

1 **SENATE FLOOR VERSION**

2 March 26, 2024

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 3792

6 By: Hefner, McBride, Deck,
7 Pittman, Schreiber, and
8 Swope of the House

9 and

10 Seifried of the Senate

11 [higher education - Oklahoma Access and Achievement
12 Act - effective date -
13 emergency]

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

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

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

20 B. As used in this act:

21 1. "CTP program" means a degree, certificate, or nondegree
22 program that:

23 a. is offered by an institution of higher education or a
24 technology center school,

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.

24

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:

24

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.

24

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.

5 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
6 March 26, 2024 - DO PASS AS AMENDED
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24