

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3792

6 By: Hefner and McBride

7 COMMITTEE SUBSTITUTE

8 [ higher education - Oklahoma Access and Achievement  
9 Act - effective date - emergency ]  
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 2501 of Title 70, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. This act shall be known and may be cited as the "Oklahoma  
17 Access and Achievement Act".

18 B. As used in this act:

19 1. "CTP program" means a degree, certificate, or nondegree  
20 program that:

21 a. is offered by an institution of higher education or a  
22 technology center school,  
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- 1           b.    is delivered to students physically attending the  
2                   institution of higher education or technology center  
3                   school,
- 4           c.    is designed to support students with intellectual  
5                   disabilities who are seeking to continue academic,  
6                   career and technical, and independent living  
7                   instruction at an institution of higher education or  
8                   technology center school to prepare for gainful  
9                   employment,
- 10          d.    includes an advising and curriculum structure,
- 11          e.    requires students with intellectual disabilities to  
12                   participate on not less than a half-time basis as  
13                   determined by the institution of higher education or  
14                   technology center school, with participation focusing  
15                   on academic components and occurring through one or  
16                   more of the following activities:
- 17               (1)  regular enrollment in credit-bearing courses with  
18                   nondisabled students offered by the institution  
19                   of higher education or technology center school,
- 20               (2)  auditing or participating in courses with  
21                   nondisabled students offered by the institution  
22                   for higher education or technology center school  
23                   for which the student does not receive regular  
24                   academic credit,

1 (3) enrollment in noncredit-bearing, nondegree  
2 courses with nondisabled students, or

3 (4) participation in internships or work-based  
4 training in settings with nondisabled persons,

5 f. requires students with intellectual disabilities to be  
6 socially and academically integrated with nondisabled  
7 students to the maximum extent possible, and

8 g. is approved by the United States Department of  
9 Education pursuant to Public Law 110-315, the Higher  
10 Education Opportunity Act, as amended;

11 2. "Eligible student" means a student with an intellectual  
12 disability who is eligible for the scholarship program;

13 3. "Scholarship program" means the Oklahoma Access and  
14 Achievement Program;

15 4. "State educational institution" means an institution of  
16 higher education or technology center school supported wholly or in  
17 part by direct legislative appropriations that provides a CTP  
18 program;

19 5. "State Regents" means the Oklahoma State Regents for Higher  
20 Education; and

21 6. "Student with an intellectual disability" means a student:

22 a. with a cognitive impairment, characterized by  
23 significant limitations in intellectual and cognitive  
24

1 functioning and adaptive behavior as expressed in  
2 conceptual, social, and practical adaptive skills, and  
3 b. who is currently or was formerly eligible for a free  
4 appropriate public education under the Individuals  
5 with Disabilities Education Act (IDEA), including a  
6 student who was determined eligible for special  
7 education or related services under IDEA but attended  
8 a private school or was educated pursuant to the other  
9 means of education exception provided for in  
10 subsection A of Section 10-105 of Title 70 of the  
11 Oklahoma Statutes.

12 C. There is hereby created a program to be known as the  
13 Oklahoma Access and Achievement Program. The purpose of the program  
14 is to provide an award to eligible students with intellectual  
15 disabilities who are pursuing studies in this state at a CTP  
16 program. The award shall be an amount equal to the nonguaranteed  
17 resident tuition at an institution of higher education or the  
18 tuition at a technology center school.

19 D. A student with an intellectual disability shall be eligible  
20 for the Oklahoma Access and Achievement Program if the student:

21 1. Is a resident of this state or enrolled in a school district  
22 located in this state that serves students who reside in both this  
23 state and an adjacent state pursuant to a contract authorized by  
24 Section 5-117.1 of Title 70 of the Oklahoma Statutes;

1           2. Is a United States citizen or lawfully present in the United  
2 States. A student who is not a United States citizen or lawfully  
3 present in the United States shall not be eligible to participate in  
4 the scholarship program and qualify for an award;

5           3. 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          4. Has secured admission to and enrolled in a CTP program at a  
11 state educational institution that meets the requirements to be  
12 eligible for federal student financial aid; and

13          5. Has established financial need according to the provisions  
14 of Section 3 of this act and standards and provisions promulgated by  
15 the State Regents.

16          E. To retain eligibility in the scholarship program, a student  
17 with an intellectual disability shall:

18           1. Meet the requirements for retention and completion as  
19 established by the state educational institution where the student  
20 is enrolled;

21           2. Maintain satisfactory academic progress as required by the  
22 CTP program criteria;

23           3. Comply with the standards related to maintenance of  
24 eligibility as promulgated by the State Regents; and

1 4. Refrain from conduct that leads to expulsion or suspension  
2 of more than one semester from a state educational institution. A  
3 student who violates the provisions of this paragraph shall  
4 permanently lose eligibility for scholarship program benefits.

5 F. The State Regents shall promulgate rules relating to the  
6 establishment and maintenance of eligibility under the scholarship  
7 program.

8 SECTION 2. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 2502 of Title 70, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. Subject to the availability of funds, an amount equivalent  
12 to the nonguaranteed resident tuition at an institution of higher  
13 education or the tuition at a technology center school where the  
14 eligible student is enrolled in a CTP program shall be awarded by  
15 allocation from the Oklahoma Higher Learning Access Trust Fund  
16 created pursuant to Section 3953.1 of Title 70 of the Oklahoma  
17 Statutes.

18 B. Benefits awarded through the scholarship program shall be  
19 awarded to all eligible student applicants without any limitation on  
20 the number of awards in any year other than the amount of funds  
21 available for the scholarship program and the number of eligible  
22 student applicants. Subject to the provisions of subsection C of  
23 this section, if funds are not sufficient to provide awards for all  
24 eligible student applicants, the Oklahoma State Regents for Higher

1 Education shall make awards on the basis of need. Provided, the  
2 State Regents may take into consideration other grants and  
3 scholarships received by an eligible student applicant when making  
4 awards.

5 C. An award provided by this section shall not be allowed for  
6 courses or other postsecondary units taken more than five (5) years  
7 after the eligible student's first semester of postsecondary  
8 enrollment. The State Regents may award the scholarship program  
9 benefits for courses or other postsecondary units taken more than  
10 five (5) years after the eligible student's first semester of  
11 postsecondary enrollment only in hardship circumstances; provided,  
12 however, no eligible student may receive benefits beyond a  
13 cumulative time period of five (5) years.

14 D. The State Regents may, at the time an award is made on  
15 behalf of an eligible student, set aside in the Oklahoma Higher  
16 Learning Access Trust Fund funds for the full commitment made to the  
17 student. For all academic years, students who have previously  
18 received awards under the provisions of the Oklahoma Access and  
19 Achievement Act and who have continued at all times to fulfill the  
20 requirements for eligibility to receive awards provided pursuant to  
21 the scholarship program shall be given an absolute priority for  
22 continued financial support by the scholarship program above any  
23 students who are applying for an award for the first time.

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1           SECTION 3.           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. Except as otherwise provided in subsection B of this  
5 section, a student with an intellectual disability shall not be  
6 found to be in financial need for purposes of the Oklahoma Access  
7 and Achievement Act if prior to receiving any scholarship program  
8 award for any year during which the student is enrolled in a CTP  
9 program at a state educational institution, the federal adjusted  
10 gross income of the student's parents or legal guardians exceeds One  
11 Hundred Thousand Dollars (\$100,000.00) per year. The determination  
12 of financial qualification provided in this subsection shall be  
13 based on the income of the student, not the income of the parents or  
14 legal guardians, if a student is determined to be independent of his  
15 or her parents or legal guardians for federal financial aid  
16 purposes.

17           B. 1. A student with an intellectual disability who was  
18 adopted between birth and twelve (12) years of age while in the  
19 permanent custody of the Department of Human Services, in the court-  
20 ordered custody of a licensed private nonprofit child-placing  
21 agency, or federally recognized Indian tribe, as defined by the  
22 federal Indian Child Welfare Act, shall not be found to be in  
23 financial need for purposes of the Oklahoma Access and Achievement  
24 Act if, prior to receiving any scholarship program award for any



1 year during which the student is enrolled in a CTP program at a  
2 state educational institution, the federal adjusted gross income of  
3 the student's parents exceeds One Hundred Fifty Thousand Dollars  
4 (\$150,000.00) per year.

5 2. A student with an intellectual disability who was adopted  
6 between thirteen (13) and seventeen (17) years of age while in the  
7 permanent custody of the Department of Human Services, in the court-  
8 ordered custody of a licensed private nonprofit child-placing  
9 agency, or federally recognized Indian tribe, as defined by the  
10 federal Indian Child Welfare Act, shall not be found to be in  
11 financial need for purposes of the Oklahoma Access and Achievement  
12 Act if, prior to receiving any scholarship program award for any  
13 year during which the student is enrolled in a CTP program at a  
14 state educational institution, the federal adjusted gross income of  
15 the student's parents exceeds Two Hundred Thousand Dollars  
16 (\$200,000.00) per year.

17 3. The determination of financial qualification provided for in  
18 this subsection shall be based on the income of the student, not the  
19 income of the student's parents, if the student is determined to be  
20 independent of the student's parents for federal financial aid  
21 purposes.

22 SECTION 4. AMENDATORY 70 O.S. 2021, Section 3953.1, is  
23 amended to read as follows:

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

5 B. The State Regents shall utilize ~~said~~ the Trust Fund to  
6 implement the provisions of Sections 2601 through 2605 of this title  
7 and Sections 1 through 3 of this act.

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

18 D. Notwithstanding other provisions of law, income and  
19 investment return on Trust Fund principal shall accrue to the Trust  
20 Fund for use as provided by authorization of the trustees for the  
21 purposes provided in Sections 2601 through 2605 of this title and  
22 Sections 1 through 3 of this act. The State Regents may also  
23 utilize the Trust Fund principal for the purposes provided in  
24 Sections 2601 through 2605 of this title and Sections 1 through 3 of

1 this act. Except as otherwise provided by law, no such income or  
2 investment return or principal shall be used for administrative  
3 expenses; expenses incurred by the State Regents in the  
4 administration of the Trust Fund and of the Oklahoma Higher Learning  
5 Access Program established by the Oklahoma Higher Learning Access  
6 Act and the Oklahoma Access and Achievement Program established by  
7 the Oklahoma Access and Achievement Act shall be paid from monies  
8 appropriated to the State Regents coordinating board for their  
9 general operating budget.

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

23 SECTION 5. This act shall become effective July 1, 2024.  
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1 SECTION 6. It being immediately necessary for the preservation  
2 of the public peace, health, or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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