

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2718

By: Hefner, McBride, **Waldron**,  
and **Dollens** of the House

and

**Montgomery** of the Senate

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10                               COMMITTEE SUBSTITUTE

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

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19  
20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

23               Section 3953.1 A. There is hereby created a trust fund to be  
24 known as the "Oklahoma Higher Learning Access Trust Fund". The

1 Oklahoma State Regents for Higher Education shall be the trustees of  
2 said Trust Fund.

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

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

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

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

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

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

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

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

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

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

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

9           a. is offered by a state educational institution,

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

15          c. includes an advising and curriculum structure,

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

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

23           (2) auditing or participating in courses with  
24                nondisabled students offered by the institution

1                   for which the student does not receive regular  
2                   academic credit,

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

5                   (4) participation in internships or work-based  
6                   training in settings with nondisabled  
7                   individuals, and

8           e.    requires students with intellectual disabilities to be  
9                socially and academically integrated with non-disabled  
10               students to the maximum extent possible;

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

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

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

19       6.    "Student" means a student with:

20           a.   a cognitive impairment, characterized by significant  
21                limitations in intellectual and cognitive functioning  
22                and adaptive behavior as expressed in conceptual,  
23                social, and practical adaptive skills, and  
24

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

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

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

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

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

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

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

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

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

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

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

14       9. Has established financial need according to the provisions  
15 of subsection D of Section 4 of this act and standards and  
16 provisions promulgated by the State Regents.

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

18       1. Meet the requirements for retention and completion as  
19 established by the state educational institution where the student  
20 is enrolled;

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

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

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

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

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

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

17        B. Benefits awarded through the program shall be awarded to all  
18 eligible student applicants without any limitation on the number of  
19 awards in any year other than the amount of funds available for the  
20 program and the number of eligible applicants. Subject to the  
21 provisions of subsection D of this section, if funds are not  
22 sufficient to provide awards for all eligible applicants, the State  
23 Regents shall make awards on the basis of need. Provided, the State  
24

1 Regents may take into consideration other grants and scholarships  
2 received by an eligible applicant when making awards.

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

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

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

1 State Board of Education shall develop, promote, and coordinate a  
2 public awareness program to be utilized in making students and  
3 parents aware of the Oklahoma Promise Opportunity Scholarship  
4 program.

5 B. On a form provided by the State Regents, every public school  
6 district shall designate at least one (1) Oklahoma Promise  
7 Opportunity Scholarship program contact person, who shall be a  
8 counselor or teacher, at each public school site in this state in  
9 which eighth-, ninth-, tenth-, or eleventh-grade classes are taught.  
10 When requested by the State Regents, the Board shall assist the  
11 State Regents to ensure the designation of contact persons. Private  
12 schools shall also designate at least one (1) school official as a  
13 contact person. For students who are educated by other means, a  
14 parent, legal guardian, or other person approved by the State  
15 Regents shall be designated the contact person.

16 C. 1. Students who qualify on the basis of financial need  
17 according to subsection D or E of this section prior to entering the  
18 eleventh grade or prior to reaching sixteen (16) years of age and  
19 who meet the standards and provisions promulgated by the State  
20 Regents, shall be given the opportunity throughout the eighth-,  
21 ninth-, tenth-, and eleventh-grade years, for students enrolled in a  
22 public or private school, or between thirteen (13) and sixteen (16)  
23 years of age, for students who are educated by other means, to enter  
24

1 into participation in the program by agreeing, throughout the  
2 remainder of their school years or educational program, to:

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

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

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

22 1. At the time the student applies for participation in the  
23 program during the eighth, ninth, or tenth grade for students  
24 enrolled in a public or private school, or between thirteen (13) and

1 fifteen (15) years of age for students who are educated by other  
2 means:

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

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

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

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

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

23 The determination of financial qualification provided in  
24 paragraphs 2 and 3 of this subsection shall be based on the income

1 of the student, not the income of the parent(s), if a student is  
2 determined to be independent of the student's parents for federal  
3 financial aid purposes, was in the permanent custody of the  
4 Department of Human Services at the time the student enrolled in the  
5 program, or was in the court-ordered custody of a federally  
6 recognized Indian tribe, as defined by the federal Indian Child  
7 Welfare Act, at the time the student enrolled in the program.

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

21       E. 1. A student who was adopted between birth and twelve (12)  
22 years of age while in the permanent custody of the Department of  
23 Human Services, in the court-ordered custody of a licensed private  
24 nonprofit child-placing agency, or federally recognized Indian

1 tribe, as defined by the federal Indian Child Welfare Act, shall not  
2 be found to be in financial need for purposes of the Oklahoma  
3 Promise Opportunity Scholarship Act if at the time the student  
4 begins postsecondary education and prior to receiving any program  
5 award, the federal adjusted gross income of the student's parent(s)  
6 exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year.

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

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

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

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

9 1. Assist the student in achieving compliance with the  
10 agreements;

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

13 3. Provide information requested by the State Regents or the  
14 Board; and

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

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

22 I. The State Regents shall designate personnel to coordinate  
23 tracking of program records for the years when students  
24 participating in the program are still in the schools or are being

1 educated by other means, provide staff development for contact  
2 persons in the schools, and provide liaison with the Board and local  
3 organizations and individuals participating in the program.

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

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

16 SECTION 5. This act shall become effective November 1, 2023.  
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18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
19 03/02/2023 - DO PASS, As Amended and Coauthored.  
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