 of this act, or a private institution of
21 higher learning located within this state and
22 accredited pursuant to Section 4103 of this title, and
- 23 f. executes an agreement pursuant to subsection C of
24 Section 2605 of this title.

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 3. AMENDATORY 70 O.S. 2011, Section 2604, as
14 amended by Section 3, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020,
15 Section 2604), is amended to read as follows:

16 Section 2604. A. Subject to the availability of funds, an
17 amount equivalent to the nonguaranteed resident tuition for which an
18 eligible Oklahoma Higher Learning Access Program student is
19 obligated at an institution of The Oklahoma State System of Higher
20 Education shall be awarded by allocation from the Oklahoma Higher
21 Learning Access Trust Fund.

22 B. Subject to the availability of funds, for each eligible
23 Oklahoma Higher Learning Access Program student enrolled at a
24 private institution of higher learning located within this state and

1 accredited pursuant to Section 4103 of this title, the Oklahoma
2 State Regents for Higher Education shall award from the Oklahoma
3 Higher Learning Access Trust Fund an amount equivalent to the amount
4 of resident tuition for which the student would be eligible if the
5 student were enrolled in a comparable program at a comparable
6 institution of The Oklahoma State System of Higher Education.
7 Comparability shall be determined by the State Regents.

8 C. Subject to the availability of funds, an amount equivalent
9 to the tuition for any eligible Oklahoma Higher Learning Access
10 Program student enrolled in a public postsecondary vocational-
11 technical program or course for the purpose set forth in Section
12 2602 of this title shall be awarded by allocation from the Oklahoma
13 Higher Learning Access Trust Fund. Provided, such allocation shall
14 not exceed the amount a student would have received for comparable
15 enrollment at a two-year institution within The Oklahoma State
16 System of Higher Education.

17 D. 1. ~~An~~ Except as provided for in paragraph 2 of this
18 subsection, an award allowed by this section shall not be allowed
19 for courses or other postsecondary units taken in excess of the
20 requirements for completion of a baccalaureate program or taken more
21 than five (5) years after the student's first semester of
22 postsecondary enrollment. The Oklahoma State Regents for Higher
23 Education may award the Oklahoma Higher Learning Access Program
24 benefits for courses of postsecondary units taken more than five (5)

1 years after the student's first semester of postsecondary enrollment
2 only in hardship circumstances; provided, however, no Oklahoma
3 Higher Learning Access Program participant may receive benefits
4 beyond a cumulative time period of five (5) years.

5 2. Beginning with students who entered into participation in
6 the program in the 2021-2022 school year, an award allowed by this
7 section shall not be allowed for courses or other postsecondary
8 units taken in excess of the requirements for completion of a
9 baccalaureate program or a postsecondary vocational-technical
10 program taken more than six (6) years after the student's first
11 semester of postsecondary enrollment. The Oklahoma State Regents
12 for Higher Education may award the Oklahoma Higher Learning Access
13 Program benefits for courses of postsecondary units taken more than
14 six (6) years after the student's first semester of postsecondary
15 enrollment only in hardship circumstances; provided, however, no
16 Oklahoma Higher Learning Access Program participant may receive
17 benefits beyond a cumulative time period of six (6) years.

18 3. The Oklahoma State Regents for Higher Education may award
19 the Oklahoma Higher Learning Access Program benefits for a student's
20 first semester or other academic unit of postsecondary enrollment
21 taken more than three (3) years after the student graduates from
22 high school or completes an educational program equivalent to high
23 school graduation as authorized in subsection A of Section 2603 of
24 this title or after the student turns twenty-one (21) years of age

1 as authorized in subsection B of Section 2603 of this title if the
2 student is a member of the Armed Forces of the United States, the
3 Reserve Corps of the Armed Forces of the United States, or the
4 Oklahoma National Guard, and is ordered to active duty or active
5 duty for special work or training and due to the duty commitment the
6 student is unable to enroll prior to the end of the three-year
7 period or before the student reaches twenty-one (21) years of age.
8 The period shall be extended by the length of the term of duty.

9 ~~3.~~ 4. The Oklahoma State Regents for Higher Education shall
10 establish a maximum limit on the number of courses or other
11 postsecondary units to which Oklahoma Higher Learning Access Program
12 benefits will apply.

13 E. Benefits awarded under the Oklahoma Higher Learning Access
14 Program shall be awarded to all eligible applicants without any
15 limitation on the number of awards in any year other than the amount
16 of funds available for the program and the number of eligible
17 applicants. Subject to the provisions of subsection F of this
18 section, if funds are not sufficient to provide awards for all
19 eligible applicants, the Oklahoma State Regents for Higher Education
20 shall make awards on the basis of need. Provided, the Oklahoma
21 State Regents for Higher Education shall take into consideration
22 other grants and scholarships received by an eligible applicant when
23 making awards.

1 F. The Oklahoma State Regents for Higher Education may, at the
2 time an award is made on behalf of an Oklahoma Higher Learning
3 Access Program student, set aside in the Oklahoma Higher Learning
4 Access Trust Fund funds for the full commitment made to such Higher
5 Learning Access Program student. For all academic years, students
6 who have previously received awards under the provisions of the
7 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this
8 title, and who have continued at all times to fulfill the
9 requirements for eligibility to receive awards provided pursuant to
10 this program shall be given an absolute priority for continued
11 financial support by the Oklahoma Higher Learning Access Program
12 superior to any students who are applying for such benefits for the
13 first time.

14 G. Beginning with the 2018-2019 academic year, an award allowed
15 by this section shall not include an amount for payment of remedial
16 noncredit-earning courses taken by an eligible Oklahoma Higher
17 Learning Access Program student.

18 SECTION 4. AMENDATORY 70 O.S. 2011, Section 2605, as
19 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
20 2020, Section 2605), is amended to read as follows:

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

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

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

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

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

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

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

1 3. 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;

23 2. Beginning with eighth-, ninth- or tenth-grade students who
24 are enrolled in a public or private school or students between the

1 ages of thirteen (13) and fifteen (15) who are educated by other
2 means who apply for participation in the program in the 2017-2018
3 school year, the federal adjusted gross income of the student's
4 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

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

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

16 5. Beginning with the 2018-2019 academic year, prior to
17 receiving any Oklahoma Higher Learning Access Program benefit award
18 for any year during which the student is enrolled in an institution
19 which is a member of The Oklahoma State System of Higher Education,
20 a postsecondary vocational-technical program offered by a technology
21 center school that meets the requirements to be eligible for federal
22 student financial aid or that has been identified as a critical
23 occupation area pursuant to Section 5 of this act, or a private
24 institution of higher learning located within this state and

1 accredited pursuant to Section 4103 of this title, the federal
2 adjusted gross income of the student's parent(s) exceeds One Hundred
3 Thousand Dollars (\$100,000.00) per year.

4 The determination of financial qualification as set forth in
5 paragraphs 4 and 5 of this subsection shall be based on the income
6 of the student, not the 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 apply to any student who
17 has received an Oklahoma Higher Learning Access Program benefit
18 award after the 2017-2018 school year;

19 6. The Oklahoma State Regents for Higher Education shall review
20 the determination of financial qualification as set forth in
21 paragraphs 1, 2 and 3 of this subsection if the income from taxable
22 and 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 the
6 limitations set forth by paragraphs 1, 2 and 3 of this subsection,
7 the student shall be determined to have met the financial
8 qualification set forth in paragraphs 1, 2 and 3 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 parent(s)
18 for 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.

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

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

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

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

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2607 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Executive Director of the Oklahoma Department of
5 Commerce, in consultation with the Oklahoma State Regents for Higher
6 Education, shall publish no later than October 1, 2021, and June 30
7 each subsequent year a list of critical occupation areas that meet
8 the guidelines of the identified core competencies of the state
9 based on wealth generation, growth potential and competitive
10 advantage.

11 B. The Oklahoma State Regents for Higher Education, in
12 consultation with the State Board of Career and Technology
13 Education, shall identify postsecondary vocational-technical
14 programs that correlate to critical occupation areas identified by
15 the Executive Director pursuant to this section.

16 C. 1. Beginning with the 2022-2023 academic year, a student
17 who receives an award pursuant to Section 2604 of Title 70 of the
18 Oklahoma Statutes and enrolls in a postsecondary vocational-
19 technical program that has been identified as a critical occupation
20 area pursuant to this section shall complete the program within six
21 (6) years after the student's first semester of postsecondary
22 enrollment.

23 2. A student who receives an award pursuant to Section 2604 of
24 Title 70 of the Oklahoma Statutes and enrolls in a postsecondary

1 vocational-technical program that has been identified as a critical
2 occupation area pursuant to this section may complete prescribed
3 coursework for program completion regardless of whether the program
4 is included on the most current list published by the Executive
5 Director of the Department of Commerce as long as program completion
6 is achieved within six (6) years of the student's enrollment.

7 D. The State Regents for Higher Education and the State Board
8 of Career and Technology Education may promulgate rules to implement
9 the provisions of this section.

10 SECTION 6. This act shall become effective July 1, 2021.

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

15 Passed the House of Representatives the 22nd day of April, 2021.

16
17
18 _____
19 Presiding Officer of the House of
Representatives

20 Passed the Senate the ____ day of _____, 2021.

21
22
23 _____
24 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 639

By: Pugh, Stephens, Bullard and
Bergstrom of the Senate

3 and

4 Baker of the House
5

6 An Act relating to the Oklahoma Higher Learning
7 Access Program; amending 70 O.S. 2011, Section 2602,
8 as amended by Section 1, Chapter 289, O.S.L. 2017 (70
9 O.S. Supp. 2020, Section 2602), which relates to the
10 purpose of the program; allowing the program to
11 include certain identified postsecondary career
12 technology programs; amending 70 O.S. 2011, Section
13 2603, as last amended by Section 2, Chapter 289,
14 O.S.L. 2017 (70 O.S. Supp. 2020, Section 2603), which
15 relates to eligibility for the program; adding
16 reference to certain identified postsecondary
17 vocational-technical program; 70 O.S. 2011, Section
18 2604, as amended by Section 3, Chapter 289, O.S.L.
19 2017 (70 O.S. Supp. 2020, Section 2604), which
20 relates to program awards; requiring repayment of
21 award if program is not completed within certain time
22 period; providing for deposit of repayments; allowing
23 consideration of hardship circumstances; amending 70
24 O.S. 2011, Section 2605, as last amended by Section
4, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020,
Section 2605), which relates to student agreements;
adding reference to certain identified postsecondary
vocational-technical programs; directing the
Executive Director of the Oklahoma Department of
Commerce in certain consultation to publish certain
list by certain date; providing for identification of
postsecondary vocational-technical programs that
correlate to certain occupation areas; requiring
completion of certain program within certain time
period; allowing completion of program regardless of
placement on certain list; requiring repayment of
award if program is not completed within certain time
period; providing for promulgation of rules;
providing for codification; providing an effective
date; and declaring an emergency.

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

2 SECTION 8. AMENDATORY 70 O.S. 2011, Section 2602, as
3 amended by Section 1, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020,
4 Section 2602), is amended to read as follows:

5 Section 2602. There is hereby created the Oklahoma Higher
6 Learning Access Program. The program shall also be known as
7 "Oklahoma's Promise". The purpose of the program is to provide an
8 award to students who meet the criteria set forth in the Oklahoma
9 Higher Learning Access Act who are pursuing studies in this state
10 leading to an associate or baccalaureate degree or who are pursuing
11 studies in a postsecondary career technology program that would meet
12 the requirements to be eligible for federal student financial aid or
13 that has been identified as a critical occupation area pursuant to
14 Section 5 of this act and is offered by a technology center school
15 supervised by the State Board of Career and Technology Education,
16 and who are in good academic standing in the institution or school
17 in which the student is enrolled, that will relieve the student of
18 the burden of paying nonguaranteed resident tuition at institutions
19 of The Oklahoma State System of Higher Education, paying tuition for
20 enrollment in postsecondary programs of the technology center
21 districts, or paying some portion of such fees or tuition, pursuant
22 to the provisions of the Oklahoma Higher Learning Access Act, as may
23 be required of enrollees at private institutions of higher education
24 which are accredited pursuant to Section 4103 of this title. The

1 further purpose of this program is to establish and maintain a
2 variety of support services whereby a broader range of the general
3 student population of this state will be prepared for success in
4 postsecondary endeavors.

5 SECTION 9. AMENDATORY 70 O.S. 2011, Section 2603, as
6 last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
7 2020, Section 2603), is amended to read as follows:

8 Section 2603. A. Except as otherwise provided for in
9 subsection B of this section and elsewhere in this section, to be
10 eligible to participate in the Oklahoma Higher Learning Access
11 Program and to qualify for an award which includes payment of an
12 amount equivalent to resident tuition or other tuition pursuant to
13 Section 2604 of this title for the first semester or other academic
14 unit of postsecondary enrollment, a student shall:

15 1. Be a resident of this state or be enrolled in a school
16 district located in this state that serves students who reside in
17 both this state and an adjacent state pursuant to a contract as
18 authorized in Section 5-117.1 of this title;

19 2. Be a United States citizen or lawfully present in the United
20 States. A student who is not a United States citizen or lawfully
21 present in the United States shall not be eligible to participate in
22 the Oklahoma Higher Learning Access Program and to qualify for an
23 award notwithstanding the provisions of Section 3242 of this title.
24 The provisions of this paragraph shall not apply to any student who

1 was enrolled in the Oklahoma Higher Learning Access Program prior to
2 the end of the 2006-2007 school year;

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

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

11 b. have graduated within the previous three (3) years
12 from a high school not accredited by the State Board
13 of Education with a minimum 2.5 cumulative grade point
14 average on a 4.0 scale for all work attempted in
15 grades nine through twelve and have achieved a
16 composite score of 22 or higher on the ACT test, or

17 c. have satisfactorily completed within the previous
18 three (3) years an educational program that was
19 provided through a means other than a public or
20 private school and have achieved a composite score of
21 22 or higher on the ACT test;

22 5. Have completed the curricular requirements for admission to
23 an institution within The Oklahoma State System of Higher Education
24 and one additional unit or set of competencies in a course that

1 meets college admission requirements. The curriculum requirements
2 shall include two units or sets of competencies in foreign or non-
3 English language or technology courses that meet the college
4 admission requirements and one unit or set of competencies of a fine
5 arts course. Students shall also have attained a 2.5 grade point
6 average in the core curriculum courses. Students who attended a
7 high school which did not offer all the core curriculum courses or
8 students who were educated by other means and were not offered all
9 the core curriculum courses shall be allowed to satisfy this
10 curriculum requirement by participating in a program approved by the
11 State Regents for remediation of high school curricular
12 deficiencies;

13 6. Have satisfied admission standards as determined by the
14 Oklahoma State Regents for Higher Education for first-time-entering
15 students for the appropriate type of institution, or, if attending a
16 private institution, have satisfied admission standards as
17 determined by the private institution. No student participating in
18 the Oklahoma Higher Learning Access Program shall be admitted into
19 an institution of higher education by special admission standards;

20 7. Have secured admission to, and enrolled in, an institution
21 which is a member of The Oklahoma State System of Higher Education,
22 a postsecondary vocational-technical program offered by a technology
23 center school that meets the requirements to be eligible for federal
24 student financial aid or that has been identified as a critical

1 occupation area pursuant to Section 5 of this act, or a private
2 institution of higher learning located within this state and
3 accredited pursuant to Section 4103 of this title; and

4 8. a. have established financial need according to the
5 provisions of subsection D of Section 2605 of this
6 title and standards and provisions promulgated by the
7 Oklahoma State Regents for Higher Education,

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

18 c. if the student was adopted between thirteen (13) and
19 seventeen (17) years of age while in the permanent
20 custody of the Department of Human Services, in the
21 court-ordered custody of a licensed private nonprofit
22 child-placing agency, or federally recognized Indian
23 tribe, as defined by the federal Indian Child Welfare
24 Act, have established financial need according to the

1 provisions of paragraph 2 of subsection E of Section
2 2605 of this title and standards and provisions
3 promulgated by the Oklahoma State Regents for Higher
4 Education.

5 B. 1. A student shall be eligible to participate in the
6 Oklahoma Higher Learning Access Program and to qualify for an award
7 which includes payment of an amount equivalent to resident tuition
8 or other tuition pursuant to Section 2604 of this title for the
9 first semester or other academic unit of postsecondary enrollment if
10 the student meets all of the following criteria:

11 a. is a child of any person killed after January 1, 2000,
12 in the line of duty in any branch of the United States
13 Armed Forces or who died after January 1, 2000, as a
14 result of an injury sustained while in the line of
15 duty in any branch of the United States Armed Forces
16 and the person who was killed or died filed an
17 individual or joint Oklahoma income tax return for the
18 tax year prior to the year during which the person was
19 killed or died,

20 b. is a resident of this state or is enrolled in a school
21 district located in this state that serves students
22 who reside in both this state and an adjacent state
23 pursuant to a contract as authorized in Section 5-
24 117.1 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 that has
19 been identified as a critical occupation area pursuant
20 to Section 5 of this act, or a private institution of
21 higher learning located within this state and
22 accredited pursuant to Section 4103 of this title, and
- 23 f. executes an agreement pursuant to subsection C of
24 Section 2605 of this title.

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 10. AMENDATORY 70 O.S. 2011, Section 2604, as
14 amended by Section 3, Chapter 289, O.S.L. 2017 (70 O.S. Supp. 2020,
15 Section 2604), is amended to read as follows:

16 Section 2604. A. Subject to the availability of funds, an
17 amount equivalent to the nonguaranteed resident tuition for which an
18 eligible Oklahoma Higher Learning Access Program student is
19 obligated at an institution of The Oklahoma State System of Higher
20 Education shall be awarded by allocation from the Oklahoma Higher
21 Learning Access Trust Fund.

22 B. Subject to the availability of funds, for each eligible
23 Oklahoma Higher Learning Access Program student enrolled at a
24 private institution of higher learning located within this state and

1 accredited pursuant to Section 4103 of this title, the Oklahoma
2 State Regents for Higher Education shall award from the Oklahoma
3 Higher Learning Access Trust Fund an amount equivalent to the amount
4 of resident tuition for which the student would be eligible if the
5 student were enrolled in a comparable program at a comparable
6 institution of The Oklahoma State System of Higher Education.
7 Comparability shall be determined by the State Regents.

8 C. Subject to the availability of funds, an amount equivalent
9 to the tuition for any eligible Oklahoma Higher Learning Access
10 Program student enrolled in a public postsecondary vocational-
11 technical program or course for the purpose set forth in Section
12 2602 of this title shall be awarded by allocation from the Oklahoma
13 Higher Learning Access Trust Fund. Provided, such allocation shall
14 not exceed the amount a student would have received for comparable
15 enrollment at a two-year institution within The Oklahoma State
16 System of Higher Education.

17 D. 1. ~~An~~ Except as provided for in paragraph 2 of this
18 subsection, an award allowed by this section shall not be allowed
19 for courses or other postsecondary units taken in excess of the
20 requirements for completion of a baccalaureate program or taken more
21 than five (5) years after the student's first semester of
22 postsecondary enrollment. The Oklahoma State Regents for Higher
23 Education may award the Oklahoma Higher Learning Access Program
24 benefits for courses of postsecondary units taken more than five (5)

1 years after the student's first semester of postsecondary enrollment
2 only in hardship circumstances; provided, however, no Oklahoma
3 Higher Learning Access Program participant may receive benefits
4 beyond a cumulative time period of five (5) years.

5 2. Beginning with students who entered into participation in
6 the program in the 2021-2022 school year, an award allowed by this
7 section shall not be allowed for courses or other postsecondary
8 units taken in excess of the requirements for completion of a
9 baccalaureate program or a postsecondary vocational-technical
10 program taken more than six (6) years after the student's first
11 semester of postsecondary enrollment. The Oklahoma State Regents
12 for Higher Education may award the Oklahoma Higher Learning Access
13 Program benefits for courses of postsecondary units taken more than
14 six (6) years after the student's first semester of postsecondary
15 enrollment only in hardship circumstances; provided, however, no
16 Oklahoma Higher Learning Access Program participant may receive
17 benefits beyond a cumulative time period of six (6) years.

18 3. The Oklahoma State Regents for Higher Education may award
19 the Oklahoma Higher Learning Access Program benefits for a student's
20 first semester or other academic unit of postsecondary enrollment
21 taken more than three (3) years after the student graduates from
22 high school or completes an educational program equivalent to high
23 school graduation as authorized in subsection A of Section 2603 of
24 this title or after the student turns twenty-one (21) years of age

1 as authorized in subsection B of Section 2603 of this title if the
2 student is a member of the Armed Forces of the United States, the
3 Reserve Corps of the Armed Forces of the United States, or the
4 Oklahoma National Guard, and is ordered to active duty or active
5 duty for special work or training and due to the duty commitment the
6 student is unable to enroll prior to the end of the three-year
7 period or before the student reaches twenty-one (21) years of age.
8 The period shall be extended by the length of the term of duty.

9 ~~3.~~ 4. The Oklahoma State Regents for Higher Education shall
10 establish a maximum limit on the number of courses or other
11 postsecondary units to which Oklahoma Higher Learning Access Program
12 benefits will apply.

13 E. Benefits awarded under the Oklahoma Higher Learning Access
14 Program shall be awarded to all eligible applicants without any
15 limitation on the number of awards in any year other than the amount
16 of funds available for the program and the number of eligible
17 applicants. Subject to the provisions of subsection F of this
18 section, if funds are not sufficient to provide awards for all
19 eligible applicants, the Oklahoma State Regents for Higher Education
20 shall make awards on the basis of need. Provided, the Oklahoma
21 State Regents for Higher Education shall take into consideration
22 other grants and scholarships received by an eligible applicant when
23 making awards.

1 F. The Oklahoma State Regents for Higher Education may, at the
2 time an award is made on behalf of an Oklahoma Higher Learning
3 Access Program student, set aside in the Oklahoma Higher Learning
4 Access Trust Fund funds for the full commitment made to such Higher
5 Learning Access Program student. For all academic years, students
6 who have previously received awards under the provisions of the
7 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this
8 title, and who have continued at all times to fulfill the
9 requirements for eligibility to receive awards provided pursuant to
10 this program shall be given an absolute priority for continued
11 financial support by the Oklahoma Higher Learning Access Program
12 superior to any students who are applying for such benefits for the
13 first time.

14 G. Beginning with the 2018-2019 academic year, an award allowed
15 by this section shall not include an amount for payment of remedial
16 noncredit-earning courses taken by an eligible Oklahoma Higher
17 Learning Access Program student.

18 H. 1. If a student who entered into participation in the
19 program beginning in the 2021-2022 school year does not complete the
20 courses or other postsecondary units required for a baccalaureate
21 program or a postsecondary vocational-technical program within six
22 (6) years after the student's first semester of postsecondary
23 enrollment as provided for in subsection D of this section, the
24 student shall be required to repay the full amount of the award

1 provided pursuant to this section. The student shall enter into a
2 repayment agreement with the institution of higher education or the
3 technology center school in which the student was enrolled.

4 Repayments shall be deposited into the Oklahoma Higher Learning
5 Access Trust Fund.

6 2. In determining the repayment amount, the institution of
7 higher education or technology center school in which the student
8 was enrolled may consider hardship circumstances on a case-by-case
9 basis.

10 SECTION 11. AMENDATORY 70 O.S. 2011, Section 2605, as
11 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
12 2020, Section 2605), is amended to read as follows:

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

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

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

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

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

3. The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor compliance of the student with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify

1 compliance with the agreements. Students failing to comply with the
2 terms of the agreement shall not be eligible for the awards provided
3 in Section 2604 of this title.

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

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

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

22 3. Beginning with eighth-, ninth- or tenth-grade students who
23 are enrolled in a public or private school or students between the
24 ages of thirteen (13) and fifteen (15) who are educated by other

1 means who apply for participation in the program in the 2021-2022
2 school year, the federal adjusted gross income of the student's
3 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

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

9 5. Beginning with the 2018-2019 academic year, prior to
10 receiving any Oklahoma Higher Learning Access Program benefit award
11 for any year during which the student is enrolled in an institution
12 which is a member of The Oklahoma State System of Higher Education,
13 a postsecondary vocational-technical program offered by a technology
14 center school that meets the requirements to be eligible for federal
15 student financial aid or that has been identified as a critical
16 occupation area pursuant to Section 5 of this act, or a private
17 institution of higher learning located within this state and
18 accredited pursuant to Section 4103 of this title, the federal
19 adjusted gross income of the student's parent(s) exceeds One Hundred
20 Thousand Dollars (\$100,000.00) per year.

21 The determination of financial qualification as set forth in
22 paragraphs 4 and 5 of this subsection shall be based on the income
23 of the student, not the income of the parent(s), if a student:
24

- 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 and nontaxable sources of the student's parent(s) includes income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s). If the income from taxable and nontaxable sources of the student's parent(s), excluding income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s), does not exceed the limitations set forth by paragraphs 1, 2 and 3 of this subsection,

1 the student shall be determined to have met the financial
2 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

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

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

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

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

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

1 record of the student and a copy forwarded to the Oklahoma State
2 Regents for Higher Education.

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

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

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

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

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

15 H. Students who are enrolled in a school district located in
16 this state that serves students who reside in both this state and an
17 adjacent state pursuant to a contract as authorized in Section 5-
18 117.1 of this title, are in the eleventh and twelfth grades during
19 the 2006-2007 school year, and who were denied participation in the
20 program shall be allowed to enter or reenter into participation in
21 the program by entering into agreements as set forth in subsections
22 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 12. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2607 of Title 70, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Executive Director of the Oklahoma Department of
2 Commerce, in consultation with the Oklahoma State Regents for Higher
3 Education, shall publish no later than October 1, 2021, and June 30
4 each subsequent year a list of critical occupation areas that meet
5 the guidelines of the identified core competencies of the state
6 based on wealth generation, growth potential and competitive
7 advantage.

8 B. The Oklahoma State Regents for Higher Education, in
9 consultation with the State Board of Career and Technology
10 Education, shall identify postsecondary vocational-technical
11 programs that correlate to critical occupation areas identified by
12 the executive director pursuant to this section.

13 C. 1. Beginning with the 2022-2023 academic year, a student
14 who receives an award pursuant to Section 2604 of Title 70 of the
15 Oklahoma Statutes and enrolls in a postsecondary vocational-
16 technical program that has been identified as a critical occupation
17 area pursuant to this section shall complete the program within six
18 (6) years after the student's first semester of postsecondary
19 enrollment.

20 2. A student who receives an award pursuant to Section 2604 of
21 Title 70 of the Oklahoma Statutes and enrolls in a postsecondary
22 vocational-technical program that has been identified as a critical
23 occupation area pursuant to this section may complete prescribed
24 coursework for program completion regardless of whether the program

1 is included on the most current list published by the Executive
2 Director of the Department of Commerce as long as program completion
3 is achieved within six (6) years of the student's enrollment.

4 3. If a student does not complete the postsecondary vocational-
5 technical program that has been identified as a critical occupation
6 area pursuant to this section within six (6) years, the student
7 shall be required to repay the full amount of the award provided
8 pursuant to this section. The student shall enter into a repayment
9 agreement with the technology center school. Repayments shall be
10 deposited into the Oklahoma Higher Learning Access Trust Fund. In
11 determining the repayment amount, the technology center school may
12 consider hardship circumstances on a case-by-case basis.

13 D. The State Regents for Higher Education and the State Board
14 of Career and Technology Education may promulgate rules to implement
15 the provisions of this section.

16 SECTION 13. This act shall become effective July 1, 2021.

17 SECTION 14. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

1 Passed the Senate the 11th day of March, 2021.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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