

1 ENGROSSED HOUSE
2 BILL NO. 2399

By: Russ and Munson of the
House

3 and

4 Quinn of the Senate
5
6

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. 2020, Section 2605), which
11 relates to program awareness; modifying eligibility
12 for certain students to participate in program; and
13 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 2020, 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
Education and the State Board of Education shall develop, promote,

1 and coordinate a public awareness program to be utilized in making
2 students and parents aware of the Oklahoma Higher Learning Access
3 Program.

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

15 C. 1. Students who qualify on the basis of financial need
16 according to subsection D or E of this section or who meet the
17 eligibility qualification set forth in subparagraph a of paragraph 1
18 of subsection B of Section 2603 of this title prior to entering the
19 tenth grade or prior to reaching the age of fifteen (15) and the
20 standards and provisions promulgated by the Oklahoma State Regents
21 for Higher Education shall be given the opportunity throughout the
22 eighth-, ninth-, and tenth-grade years, for students enrolled in a
23 public or private school, or between the ages of thirteen (13) and
24 fifteen (15), for students who are educated by other means, or

1 throughout the eleventh- or twelfth-grade years, or between the ages
2 of sixteen (16) and eighteen (18), for students who meet the
3 conditions of paragraph 4 of subsection D of this section, to enter
4 into participation in the program by agreeing to, throughout the
5 remainder of their school years or educational program:

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

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

23 3. The contact person shall maintain the agreements, which
24 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- or tenth-grade students who
4 are enrolled in a public or private school or students between the
5 ages of thirteen (13) and fifteen (15) who are educated by other
6 means who apply for participation in the program ~~in the 2021-2022~~
7 ~~school year~~, the federal adjusted gross income of the student's
8 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

9 4. Beginning with eleventh- or twelfth-grade students who are
10 enrolled in a public or private school, or students between the ages
11 of sixteen (16) and eighteen (18) who are educated by other means,
12 who apply for participation in the program, whose parents have
13 become deceased after the student's tenth-grade year, the federal
14 adjusted gross income of the student or the student's adoptive
15 parent(s), if applicable, exceeds One Hundred Thousand Dollars
16 (\$100,000.00) per year;

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

22 ~~5.~~ 6. Beginning with the 2018-2019 academic year, prior to
23 receiving any Oklahoma Higher Learning Access Program benefit award
24 for any year during which the student is enrolled in an institution

1 which is a member of The Oklahoma State System of Higher Education,
2 a postsecondary vocational-technical program offered by a technology
3 center school that meets the requirements to be eligible for federal
4 student financial aid or a private institution of higher learning
5 located within this state and accredited pursuant to Section 4103 of
6 this title, the federal adjusted gross income of the student's
7 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
8 year.

9 The determination of financial qualification as set forth in
10 paragraphs 4 5 and 5 6 of this subsection shall be based on the
11 income of the student, not the income of the parent(s), if a
12 student:

- 13 a. is determined to be independent of the student's
14 parents for federal financial aid purposes,
- 15 b. was in the permanent custody of the Department of
16 Human Services at the time the student enrolled in the
17 program, or
- 18 c. was in the court-ordered custody of a federally
19 recognized Indian tribe, as defined by the federal
20 Indian Child Welfare Act, at the time the student
21 enrolled in the program.

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

1 ~~6.~~ 7. The Oklahoma State Regents for Higher Education shall
2 review the determination of financial qualification as set forth in
3 paragraphs 1, 2 ~~and~~, 3 and 4 of this subsection if the income from
4 taxable and nontaxable sources of the student's parent(s) includes
5 income received from nontaxable military benefits or income received
6 from the federal Social Security Administration due to the death or
7 disability of the student's parent(s). If the income from taxable
8 and nontaxable sources of the student's parent(s), excluding income
9 received from nontaxable military benefits or income received from
10 the federal Social Security Administration due to the death or
11 disability of the student's parent(s), does not exceed the
12 limitations set forth by paragraphs 1, 2 ~~and~~, 3 and 4 of this
13 subsection, the student shall be determined to have met the
14 financial qualification set forth in paragraphs 1, 2 ~~and~~, 3 and 4 of
15 this subsection.

16 E. 1. A student who was adopted between birth and twelve (12)
17 years of age while in the permanent custody of the Department of
18 Human Services, in the court-ordered custody of a licensed private
19 nonprofit child-placing agency, or federally recognized Indian
20 tribe, as defined by the federal Indian Child Welfare Act, shall not
21 be found to be in financial need for purposes of the Oklahoma Higher
22 Learning Access Program if at the time the student begins
23 postsecondary education and prior to receiving any Oklahoma Higher
24 Learning Access Program benefit award, the federal adjusted gross

1 income of the student's parent(s) exceeds One Hundred Fifty Thousand
2 Dollars (\$150,000.00) per year. The provisions of this paragraph
3 shall not apply to any student who has received an Oklahoma Higher
4 Learning Access Program benefit award prior to the 2012-2013 school
5 year.

6 2. A student who was adopted between thirteen (13) and
7 seventeen (17) years of age while in the permanent custody of the
8 Department of Human Services, in the court-ordered custody of a
9 licensed private nonprofit child-placing agency, or federally
10 recognized Indian tribe, as defined by the federal Indian Child
11 Welfare Act, shall not be found to be in financial need for purposes
12 of the Oklahoma Higher Learning Access Program if at the time the
13 student begins postsecondary education and prior to receiving any
14 Oklahoma Higher Learning Access Program benefit award, the federal
15 adjusted gross income of the student's parent(s) exceeds Two Hundred
16 Thousand Dollars (\$200,000.00) per year. The provisions of this
17 paragraph shall not apply to any student who has received an
18 Oklahoma Higher Learning Access Program benefit award prior to the
19 2012-2013 school year.

20 3. Except for students who qualify pursuant to subsection B of
21 Section 2603 of this title, the determination of financial
22 qualification as set forth in this subsection shall be based on the
23 income of the student, not the income of the parent(s), if the
24 student is determined to be independent of the student's parent(s)

1 for federal financial aid purposes. A determination of financial
2 qualification shall not be required for the student who meets the
3 criteria set forth in this subsection at the time the student
4 applies for participation in the program. The provisions of this
5 paragraph shall not apply to any student who has received an
6 Oklahoma Higher Learning Access Program benefit award prior to the
7 2008-2009 school year.

8 F. The financial qualification of a student as set forth in
9 subsections D and E of this section shall be certified by the
10 contact person or by the Oklahoma State Regents for Higher Education
11 on the agreement form provided by the Oklahoma State Regents for
12 Higher Education. The form shall be retained in the permanent
13 record of the student and a copy forwarded to the Oklahoma State
14 Regents for Higher Education.

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

17 1. Assist the student in achieving compliance with the
18 agreements;

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

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

23 4. Assist the student in completing forms and reports required
24 for program participation, making applications to institutions and

1 schools of higher learning, and filing applications for student
2 grants and scholarships.

3 H. Students who are enrolled in a school district located in
4 this state that serves students who reside in both this state and an
5 adjacent state pursuant to a contract as authorized in Section 5-
6 117.1 of this title, are in the eleventh and twelfth grades during
7 the 2006-2007 school year, and who were denied participation in the
8 program shall be allowed to enter or reenter into participation in
9 the program by entering into agreements as set forth in subsections
10 C and D of this section by June 1, 2008.

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

14 J. The Oklahoma State Regents for Higher Education shall
15 designate personnel to coordinate tracking of program records for
16 the years when students participating in the program are still in
17 the schools or are being educated by other means, provide staff
18 development for contact persons in the schools, and provide liaison
19 with the State Board of Education and local organizations and
20 individuals participating in the program.

21 K. The school district where an Oklahoma Higher Learning Access
22 Program student is enrolled when the student begins participation in
23 the program and any subsequent school district where the student
24 enrolls shall forward information regarding participation by the

1 student in the program to a school to which the student transfers
2 upon the request of the school for the records of the student.

3 L. Students participating in the Oklahoma Higher Learning
4 Access Program shall provide their Social Security number or their
5 student identification number used by their school to the Oklahoma
6 State Regents for Higher Education. The Regents shall keep the
7 numbers confidential and use them only for administrative purposes.

8 SECTION 2. This act shall become effective November 1, 2021.

9 Passed the House of Representatives the 2nd day of March, 2021.

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11 _____
12 Presiding Officer of the House
of Representatives

13 Passed the Senate the ___ day of _____, 2021.

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16 _____
17 Presiding Officer of the Senate