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STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2772

By: Munson, **Waldron**, and  
**McBride** of the House

and

## Montgomery of the Senate

AS INTRODUCED

An Act relating to higher education; amending 70 O.S. 2021, Section 2605, as amended by Section 1, Chapter 400, O.S.L. 2022 (70 O.S. Supp. 2022, Section 2605), which relates to the Oklahoma Higher Learning Access Act; modifying eligibility requirements for the Oklahoma Higher Learning Access Program; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 2605, as amended by Section 1, Chapter 400, O.S.L. 2022 (70 O.S. Supp. 2022, Section 2605), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through eleventh-grade student in the public and private schools of this state and students who are educated by other means and are in the equivalent of the fifth through eleventh grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the opportunity for access to higher learning under the Oklahoma Higher Learning Access Program. The Oklahoma State Regents

1 for Higher Education and the State Board of Education shall develop,  
2 promote, and coordinate a public awareness program to be utilized in  
3 making students and parents aware of the Oklahoma Higher Learning  
4 Access Program.

5 B. On a form provided by the Oklahoma State Regents for Higher  
6 Education, every public school district shall designate at least one  
7 Oklahoma Higher Learning Access Program contact person, who shall be  
8 a 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 State Board of Education  
11 shall assist the State Regents to ensure the designation of contact  
12 persons. Private schools shall also designate at least one school  
13 official as a contact person. For students who are educated by  
14 other means, a parent or guardian or other person approved by the  
15 State 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 or who meet the  
18 eligibility qualification set forth in subparagraph a of paragraph 1  
19 of subsection B of Section 2603 of this title prior to entering the  
20 eleventh grade or prior to reaching the age of sixteen (16) and the  
21 standards and provisions promulgated by the Oklahoma State Regents  
22 for Higher Education shall be given the opportunity throughout the  
23 eighth-, ninth-, tenth-, and eleventh-grade years, for students  
24 enrolled in a public or private school, or between the ages of

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

- a. attend school or an educational program regularly and do homework regularly,
- b. ~~refrain from substance abuse,~~
- ~~e.~~ refrain from commission of violent crimes ~~or~~  
~~delinquent acts,~~
- ~~d.~~ c. have school work and school records reviewed by mentors designated pursuant to the program,
- ~~e.~~ d. provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education, and
- ~~f.~~ e. participate in program activities.

2. Students who meet the eligibility qualification set forth in subparagraph a of paragraph 1 of subsection B of Section 2603 of this title after completing the eleventh grade or after reaching the age of seventeen (17) shall be given the opportunity prior to reaching the age of twenty-one (21) to enter into participation in the program and shall execute an agreement with provisions as determined by the Oklahoma State Regents for Higher Education.

3. The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents

1 for Higher Education and managed according to regulations  
2 promulgated by the Oklahoma State Regents for Higher Education, and  
3 the contact person shall monitor compliance of the student with the  
4 terms of the agreement. The Oklahoma State Regents for Higher  
5 Education are authorized to process student agreements and verify  
6 compliance with the agreements. Students failing to comply with the  
7 terms of the agreement shall not be eligible for the awards provided  
8 in Section 2604 of this title.

9 D. Except as otherwise provided for in subsection E of this  
10 section and except for students who qualify pursuant to subsection B  
11 of Section 2603 of this title, a student shall not be found to be in  
12 financial need for purposes of the Oklahoma Higher Learning Access  
13 Program if:

14 1. At the time the student applies for participation in the  
15 program during the eighth, ninth, or tenth grade for students  
16 enrolled in a public or private school, or between the ages of  
17 thirteen (13) and fifteen (15), for students who are educated by  
18 other means, the income from taxable and nontaxable sources of the  
19 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per  
20 year;

21 2. Beginning with eighth-, ninth-, or tenth-grade students who  
22 are enrolled in a public or private school or students between the  
23 ages of thirteen (13) and fifteen (15) who are educated by other  
24 means who apply for participation in the program in the 2017-2018

1 school year, the federal adjusted gross income of the student's  
2 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

3 3. Beginning with eighth-, ninth-, tenth-, or eleventh-grade  
4 students who are enrolled in a public or private school or students  
5 between the ages of thirteen (13) and sixteen (16) who are educated  
6 by other means who apply for participation in the program in the  
7 2021-2022 school year, the federal adjusted gross income of the  
8 student's parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per  
9 year;

10 4. Beginning with eighth-, ninth-, tenth-, or eleventh-grade  
11 students who are enrolled in a public or private school or students  
12 between the ages of thirteen (13) and sixteen (16) who are educated  
13 by other means who apply for participation in the program in the  
14 2022-2023 school year:

15 a. the federal adjusted gross income of the student's  
16 parent(s), who have two or fewer dependent children,  
17 exceeds Sixty Thousand Dollars (\$60,000.00) per year,

18 b. the federal adjusted gross income of the student's  
19 parent(s), who have three or four dependent children,  
20 exceeds Seventy Thousand Dollars (\$70,000.00) per  
21 year, or

22 c. the federal adjusted gross income of the student's  
23 parent(s), who have five or more dependent children,  
24 exceeds Eighty Thousand Dollars (\$80,000.00) per year;

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

6        6. Beginning with the 2018-2019 academic year, prior to  
7 receiving any Oklahoma Higher Learning Access Program benefit award  
8 for any year during which the student is enrolled in an institution  
9 which is a member of The Oklahoma State System of Higher Education,  
10 a postsecondary vocational-technical program offered by a technology  
11 center school that meets the requirements to be eligible for federal  
12 student financial aid or a private institution of higher learning  
13 located within this state and accredited pursuant to Section 4103 of  
14 this title, the federal adjusted gross income of the student's  
15 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
16 year.

17        The determination of financial qualification as set forth in  
18 paragraphs 5 and 6 of this subsection shall be based on the income  
19 of the student, not the income of the parent(s), if a student:

20            a. is determined to be independent of the student's  
21                parents for federal financial aid purposes,

22            b. was in the permanent custody of the Department of  
23                Human Services at the time the student enrolled in the  
24                program, or

1           c.     was in the court-ordered custody of a federally  
2                   recognized Indian tribe, as defined by the federal  
3                   Indian Child Welfare Act, at the time the student  
4                   enrolled in the program.

5           The provisions of this paragraph shall apply to any student who  
6     has received an Oklahoma Higher Learning Access Program benefit  
7     award after the 2017-2018 school year; and

8           7.   The Oklahoma State Regents for Higher Education shall review  
9     the determination of financial qualification as set forth in  
10    paragraphs 1, 2, 3, and 4 of this subsection if the income from  
11    taxable and nontaxable sources of the student's parent(s) includes  
12    income received from nontaxable military benefits or income received  
13    from the federal Social Security Administration due to the death or  
14    disability of the student's parent(s). If the income from taxable  
15    and nontaxable sources of the student's parent(s), excluding income  
16    received from nontaxable military benefits or income received from  
17    the federal Social Security Administration due to the death or  
18    disability of the student's parent(s), does not exceed the  
19    limitations set forth by paragraphs 1, 2, 3, and 4 of this  
20    subsection, the student shall be determined to have met the  
21    financial qualification set forth in paragraphs 1, 2, 3, and 4 of  
22    this subsection.

23          E.   1.   A student who was adopted between birth and twelve (12)  
24    years of age while in the permanent custody of the Department of

1 Human Services, in the court-ordered custody of a licensed private  
2 nonprofit child-placing agency, or federally recognized Indian  
3 tribe, as defined by the federal Indian Child Welfare Act, shall not  
4 be found to be in financial need for purposes of the Oklahoma Higher  
5 Learning Access Program if at the time the student begins  
6 postsecondary education and prior to receiving any Oklahoma Higher  
7 Learning Access Program benefit award, the federal adjusted gross  
8 income of the student's parent(s) exceeds One Hundred Fifty Thousand  
9 Dollars (\$150,000.00) per year. The provisions of this paragraph  
10 shall not apply to any student who has received an Oklahoma Higher  
11 Learning Access Program benefit award prior to the 2012-2013 school  
12 year.

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



1 Oklahoma Higher Learning Access Program benefit award prior to the  
2 2012-2013 school year.

3       3. Except for students who qualify pursuant to subsection B of  
4 Section 2603 of this title, the determination of financial  
5 qualification as set forth in this subsection shall be based on the  
6 income of the student, not the income of the parent(s), if the  
7 student is determined to be independent of the student's parent(s)  
8 for federal financial aid purposes. A determination of financial  
9 qualification shall not be required for the student who meets the  
10 criteria set forth in this subsection at the time the student  
11 applies for participation in the program. The provisions of this  
12 paragraph shall not apply to any student who has received an  
13 Oklahoma Higher Learning Access Program benefit award prior to the  
14 2008-2009 school year.

15       F. The financial qualification of a student as set forth in  
16 subsections D and E of this section shall be certified by the  
17 contact person or by the Oklahoma State Regents for Higher Education  
18 on the agreement form provided by the Oklahoma State Regents for  
19 Higher Education. The form shall be retained in the permanent  
20 record of the student and a copy forwarded to the Oklahoma State  
21 Regents for Higher Education.

22       G. Agreements shall be witnessed by the parent, custodial  
23 parent, or guardian of the student, who shall further agree to:

24

1        1. Assist the student in achieving compliance with the  
2 agreements;

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

5        3. Provide information requested by the Oklahoma State Regents  
6 for Higher Education or the State Board of Education; and

7        4. Assist the student in completing forms and reports required  
8 for program participation, making applications to institutions and  
9 schools of higher learning, and filing applications for student  
10 grants and scholarships.

11        H. Students who are enrolled in a school district located in  
12 this state that serves students who reside in both this state and an  
13 adjacent state pursuant to a contract as authorized in Section 5-  
14 117.1 of this title, are in the eleventh and twelfth grades during  
15 the 2006-2007 school year, and who were denied participation in the  
16 program shall be allowed to enter or reenter into participation in  
17 the program by entering into agreements as set forth in subsections  
18 C and D of this section by June 1, 2008.

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

22        J. The Oklahoma State Regents for Higher Education shall  
23 designate personnel to coordinate tracking of program records for  
24 the years when students participating in the program are still in

1 the schools or are being educated by other means, provide staff  
2 development for contact persons in the schools, and provide liaison  
3 with the State Board of Education and local organizations and  
4 individuals participating in the program.

5 K. The school district where an Oklahoma Higher Learning Access  
6 Program student is enrolled when the student begins participation in  
7 the program and any subsequent school district where the student  
8 enrolls shall forward information regarding participation by the  
9 student in the program to a school to which the student transfers  
10 upon the request of the school for the records of the student.

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

16 SECTION 2. 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 Coauthored.  
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