

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1092

By: Smalley

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5
6 AS INTRODUCED

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. 2019, Section 2605), which
11 relates to student agreements; modifying income
12 qualification eligibility for certain students
13 beginning in certain school years; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as
17 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
18 2019, Section 2605), is amended to read as follows:

19 Section 2605. A. Each school year, every fifth- through ninth-
20 grade student in the public and private schools of this state and
21 students who are educated by other means and are in the equivalent
22 of the fifth through ninth grade shall be apprised, together with
23 the parent, custodial parent, or guardian of the student, of the
24 opportunity for access to higher learning under the Oklahoma Higher
25 Learning Access Program. The Oklahoma State Regents for Higher
26 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-~~7~~ 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, to enter
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1 into participation in the program by agreeing to, throughout the
2 remainder of their school years or educational program:

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

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

20 3. The contact person shall maintain the agreements, which
21 shall be executed on forms provided by the Oklahoma State Regents
22 for Higher Education and managed according to regulations
23 promulgated by the Oklahoma State Regents for Higher Education, and
24 the contact person shall monitor compliance of the student with the

1 terms of the agreement. The Oklahoma State Regents for Higher
2 Education are authorized to process student agreements and verify
3 compliance with the agreements. Students failing to comply with the
4 terms of the agreement shall not be eligible for the awards provided
5 in Section 2604 of this title.

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

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

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

1 3. Beginning with eighth-, ninth- or tenth-grade students who
2 are enrolled in a public or private school or students between the
3 ages of thirteen (13) and fifteen (15) who are educated by other
4 means who apply for participation in the program in the 2021-2022
5 school year, the federal adjusted gross income of the student's
6 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

7 4. Beginning with eighth-, ninth- or tenth-grade students who
8 are enrolled in a public or private school or students between the
9 ages of thirteen (13) and fifteen (15) who are educated by other
10 means who apply for participation in the program in the 2025-2026
11 school year, the federal adjusted gross income of the student's
12 parent(s) exceeds Seventy-five Thousand Dollars (\$75,000.00) per
13 year;

14 5. Beginning with eighth-, ninth- or tenth-grade students who
15 are enrolled in a public or private school or students between the
16 ages of thirteen (13) and fifteen (15) who are educated by other
17 means who apply for participation in the program in the 2029-2030
18 school year, the federal adjusted gross income of the student's
19 parent(s) exceeds Eighty Thousand Dollars (\$80,000.00) per year;

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

1 ~~5.~~ 7. Beginning with the 2018-2019 academic year, prior to
2 receiving any Oklahoma Higher Learning Access Program benefit award
3 for any year during which the student is enrolled in an institution
4 which is a member of The Oklahoma State System of Higher Education,
5 a postsecondary vocational-technical program offered by a technology
6 center school that meets the requirements to be eligible for federal
7 student financial aid or a private institution of higher learning
8 located within this state and accredited pursuant to Section 4103 of
9 this title, the federal adjusted gross income of the student's
10 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
11 year.

12 The determination of financial qualification as set forth in
13 paragraphs ~~4~~ 6 and ~~5~~ 7 of this subsection shall be based on the
14 income of the student, not the income of the parent(s), if a
15 student:

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

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

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

19 E. 1. A student who was adopted between birth and twelve (12)
20 years of age while in the permanent custody of the Department of
21 Human Services, in the court-ordered custody of a licensed private
22 nonprofit child-placing agency, or federally recognized Indian
23 tribe, as defined by the federal Indian Child Welfare Act, shall not
24 be found to be in financial need for purposes of the Oklahoma Higher

1 Learning Access Program if at the time the student begins
2 postsecondary education and prior to receiving any Oklahoma Higher
3 Learning Access Program benefit award, the federal adjusted gross
4 income of the student's parent(s) exceeds One Hundred Fifty Thousand
5 Dollars (\$150,000.00) per year. The provisions of this paragraph
6 shall not apply to any student who has received an Oklahoma Higher
7 Learning Access Program benefit award prior to the 2012-2013 school
8 year.

9 2. A student who was adopted between thirteen (13) and
10 seventeen (17) years of age while in the permanent custody of the
11 Department of Human Services, in the court-ordered custody of a
12 licensed private nonprofit child-placing agency, or federally
13 recognized Indian tribe, as defined by the federal Indian Child
14 Welfare Act, shall not be found to be in financial need for purposes
15 of the Oklahoma Higher Learning Access Program if at the time the
16 student begins postsecondary education and prior to receiving any
17 Oklahoma Higher Learning Access Program benefit award, the federal
18 adjusted gross income of the student's parent(s) exceeds Two Hundred
19 Thousand Dollars (\$200,000.00) per year. The provisions of this
20 paragraph shall not apply to any student who has received an
21 Oklahoma Higher Learning Access Program benefit award prior to the
22 2012-2013 school year.

23 3. Except for students who qualify pursuant to subsection B of
24 Section 2603 of this title, the determination of financial

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

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

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

20 1. Assist the student in achieving compliance with the
21 agreements;

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

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

3 4. Assist the student in completing forms and reports required
4 for program participation, making applications to institutions and
5 schools of higher learning, and filing applications for student
6 grants and scholarships.

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2020.

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