

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2293

By: Wright

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Higher Learning
8 Access Program; amending 70 O.S. 2011, Section 2605,
9 as last amended by Section 4, Chapter 289, O.S.L.
10 2017 (70 O.S. Supp. 2018, Section 2605), which
11 relates to Program requirements; providing for adult
12 with physical custody of student to witness
13 agreement; and providing an effective date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as
16 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
17 2018, Section 2605), is amended to read as follows:

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

1 Education and the State Board of Education shall develop, promote,
2 and coordinate a public awareness program to be utilized in making
3 students and parents aware of the Oklahoma Higher Learning Access
4 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- or tenth-grade classes are taught. When
10 requested by the State Regents, the State Board of Education shall
11 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 tenth grade or prior to reaching the age of fifteen (15) 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-, and tenth-grade years, for students enrolled in a
24 public or private school, or between the ages of thirteen (13) and

1 fifteen (15), for students who are educated by other means, to enter
2 into participation in the program by agreeing to, throughout the
3 remainder of their school years or educational program:

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

14 2. Students who meet the eligibility qualification set forth in
15 subparagraph a of paragraph 1 of subsection B of Section 2603 of
16 this title after completing the tenth grade or after reaching the
17 age of sixteen (16) shall be given the opportunity prior to reaching
18 the age of twenty-one (21) to enter into participation in the
19 program and shall execute an agreement with provisions as determined
20 by the Oklahoma State Regents for Higher Education.

21 3. The contact person shall maintain the agreements, which
22 shall be executed on forms provided by the Oklahoma State Regents
23 for Higher Education and managed according to regulations
24 promulgated by the Oklahoma State Regents for Higher Education, and

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

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

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

19 2. Beginning with eighth-, ninth- or tenth-grade students who
20 are enrolled in a public or private school or students between the
21 ages of thirteen (13) and fifteen (15) who are educated by other
22 means who apply for participation in the program in the 2017-2018
23 school year, the federal adjusted gross income of the student's
24 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

1 3. Beginning with eighth-, ninth- or tenth-grade students who
2 are enrolled in a public or private school or students between the
3 ages of thirteen (13) and fifteen (15) who are educated by other
4 means who apply for participation in the program in the 2021-2022
5 school year, the federal adjusted gross income of the student's
6 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

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

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

1 The determination of financial qualification as set forth in
2 paragraphs 4 and 5 of this subsection shall be based on the income
3 of the student, not the income of the parent(s), if a student:

- 4 a. is determined to be independent of the student's
5 parents for federal financial aid purposes,
- 6 b. was in the permanent custody of the Department of
7 Human Services at the time the student enrolled in the
8 program, or
- 9 c. as in the court-ordered custody of a federally
10 recognized Indian tribe, as defined by the federal
11 Indian Child Welfare Act, at the time the student
12 enrolled in the program.

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

16 6. The Oklahoma State Regents for Higher Education shall review
17 the determination of financial qualification as set forth in
18 paragraphs 1, 2 and 3 of this subsection if the income from taxable
19 and nontaxable sources of the student's parent(s) includes income
20 received from nontaxable military benefits or income received from
21 the federal Social Security Administration due to the death or
22 disability of the student's parent(s). If the income from taxable
23 and nontaxable sources of the student's parent(s), excluding income
24 received from nontaxable military benefits or income received from

1 the federal Social Security Administration due to the death or
2 disability of the student's parent(s), does not exceed the
3 limitations set forth by paragraphs 1, 2 and 3 of this subsection,
4 the student shall be determined to have met the financial
5 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

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

20 2. A student who was adopted between thirteen (13) and
21 seventeen (17) years of age while in the permanent custody of the
22 Department of Human Services, in the court-ordered custody of a
23 licensed private nonprofit child-placing agency, or federally
24 recognized Indian tribe, as defined by the federal Indian Child

1 Welfare Act, shall not be found to be in financial need for purposes
2 of the Oklahoma Higher Learning Access Program if at the time the
3 student begins postsecondary education and prior to receiving any
4 Oklahoma Higher Learning Access Program benefit award, the federal
5 adjusted gross income of the student's parent(s) exceeds Two Hundred
6 Thousand Dollars (\$200,000.00) per year. The provisions of this
7 paragraph shall not apply to any student who has received an
8 Oklahoma Higher Learning Access Program benefit award prior to the
9 2012-2013 school year.

10 3. Except for students who qualify pursuant to subsection B of
11 Section 2603 of this title, the determination of financial
12 qualification as set forth in this subsection shall be based on the
13 income of the student, not the income of the parent(s), if the
14 student is determined to be independent of the student's parent(s)
15 for federal financial aid purposes. A determination of financial
16 qualification shall not be required for the student who meets the
17 criteria set forth in this subsection at the time the student
18 applies for participation in the program. The provisions of this
19 paragraph shall not apply to any student who has received an
20 Oklahoma Higher Learning Access Program benefit award prior to the
21 2008-2009 school year.

22 F. The financial qualification of a student as set forth in
23 subsections D and E of this section shall be certified by the
24 contact person or by the Oklahoma State Regents for Higher Education

1 on the agreement form provided by the Oklahoma State Regents for
2 Higher Education. The form shall be retained in the permanent
3 record of the student and a copy forwarded to the Oklahoma State
4 Regents for Higher Education.

5 G. Agreements shall be witnessed by the parent, custodial
6 parent, or guardian of the student, or other adult with physical
7 custody of the student as verified by the school district who shall
8 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 Oklahoma State Regents
14 for Higher Education or the State Board of Education; and
- 15 4. Assist the student in completing forms and reports required
16 for program participation, making applications to institutions and
17 schools of higher learning, and filing applications for student
18 grants and scholarships.

19 H. Students who are enrolled in a school district located in
20 this state that serves students who reside in both this state and an
21 adjacent state pursuant to a contract as authorized in Section 5-
22 117.1 of this title, are in the eleventh and twelfth grades during
23 the 2006-2007 school year, and who were denied participation in the
24 program shall be allowed to enter or reenter into participation in

1 the program by entering into agreements as set forth in subsections
2 C and D of this section by June 1, 2008.

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

6 J. The Oklahoma State Regents for Higher Education shall
7 designate personnel to coordinate tracking of program records for
8 the years when students participating in the program are still in
9 the schools or are being educated by other means, provide staff
10 development for contact persons in the schools, and provide liaison
11 with the State Board of Education and local organizations and
12 individuals participating in the program.

13 K. The school district where an Oklahoma Higher Learning Access
14 Program student is enrolled when the student begins participation in
15 the program and any subsequent school district where the student
16 enrolls shall forward information regarding participation by the
17 student in the program to a school to which the student transfers
18 upon the request of the school for the records of the student.

19 L. Students participating in the Oklahoma Higher Learning
20 Access Program shall provide their Social Security number or their
21 student identification number used by their school to the Oklahoma
22 State Regents for Higher Education. The Regents shall keep the
23 numbers confidential and use them only for administrative purposes.

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SECTION 2. This act shall become effective November 1, 2019.

57-1-7260 EK 01/10/19