

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2718

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COMMITTEE SUBSTITUTE

[higher education - Oklahoma Higher Learning Access
Trust Fund - administrative expenses - Oklahoma
Promise Opportunity Scholarship Act - defining
terms - program - requirements - rules - award -
applicants - funds - students - person - program -
need - witnessed - rules - transfers - number -
purposes - codification - effective date]

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3953.1, is
amended to read as follows:

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

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

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

14 D. Notwithstanding other provisions of law, income and
15 investment return on Trust Fund principal shall accrue to the Trust
16 Fund for use as provided by authorization of the trustees for the
17 purposes provided in Sections 2601 through 2605 of this title and
18 Sections 2 through 4 of this act. The State Regents may also
19 utilize the Trust Fund principal for the purposes provided in
20 Sections 2601 through 2605 of this title and Sections 2 through 4 of
21 this act. Except as otherwise provided by law, no such income or
22 investment return or principal shall be used for administrative
23 expenses; expenses incurred by the State Regents in the
24 administration of the Trust Fund and of the Oklahoma Higher Learning

1 Access Program established by the Oklahoma Higher Learning Access
2 Act and of the Oklahoma Promise Opportunity Scholarship program
3 established by the Oklahoma Promise Opportunity Scholarship Act
4 shall be paid from monies appropriated to the State Regents
5 coordinating board for their general operating budget.

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

14 Allocations from the Trust Fund may be made only for the purpose of
15 covering the general enrollment fees or tuition of eligible
16 students. No portion of the Trust Fund may be used or allocated for
17 administrative or operating expenses of any higher education
18 institution or technology center school.

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

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

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

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

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

6 a. is offered by a state educational institution,

7 b. is designed to support students with intellectual
8 disabilities who are seeking to continue academic,
9 career and technical, and independent living

10 instruction at a state educational institution in
11 order to prepare for gainful employment,

12 c. includes an advising and curriculum structure,

13 d. requires students with intellectual disabilities to
14 participate on not less than a half-time basis as
15 determined by the institution, with participation
16 focusing on academic components, and occurring through
17 one or more of the following activities:

18 (1) regular enrollment in credit-bearing courses with
19 nondisabled students offered by the institution,

20 (2) auditing or participating in courses with
21 nondisabled students offered by the institution
22 for which the student does not receive regular
23 academic credit,
24

(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:

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

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

1 C. There is hereby created a program to be known as the
2 "Oklahoma Promise Opportunity Scholarship". The purpose of the
3 program is to provide an award to eligible students who are pursuing
4 studies in this state at a CTP program, that will relieve students
5 from paying nonguaranteed resident tuition at state educational
6 institutions.

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

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

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

15 3. Is a United States citizen or lawfully present in the United
16 States. A student who is not a United States citizen or lawfully
17 present in the United States shall not be eligible to participate in
18 the program and qualify for an award notwithstanding the provisions
19 of Section 3242 of Title 70 of the Oklahoma Statutes;

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

22 5. Has graduated within the previous six (6) years from a
23 public high school accredited by the State Board of Education or a
24 private school, or has satisfactorily completed within the previous

1 six (6) years an educational program that was provided through a
2 means other than a public or private school;

3 6. Has completed the curricular requirements for admission to a
4 state educational institution;

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

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

11 9. Has established financial need according to the provisions
12 of subsection D of Section 4 of this act and standards and
13 provisions promulgated by the State Regents.

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

15 1. Meet the requirements for retention and completion as
16 established by the state educational institution where the student
17 is enrolled;

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

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

22 4. Comply with the standards related to maintenance of
23 eligibility as promulgated by the State Regents; and
24

1 5. Refrain from conduct that leads to expulsion or suspension
2 of more than one (1) semester from a state educational institution.
3 A student who violates the provisions of this paragraph shall
4 permanently lose eligibility for program benefits.

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

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2502 of Title 70, unless there
9 is created a duplication in numbering, reads as follows:

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

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

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

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2503 of Title 70, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Each school year, the parent or legal guardian of every
16 fifth- through eleventh-grade student in the public and private
17 schools of this state and students who are educated by other means
18 and are in the equivalent of the fifth through eleventh grade, who
19 meets the definition for student provided in paragraph 6 of
20 subsection B of Section 2 of this act, shall be informed of the
21 opportunity for access to higher learning through the Oklahoma
22 Promise Opportunity Scholarship Act. The State Regents and the
23 State Board of Education shall develop, promote, and coordinate a
24 public awareness program to be utilized in making students and

1 parents aware of the Oklahoma Promise Opportunity Scholarship
2 program.

3 B. On a form provided by the State Regents, every public school
4 district shall designate at least one (1) Oklahoma Promise
5 Opportunity Scholarship program contact person, who shall be a
6 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 Board shall assist the
9 State Regents to ensure the designation of contact persons. Private
10 schools shall also designate at least one (1) school official as a
11 contact person. For students who are educated by other means, a
12 parent, legal guardian, or other person approved by the State
13 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 prior to entering the
16 eleventh grade or prior to reaching sixteen (16) years of age and
17 who meet the standards and provisions promulgated by the State
18 Regents, shall be given the opportunity throughout the eighth-,
19 ninth-, tenth-, and eleventh-grade years, for students enrolled in a
20 public or private school, or between thirteen (13) and sixteen (16)
21 years of age, for students who are educated by other means, to enter
22 into participation in the program by agreeing, throughout the
23 remainder of their school years or educational program, to:

24 a. attend school or an educational program regularly,

- b. refrain from substance abuse,
- c. refrain from commission of violent crimes,
- d. have school work and school records reviewed by mentors designated pursuant to the program,
- e. provide information requested by the State Regents or the Board, and
- f. participate in required program activities.

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

D. Except as otherwise provided for in subsection E of this section, a student shall not be found to be in financial need for purposes of the Oklahoma Promise Opportunity Scholarship Act if:

1. At the time the student applies for participation in the program during the eighth, ninth, or tenth grade for students enrolled in a public or private school, or between thirteen (13) and fifteen (15) years of age for students who are educated by other means:

1 a. the federal adjusted gross income of the student's
2 parent(s), who have two (2) or fewer dependent
3 children, exceeds Sixty-five Thousand Dollars
4 (\$65,000.00) per year,

5 b. the federal adjusted gross income of the student's
6 parent(s), who have three (3) or four (4) dependent
7 children, exceeds Seventy-five Thousand Dollars
8 (\$75,000.00) per year, or

9 c. the federal adjusted gross income of the student's
10 parent(s), who have five (5) or more dependent
11 children, exceeds Eighty-five Thousand Dollars
12 (\$85,000.00) per year;

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

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

21 The determination of financial qualification provided in
22 paragraphs 2 and 3 of this subsection shall be based on the income
23 of the student, not the income of the parent(s), if a student is
24 determined to be independent of the student's parents for federal

1 financial aid purposes, was in the permanent custody of the
2 Department of Human Services at the time the student enrolled in the
3 program, or was in the court-ordered custody of a federally
4 recognized Indian tribe, as defined by the federal Indian Child
5 Welfare Act, at the time the student enrolled in the program.

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

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

1 Promise Opportunity Scholarship Act if at the time the student
2 begins postsecondary education and prior to receiving any program
3 award, the federal adjusted gross income of the student's parent(s)
4 exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year.

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

15 3. The determination of financial qualification provided in
16 this subsection shall be based on the income of the student, not the
17 income of the parent(s), if the student is determined to be
18 independent of the student's parent(s) for federal financial aid
19 purposes. A determination of financial qualification shall not be
20 required for the student who meets the criteria set forth in this
21 subsection at the time the student applies for participation in the
22 program.

23 F. The financial qualification of a student provided in
24 subsections D and E of this section shall be certified by the

1 contact person or by the State Regents on the agreement form
2 provided by the State Regents. The form shall be retained in the
3 permanent record of the student and a copy forwarded to the State
4 Regents.

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

7 1. Assist the student in achieving compliance with the
8 agreements;

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

11 3. Provide information requested by the State Regents or the
12 Board; and

13 4. Assist the student in completing forms and reports required
14 for program participation, making applications to state educational
15 institutions, and filing applications for student grants and
16 scholarships.

17 H. The State Regents shall promulgate rules for the
18 determination of student compliance with agreements made pursuant to
19 this section.

20 I. The State Regents shall designate personnel to coordinate
21 tracking of program records for the years when students
22 participating in the program are still in the schools or are being
23 educated by other means, provide staff development for contact
24

1 persons in the schools, and provide liaison with the Board and local
2 organizations and individuals participating in the program.

3 J. The school district where an Oklahoma Promise Opportunity
4 Scholarship program student is enrolled when the student begins
5 participation in the program and any subsequent school district
6 where the student enrolls, shall forward information regarding
7 participation by the student in the program to the school where the
8 student transfers upon request of the school for the student's
9 records.

10 K. Students participating in the program shall provide their
11 Social Security number or their student identification number used
12 by their school to the State Regents. The State Regents shall keep
13 the numbers confidential and use them only for administrative
14 purposes.

15 SECTION 5. This act shall become effective November 1, 2023.

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