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March 3, 2021

SENATE BILL NO. 639

By: Pugh and Stephens

[ Oklahoma Higher Learning Access Program -  
postsecondary career technology programs -  
postsecondary vocational-technical program -  
completion of certain program - codification -  
effective date -

emergency

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

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

Section 2602. There is hereby created the Oklahoma Higher Learning Access Program. The program shall also be known as "Oklahoma's Promise". The purpose of the program is to provide an award to students who meet the criteria set forth in the Oklahoma Higher Learning Access Act who are pursuing studies in this state leading to an associate or baccalaureate degree or who are pursuing studies in a postsecondary career technology program that would meet the requirements to be eligible for federal student financial aid or that has been identified as a critical occupation area pursuant to Section 4 of this act and is offered by a technology center school

1 supervised by the State Board of Career and Technology Education,  
2 and who are in good academic standing in the institution or school  
3 in which the student is enrolled, that will relieve the student of  
4 the burden of paying nonguaranteed resident tuition at institutions  
5 of The Oklahoma State System of Higher Education, paying tuition for  
6 enrollment in postsecondary programs of the technology center  
7 districts, or paying some portion of such fees or tuition, pursuant  
8 to the provisions of the Oklahoma Higher Learning Access Act, as may  
9 be required of enrollees at private institutions of higher education  
10 which are accredited pursuant to Section 4103 of this title. The  
11 further purpose of this program is to establish and maintain a  
12 variety of support services whereby a broader range of the general  
13 student population of this state will be prepared for success in  
14 postsecondary endeavors.

15 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2603, as  
16 last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp.  
17 2020, Section 2603), is amended to read as follows:

18 Section 2603. A. Except as otherwise provided for in  
19 subsection B of this section and elsewhere in this section, to be  
20 eligible to participate in the Oklahoma Higher Learning Access  
21 Program and to qualify for an award which includes payment of an  
22 amount equivalent to resident tuition or other tuition pursuant to  
23 Section 2604 of this title for the first semester or other academic  
24 unit of postsecondary enrollment, a student shall:

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

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

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

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

21               b.    have graduated within the previous three (3) years  
22                from a high school not accredited by the State Board  
23                of Education with a minimum 2.5 cumulative grade point  
24                average on a 4.0 scale for all work attempted in

1 grades nine through twelve and have achieved a  
2 composite score of 22 or higher on the ACT test, or  
3 c. have satisfactorily completed within the previous  
4 three (3) years an educational program that was  
5 provided through a means other than a public or  
6 private school and have achieved a composite score of  
7 22 or higher on the ACT test;

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

23 6. Have satisfied admission standards as determined by the  
24 Oklahoma State Regents for Higher Education for first-time-entering

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

6 7. Have secured admission to, and enrolled in, an institution  
7 which is a member of The Oklahoma State System of Higher Education,  
8 a postsecondary vocational-technical program offered by a technology  
9 center school that meets the requirements to be eligible for federal  
10 student financial aid or that has been identified as a critical  
11 occupation area pursuant to Section 4 of this act, or a private  
12 institution of higher learning located within this state and  
13 accredited pursuant to Section 4103 of this title; and

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

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

of paragraph 1 of subsection E of Section 2605 of this title and standards and provisions promulgated by the Oklahoma State Regents for Higher Education, or

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

B. 1. A student shall 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 Section 2604 of this title for the first semester or other academic unit of postsecondary enrollment if the student meets all of the following criteria:

a. is a child of any person killed after January 1, 2000, in the line of duty in any branch of the United States Armed Forces or who died after January 1, 2000, as a result of an injury sustained while in the line of

1 duty in any branch of the United States Armed Forces  
2 and the person who was killed or died filed an  
3 individual or joint Oklahoma income tax return for the  
4 tax year prior to the year during which the person was  
5 killed or died,

6 b. is a resident of this state or is enrolled in a school  
7 district located in this state that serves students  
8 who reside in both this state and an adjacent state  
9 pursuant to a contract as authorized in Section 5-  
10 117.1 of this title,

11 c. enrolls in an institution within The Oklahoma State  
12 System of Higher Education prior to reaching the age  
13 of twenty-one (21),

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

23 e. has secured admission to, and enrolled in, an  
24 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 that has been identified as a critical occupation area pursuant to Section 4 of this act, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of this title, and

f. executes an agreement pursuant to subsection C of Section 2605 of this title.

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

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

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

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

3. Maintain satisfactory academic progress as required for eligibility for federal Title IV student financial aid programs.

The provisions of this paragraph shall become effective for the 2012-2013 school year;



1       4. Comply with the standards related to maintenance of  
2 eligibility as promulgated by the Oklahoma State Regents for Higher  
3 Education; and

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

9       D. The Oklahoma State Regents for Higher Education and the  
10 State Board of Career and Technology Education shall promulgate  
11 rules relating to maintenance of eligibility under the Oklahoma  
12 Higher Learning Access Act by a student.

13       E. It is the intent of the Legislature that students in the  
14 ninth grade for the 1992-93 school year who are determined to be  
15 eligible Oklahoma Higher Learning Access students pursuant to the  
16 Oklahoma Higher Learning Access Act shall be the first students  
17 eligible for benefits from the Oklahoma Higher Learning Access Trust  
18 Fund.

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

1       SECTION 3.       AMENDATORY       70 O.S. 2011, Section 2605, as  
2 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.  
3 2020, Section 2605), is amended to read as follows:

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

15       B. On a form provided by the Oklahoma State Regents for Higher  
16 Education, every public school district shall designate at least one  
17 Oklahoma Higher Learning Access Program contact person, who shall be  
18 a counselor or teacher, at each public school site in this state in  
19 which eighth-, ninth- or tenth-grade classes are taught. When  
20 requested by the State Regents, the State Board of Education shall  
21 assist the State Regents to ensure the designation of contact  
22 persons. Private schools shall also designate at least one school  
23 official as a contact person. For students who are educated by  
24

1 other means, a parent or guardian or other person approved by the  
2 State Regents shall be designated the contact person.

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

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

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

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

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

23        1. At the time the student applies for participation in the  
24 program during the eighth, ninth or tenth grade for students

1 enrolled in a public or private school, or between the ages of  
2 thirteen (13) and fifteen (15), for students who are educated by  
3 other means, the income from taxable and nontaxable sources of the  
4 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per  
5 year;

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

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

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

23 5. Beginning with the 2018-2019 academic year, prior to  
24 receiving any Oklahoma Higher Learning Access Program benefit award

1 for any year during which the student is enrolled in an institution  
2 which is a member of The Oklahoma State System of Higher Education,  
3 a postsecondary vocational-technical program offered by a technology  
4 center school that meets the requirements to be eligible for federal  
5 student financial aid or that has been identified as a critical  
6 occupation area pursuant to Section 4 of this act, or a private  
7 institution of higher learning located within this state and  
8 accredited pursuant to Section 4103 of this title, the federal  
9 adjusted gross income of the student's parent(s) exceeds One Hundred  
10 Thousand Dollars (\$100,000.00) per year.

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

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

23

24

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

4       6. The Oklahoma State Regents for Higher Education shall review  
5 the determination of financial qualification as set forth in  
6 paragraphs 1, 2 and 3 of this subsection if the income from taxable  
7 and nontaxable sources of the student's parent(s) includes income  
8 received from nontaxable military benefits or income received from  
9 the federal Social Security Administration due to the death or  
10 disability of the student's parent(s). If the income from taxable  
11 and nontaxable sources of the student's parent(s), excluding income  
12 received from nontaxable military benefits or income received from  
13 the federal Social Security Administration due to the death or  
14 disability of the student's parent(s), does not exceed the  
15 limitations set forth by paragraphs 1, 2 and 3 of this subsection,  
16 the student shall be determined to have met the financial  
17 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

18       E. 1. A student who was adopted between birth and twelve (12)  
19 years of age while in the permanent custody of the Department of  
20 Human Services, in the court-ordered custody of a licensed private  
21 nonprofit child-placing agency, or federally recognized Indian  
22 tribe, as defined by the federal Indian Child Welfare Act, shall not  
23 be found to be in financial need for purposes of the Oklahoma Higher  
24 Learning Access Program if at the time the student begins

1 postsecondary education and prior to receiving any Oklahoma Higher  
2 Learning Access Program benefit award, the federal adjusted gross  
3 income of the student's parent(s) exceeds One Hundred Fifty Thousand  
4 Dollars (\$150,000.00) per year. The provisions of this paragraph  
5 shall not apply to any student who has received an Oklahoma Higher  
6 Learning Access Program benefit award prior to the 2012-2013 school  
7 year.

8       2. A student who was adopted between thirteen (13) and  
9 seventeen (17) years of age while in the permanent custody of the  
10 Department of Human Services, in the court-ordered custody of a  
11 licensed private nonprofit child-placing agency, or federally  
12 recognized Indian tribe, as defined by the federal Indian Child  
13 Welfare Act, shall not be found to be in financial need for purposes  
14 of the Oklahoma Higher Learning Access Program if at the time the  
15 student begins postsecondary education and prior to receiving any  
16 Oklahoma Higher Learning Access Program benefit award, the federal  
17 adjusted gross income of the student's parent(s) exceeds Two Hundred  
18 Thousand Dollars (\$200,000.00) per year. The provisions of this  
19 paragraph shall not apply to any student who has received an  
20 Oklahoma Higher Learning Access Program benefit award prior to the  
21 2012-2013 school year.

22       3. Except for students who qualify pursuant to subsection B of  
23 Section 2603 of this title, the determination of financial  
24 qualification as set forth in this subsection shall be based on the



1 income of the student, not the income of the parent(s), if the  
2 student is determined to be independent of the student's parent(s)  
3 for federal financial aid purposes. A determination of financial  
4 qualification shall not be required for the student who meets the  
5 criteria set forth in this subsection at the time the student  
6 applies for participation in the program. The provisions of this  
7 paragraph shall not apply to any student who has received an  
8 Oklahoma Higher Learning Access Program benefit award prior to the  
9 2008-2009 school year.

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

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

19 1. Assist the student in achieving compliance with the  
20 agreements;

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

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

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

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

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

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

23       K. The school district where an Oklahoma Higher Learning Access  
24 Program student is enrolled when the student begins participation in

1 the program and any subsequent school district where the student  
2 enrolls shall forward information regarding participation by the  
3 student in the program to a school to which the student transfers  
4 upon the request of the school for the records of the student.

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

10 SECTION 4. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 2607 of Title 70, unless there  
12 is created a duplication in numbering, reads as follows:

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

20 B. The State Regents for Higher Education, in consultation with  
21 the State Board of Career and Technology Education, shall identify  
22 postsecondary vocational-technical programs that correlate to  
23 critical occupation areas identified by the executive director  
24 pursuant to this section.

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

8 2. A student who receives an award pursuant to Section 2604 of  
9 Title 70 of the Oklahoma Statutes and enrolls in a postsecondary  
10 vocational-technical program that has been identified as a critical  
11 occupation area pursuant to this section may complete prescribed  
12 coursework for program completion regardless of whether the program  
13 is included on the most current list published by the Executive  
14 Director of the Department of Commerce as long as program completion  
15 is achieved within five (5) years of the student's enrollment.

16 3. If a student does not complete the postsecondary vocational-  
17 technical program that has been identified as a critical occupation  
18 area pursuant to this section within five (5) years, the student  
19 shall be required to repay the full amount of the award provided  
20 pursuant to this section. The Oklahoma State Regents for Higher  
21 Education shall enter into a repayment agreement with the student.  
22 Loan repayments shall be deposited into the Oklahoma Higher Learning  
23 Access Trust Fund.  
24

1 D. The State Regents for Higher Education and the State Board  
2 of Career and Technology Education may promulgate rules to implement  
3 the provisions of this section.

4 SECTION 5. This act shall become effective July 1, 2021.

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
10 March 3, 2021 - DO PASS  
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