

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1266

By: Jolley

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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 2603,
9 as amended by Section 24, Chapter 11, O.S.L. 2012 (70
10 O.S. Supp. 2015, Section 2603), which relates to
11 eligibility; modifying reference to enrollment in
12 certain institution; amending 70 O.S. 2011, Section
13 2604, which relates to Oklahoma Higher Learning
14 Access Program awards; directing students applying
15 for awards after certain date to enroll in certain
16 institution; providing for transfer of student upon
17 certain demonstration; providing effective dates; and
18 declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2603, as
21 amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2015,
22 Section 2603), is amended to read as follows:

23 Section 2603. A. Except as otherwise provided for in
24 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
amount equivalent to resident tuition or other tuition pursuant to

1 Section 2604 of this title for the first semester or other academic
2 unit of postsecondary enrollment, a student shall:

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

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

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

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

23 b. have graduated within the previous three (3) years
24 from a high school not accredited by the State Board

1 of Education with a minimum 2.5 cumulative grade point
2 average on a 4.0 scale for all work attempted in
3 grades nine through twelve and have achieved a
4 composite score of 22 or higher on the ACT test, or
5 c. have satisfactorily completed within the previous
6 three (3) years an educational program that was
7 provided through a means other than a public or
8 private school and have achieved a composite score of
9 22 or higher on the ACT test;

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

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

8 7. Have secured admission to, and enrolled in, ~~an~~ a two-year
9 institution which is a member of The Oklahoma State System of Higher
10 Education, a postsecondary vocational-technical program offered
11 pursuant to a duly approved cooperative agreement between a
12 technology center school and an institution of The Oklahoma State
13 System of Higher Education, or a private institution of higher
14 learning located within this state and accredited pursuant to
15 Section 4103 of this title; and

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

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

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

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

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

23 a. is a child of any person killed after January 1, 2000,
24 in the line of duty in any branch of the United States

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

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

13 c. enrolls in ~~an~~ a two-year institution within The
14 Oklahoma State System of Higher Education prior to
15 reaching the age of twenty-one (21),

16 d. has satisfied admission standards as determined by the
17 Oklahoma State Regents for Higher Education for first-
18 time-entering students for the appropriate type of
19 institution, or, if attending a private institution,
20 has satisfied admission standards as determined by the
21 private institution. No student participating in the
22 Oklahoma Higher Learning Access Program shall be
23 admitted into an institution of higher education by
24 special admission standards,

1 e. has secured admission to, and enrolled in, ~~an~~ a two-
2 year institution which is a member of The Oklahoma
3 State System of Higher Education, a postsecondary
4 vocational-technical program offered pursuant to a
5 duly approved cooperative agreement between a
6 technology center school and an institution of The
7 Oklahoma State System of Higher Education, or a
8 private institution of higher learning located within
9 this state and accredited pursuant to Section 4103 of
10 this title, and

11 f. executes an agreement pursuant to subsection C of
12 Section 2605 of this title.

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

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

18 1. Achieve a minimum cumulative grade point average of 2.0 on a
19 4.0 scale or its equivalent for courses taken through the student's
20 sophomore year and achieve a minimum grade point average of 2.5 on a
21 4.0 scale or its equivalent for courses taken during the student's
22 junior year and thereafter. The provisions of this paragraph shall
23 not apply to any student who has received an Oklahoma Higher
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1 Learning Access Program benefit award prior to the 2012-2013 school
2 year;

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

6 3. Maintain satisfactory academic progress as required for
7 eligibility for federal Title IV student financial aid programs.
8 The provisions of this paragraph shall become effective for the
9 2012-2013 school year;

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

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

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

22 E. It is the intent of the Legislature that students in the
23 ninth grade for the 1992-93 school year who are determined to be
24 eligible Oklahoma Higher Learning Access students pursuant to the

1 Oklahoma Higher Learning Access Act shall be the first students
2 eligible for benefits from the Oklahoma Higher Learning Access Trust
3 Fund.

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

8 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2604, is
9 amended to read as follows:

10 Section 2604. A. Subject to the availability of funds, an
11 amount equivalent to the nonguaranteed resident tuition for which an
12 eligible Oklahoma Higher Learning Access Program student is
13 obligated at an institution of The Oklahoma State System of Higher
14 Education shall be awarded by allocation from the Oklahoma Higher
15 Learning Access Trust Fund.

16 B. Subject to the availability of funds, for each eligible
17 Oklahoma Higher Learning Access Program student enrolled at a
18 private institution of higher learning located within this state and
19 accredited pursuant to Section 4103 of this title, the Oklahoma
20 State Regents for Higher Education shall award from the Oklahoma
21 Higher Learning Access Trust Fund an amount equivalent to the amount
22 of resident tuition for which the student would be eligible if the
23 student were enrolled in a comparable program at a comparable
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1 institution of The Oklahoma State System of Higher Education.

2 Comparability shall be determined by the State Regents.

3 C. Subject to the availability of funds, an amount equivalent
4 to the tuition for any eligible Oklahoma Higher Learning Access
5 Program student enrolled in a public postsecondary vocational-
6 technical program or course for the purpose set forth in Section
7 2602 of this title shall be awarded by allocation from the Oklahoma
8 Higher Learning Access Trust Fund. Provided, such allocation shall
9 not exceed the amount a student would have received for comparable
10 enrollment at a two-year institution within The Oklahoma State
11 System of Higher Education.

12 D. 1. An award allowed by this section shall not be allowed
13 for courses or other postsecondary units taken in excess of the
14 requirements for completion of a baccalaureate program or taken more
15 than five (5) years after the student's first semester of
16 postsecondary enrollment. The Oklahoma State Regents for Higher
17 Education may award the Oklahoma Higher Learning Access Program
18 benefits for courses of postsecondary units taken more than five (5)
19 years after the student's first semester of postsecondary enrollment
20 only in hardship circumstances; provided, however, no Oklahoma
21 Higher Learning Access Program participant may receive benefits
22 beyond a cumulative time period of five (5) years.

23 2. The Oklahoma State Regents for Higher Education may award
24 the Oklahoma Higher Learning Access Program benefits for a student's

1 first semester or other academic unit of postsecondary enrollment
2 taken more than three (3) years after the student graduates from
3 high school or completes an educational program equivalent to high
4 school graduation as authorized in subsection A of Section 2603 of
5 this title or after the student turns twenty-one (21) years of age
6 as authorized in subsection B of Section 2603 of this title if the
7 student is a member of the Armed Forces of the United States, the
8 Reserve Corps of the Armed Forces of the United States, or the
9 Oklahoma National Guard, and is ordered to active duty or active
10 duty for special work or training and due to the duty commitment the
11 student is unable to enroll prior to the end of the three-year
12 period or before the student reaches twenty-one (21) years of age.
13 The period shall be extended by the length of the term of duty.

14 3. The Oklahoma State Regents for Higher Education may
15 establish a maximum limit on the number of courses or other
16 postsecondary units to which Oklahoma Higher Learning Access Program
17 benefits will apply.

18 4. An award for eligible Oklahoma Higher Learning Access
19 Program students enrolled in cooperative programs pursuant to
20 agreements between technology center schools and institutions of The
21 Oklahoma State System of Higher Education shall be satisfied for
22 both vocational-technical and college work in which enrolled
23 pursuant to such cooperative program.

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1 E. Benefits awarded under the Oklahoma Higher Learning Access
2 Program shall be awarded to all eligible applicants without any
3 limitation on the number of awards in any year other than the amount
4 of funds available for the program and the number of eligible
5 applicants. Subject to the provisions of subsection F of this
6 section, if funds are not sufficient to provide awards for all
7 eligible applicants, the Oklahoma State Regents for Higher Education
8 shall make awards on the basis of need. Provided, the Oklahoma
9 State Regents for Higher Education shall take into consideration
10 other grants and scholarships received by an eligible applicant when
11 making awards.

12 F. The Oklahoma State Regents for Higher Education may, at the
13 time an award is made on behalf of an Oklahoma Higher Learning
14 Access Program student, set aside in the Oklahoma Higher Learning
15 Access Trust Fund funds for the full commitment made to such Higher
16 Learning Access Program student. For all academic years, students
17 who have previously received awards under the provisions of the
18 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this
19 title, and who have continued at all times to fulfill the
20 requirements for eligibility to receive awards provided pursuant to
21 this program shall be given an absolute priority for continued
22 financial support by the Oklahoma Higher Learning Access Program
23 superior to any students who are applying for such benefits for the
24 first time.

1 G. 1. Beginning with the 2016-2017 school year, any student
2 who applies for the first time to receive an Oklahoma Higher
3 Learning Access Program benefit award and is deemed eligible
4 pursuant to the provisions of subsection B of Section 2603 of this
5 title shall enroll in a two-year institution which is a member of
6 The Oklahoma State System of Higher Education, a postsecondary
7 vocational-technical program offered pursuant to a duly approved
8 cooperative agreement between a technology center school and an
9 institution of The Oklahoma State System of Higher Education or a
10 private institution of higher learning located within this state and
11 accredited pursuant to Section 4103 of this title.

12 2. Any student who receives an Oklahoma Higher Learning Access
13 Program benefit award pursuant to this subsection and is enrolled in
14 a two-year institution which is a member of The Oklahoma State
15 System of Higher Education shall be eligible to transfer to a
16 comprehensive institution within The Oklahoma State System of Higher
17 Education if he or she demonstrates satisfactory academic progress
18 toward earning a sufficient number of credits to be recognized as a
19 junior.

20 SECTION 3. Section 1 of this act shall become effective
21 November 1, 2018.

22 SECTION 4. Section 2 of this act shall become effective July 1,
23 2016.

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1 SECTION 5. It being immediately necessary for the preservation
2 of the public peace, health and 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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