

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB322 _____
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: Ellyn Hefner

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 322

By: Seifried of the Senate

and

McBride of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to higher education; amending 70 O.S. 2021, Section 626.7, which relates to the Oklahoma Higher Education Tuition Aid Act; providing eligibility for certain programs; updating statutory language; amending 70 O.S. 2021, Section 3953.1, which relates to the Oklahoma Higher Learning Access Trust Fund; directing use of Fund to implement certain program; modifying purposes of Fund; prohibiting use of Fund for certain administrative expenses; enacting the Oklahoma Promise Opportunity Scholarship Act; defining terms; creating the Oklahoma Promise Opportunity Scholarship Act program; providing program purpose; establishing student eligibility requirements for program; listing requirements for student to retain eligibility in program; directing the Oklahoma State Regents for Higher Education to promulgate rules; providing for an award equivalent to resident tuition; subjecting award to availability of funds; mandating award for all eligible student applicants; providing preference for award if funds are insufficient; authorizing set aside for full amount of award funds; requiring priority of award funds for certain students; requiring public awareness program for Oklahoma Promise Opportunity Scholarship Act;

1 providing for designation of school site contact
2 person; establishing process to enter into
3 program; requiring execution of agreements for
4 the program; setting financial need
5 qualifications for program applicants;
6 prescribing certification of financial need;
7 requiring agreements to be witnessed by a parent
8 or guardian; providing for promulgation of rules;
9 establishing program administrative duties for
10 State Regents; mandating transfer of student
11 information if student transfers; requiring
12 students to provide certain identifying number;
13 directing number to be kept confidential and used
14 only for administrative purposes; providing for
15 codification; providing an effective date; and
16 declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 626.7, is
amended to read as follows:

Section 626.7 A college tuition aid grant may be awarded
annually to each eligible, qualified full-time or part-time
undergraduate or graduate student enrolled in a curriculum leading
to a degree or certificate in an institution of collegiate grade or
postsecondary institution providing a program of training to prepare
students for employment in a recognized occupation in Oklahoma
approved or accredited by the Oklahoma State Regents for Higher
Education or appropriate postsecondary agency. Eligible programs of
training shall include comprehensive transition and postsecondary
programs approved by the United States Department of Education.

1 College tuition aid grants shall be awarded in accordance with the
2 following:

3 1. Eligibility. Each full-time or part-time resident student
4 ~~will~~ shall be eligible to receive a grant in an amount as provided
5 in paragraph 2 of this section. The Oklahoma State Regents for
6 Higher Education shall determine by rules and regulations the
7 maximum number of semesters a student may be eligible for grants.
8 No student shall be eligible for grants unless the student maintains
9 ~~such~~ minimum standards of academic performance as are required by
10 the institution in which the student is enrolled.

11 In the event a student for any reason ceases to continue to be
12 enrolled during the course of an academic year, the student shall
13 cease to be eligible for tuition aid.

14 2. Amount of grant. The amount of tuition aid grant to any
15 student under this act for any semester shall represent a percentage
16 not greater than seventy-five percent (75%) of the tuition and
17 enrollment fees normally charged to residents of ~~the State of~~
18 ~~Oklahoma~~ this state by the institution of attendance. The Oklahoma
19 State Regents for Higher Education shall determine by rules the
20 annual maximum award amount based on an annual assessment of funds
21 availability.

22 Financial assistance received under this act ~~will~~ shall be
23 considered as part of a student's financial aid package.
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1 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3953.1, is
2 amended to read as follows:

3 Section 3953.1 A. There is hereby created a trust fund to be
4 known as the "Oklahoma Higher Learning Access Trust Fund". The
5 Oklahoma State Regents for Higher Education shall be the trustees of
6 said Trust Fund.

7 B. The State Regents shall utilize said Trust Fund to implement
8 the provisions of Sections 2601 through 2605 of this title and
9 Sections 2 through 4 of this act.

10 C. The Trust Fund principal shall consist of monies the
11 Legislature appropriates or transfers to the Oklahoma State Regents
12 for Higher Education for the Trust Fund and any monies or assets
13 contributed to the Trust Fund from any other source, public or
14 private. All monies accruing to the credit of said fund are hereby
15 appropriated and may be budgeted and expended by the State Regents.
16 Expenditures from said fund shall be made upon warrants issued by
17 the State Treasurer against claims filed as prescribed by law with
18 the Director of the Office of Management and Enterprise Services for
19 approval and payment.

20 D. Notwithstanding other provisions of law, income and
21 investment return on Trust Fund principal shall accrue to the Trust
22 Fund for use as provided by authorization of the trustees for the
23 purposes provided in Sections 2601 through 2605 of this title and
24 Sections 2 through 4 of this act. The State Regents may also

1 utilize the Trust Fund principal for the purposes provided in
2 Sections 2601 through 2605 of this title and Sections 2 through 4 of
3 this act. Except as otherwise provided by law, no such income or
4 investment return or principal shall be used for administrative
5 expenses; expenses incurred by the State Regents in the
6 administration of the Trust Fund and of the Oklahoma Higher Learning
7 Access Program established by the Oklahoma Higher Learning Access
8 Act and of the Oklahoma Promise Opportunity Scholarship program
9 established by the Oklahoma Promise Opportunity Scholarship Act
10 shall be paid from monies appropriated to the State Regents
11 coordinating board for their general operating budget.

12 E. The Regents shall adopt rules for accomplishing transfer of
13 funds from the Oklahoma Higher Learning Access Trust Fund to the
14 appropriate institutional Educational and General Operations
15 Revolving Funds, as provided in Section 3901 of this title, to
16 private institutions, and to the appropriate technology center
17 school district to cover general enrollment fees or tuition for
18 eligible students pursuant to the Oklahoma Higher Learning Access
19 Act and the Oklahoma Promise Opportunity Scholarship Act.

20 Allocations from the Trust Fund may be made only for the purpose of
21 covering the general enrollment fees or tuition of eligible
22 students. No portion of the Trust Fund may be used or allocated for
23 administrative or operating expenses of any higher education
24 institution or technology center school.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2501 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. This act shall be known and may be cited as the "Oklahoma
5 Promise Opportunity Scholarship Act".

6 B. As used in the Oklahoma Promise Opportunity Scholarship Act:

7 1. "Board" means the State Board of Education;

8 2. "Comprehensive transition and postsecondary program for
9 students with intellectual disabilities" or "CTP program" means a
10 degree, certificate, or nondegree program that meets each of the
11 following:

12 a. is offered by a state educational institution,

13 b. is designed to support students with intellectual
14 disabilities who are seeking to continue academic,
15 career and technical, and independent living
16 instruction at a state educational institution in
17 order to prepare for gainful employment,

18 c. includes an advising and curriculum structure,

19 d. requires students with intellectual disabilities to
20 participate on not less than a half-time basis as
21 determined by the institution, with participation
22 focusing on academic components, and occurring through
23 one or more of the following activities:
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- (1) regular enrollment in credit-bearing courses with nondisabled students offered by the institution,
 - (2) auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit,
 - (3) enrollment in noncredit-bearing, nondegree courses with nondisabled students, or
 - (4) participation in internships or work-based training in settings with nondisabled individuals, and
- e. requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible;

3. "Program" means the Oklahoma Promise Opportunity Scholarship program;

4. "State educational institution" means any higher education institution supported wholly or in part by direct legislative appropriations which provides a comprehensive transition and postsecondary program for students with intellectual disabilities;

5. "State Regents" means the Oklahoma State Regents for Higher Education; and

6. "Student" means a student with:

1 a. a cognitive impairment, characterized by significant
2 limitations in intellectual and cognitive functioning
3 and adaptive behavior as expressed in conceptual,
4 social, and practical adaptive skills, and

5 b. who is currently, or was formerly, eligible for a free
6 appropriate public education under the federal
7 Individuals with Disabilities Education Act.

8 C. There is hereby created a program to be known as the
9 "Oklahoma Promise Opportunity Scholarship". The purpose of the
10 program is to provide an award to eligible students who are pursuing
11 studies in this state at a CTP program, that will relieve students
12 from paying nonguaranteed resident tuition at state educational
13 institutions.

14 D. A student shall be eligible for the Oklahoma Promise
15 Opportunity Scholarship program if the student:

16 1. Meets the definition for student provided in paragraph 6 of
17 subsection B of this section;

18 2. Is a resident of this state or enrolled in a school district
19 located in this state that serves students who reside in both this
20 state and an adjacent state pursuant to a contract as authorized in
21 Section 5-117.1 of Title 70 of the Oklahoma Statutes;

22 3. Is a United States citizen or lawfully present in the United
23 States. A student who is not a United States citizen or lawfully
24 present in the United States shall not be eligible to participate in

1 the program and qualify for an award notwithstanding the provisions
2 of Section 3242 of Title 70 of the Oklahoma Statutes;

3 4. Has a record of satisfactory compliance with agreements
4 executed pursuant to Section 4 of this act;

5 5. Has graduated within the previous six (6) years from a
6 public high school accredited by the State Board of Education or a
7 private school, or has satisfactorily completed within the previous
8 six (6) years an educational program that was provided through a
9 means other than a public or private school;

10 6. Has completed the curricular requirements for admission to a
11 state educational institution;

12 7. Has satisfied admission standards as determined by the State
13 Regents for first-time-entering students for the appropriate type of
14 state educational institution;

15 8. Have secured admission to, and enrolled in, a state
16 educational institution that meets the requirements to be eligible
17 for federal student financial aid; and

18 9. Has established financial need according to the provisions
19 of subsection D of Section 4 of this act and standards and
20 provisions promulgated by the State Regents.

21 E. To retain eligibility in the program, the student shall:

22 1. Meet the requirements for retention and completion as
23 established by the state educational institution where the student
24 is enrolled;

1 2. Maintain good academic standing and satisfactory academic
2 progress according to standards of the State Regents;

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

5 4. Comply with the standards related to maintenance of
6 eligibility as promulgated by the State Regents; and

7 5. Refrain from conduct that leads to expulsion or suspension
8 of more than one (1) semester from a state educational institution.

9 A student who violates the provisions of this paragraph shall
10 permanently lose eligibility for program benefits.

11 F. The State Regents shall promulgate rules relating to
12 maintenance of eligibility under the program by a student.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2502 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Subject to the availability of funds, an amount equivalent
17 to the nonguaranteed resident tuition for which an eligible Oklahoma
18 Promise Opportunity Scholarship program student is obligated at a
19 state educational institution shall be awarded by allocation from
20 the Oklahoma Higher Learning Access Trust Fund.

21 B. Benefits awarded through the program shall be awarded to all
22 eligible student applicants without any limitation on the number of
23 awards in any year other than the amount of funds available for the
24 program and the number of eligible applicants. Subject to the

1 provisions of subsection D of this section, if funds are not
2 sufficient to provide awards for all eligible applicants, the State
3 Regents shall make awards on the basis of need. Provided, the State
4 Regents may take into consideration other grants and scholarships
5 received by an eligible applicant when making awards.

6 C. The State Regents may, at the time an award is made on
7 behalf of an Oklahoma Promise Opportunity Scholarship program
8 student, set aside in the Oklahoma Higher Learning Access Trust Fund
9 funds for the full commitment made to the student. For all academic
10 years, students who have previously received awards under the
11 provisions of the Oklahoma Promise Opportunity Scholarship Act, and
12 who have continued at all times to fulfill the requirements for
13 eligibility to receive awards provided pursuant to this program,
14 shall be given an absolute priority for continued financial support
15 by the Oklahoma Promise Opportunity Scholarship program superior to
16 any students who are applying for an award for the first time.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 2503 of Title 70, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Each school year, the parent or legal guardian of every
21 fifth- through eleventh-grade student in the public and private
22 schools of this state and students who are educated by other means
23 and are in the equivalent of the fifth through eleventh grade, who
24 meets the definition for student provided in paragraph 6 of

1 subsection B of Section 2 of this act, shall be informed of the
2 opportunity for access to higher learning through the Oklahoma
3 Promise Opportunity Scholarship Act. The State Regents and the
4 State Board of Education shall develop, promote, and coordinate a
5 public awareness program to be utilized in making students and
6 parents aware of the Oklahoma Promise Opportunity Scholarship
7 program.

8 B. On a form provided by the State Regents, every public school
9 district shall designate at least one (1) Oklahoma Promise
10 Opportunity Scholarship program contact person, who shall be a
11 counselor or teacher, at each public school site in this state in
12 which eighth-, ninth-, tenth-, or eleventh-grade classes are taught.
13 When requested by the State Regents, the Board shall assist the
14 State Regents to ensure the designation of contact persons. Private
15 schools shall also designate at least one (1) school official as a
16 contact person. For students who are educated by other means, a
17 parent, legal guardian, or other person approved by the State
18 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 prior to entering the
21 eleventh grade or prior to reaching sixteen (16) years of age and
22 who meet the standards and provisions promulgated by the State
23 Regents, shall be given the opportunity throughout the eighth-,
24 ninth-, tenth-, and eleventh-grade years, for students enrolled in a

1 public or private school, or between thirteen (13) and sixteen (16)
2 years of age, for students who are educated by other means, to enter
3 into participation in the program by agreeing, throughout the
4 remainder of their school years or educational program, to:

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

13 2. The contact person shall maintain the agreements, which
14 shall be executed on forms provided by the State Regents and managed
15 according to regulations promulgated by the State Regents, and the
16 contact person shall monitor compliance of the student with the
17 terms of the agreement. The State Regents are authorized to process
18 student agreements and verify compliance with the agreements.
19 Students failing to comply with the terms of the agreement shall not
20 be eligible for the awards provided in Section 3 of this act.

21 D. Except as otherwise provided for in subsection E of this
22 section, a student shall not be found to be in financial need for
23 purposes of the Oklahoma Promise Opportunity Scholarship Act if:
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1 1. At the time the student applies for participation in the
2 program during the eighth, ninth, or tenth grade for students
3 enrolled in a public or private school, or between thirteen (13) and
4 fifteen (15) years of age for students who are educated by other
5 means:

6 a. the federal adjusted gross income of the student's
7 parent(s), who have two (2) or fewer dependent
8 children, exceeds Sixty-five Thousand Dollars
9 (\$65,000.00) per year,

10 b. the federal adjusted gross income of the student's
11 parent(s), who have three (3) or four (4) dependent
12 children, exceeds Seventy-five Thousand Dollars
13 (\$75,000.00) per year, or

14 c. the federal adjusted gross income of the student's
15 parent(s), who have five (5) or more dependent
16 children, exceeds Eighty-five Thousand Dollars
17 (\$85,000.00) per year;

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

22 3. Prior to receiving any program award for any year during
23 which the student is enrolled in a state educational institution,
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1 the federal adjusted gross income of the student's parent(s) exceeds
2 One Hundred Thousand Dollars (\$100,000.00) per year.

3 The determination of financial qualification provided in
4 paragraphs 2 and 3 of this subsection shall be based on the income
5 of the student, not the income of the parent(s), if a student is
6 determined to be independent of the student's parents for federal
7 financial aid purposes, was in the permanent custody of the
8 Department of Human Services at the time the student enrolled in the
9 program, or was in the court-ordered custody of a federally
10 recognized Indian tribe, as defined by the federal Indian Child
11 Welfare Act, at the time the student enrolled in the program.

12 The State Regents shall review the determination of financial
13 qualification provided in paragraph 1 of this subsection if the
14 income from taxable and nontaxable sources of the student's
15 parent(s) includes income received from nontaxable military benefits
16 or income received from the federal Social Security Administration
17 due to the death or disability of the student's parent(s). If the
18 income from taxable and nontaxable sources of the student's
19 parent(s), excluding income received from nontaxable military
20 benefits or income received from the federal Social Security
21 Administration due to the death or disability of the student's
22 parent(s), does not exceed the limitations provided in paragraph 1
23 of this subsection, the student shall be determined to have met the
24 financial qualification provided in paragraph 1 of this subsection.

1 E. 1. A student who was adopted between birth and twelve (12)
2 years of age while in the permanent custody of the Department of
3 Human Services, in the court-ordered custody of a licensed private
4 nonprofit child-placing agency, or federally recognized Indian
5 tribe, as defined by the federal Indian Child Welfare Act, shall not
6 be found to be in financial need for purposes of the Oklahoma
7 Promise Opportunity Scholarship Act if at the time the student
8 begins postsecondary education and prior to receiving any program
9 award, the federal adjusted gross income of the student's parent(s)
10 exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year.

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

21 3. The determination of financial qualification provided in
22 this subsection shall be based on the income of the student, not the
23 income of the parent(s), if the student is determined to be
24 independent of the student's parent(s) for federal financial aid

1 purposes. A determination of financial qualification shall not be
2 required for the student who meets the criteria set forth in this
3 subsection at the time the student applies for participation in the
4 program.

5 F. The financial qualification of a student provided in
6 subsections D and E of this section shall be certified by the
7 contact person or by the State Regents on the agreement form
8 provided by the State Regents. The form shall be retained in the
9 permanent record of the student and a copy forwarded to the State
10 Regents.

11 G. Agreements shall be witnessed by the parent or legal
12 guardian of the student, who shall further agree to:

13 1. Assist the student in achieving compliance with the
14 agreements;

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

17 3. Provide information requested by the State Regents or the
18 Board; and

19 4. Assist the student in completing forms and reports required
20 for program participation, making applications to state educational
21 institutions, and filing applications for student grants and
22 scholarships.

1 H. The State Regents shall promulgate rules for the
2 determination of student compliance with agreements made pursuant to
3 this section.

4 I. The State Regents shall designate personnel to coordinate
5 tracking of program records for the years when students
6 participating in the program are still in the schools or are being
7 educated by other means, provide staff development for contact
8 persons in the schools, and provide liaison with the Board and local
9 organizations and individuals participating in the program.

10 J. The school district where an Oklahoma Promise Opportunity
11 Scholarship program student is enrolled when the student begins
12 participation in the program and any subsequent school district
13 where the student enrolls, shall forward information regarding
14 participation by the student in the program to the school where the
15 student transfers upon request of the school for the student's
16 records.

17 K. Students participating in the program shall provide their
18 Social Security number or their student identification number used
19 by their school to the State Regents. The State Regents shall keep
20 the numbers confidential and use them only for administrative
21 purposes.

22 SECTION 6. This act shall become effective July 1, 2023.
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1 SECTION 7. It being immediately necessary for the preservation
2 of the public peace, health, or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 59-1-8216 EK 04/12/23

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