

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2718

By: Hefner and McBride

AS INTRODUCED

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's Promise Inclusive Act; defining terms; creating the Oklahoma's Promise Inclusive 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's Promise Inclusive; 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 purposes; providing for codification; and providing an effective date.

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

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

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

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

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

21 D. Notwithstanding other provisions of law, income and
22 investment return on Trust Fund principal shall accrue to the Trust
23 Fund for use as provided by authorization of the trustees for the
24 purposes provided in Sections 2601 through 2605 of this title and

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

13 E. The Regents shall adopt rules for accomplishing transfer of
14 funds from the Oklahoma Higher Learning Access Trust Fund to the
15 appropriate institutional Educational and General Operations
16 Revolving Funds, as provided in Section 3901 of this title, to
17 private institutions, and to the appropriate technology center
18 school district to cover general enrollment fees or tuition for
19 eligible students pursuant to the Oklahoma Higher Learning Access
20 Act and the Oklahoma's Promise Inclusive Act. Allocations from the
21 Trust Fund may be made only for the purpose of covering the general
22 enrollment fees or tuition of eligible students. No portion of the
23 Trust Fund may be used or allocated for administrative or operating
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1 expenses of any higher education institution or technology center
2 school.

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

6 A. This act shall be known and may be cited as the "Oklahoma's
7 Promise Inclusive Act".

8 B. As used in the Oklahoma's Promise Inclusive Act:

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

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

14 a. is offered by a state educational institution,

15 b. is designed to support students with intellectual
16 disabilities who are seeking to continue academic,
17 career and technical, and independent living
18 instruction at a state educational institution in
19 order to prepare for gainful employment,

20 c. includes an advising and curriculum structure,

21 d. requires students with intellectual disabilities to
22 participate on not less than a half-time basis as
23 determined by the institution, with participation
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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 (2) auditing or participating in courses with
6 nondisabled students offered by the institution
7 for which the student does not receive regular
8 academic credit,
- 9 (3) enrollment in noncredit-bearing, nondegree
10 courses with nondisabled students, or
- 11 (4) participation in internships or work-based
12 training in settings with nondisabled
13 individuals, and

14 e. requires students with intellectual disabilities to be
15 socially and academically integrated with non-disabled
16 students to the maximum extent possible;

17 3. "Program" means the Oklahoma's Promise Inclusive program;

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

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

24 6. "Student" means a student with:

- 1 a. a cognitive impairment, characterized by significant
2 limitations in intellectual and cognitive functioning
3 and adaptive behavior as expressed in conceptual,
4 social, and practical adaptive skills, and
5 b. who is currently, or was formerly, eligible for a free
6 appropriate public education under the federal
7 Individuals with Disabilities Education Act.

8 C. There is hereby created a program to be known as "Oklahoma's
9 Promise Inclusive". The purpose of the program is to provide an
10 award to eligible students who are pursuing studies in this state at
11 a CTP program, that will relieve students from paying nonguaranteed
12 resident tuition at state educational institutions.

13 D. A student shall be eligible for Oklahoma's Promise Inclusive
14 if the student:

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

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

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

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

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

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

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

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

18 9. Has established financial need according to the provisions
19 of subsection D of Section 4 of this act and standards and
20 provisions promulgated by the State Regents.

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

22 1. Meet the requirements for retention and completion as
23 established by the state educational institution where the student
24 is enrolled;

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

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

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

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

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

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

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

16 A. Subject to the availability of funds, an amount equivalent
17 to the nonguaranteed resident tuition for which an eligible
18 Oklahoma's Promise Inclusive student is obligated at a state
19 educational institution shall be awarded by allocation from the
20 Oklahoma Higher Learning Access Trust Fund.

21 B. Benefits awarded under Oklahoma's Promise Inclusive shall be
22 awarded to all eligible student applicants without any limitation on
23 the number of awards in any year other than the amount of funds
24 available for the program and the number of eligible applicants.

1 Subject to the provisions of subsection D of this section, if funds
2 are not sufficient to provide awards for all eligible applicants,
3 the State Regents shall make awards on the basis of need. Provided,
4 the State Regents may take into consideration other grants and
5 scholarships received by an eligible applicant when making awards.

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

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

20 A. Each school year, the parent or legal guardian of every
21 fifth- through eleventh-grade student in the public and private
22 schools of this state and students who are educated by other means
23 and are in the equivalent of the fifth through eleventh grade, who
24 meets the definition for student provided in paragraph 6 of

1 subsection B of Section 2 of this act, shall be informed of the
2 opportunity for access to higher learning under Oklahoma's Promise
3 Inclusive. The State Regents and the State Board of Education shall
4 develop, promote, and coordinate a public awareness program to be
5 utilized in making students and parents aware of Oklahoma's Promise
6 Inclusive.

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

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

1 of age, for students who are educated by other means, to enter into
2 participation in the program by agreeing, throughout the remainder
3 of their school years or educational program, to:

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

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

20 D. Except as otherwise provided for in subsection E of this
21 section, a student shall not be found to be in financial need for
22 purposes of Oklahoma's Promise Inclusive if:

23 1. At the time the student applies for participation in the
24 program during the eighth, ninth, or tenth grade for students

1 enrolled in a public or private school, or between thirteen (13) and
2 fifteen (15) years of age for students who are educated by other
3 means:

4 a. the federal adjusted gross income of the student's
5 parent(s), who have two (2) or fewer dependent
6 children, exceeds Sixty-five Thousand Dollars
7 (\$65,000.00) per year,

8 b. the federal adjusted gross income of the student's
9 parent(s), who have three (3) or four (4) dependent
10 children, exceeds Seventy-five Thousand Dollars
11 (\$75,000.00) per year, or

12 c. the federal adjusted gross income of the student's
13 parent(s), who have five (5) or more dependent
14 children, exceeds Eighty-five Thousand Dollars
15 (\$85,000.00) per year;

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

20 3. Prior to receiving any Oklahoma's Promise Inclusive award
21 for any year during which the student is enrolled in a state
22 educational institution, the federal adjusted gross income of the
23 student's parent(s) exceeds One Hundred Thousand Dollars
24 (\$100,000.00) per year.

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

10 The State Regents shall review the determination of financial
11 qualification provided in paragraph 1 of this subsection if the
12 income from taxable and nontaxable sources of the student's
13 parent(s) includes income received from nontaxable military benefits
14 or income received from the federal Social Security Administration
15 due to the death or disability of the student's parent(s). If the
16 income from taxable and nontaxable sources of the student's
17 parent(s), excluding income received from nontaxable military
18 benefits or income received from the federal Social Security
19 Administration due to the death or disability of the student's
20 parent(s), does not exceed the limitations provided in paragraph 1
21 of this subsection, the student shall be determined to have met the
22 financial qualification provided in paragraph 1 of 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 Oklahoma's Promise
5 Inclusive if at the time the student begins postsecondary education
6 and prior to receiving any Oklahoma's Promise Inclusive award, the
7 federal adjusted gross income of the student's parent(s) exceeds One
8 Hundred Fifty Thousand Dollars (\$150,000.00) per year.

9 2. A student who was adopted between thirteen (13) and
10 seventeen (17) years of age while in the permanent custody of the
11 Department of Human Services, in the court-ordered custody of a
12 licensed private nonprofit child-placing agency, or federally
13 recognized Indian tribe, as defined by the federal Indian Child
14 Welfare Act, shall not be found to be in financial need for purposes
15 of Oklahoma's Promise Inclusive if at the time the student begins
16 postsecondary education and prior to receiving any Oklahoma's
17 Promise Inclusive award, the federal adjusted gross income of the
18 student's parent(s) exceeds Two Hundred Thousand Dollars
19 (\$200,000.00) per year.

20 3. The determination of financial qualification provided in
21 this subsection shall be based on the income of the student, not the
22 income of the parent(s), if the student is determined to be
23 independent of the student's parent(s) for federal financial aid
24 purposes. A determination of financial qualification shall not be

1 required for the student who meets the criteria set forth in this
2 subsection at the time the student applies for participation in the
3 program.

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

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

12 1. Assist the student in achieving compliance with the
13 agreements;

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

16 3. Provide information requested by the State Regents or the
17 Board; and

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

22 H. The State Regents shall promulgate rules for the
23 determination of student compliance with agreements made pursuant to
24 this section.

1 I. The State Regents shall designate personnel to coordinate
2 tracking of program records for the years when students
3 participating in the program are still in the schools or are being
4 educated by other means, provide staff development for contact
5 persons in the schools, and provide liaison with the Board and local
6 organizations and individuals participating in the program.

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

13 K. Students participating in Oklahoma's Promise Inclusive shall
14 provide their Social Security number or their student identification
15 number used by their school to the State Regents. The State Regents
16 shall keep the numbers confidential and use them only for
17 administrative purposes.

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