

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3759 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Ronny Johns

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED SUBCOMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3759

By: Johns

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Higher Learning Access Program; amending 70 O.S. 2021, Section 2603, which relates to eligibility requirements; providing eligibility for children of certified teachers and school support employees; defining terms; amending 70 O.S. 2021, Section 2605, which relates to student agreements; specifying financial qualification determination for students who are children of certain employees; directing the Oklahoma State Regents for Higher Education to verify parent employment status; defining terms; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 2603, is amended to read as follows:

Section 2603. A. Except as otherwise provided for in subsection B of this section and elsewhere in this section, to be eligible to participate in the Oklahoma Higher Learning Access Program and to qualify for an award which includes payment of an amount equivalent to resident tuition or other tuition pursuant to

1 Section 2604 of this title for the first semester or other academic
2 unit of postsecondary enrollment, a student shall:

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

7 2. Be a United States citizen or lawfully present in the United
8 States. A student who is not a United States citizen or lawfully
9 present in the United States shall not be eligible to participate in
10 the Oklahoma Higher Learning Access Program and to qualify for an
11 award notwithstanding the provisions of Section 3242 of this title.
12 The provisions of this paragraph shall not apply to any student who
13 was enrolled in the Oklahoma Higher Learning Access Program prior to
14 the end of the 2006-2007 school year;

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

- 17 4. a. have graduated within the previous three (3) years
18 from a high school accredited by the State Board of
19 Education, or the Oklahoma School of Science and
20 Mathematics with a minimum 2.5 cumulative grade point
21 average on a 4.0 scale for all work attempted in
22 grades nine through twelve,
23 b. have graduated within the previous three (3) years
24 from a high school not accredited by the State Board

of Education with a minimum 2.5 cumulative grade point average on a 4.0 scale for all work attempted in grades nine through twelve and have achieved a composite score of 22 or higher on the ACT test, or

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

5. Have completed the curricular requirements for admission to an institution within The Oklahoma State System of Higher Education and one additional unit or set of competencies in a course that meets college admission requirements. The curriculum requirements shall include two units or sets of competencies in foreign or non-English language or technology courses that meet the college admission requirements and one unit or set of competencies of a fine arts course. Students shall also have attained a 2.5 grade point average in the core curriculum courses. Students who attended a high school which did not offer all the core curriculum courses or students who were educated by other means and were not offered all the core curriculum courses shall be allowed to satisfy this curriculum requirement by participating in a program approved by the State Regents for remediation of high school curricular deficiencies;

1 6. Have satisfied admission standards as determined by the
2 Oklahoma State Regents for Higher Education for first-time-entering
3 students for the appropriate type of institution, or, if attending a
4 private institution, have satisfied admission standards as
5 determined by the private institution. No student participating in
6 the Oklahoma Higher Learning Access Program shall be admitted into
7 an institution of higher education by special admission standards;

8 7. Have secured admission to, and enrolled in, an institution
9 which is a member of The Oklahoma State System of Higher Education,
10 a postsecondary vocational-technical program offered by a technology
11 center school that meets the requirements to be eligible for federal
12 student financial aid, or a private institution of higher learning
13 located within this state and accredited pursuant to Section 4103 of
14 this title; and

15 8. a. have established financial need according to the
16 provisions of subsection D of Section 2605 of this
17 title and standards and provisions promulgated by the
18 Oklahoma State Regents for Higher Education,

19 b. if the student was adopted between birth and twelve
20 (12) years of age while in the permanent custody of
21 the Department of Human Services, in the court-ordered
22 custody of a licensed private nonprofit child-placing
23 agency, or federally recognized Indian tribe, as
24 defined by the federal Indian Child Welfare Act, have

1 established financial need according to the provisions
2 of paragraph 1 of subsection E of Section 2605 of this
3 title and standards and provisions promulgated by the
4 Oklahoma State Regents for Higher Education, ~~or~~

5 c. if the student was adopted between thirteen (13) and
6 seventeen (17) years of age while in the permanent
7 custody of the Department of Human Services, in the
8 court-ordered custody of a licensed private nonprofit
9 child-placing agency, or federally recognized Indian
10 tribe, as defined by the federal Indian Child Welfare
11 Act, have established financial need according to the
12 provisions of paragraph 2 of subsection E of Section
13 2605 of this title and standards and provisions
14 promulgated by the Oklahoma State Regents for Higher
15 Education, or

16 d. if the student is the child of a certified teacher or
17 school support employee, have established financial
18 need according to the provisions of paragraph 4 of
19 subsection E of Section 2605 of this title. For the
20 purposes of this paragraph, "certified teacher" means
21 any certified, full-time teacher who is employed by a
22 public school district in this state and "school
23 support employee" means a full-time employee of a
24 public school district who provides services which are

1 not performed by certified teachers, principals,
2 superintendents, or administrators and which are
3 necessary for the efficient and satisfactory
4 functioning of a school district.

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 a
19 private institution of higher learning located within
20 this state and accredited pursuant to Section 4103 of
21 this title, and
- 22 f. executes an agreement pursuant to subsection C of
23 Section 2605 of this title.
- 24

1 2. A student who is eligible to participate in the program
2 pursuant to this subsection shall not be required to meet the
3 eligibility requirements set forth in subsection A of this section.

4 C. To retain eligibility while pursuing the program of higher
5 learning in which enrolled, the student shall:

6 1. Meet the requirements for retention and degree completion as
7 established by the institution in which the student is enrolled;

8 2. Maintain good academic standing and satisfactory academic
9 progress according to standards of the Oklahoma State Regents for
10 Higher Education;

11 3. Maintain satisfactory academic progress as required for
12 eligibility for federal Title IV student financial aid programs.
13 The provisions of this paragraph shall become effective for the
14 2012-2013 school year;

15 4. Comply with the standards related to maintenance of
16 eligibility as promulgated by the Oklahoma State Regents for Higher
17 Education; and

18 5. Refrain from conduct that leads to expulsion or suspension
19 of more than one semester from an institution of higher education.
20 A student who violates the provisions of this paragraph shall
21 permanently lose eligibility for program benefits. The provisions
22 of this paragraph shall become effective January 1, 2008.

23 D. The Oklahoma State Regents for Higher Education and the
24 State Board of Career and Technology Education shall promulgate

1 rules relating to maintenance of eligibility under the Oklahoma
2 Higher Learning Access Act by a student.

3 E. It is the intent of the Legislature that students in the
4 ninth grade for the 1992-93 school year who are determined to be
5 eligible Oklahoma Higher Learning Access students pursuant to the
6 Oklahoma Higher Learning Access Act shall be the first students
7 eligible for benefits from the Oklahoma Higher Learning Access Trust
8 Fund.

9 F. The Oklahoma State Regents for Higher Education are
10 authorized to study, develop and propose criteria for determining
11 award eligibility based upon the completion of seven semesters of
12 high school coursework by a student.

13 SECTION 2. AMENDATORY 70 O.S. 2021, Section 2605, is
14 amended to read as follows:

15 Section 2605. A. Each school year, every fifth- through
16 eleventh-grade student in the public and private schools of this
17 state and students who are educated by other means and are in the
18 equivalent of the fifth through eleventh grade shall be apprised,
19 together with the parent, custodial parent or guardian of the
20 student, of the opportunity for access to higher learning under the
21 Oklahoma Higher Learning Access Program. The Oklahoma State Regents
22 for Higher Education and the State Board of Education shall develop,
23 promote, and coordinate a public awareness program to be utilized in
24

1 making students and parents aware of the Oklahoma Higher Learning
2 Access Program.

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

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

1 to, throughout the remainder of their school years or educational
2 program:

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

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

20 3. The contact person shall maintain the agreements, which
21 shall be executed on forms provided by the Oklahoma State Regents
22 for Higher Education and managed according to regulations
23 promulgated by the Oklahoma State Regents for Higher Education, and
24 the contact person shall monitor compliance of the student with the

1 terms of the agreement. The Oklahoma State Regents for Higher
2 Education are authorized to process student agreements and verify
3 compliance with the agreements. Students failing to comply with the
4 terms of the agreement shall not be eligible for the awards provided
5 in Section 2604 of this title.

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

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

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

1 3. Beginning with eighth-, ninth-, tenth- or eleventh-grade
2 students who are enrolled in a public or private school or students
3 between the ages of thirteen (13) and sixteen (16) who are educated
4 by other means who apply for participation in the program in the
5 2021-2022 school year, the federal adjusted gross income of the
6 student's parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per
7 year;

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

13 5. Beginning with the 2018-2019 academic year, prior to
14 receiving any Oklahoma Higher Learning Access Program benefit award
15 for any year during which the student is enrolled in an institution
16 which is a member of The Oklahoma State System of Higher Education,
17 a postsecondary vocational-technical program offered by a technology
18 center school that meets the requirements to be eligible for federal
19 student financial aid or a private institution of higher learning
20 located within this state and accredited pursuant to Section 4103 of
21 this title, the federal adjusted gross income of the student's
22 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
23 year.
24

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

4 a. is determined to be independent of the student's
5 parents for federal financial aid purposes,

6 b. was in the permanent custody of the Department of
7 Human Services at the time the student enrolled in the
8 program, or

9 c. was in the court-ordered custody of a federally
10 recognized Indian tribe, as defined by the federal
11 Indian Child Welfare Act, at the time the student
12 enrolled in the program.

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

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

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

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

20 2. A student who was adopted between thirteen (13) and
21 seventeen (17) years of age while in the permanent custody of the
22 Department of Human Services, in the court-ordered custody of a
23 licensed private nonprofit child-placing agency, or federally
24 recognized Indian tribe, as defined by the federal Indian Child

Welfare Act, shall not be found to be in financial need for purposes of the Oklahoma Higher Learning Access Program if at the time the student begins postsecondary education and prior to receiving any Oklahoma Higher Learning Access Program benefit award, the federal adjusted gross income of the student's parent(s) exceeds Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions of this paragraph shall not apply to any student who has received an Oklahoma Higher Learning Access Program benefit award prior to the 2012-2013 school year.

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

4. a. A student who is the child of a certified teacher or school support employee shall not be found to be in financial need for purposes of the OHLAP if at the

time the student begins postsecondary education and
prior to receiving any Oklahoma Higher Learning Access
Program benefit award for any year during which the
student is enrolled in an institution which is a
member of The Oklahoma State System of Higher
Education, a postsecondary vocational-technical
program offered by a technology center school that
meets the requirements to be eligible for federal
student financial aid or a private institution of
higher learning located within this state and
accredited pursuant to Section 4103 of this title, the
federal adjusted gross income of the student's
parent(s) exceeds an amount equal to three hundred
percent (300%) of the income standard used to qualify
for a free or reduced-price school lunch. The State
Regents for Higher Education shall verify the
employment status of the student's parent prior to the
student receiving any Oklahoma Higher Learning Access
Program benefit award. The provisions of this
paragraph shall apply to eighth-, ninth-, tenth-, or
eleventh-grade students who are enrolled in a public
or private school or students between the ages of
thirteen (13) and fifteen (15) who are educated by

1 other means who apply for participation in the program
2 after the 2021-2022 school year.

3 b. For purposes of this paragraph, "certified teacher"
4 means any certified, full-time teacher who is employed
5 by a public school district and "school support
6 employee" means a full-time employee of a public
7 school district who provides services which are not
8 performed by certified teachers, principals,
9 superintendents, or administrators and which are
10 necessary for the efficient and satisfactory
11 functioning of a school district. The certified
12 teacher or school support employee shall not be
13 required to be employed by the same public school
14 district during the time his or her child is
15 participating in the Oklahoma Higher Learning Access
16 Program but shall be continuously employed as a
17 certified teacher or school support employee during
18 the time his or her child is participating in the
19 Oklahoma Higher Learning Access Program.

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

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 3. This act shall become effective July 1, 2022.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 58-2-10643 EK 02/17/22

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