

1 ENGROSSED SENATE
2 BILL NO. 1339

By: Seifried of the Senate

3 and

4 Hefner and McBride of the
5 House

6 An Act relating to higher education; creating the
7 Oklahoma Access and Achievement Act; providing short
8 title; defining terms; creating the Oklahoma Access
9 and Achievement Program; providing purpose of
10 program; providing for award amount; providing
11 eligibility criteria for program; providing retention
12 eligibility criteria for program; providing for
13 promulgation of rules; providing for calculation of
14 scholarship program award to be allocated from
15 certain fund; directing benefits to be awarded to
16 certain eligible applicants subject to availability
17 of funding and the number of eligible applicants;
18 directing the Oklahoma State Regents for Higher
19 Education to make awards on certain basis if certain
20 funds are insufficient; allowing the State Regents to
21 take into consideration certain grants and
22 scholarships; prohibiting award from being allowed
23 for certain courses or units taken after certain
24 period of time; allowing award for certain courses or
units taken after certain period of time under
certain circumstances; allowing the State Regents to
set aside certain funds for certain full commitment;
directing priority to be given to certain continued
support; providing for calculation of financial need;
amending 70 O.S. 2021, Section 3953.1, which relates
to the Oklahoma Higher Learning Access Trust Fund;
updating statutory language; expanding use of fund
for certain purpose; providing for codification;
providing an effective date; and declaring an
emergency.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
24

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2500 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 Access and Achievement Act".

6 B. As used in this act:

7 1. "CTP program" means a degree, certificate, or nondegree
8 program that meets each of the following criteria:

- 9 a. is offered by an institution of higher education or
10 technology center school,
- 11 b. is delivered to students physically attending the
12 institution of higher education or technology center
13 school,
- 14 c. is designed to support students with intellectual
15 disabilities who are seeking to continue academic,
16 career and technical, and independent living
17 instruction at an institution of higher education or
18 technology center school to prepare for gainful
19 employment,
- 20 d. includes an advising and curriculum structure,
- 21 e. requires students with intellectual disabilities to
22 participate on not less than a half-time basis as
23 determined by the institution of higher education or
24 technology center school, with such participation

1 focusing on academic components and occurring through
2 one or more of the following activities:

- 3 (1) regular enrollment in credit-bearing courses with
4 nondisabled students offered by the institution
5 of higher education or technology center school,
- 6 (2) auditing or participating in courses with
7 nondisabled students offered by the institution
8 for higher education or technology center school
9 for which the student does not receive regular
10 academic credit,
- 11 (3) enrollment in noncredit-bearing, nondegree
12 courses with nondisabled students, or
- 13 (4) participation in internships or work-based
14 training in settings with nondisabled students,

15 f. requires students with intellectual disabilities to be
16 socially and academically integrated with nondisabled
17 students to the maximum extent possible, and

18 g. is approved by the United States Department of
19 Education pursuant to P.L. No. 110-315, the Higher
20 Education Opportunity Act, as amended;

21 2. "Eligible student" means a student with an intellectual
22 disability who is eligible for the scholarship program;

23 3. "Scholarship program" means the Oklahoma Access and
24 Achievement Program;

1 4. "State educational institution" means a higher education
2 institution or technology center school supported wholly or in part
3 by direct legislative appropriations that provides a CTP program;

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

6 6. "Student with an intellectual disability" means a student:

- 7 a. with a cognitive impairment, characterized by
8 significant limitations in intellectual and cognitive
9 functioning and adaptive behavior as expressed in
10 conceptual, social, and practical adaptive skills, and
11 b. who is currently or was formerly eligible for a free
12 appropriate public education under the Individuals
13 with Disabilities Education Act (IDEA), including a
14 student who was determined eligible for special
15 education or related services under IDEA but attended
16 a private school or was educated pursuant to the other
17 means of education exception provided for in
18 subsection A of Section 10-105 of Title 70 of the
19 Oklahoma Statutes.

20 C. There is hereby created a program to be known as the
21 Oklahoma Access and Achievement Program. The purpose of the program
22 is to provide an award to eligible students with intellectual
23 disabilities who are pursuing studies in this state at a CTP
24 program. The award shall be an amount equal to the nonguaranteed

1 resident tuition at an institution of higher education or the
2 tuition at a technology center school.

3 D. A student with an intellectual disability shall be eligible
4 for the Oklahoma Access and Achievement Program if the student:

5 1. Is a resident of this state or enrolled in a school district
6 located in this state that serves students who reside in both this
7 state and an adjacent state pursuant to a contract authorized by
8 Section 5-117.1 of Title 70 of the Oklahoma Statutes;

9 2. Is a United States citizen or lawfully present in the United
10 States. A student who is not a United States citizen or lawfully
11 present in the United States shall not be eligible to participate in
12 the scholarship program and qualify for an award;

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

18 4. Has secured admission to and enrolled in a CTP program at an
19 educational institution that meets the requirements to be eligible
20 for federal student financial aid; and

21 5. Has established financial need according to the provisions
22 of Section 3 of this act and standards and provisions promulgated by
23 the State Regents.

1 E. To retain eligibility in the scholarship program, a student
2 with an intellectual disability shall:

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

6 2. Maintain satisfactory academic progress as required by the
7 CTP program criteria;

8 3. Comply with the standards related to maintenance of
9 eligibility as promulgated by the State Regents; and

10 4. Refrain from conduct that leads to expulsion or suspension
11 of more than one semester from a state educational institution. A
12 student who violates the provisions of this paragraph shall
13 permanently lose eligibility for scholarship program benefits.

14 F. The State Regents shall promulgate rules relating to the
15 establishment and maintenance of eligibility under the scholarship
16 program.

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

20 A. Subject to the availability of funds, an amount equivalent
21 to the nonguaranteed resident tuition at an institution of higher
22 education or the tuition at a technology center school for which an
23 eligible student is obligated at a CTP program shall be awarded by
24 allocation from the Oklahoma Higher Learning Access Trust Fund

1 created pursuant to Section 3953.1 of Title 70 of the Oklahoma
2 Statutes.

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

14 C. An award provided for by this section shall not be allowed
15 for courses or other postsecondary units taken more than five (5)
16 years after the eligible student's first semester of postsecondary
17 enrollment. The State Regents may award the scholarship program
18 benefits for courses or other postsecondary units taken more than
19 five (5) years after the eligible student's first semester of
20 postsecondary enrollment only in hardship circumstances; provided,
21 however, no eligible student may receive benefits beyond a
22 cumulative time period of five (5) years.

23 D. The State Regents may, at the time an award is made on
24 behalf of an eligible student, set aside in the Oklahoma Higher

1 Learning Access Trust Fund funds for the full commitment made to the
2 student. For all academic years, students who have previously
3 received awards under the provisions of the Oklahoma Access and
4 Achievement Act and who have continued at all times to fulfill the
5 requirements for eligibility to receive awards provided pursuant to
6 the scholarship program shall be given an absolute priority for
7 continued financial support by the scholarship program above any
8 students who are applying for an award for the first time.

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

12 A. Except as otherwise provided for in subsection B of this
13 section, a student with an intellectual disability shall not be
14 found to be in financial need for purposes of the Oklahoma Access
15 and Achievement Act if prior to receiving any scholarship program
16 award for any year during which the student is enrolled in a CTP
17 program at a state educational institution, the federal adjusted
18 gross income of the student's parent(s) or legal guardian(s) exceeds
19 One Hundred Thousand Dollars (\$100,000.00) per year. The
20 determination of financial qualification provided in this subsection
21 shall be based on the income of the student, not the income of the
22 parent(s) or legal guardian(s), if a student is determined to be
23 independent of his or her parent(s) or legal guardian(s) for federal
24 financial aid purposes.

1 B. 1. A student with an intellectual disability who was
2 adopted between birth and twelve (12) years of age while in the
3 permanent custody of the Department of Human Services, in the court-
4 ordered custody of a licensed private nonprofit child-placing
5 agency, or federally recognized Indian tribe, as defined by the
6 federal Indian Child Welfare Act, shall not be found to be in
7 financial need for purposes of the Oklahoma Access and Achievement
8 Act if prior to receiving any scholarship program award for any year
9 during which the student is enrolled in a CTP program at a state
10 educational institution, the federal adjusted gross income of the
11 student's parent(s) exceeds One Hundred Fifty Thousand Dollars
12 (\$150,000.00) per year.

13 2. A student with an intellectual disability who was adopted
14 between thirteen (13) and seventeen (17) years of age while in the
15 permanent custody of the Department of Human Services, in the court-
16 ordered custody of a licensed private nonprofit child-placing
17 agency, or federally recognized Indian tribe, as defined by the
18 federal Indian Child Welfare Act, shall not be found to be in
19 financial need for purposes of the Oklahoma Access and Achievement
20 Act if prior to receiving any scholarship program award for any year
21 during which the student is enrolled in a CTP program at a state
22 educational institution, the federal adjusted gross income of the
23 student's parent(s) exceeds Two Hundred Thousand Dollars
24 (\$200,000.00) per year.

1 3. The determination of financial qualification provided for in
2 this subsection shall be based on the income of the student, not the
3 income of the student's parent(s), if the student is determined to
4 be independent of the student's parent(s) for federal financial aid
5 purposes.

6 SECTION 4. 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~~ the Trust Fund.

12 B. The State Regents shall utilize ~~said~~ the Trust Fund to
13 implement the provisions of Sections 2601 through 2605 of this title
14 and Sections 1 through 3 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~~ the fund are
20 hereby appropriated and may be budgeted and expended by the State
21 Regents. Expenditures from ~~said~~ the fund shall be made upon
22 warrants issued by the State Treasurer against claims filed as
23 prescribed by law with the Director of the Office of Management and
24 Enterprise Services for 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 1 through 3 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 1 through 3 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 the Oklahoma Access and Achievement Program established by
14 the Oklahoma Access and Achievement Act shall be paid from monies
15 appropriated to the State Regents coordinating board for their
16 general operating budget.

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

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

6 SECTION 5. This act shall become effective July 1, 2024.

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

11 Passed the Senate the 14th day of March, 2024.

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13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2024.

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18 _____
19 Presiding Officer of the House
20 of Representatives
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