

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3759

By: Johns

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Higher Learning
8 Access Program; amending 70 O.S. 2021, Section 2603,
9 which relates to eligibility requirements; providing
10 eligibility for children of certified teachers;
11 defining term; amending 70 O.S. 2021, Section 2605,
12 which relates to student agreements; exempting
13 students who are children of certified teachers from
14 certain financial qualification determination;
15 directing the Oklahoma State Regents for Higher
16 Education to verify certain employment status;
17 defining term; providing an effective date; and
18 declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2021, Section 2603, is
21 amended to read as follows:

22 Section 2603. A. Except as otherwise provided for in
23 subsection B of this section and elsewhere in this section, to be
24 eligible to participate in the Oklahoma Higher Learning Access
Program and to qualify for an award which includes payment of an
amount equivalent to resident tuition or other tuition pursuant to
Section 2604 of this title for the first semester or other academic
unit of postsecondary enrollment, a student shall:

1 1. Be a resident of this state or be enrolled in a school
2 district located in this state that serves students who reside in
3 both this state and an adjacent state pursuant to a contract as
4 authorized in Section 5-117.1 of this title;

5 2. Be a United States citizen or lawfully present in the United
6 States. A student who is not a United States citizen or lawfully
7 present in the United States shall not be eligible to participate in
8 the Oklahoma Higher Learning Access Program and to qualify for an
9 award notwithstanding the provisions of Section 3242 of this title.
10 The provisions of this paragraph shall not apply to any student who
11 was enrolled in the Oklahoma Higher Learning Access Program prior to
12 the end of the 2006-2007 school year;

13 3. Have a record of satisfactory compliance with agreements
14 executed pursuant to Section 2605 of this title;

15 4. a. have graduated within the previous three (3) years
16 from a high school accredited by the State Board of
17 Education, or the Oklahoma School of Science and
18 Mathematics with a minimum 2.5 cumulative grade point
19 average on a 4.0 scale for all work attempted in
20 grades nine through twelve,

21 b. have graduated within the previous three (3) years
22 from a high school not accredited by the State Board
23 of Education with a minimum 2.5 cumulative grade point
24 average on a 4.0 scale for all work attempted in

1 grades nine through twelve and have achieved a
2 composite score of 22 or higher on the ACT test, or
3 c. have satisfactorily completed within the previous
4 three (3) years an educational program that was
5 provided through a means other than a public or
6 private school and have achieved a composite score of
7 22 or higher on the ACT test;

8 5. Have completed the curricular requirements for admission to
9 an institution within The Oklahoma State System of Higher Education
10 and one additional unit or set of competencies in a course that
11 meets college admission requirements. The curriculum requirements
12 shall include two units or sets of competencies in foreign or non-
13 English language or technology courses that meet the college
14 admission requirements and one unit or set of competencies of a fine
15 arts course. Students shall also have attained a 2.5 grade point
16 average in the core curriculum courses. Students who attended a
17 high school which did not offer all the core curriculum courses or
18 students who were educated by other means and were not offered all
19 the core curriculum courses shall be allowed to satisfy this
20 curriculum requirement by participating in a program approved by the
21 State Regents for remediation of high school curricular
22 deficiencies;

23 6. Have satisfied admission standards as determined by the
24 Oklahoma State Regents for Higher Education for first-time-entering

1 students for the appropriate type of institution, or, if attending a
2 private institution, have satisfied admission standards as
3 determined by the private institution. No student participating in
4 the Oklahoma Higher Learning Access Program shall be admitted into
5 an institution of higher education by special admission standards;

6 7. Have secured admission to, and enrolled in, an institution
7 which is a member of The Oklahoma State System of Higher Education,
8 a postsecondary vocational-technical program offered by a technology
9 center school that meets the requirements to be eligible for federal
10 student financial aid, or a private institution of higher learning
11 located within this state and accredited pursuant to Section 4103 of
12 this title; and

13 8. a. have established financial need according to the
14 provisions of subsection D of Section 2605 of this
15 title and standards and provisions promulgated by the
16 Oklahoma State Regents for Higher Education,

17 b. if the student was adopted between birth and twelve
18 (12) years of age while in the permanent custody of
19 the Department of Human Services, in the court-ordered
20 custody of a licensed private nonprofit child-placing
21 agency, or federally recognized Indian tribe, as
22 defined by the federal Indian Child Welfare Act, have
23 established financial need according to the provisions
24 of paragraph 1 of subsection E of Section 2605 of this

1 title and standards and provisions promulgated by the
2 Oklahoma State Regents for Higher Education, ~~or~~

3 c. if the student was adopted between thirteen (13) and
4 seventeen (17) years of age while in the permanent
5 custody of the Department of Human Services, in the
6 court-ordered custody of a licensed private nonprofit
7 child-placing agency, or federally recognized Indian
8 tribe, as defined by the federal Indian Child Welfare
9 Act, have established financial need according to the
10 provisions of paragraph 2 of subsection E of Section
11 2605 of this title and standards and provisions
12 promulgated by the Oklahoma State Regents for Higher
13 Education, or

14 d. if the student is the child of a certified teacher, as
15 provided for in paragraph 4 of subsection E of Section
16 2605 of this title. For the purposes of this
17 paragraph, "certified teacher" means any certified,
18 full-time teacher who is employed by a public school
19 district in this state.

20 B. 1. A student shall be eligible to participate in the
21 Oklahoma Higher Learning Access Program and to qualify for an award
22 which includes payment of an amount equivalent to resident tuition
23 or other tuition pursuant to Section 2604 of this title for the
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1 first semester or other academic unit of postsecondary enrollment if
2 the student meets all of the following criteria:

3 a. is a child of any person killed after January 1, 2000,
4 in the line of duty in any branch of the United States
5 Armed Forces or who died after January 1, 2000, as a
6 result of an injury sustained while in the line of
7 duty in any branch of the United States Armed Forces
8 and the person who was killed or died filed an
9 individual or joint Oklahoma income tax return for the
10 tax year prior to the year during which the person was
11 killed or died,

12 b. is a resident of this state or is enrolled in a school
13 district located in this state that serves students
14 who reside in both this state and an adjacent state
15 pursuant to a contract as authorized in Section 5-
16 117.1 of this title,

17 c. enrolls in an institution within The Oklahoma State
18 System of Higher Education prior to reaching the age
19 of twenty-one (21),

20 d. has satisfied admission standards as determined by the
21 Oklahoma State Regents for Higher Education for first-
22 time-entering students for the appropriate type of
23 institution, or, if attending a private institution,
24 has satisfied admission standards as determined by the

1 private institution. No student participating in the
2 Oklahoma Higher Learning Access Program shall be
3 admitted into an institution of higher education by
4 special admission standards,

5 e. has secured admission to, and enrolled in, an
6 institution which is a member of The Oklahoma State
7 System of Higher Education, a postsecondary
8 vocational-technical program offered by a technology
9 center school that meets the requirements to be
10 eligible for federal student financial aid, or a
11 private institution of higher learning located within
12 this state and accredited pursuant to Section 4103 of
13 this title, and

14 f. executes an agreement pursuant to subsection C of
15 Section 2605 of this title.

16 2. A student who is eligible to participate in the program
17 pursuant to this subsection shall not be required to meet the
18 eligibility requirements set forth in subsection A of this section.

19 C. To retain eligibility while pursuing the program of higher
20 learning in which enrolled, the student shall:

21 1. Meet the requirements for retention and degree completion as
22 established by the institution in which the student is enrolled;

1 2. Maintain good academic standing and satisfactory academic
2 progress according to standards of the Oklahoma State Regents for
3 Higher Education;

4 3. Maintain satisfactory academic progress as required for
5 eligibility for federal Title IV student financial aid programs.
6 The provisions of this paragraph shall become effective for the
7 2012-2013 school year;

8 4. Comply with the standards related to maintenance of
9 eligibility as promulgated by the Oklahoma State Regents for Higher
10 Education; and

11 5. Refrain from conduct that leads to expulsion or suspension
12 of more than one semester from an institution of higher education.
13 A student who violates the provisions of this paragraph shall
14 permanently lose eligibility for program benefits. The provisions
15 of this paragraph shall become effective January 1, 2008.

16 D. The Oklahoma State Regents for Higher Education and the
17 State Board of Career and Technology Education shall promulgate
18 rules relating to maintenance of eligibility under the Oklahoma
19 Higher Learning Access Act by a student.

20 E. It is the intent of the Legislature that students in the
21 ninth grade for the 1992-93 school year who are determined to be
22 eligible Oklahoma Higher Learning Access students pursuant to the
23 Oklahoma Higher Learning Access Act shall be the first students
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1 eligible for benefits from the Oklahoma Higher Learning Access Trust
2 Fund.

3 F. The Oklahoma State Regents for Higher Education are
4 authorized to study, develop and propose criteria for determining
5 award eligibility based upon the completion of seven semesters of
6 high school coursework by a student.

7 SECTION 2. AMENDATORY 70 O.S. 2021, Section 2605, is
8 amended to read as follows:

9 Section 2605. A. Each school year, every fifth- through
10 eleventh-grade student in the public and private schools of this
11 state and students who are educated by other means and are in the
12 equivalent of the fifth through eleventh grade shall be apprised,
13 together with the parent, custodial parent or guardian of the
14 student, of the opportunity for access to higher learning under the
15 Oklahoma Higher Learning Access Program. The Oklahoma State Regents
16 for Higher Education and the State Board of Education shall develop,
17 promote, and coordinate a public awareness program to be utilized in
18 making students and parents aware of the Oklahoma Higher Learning
19 Access Program.

20 B. On a form provided by the Oklahoma State Regents for Higher
21 Education, every public school district shall designate at least one
22 Oklahoma Higher Learning Access Program contact person, who shall be
23 a counselor or teacher, at each public school site in this state in
24 which eighth-, ninth-, tenth- or eleventh-grade classes are taught.

1 When requested by the State Regents, the State Board of Education
2 shall assist the State Regents to ensure the designation of contact
3 persons. Private schools shall also designate at least one school
4 official as a contact person. For students who are educated by
5 other means, a parent or guardian or other person approved by the
6 State Regents shall be designated the contact person.

7 C. 1. Students who qualify on the basis of financial need
8 according to subsection D or E of this section or who meet the
9 eligibility qualification set forth in subparagraph a of paragraph 1
10 of subsection B of Section 2603 of this title prior to entering the
11 eleventh grade or prior to reaching the age of sixteen (16) and the
12 standards and provisions promulgated by the Oklahoma State Regents
13 for Higher Education shall be given the opportunity throughout the
14 eighth-, ninth-, tenth- and eleventh-grade years, for students
15 enrolled in a public or private school, or between the ages of
16 thirteen (13) and sixteen (16), for students who are educated by
17 other means, to enter into participation in the program by agreeing
18 to, throughout the remainder of their school years or educational
19 program:

- 20 a. attend school or an educational program regularly and
- 21 do homework regularly,
- 22 b. refrain from substance abuse,
- 23 c. refrain from commission of crimes or delinquent acts,

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- d. have school work and school records reviewed by mentors designated pursuant to the program,
- e. provide information requested by the Oklahoma State Regents for Higher Education or the State Board of Education, and
- f. 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 for Higher Education and managed according to regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor compliance of the student with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the agreement shall not be eligible for the awards provided in Section 2604 of this title.

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

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

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

19 3. Beginning with eighth-, ninth-, tenth- or eleventh-grade
20 students who are enrolled in a public or private school or students
21 between the ages of thirteen (13) and sixteen (16) who are educated
22 by other means who apply for participation in the program in the
23 2021-2022 school year, the federal adjusted gross income of the
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1 student's parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per
2 year;

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

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

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

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

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1 b. was in the permanent custody of the Department of
2 Human Services at the time the student enrolled in the
3 program, or

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

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

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

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

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

1 Thousand Dollars (\$200,000.00) per year. The provisions of this
2 paragraph shall not apply to any student who has received an
3 Oklahoma Higher Learning Access Program benefit award prior to the
4 2012-2013 school year.

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

17 4. a. A determination of financial qualification shall not
18 be required for a student who is the child of a
19 certified teacher at the time the student applies for
20 participation in the Oklahoma Higher Learning Access
21 Program and prior to receiving any Oklahoma Higher
22 Learning Access Program benefit award for any year
23 during which the student is enrolled in an institution
24 which is a member of The Oklahoma State System of

1 Higher Education, a postsecondary vocational-technical
2 program offered by a technology center school that
3 meets the requirements to be eligible for federal
4 student financial aid or a private institution of
5 higher learning located within this state and
6 accredited pursuant to Section 4103 of this title.
7 The State Regents for Higher Education shall verify
8 the employment status of the student's parent prior to
9 the student receiving any Oklahoma Higher Learning
10 Access Program benefit award. The provisions of this
11 paragraph shall apply to eighth-, ninth-, tenth-, or
12 eleventh-grade students who are enrolled in a public
13 or private school or students between the ages of
14 thirteen (13) and fifteen (15) who are educated by
15 other means who apply for participation in the program
16 after the 2021-2022 school year.

17 b. For purposes of this paragraph, "certified teacher"
18 means any certified, full-time teacher who is employed
19 by a public school district. The certified teacher
20 shall not be required to be employed by the same
21 public school district during the time his or her
22 child is participating in the Oklahoma Higher Learning
23 Access Program but shall be continuously employed as a
24 certified teacher during the time his or her child is

1 participating in the Oklahoma Higher Learning Access
2 Program.

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

10 G. Agreements shall be witnessed by the parent, custodial
11 parent, or 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 Oklahoma State Regents
17 for Higher Education or the State Board of Education; and

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

22 H. Students who are enrolled in a school district located in
23 this state that serves students who reside in both this state and an
24 adjacent state pursuant to a contract as authorized in Section 5-

1 117.1 of this title, are in the eleventh and twelfth grades during
2 the 2006-2007 school year, and who were denied participation in the
3 program shall be allowed to enter or reenter into participation in
4 the program by entering into agreements as set forth in subsections
5 C and D of this section by June 1, 2008.

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

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

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

22 L. Students participating in the Oklahoma Higher Learning
23 Access Program shall provide their Social Security number or their
24 student identification number used by their school to the Oklahoma

1 State Regents for Higher Education. The Regents shall keep the
2 numbers confidential and use them only for administrative purposes.

3 SECTION 3. This act shall become effective July 1, 2022.

4 SECTION 4. 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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