

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 322

By: Seifried of the Senate

and

McBride and **Hefner** of the
House

11 COMMITTEE SUBSTITUTE

12 [higher education - Oklahoma Higher Education

13 Tuition Aid Act - Oklahoma Higher Learning Access

14 Trust Fund - State Regents - effective date -

15 emergency]

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

19 SECTION 1. AMENDATORY 70 O.S. 2021, Section 626.7, is
20 amended to read as follows:

21 Section 626.7 A college tuition aid grant may be awarded
22 annually to each eligible, qualified full-time or part-time
23 undergraduate or graduate student enrolled in a curriculum leading
24 to a degree or certificate in an institution of collegiate grade or

1 postsecondary institution providing a program of training to prepare
2 students for employment in a recognized occupation in Oklahoma
3 approved or accredited by the Oklahoma State Regents for Higher
4 Education or appropriate postsecondary agency. Eligible programs of
5 training shall include comprehensive transition and postsecondary
6 programs approved by the United States Department of Education.
7 College tuition aid grants shall be awarded in accordance with the
8 following:

9 1. Eligibility. Each full-time or part-time resident student
10 ~~will~~ shall be eligible to receive a grant in an amount as provided
11 in paragraph 2 of this section. The Oklahoma State Regents for
12 Higher Education shall determine by rules and regulations the
13 maximum number of semesters a student may be eligible for grants.
14 No student shall be eligible for grants unless the student maintains
15 ~~such~~ minimum standards of academic performance as are required by
16 the institution in which the student is enrolled.

17 In the event a student for any reason ceases to continue to be
18 enrolled during the course of an academic year, the student shall
19 cease to be eligible for tuition aid.

20 2. Amount of grant. The amount of tuition aid grant to any
21 student under this act for any semester shall represent a percentage
22 not greater than seventy-five percent (75%) of the tuition and
23 enrollment fees normally charged to residents of ~~the State of~~
24 ~~Oklahoma~~ this state by the institution of attendance. The Oklahoma

1 State Regents for Higher Education shall determine by rules the
2 annual maximum award amount based on an annual assessment of funds
3 availability.

4 Financial assistance received under this act ~~will~~ shall be
5 considered as part of a student's financial aid package.

6 SECTION 2. 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 3. 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 4. 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 5. 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 6. This act shall become effective July 1, 2023.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
10 04/17/2023 - DO PASS, As Amended and Coauthored.

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