

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SUBCOMMITTEE RECOMMENDATION  
FOR

HOUSE BILL NO. 2718

By: Hefner and McBride

SUBCOMMITTEE RECOMMENDATION

An Act relating to higher education; 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; providing for designation of school site contact person; establishing process to enter into program; requiring execution of agreements for the program; setting financial need qualifications for program applicants; prescribing certification of financial need; requiring agreements to be witnessed by a parent or guardian; providing for promulgation of rules; establishing program administrative duties for State Regents; mandating transfer of student information if student transfers; requiring students to provide certain identifying number; directing number to be kept confidential and used only for administrative

1 purposes; providing for codification; and providing  
2 an effective date.

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

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

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

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

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

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

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

1 Allocations from the Trust Fund may be made only for the purpose of  
2 covering the general enrollment fees or tuition of eligible  
3 students. No portion of the Trust Fund may be used or allocated for  
4 administrative or operating expenses of any higher education  
5 institution or technology center school.

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

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

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

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

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

- 17 a. is offered by a state educational institution,
- 18 b. is designed to support students with intellectual  
19 disabilities who are seeking to continue academic,  
20 career and technical, and independent living  
21 instruction at a state educational institution in  
22 order to prepare for gainful employment,
- 23 c. includes an advising and curriculum structure,

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1           d.    requires students with intellectual disabilities to  
2                participate on not less than a half-time basis as  
3                determined by the institution, with participation  
4                focusing on academic components, and occurring through  
5                one or more of the following activities:

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

8                (2)   auditing or participating in courses with  
9                      nondisabled students offered by the institution  
10                for which the student does not receive regular  
11                academic credit,

12               (3)   enrollment in noncredit-bearing, nondegree  
13                      courses with nondisabled students, or

14               (4)   participation in internships or work-based  
15                      training in settings with nondisabled  
16                      individuals, and

17           e.    requires students with intellectual disabilities to be  
18                socially and academically integrated with non-disabled  
19                students to the maximum extent possible;

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

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

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

5 6. "Student" means a student with:

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

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

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

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

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

23 2. Is a resident of this state or enrolled in a school district  
24 located in this state that serves students who reside in both this

1 state and an adjacent state pursuant to a contract as authorized in  
2 Section 5-117.1 of Title 70 of the Oklahoma Statutes;

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

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

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

15 6. Has completed the curricular requirements for admission to a  
16 state educational institution;

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

20 8. Have secured admission to, and enrolled in, a state  
21 educational institution that meets the requirements to be eligible  
22 for federal student financial aid; and  
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1        9. Has established financial need according to the provisions  
2 of subsection D of Section 4 of this act and standards and  
3 provisions promulgated by the State Regents.

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

5        1. Meet the requirements for retention and completion as  
6 established by the state educational institution where the student  
7 is enrolled;

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

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

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

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

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

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

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

23       A. Subject to the availability of funds, an amount equivalent  
24 to the nonguaranteed resident tuition for which an eligible Oklahoma



1 Promise Opportunity Scholarship program student is obligated at a  
2 state educational institution shall be awarded by allocation from  
3 the Oklahoma Higher Learning Access Trust Fund.

4 B. Benefits awarded through the program shall be awarded to all  
5 eligible student applicants without any limitation on the number of  
6 awards in any year other than the amount of funds available for the  
7 program and the number of eligible applicants. Subject to the  
8 provisions of subsection D of this section, if funds are not  
9 sufficient to provide awards for all eligible applicants, the State  
10 Regents shall make awards on the basis of need. Provided, the State  
11 Regents may take into consideration other grants and scholarships  
12 received by an eligible applicant when making awards.

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

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

4       A. Each school year, the parent or legal guardian of every  
5 fifth- through eleventh-grade student in the public and private  
6 schools of this state and students who are educated by other means  
7 and are in the equivalent of the fifth through eleventh grade, who  
8 meets the definition for student provided in paragraph 6 of  
9 subsection B of Section 2 of this act, shall be informed of the  
10 opportunity for access to higher learning through the Oklahoma  
11 Promise Opportunity Scholarship Act. The State Regents and the  
12 State Board of Education shall develop, promote, and coordinate a  
13 public awareness program to be utilized in making students and  
14 parents aware of the Oklahoma Promise Opportunity Scholarship  
15 program.

16       B. On a form provided by the State Regents, every public school  
17 district shall designate at least one (1) Oklahoma Promise  
18 Opportunity Scholarship program contact person, who shall be a  
19 counselor or teacher, at each public school site in this state in  
20 which eighth-, ninth-, tenth-, or eleventh-grade classes are taught.  
21 When requested by the State Regents, the Board shall assist the  
22 State Regents to ensure the designation of contact persons. Private  
23 schools shall also designate at least one (1) school official as a  
24 contact person. For students who are educated by other means, a

parent, legal guardian, or other person approved by the State  
Regents shall be designated the contact person.

C. 1. Students who qualify on the basis of financial need  
according to subsection D or E of this section prior to entering the  
eleventh grade or prior to reaching sixteen (16) years of age and  
who meet the standards and provisions promulgated by the State  
Regents, shall be given the opportunity throughout the eighth-,  
ninth-, tenth-, and eleventh-grade years, for students enrolled in a  
public or private school, or between thirteen (13) and sixteen (16)  
years of age, for students who are educated by other means, to enter  
into participation in the program by agreeing, throughout the  
remainder of their school years or educational program, to:

- 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

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

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

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

13 a. the federal adjusted gross income of the student's  
14 parent(s), who have two (2) or fewer dependent  
15 children, exceeds Sixty-five Thousand Dollars  
16 (\$65,000.00) per year,

17 b. the federal adjusted gross income of the student's  
18 parent(s), who have three (3) or four (4) dependent  
19 children, exceeds Seventy-five Thousand Dollars  
20 (\$75,000.00) per year, or

21 c. the federal adjusted gross income of the student's  
22 parent(s), who have five (5) or more dependent  
23 children, exceeds Eighty-five Thousand Dollars  
24 (\$85,000.00) per year;

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

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

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

18        The State Regents shall review the determination of financial  
19 qualification provided in paragraph 1 of this subsection if the  
20 income from taxable and nontaxable sources of the student's  
21 parent(s) includes income received from nontaxable military benefits  
22 or income received from the federal Social Security Administration  
23 due to the death or disability of the student's parent(s). If the  
24 income from taxable and nontaxable sources of the student's

parent(s), excluding income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s), does not exceed the limitations provided in paragraph 1 of this subsection, the student shall be determined to have met the financial qualification provided in paragraph 1 of this subsection.

E. 1. A student who was adopted between birth and twelve (12) 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, shall not be found to be in financial need for purposes of the Oklahoma Promise Opportunity Scholarship Act if at the time the student begins postsecondary education and prior to receiving any program award, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year.

2. A student who 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, shall not be found to be in financial need for purposes of the program if at the time the student begins postsecondary education and prior to receiving any program award, the federal

1 adjusted gross income of the student's parent(s) exceeds Two Hundred  
2 Thousand Dollars (\$200,000.00) per year.

3 3. The determination of financial qualification provided in  
4 this subsection shall be based on the income of the student, not the  
5 income of the parent(s), if the student is determined to be  
6 independent of the student's parent(s) for federal financial aid  
7 purposes. A determination of financial qualification shall not be  
8 required for the student who meets the criteria set forth in this  
9 subsection at the time the student applies for participation in the  
10 program.

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

17 G. Agreements shall be witnessed by the parent or legal  
18 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 State Regents or the  
24 Board; and

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

5       H. The State Regents shall promulgate rules for the  
6 determination of student compliance with agreements made pursuant to  
7 this section.

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

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

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

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

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