

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 137

By: Brooks

4
5 AS INTRODUCED

6 An Act relating to the Oklahoma Higher Learning
7 Access Program; amending 70 O.S. 2011, Section 2605,
8 as amended by Section 26, Chapter 11, O.S.L. 2012 (70
9 O.S. Supp. 2014, Section 2605), which relates to
10 student agreements; exempting certain income from
11 calculation of financial need; directing the Oklahoma
12 State Regents for Higher Education to establish an
13 appeals process for students denied participation in
14 the program; providing deadlines for petitions and
15 decisions; providing for certain consideration;
16 directing collection of certain data; directing
17 submission of certain report; providing for
18 promulgation of rules; providing for codification;
19 providing an effective date; and declaring an
20 emergency.

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

22 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as
23 amended by Section 26, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2014,
24 Section 2605), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through ninth-
grade student in the public and private schools of this state and
students who are educated by other means and are in the equivalent
of the fifth through ninth grade shall be apprised, together with
the parent, custodial parent, or guardian of the student, of the

1 opportunity for access to higher learning under the Oklahoma Higher
2 Learning Access Program. The Oklahoma State Regents for Higher
3 Education and the State Board of Education shall develop, promote,
4 and coordinate a public awareness program to be utilized in making
5 students and parents aware of the Oklahoma Higher Learning Access
6 Program.

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

18 C. 1. Students who qualify on the basis of financial need
19 according to subsection D or E of this section or who meet the
20 eligibility qualification set forth in subparagraph a of paragraph 1
21 of subsection B of Section 2603 of this title prior to entering the
22 tenth grade or prior to reaching the age of fifteen (15) and the
23 standards and provisions promulgated by the Oklahoma State Regents
24 for Higher Education shall be given the opportunity throughout the

1 eighth-, ninth-, and tenth-grade years, for students enrolled in a
2 public or private school, or between the ages of thirteen (13) and
3 fifteen (15), for students who are educated by other means, to enter
4 into participation in the program by agreeing to, throughout the
5 remainder of their school years or educational program:

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

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

23 3. The contact person shall maintain the agreements, which
24 shall be executed on forms provided by the Oklahoma State Regents

1 for Higher Education and managed according to regulations
2 promulgated by the Oklahoma State Regents for Higher Education, and
3 the contact person shall monitor compliance of the student with the
4 terms of the agreement. The Oklahoma State Regents for Higher
5 Education are authorized to process student agreements and verify
6 compliance with the agreements. Students failing to comply with the
7 terms of the agreement shall not be eligible for the awards provided
8 in Section 2604 of this title.

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

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

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

3 The determination of financial qualification as set forth in
4 this paragraph shall be based on the income of the student, not the
5 income of the parent(s), if a student:

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

8 b. was in the permanent custody of the Department of
9 Human Services at the time the student enrolled in the
10 program, or

11 c. was in the court-ordered custody of a federally
12 recognized Indian tribe, as defined by the federal
13 Indian Child Welfare Act, at the time the student
14 enrolled in the program.

15 The provisions of this paragraph shall not apply to any student
16 who has received an Oklahoma Higher Learning Access Program benefit
17 award prior to the 2012-2013 school year;

18 3. For the purposes of this subsection, disability compensation
19 shall not be included in determining financial need.

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

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

10 2. A student who was adopted between thirteen (13) and
11 seventeen (17) years of age while in the permanent custody of the
12 Department of Human Services, in the court-ordered custody of a
13 licensed private nonprofit child-placing agency, or federally
14 recognized Indian tribe, as defined by the federal Indian Child
15 Welfare Act, shall not be found to be in financial need for purposes
16 of the Oklahoma Higher Learning Access Program if at the time the
17 student begins postsecondary education and prior to receiving any
18 Oklahoma Higher Learning Access Program benefit award, the federal
19 adjusted gross income of the student's parent(s) exceeds Two Hundred
20 Thousand Dollars (\$200,000.00) per year. The provisions of this
21 paragraph shall not apply to any student who has received an
22 Oklahoma Higher Learning Access Program benefit award prior to the
23 2012-2013 school year.

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1 3. Except for students who qualify pursuant to subsection B of
2 Section 2603 of this title, the determination of financial
3 qualification as set forth in this subsection shall be based on the
4 income of the student, not the income of the parent(s), if the
5 student is determined to be independent of the student's parents for
6 federal financial aid purposes. A determination of financial
7 qualification shall not be required for the student who meets the
8 criteria set forth in this subsection at the time the student
9 applies for participation in the program. The provisions of this
10 paragraph shall not apply to any student who has received an
11 Oklahoma Higher Learning Access Program benefit award prior to the
12 2008-2009 school year.

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

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

22 1. Assist the student in achieving compliance with the
23 agreements;

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

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

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

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

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

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

1 with the State Board of Education and local organizations and
2 individuals participating in the program.

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

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

14 SECTION 2. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2606 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Oklahoma State Regents for Higher Education shall adopt
18 rules establishing an appeal process for students who have been
19 denied participation in the Oklahoma Higher Learning Access Program.
20 A student who has been denied participation shall have thirty (30)
21 days after denial in which to file a petition for an appeal to the
22 Oklahoma State Regents for Higher Education. The Oklahoma State
23 Regents for Higher Education shall take action on a petition for an
24 appeal no later than sixty (60) days after receiving the petition.

1 B. In deciding whether to grant an appeal, the Oklahoma State
2 Regents for Higher Education shall take into consideration
3 extenuating circumstances that may affect the calculation of
4 financial need pursuant to Section 2605 of Title 70 of the Oklahoma
5 Statutes.

6 C. The Oklahoma State Regents for Higher Education shall
7 collect data on the number of students petitioning for an appeal and
8 the number of appeals approved. Beginning December 31, 2015, the
9 Oklahoma State Regents for Higher Education shall provide an annual
10 report of this data to the Governor, President Pro Tempore of the
11 Senate, and the Speaker of the House of Representatives.

12 D. The Oklahoma State Regents for Higher Education shall
13 promulgate rules to implement the provisions of this section.

14 SECTION 3. This act shall become effective July 1, 2015.

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

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