

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1092

By: Bergstrom

4
5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Higher Learning
8 Access Program; amending 70 O.S. 2011, Section 2603,
9 as last amended by Section 2, Chapter 289, O.S.L.
10 2017 (70 O.S. Supp. 2017, Section 2603), which
11 relates to eligibility requirements; providing
12 eligibility for children of certain teachers;
13 providing definition; amending 70 O.S. 2011, Section
14 2605, as last amended by Section 4, Chapter 289,
15 O.S.L. 2017 (70 O.S. Supp. 2017, Section 2605), which
16 relates to student agreements; exempting students who
17 are children of certain teachers from certain
18 financial qualification determination; providing
19 definition; directing the Oklahoma State Regents for
20 Higher Education to verify certain employment status;
21 providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2603, as
last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
2017, Section 2603), is amended to read as follows:

Section 2603. A. Except as otherwise provided for in
subsection B of this section and elsewhere in this section, to be
eligible to participate in the Oklahoma Higher Learning Access
Program and to qualify for an award which includes payment of an

1 amount equivalent to resident tuition or other tuition pursuant to
2 Section 2604 of this title for the first semester or other academic
3 unit of postsecondary enrollment, a student shall:

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

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

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

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

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- 1 b. have graduated within the previous three (3) years
2 from a high school not accredited by the State Board
3 of Education with a minimum 2.5 cumulative grade point
4 average on a 4.0 scale for all work attempted in
5 grades nine through twelve and have achieved a
6 composite score of 22 or higher on the ACT test, or
7 c. have satisfactorily completed within the previous
8 three (3) years an educational program that was
9 provided through a means other than a public or
10 private school and have achieved a composite score of
11 22 or higher on the ACT test;

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

1 State Regents for remediation of high school curricular
2 deficiencies;

3 6. Have satisfied admission standards as determined by the
4 Oklahoma State Regents for Higher Education for first-time-entering
5 students for the appropriate type of institution, or, if attending a
6 private institution, have satisfied admission standards as
7 determined by the private institution. No student participating in
8 the Oklahoma Higher Learning Access Program shall be admitted into
9 an institution of higher education by special admission standards;

10 7. Have secured admission to, and 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; and

17 8. a. have established financial need according to the
18 provisions of subsection D of Section 2605 of this
19 title and standards and provisions promulgated by the
20 Oklahoma State Regents for Higher Education,

21 b. if the student was adopted between birth and twelve
22 (12) years of age while in the permanent custody of
23 the Department of Human Services, in the court-ordered
24 custody of a licensed private nonprofit child-placing

1 agency, or federally recognized Indian tribe, as
2 defined by the federal Indian Child Welfare Act, have
3 established financial need according to the provisions
4 of paragraph 1 of subsection E of Section 2605 of this
5 title and standards and provisions promulgated by the
6 Oklahoma State Regents for Higher Education, ~~or~~

7 c. if the student was adopted between thirteen (13) and
8 seventeen (17) years of age while in the permanent
9 custody of the Department of Human Services, in the
10 court-ordered custody of a licensed private nonprofit
11 child-placing agency, or federally recognized Indian
12 tribe, as defined by the federal Indian Child Welfare
13 Act, have established financial need according to the
14 provisions of paragraph 2 of subsection E of Section
15 2605 of this title and standards and provisions
16 promulgated by the Oklahoma State Regents for Higher
17 Education, or

18 d. if the student is the child of a certified classroom
19 teacher, as provided for in paragraph 4 of subsection
20 E of Section 2605 of this title. For the purposes of
21 this paragraph, "certified classroom teacher" means
22 any certified, full-time teacher who has been employed
23 by a public school district in this state for a
24 minimum of ten (10) years.

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

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

16 b. is a resident of this state or is enrolled in a school
17 district located in this state that serves students
18 who reside in both this state and an adjacent state
19 pursuant to a contract as authorized in Section 5-
20 117.1 of this title,

21 c. enrolls in an institution within The Oklahoma State
22 System of Higher Education prior to reaching the age
23 of twenty-one (21),
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1 d. has satisfied admission standards as determined by the
2 Oklahoma State Regents for Higher Education for first-
3 time-entering students for the appropriate type of
4 institution, or, if attending a private institution,
5 has satisfied admission standards as determined by the
6 private institution. No student participating in the
7 Oklahoma Higher Learning Access Program shall be
8 admitted into an institution of higher education by
9 special admission standards,

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

19 f. executes an agreement pursuant to subsection C of
20 Section 2605 of this title.

21 2. A student who is eligible to participate in the program
22 pursuant to this subsection shall not be required to meet the
23 eligibility requirements set forth in subsection A of this section.
24

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

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

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

8 3. Maintain satisfactory academic progress as required for
9 eligibility for federal Title IV student financial aid programs.

10 The provisions of this paragraph shall become effective for the
11 2012-2013 school year;

12 4. Comply with the standards related to maintenance of
13 eligibility as promulgated by the Oklahoma State Regents for Higher
14 Education; and

15 5. Refrain from conduct that leads to expulsion or suspension
16 of more than one semester from an institution of higher education.

17 A student who violates the provisions of this paragraph shall
18 permanently lose eligibility for program benefits. The provisions
19 of this paragraph shall become effective January 1, 2008.

20 D. The Oklahoma State Regents for Higher Education and the
21 State Board of Career and Technology Education shall promulgate
22 rules relating to maintenance of eligibility under the Oklahoma
23 Higher Learning Access Act by a student.

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

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

11 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2605, as
12 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
13 2017, Section 2605), is amended to read as follows:

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

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

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

24

- a. attend school or an educational program regularly and do homework regularly,
- b. refrain from substance abuse,
- c. refrain from commission of crimes or delinquent acts,
- 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 tenth grade or after reaching the age of sixteen (16) 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

1 compliance with the agreements. Students failing to comply with the
2 terms of the agreement shall not be eligible for the awards provided
3 in Section 2604 of this title.

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

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

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

22 3. Beginning with eighth-, ninth- or tenth-grade students who
23 are enrolled in a public or private school or students between the
24 ages of thirteen (13) and fifteen (15) who are educated by other

1 means who apply for participation in the program in the 2021-2022
2 school year, the federal adjusted gross income of the student's
3 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

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

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

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

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

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 classroom teacher at the time the student
20 applies for participation in the Oklahoma Higher
21 Learning Access Program and prior to receiving any
22 Oklahoma Higher Learning Access Program benefit award
23 for any year during which the student is enrolled in
24 an institution which is a member of The Oklahoma State

1 System of Higher Education, a postsecondary
2 vocational-technical program offered by a technology
3 center school that meets the requirements to be
4 eligible for federal student financial aid or a
5 private institution of higher learning located within
6 this state and accredited pursuant to Section 4103 of
7 this title. The State Regents for Higher Education
8 shall verify the employment status of the student's
9 parent(s) prior to the student receiving any Oklahoma
10 Higher Learning Access Program benefit award. The
11 provisions of this paragraph shall apply to eighth-,
12 ninth- or tenth-grade students who are enrolled in a
13 public or private school or students between the ages
14 of thirteen (13) and fifteen (15) who are educated by
15 other means who apply for participation in the program
16 after the 2017-2018 school year.

17 b. For the purposes of this paragraph, "certified
18 classroom teacher" means any certified, full-time
19 teacher who has been employed by a public school
20 district in this state for a minimum of ten (10)
21 years. The teacher shall not be required to have been
22 employed by the same public school district for ten
23 (10) years.

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

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

10 1. Assist the student in achieving compliance with the
11 agreements;

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

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

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

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

1 program shall be allowed to enter or reenter into participation in
2 the program by entering into agreements as set forth in subsections
3 C and D of this section by June 1, 2008.

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

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

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

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

1 SECTION 3. This act shall become effective July 1, 2018.

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

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