

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 322 By: Seifried of the Senate
3 and
4 McBride of the House
5
6

7 An Act relating to higher education; amending 70 O.S.
8 2021, Section 626.7, which relates to the Oklahoma
9 Higher Education Tuition Aid Act; providing
10 eligibility for certain programs; updating statutory
11 language; providing an effective date; and declaring
12 an emergency.

13 AUTHOR: Add the following House Coauthors: Hefner, Alonso-
14 Sandoval, and Waldron

15 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
16 and insert:

17 "[higher education - Oklahoma Higher Education
18 Tuition Aid Act - Oklahoma Higher Learning Access
19 Trust Fund - State Regents - effective date -
20 emergency]

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23 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~
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1 SECTION 1. AMENDATORY 70 O.S. 2021, Section 626.7, is
2 amended to read as follows:

3 Section 626.7 A college tuition aid grant may be awarded
4 annually to each eligible, qualified full-time or part-time
5 undergraduate or graduate student enrolled in a curriculum leading
6 to a degree or certificate in an institution of collegiate grade or
7 postsecondary institution providing a program of training to prepare
8 students for employment in a recognized occupation in Oklahoma
9 approved or accredited by the Oklahoma State Regents for Higher
10 Education or appropriate postsecondary agency. Eligible programs of
11 training shall include comprehensive transition and postsecondary
12 programs approved by the United States Department of Education.
13 College tuition aid grants shall be awarded in accordance with the
14 following:

15 1. Eligibility. Each full-time or part-time resident student
16 ~~will~~ shall be eligible to receive a grant in an amount as provided
17 in paragraph 2 of this section. The Oklahoma State Regents for
18 Higher Education shall determine by rules and regulations the
19 maximum number of semesters a student may be eligible for grants.
20 No student shall be eligible for grants unless the student maintains
21 ~~such~~ minimum standards of academic performance as are required by
22 the institution in which the student is enrolled.

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1 In the event a student for any reason ceases to continue to be
2 enrolled during the course of an academic year, the student shall
3 cease to be eligible for tuition aid.

4 2. Amount of grant. The amount of tuition aid grant to any
5 student under this act for any semester shall represent a percentage
6 not greater than seventy-five percent (75%) of the tuition and
7 enrollment fees normally charged to residents of ~~the State of~~
8 ~~Oklahoma~~ this state by the institution of attendance. The Oklahoma
9 State Regents for Higher Education shall determine by rules the
10 annual maximum award amount based on an annual assessment of funds
11 availability.

12 Financial assistance received under this act ~~will~~ shall be
13 considered as part of a student's financial aid package.

14 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3953.1, is
15 amended to read as follows:

16 Section 3953.1 A. There is hereby created a trust fund to be
17 known as the "Oklahoma Higher Learning Access Trust Fund". The
18 Oklahoma State Regents for Higher Education shall be the trustees of
19 said Trust Fund.

20 B. The State Regents shall utilize said Trust Fund to implement
21 the provisions of Sections 2601 through 2605 of this title and
22 Sections 2 through 4 of this act.

23 C. The Trust Fund principal shall consist of monies the
24 Legislature appropriates or transfers to the Oklahoma State Regents

1 for Higher Education for the Trust Fund and any monies or assets
2 contributed to the Trust Fund from any other source, public or
3 private. All monies accruing to the credit of said fund are hereby
4 appropriated and may be budgeted and expended by the State Regents.
5 Expenditures from said fund shall be made upon warrants issued by
6 the State Treasurer against claims filed as prescribed by law with
7 the Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 D. Notwithstanding other provisions of law, income and
10 investment return on Trust Fund principal shall accrue to the Trust
11 Fund for use as provided by authorization of the trustees for the
12 purposes provided in Sections 2601 through 2605 of this title and
13 Sections 2 through 4 of this act. The State Regents may also
14 utilize the Trust Fund principal for the purposes provided in
15 Sections 2601 through 2605 of this title and Sections 2 through 4 of
16 this act. Except as otherwise provided by law, no such income or
17 investment return or principal shall be used for administrative
18 expenses; expenses incurred by the State Regents in the
19 administration of the Trust Fund and of the Oklahoma Higher Learning
20 Access Program established by the Oklahoma Higher Learning Access
21 Act and of the Oklahoma Promise Opportunity Scholarship program
22 established by the Oklahoma Promise Opportunity Scholarship Act
23 shall be paid from monies appropriated to the State Regents
24 coordinating board for their general operating budget.

1 E. The Regents shall adopt rules for accomplishing transfer of
2 funds from the Oklahoma Higher Learning Access Trust Fund to the
3 appropriate institutional Educational and General Operations
4 Revolving Funds, as provided in Section 3901 of this title, to
5 private institutions, and to the appropriate technology center
6 school district to cover general enrollment fees or tuition for
7 eligible students pursuant to the Oklahoma Higher Learning Access
8 Act and the Oklahoma Promise Opportunity Scholarship Act.

9 Allocations from the Trust Fund may be made only for the purpose of
10 covering the general enrollment fees or tuition of eligible
11 students. No portion of the Trust Fund may be used or allocated for
12 administrative or operating expenses of any higher education
13 institution or technology center school.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2501 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 A. This act shall be known and may be cited as the "Oklahoma
18 Promise Opportunity Scholarship Act".

19 B. As used in the Oklahoma Promise Opportunity Scholarship Act:

20 1. "Board" means the State Board of Education;

21 2. "Comprehensive transition and postsecondary program for
22 students with intellectual disabilities" or "CTP program" means a
23 degree, certificate, or nondegree program that meets each of the
24 following:

- 1 a. is offered by a state educational institution,
- 2 b. is designed to support students with intellectual
- 3 disabilities who are seeking to continue academic,
- 4 career and technical, and independent living
- 5 instruction at a state educational institution in
- 6 order to prepare for gainful employment,
- 7 c. includes an advising and curriculum structure,
- 8 d. requires students with intellectual disabilities to
- 9 participate on not less than a half-time basis as
- 10 determined by the institution, with participation
- 11 focusing on academic components, and occurring through
- 12 one or more of the following activities:
- 13 (1) regular enrollment in credit-bearing courses with
- 14 nondisabled students offered by the institution,
- 15 (2) auditing or participating in courses with
- 16 nondisabled students offered by the institution
- 17 for which the student does not receive regular
- 18 academic credit,
- 19 (3) enrollment in noncredit-bearing, nondegree
- 20 courses with nondisabled students, or
- 21 (4) participation in internships or work-based
- 22 training in settings with nondisabled
- 23 individuals, and
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1 e. requires students with intellectual disabilities to be
2 socially and academically integrated with non-disabled
3 students to the maximum extent possible;

4 3. "Program" means the Oklahoma Promise Opportunity Scholarship
5 program;

6 4. "State educational institution" means any higher education
7 institution supported wholly or in part by direct legislative
8 appropriations which provides a comprehensive transition and
9 postsecondary program for students with intellectual disabilities;

10 5. "State Regents" means the Oklahoma State Regents for Higher
11 Education; and

12 6. "Student" means a student with:

13 a. a cognitive impairment, characterized by significant
14 limitations in intellectual and cognitive functioning
15 and adaptive behavior as expressed in conceptual,
16 social, and practical adaptive skills, and

17 b. who is currently, or was formerly, eligible for a free
18 appropriate public education under the federal
19 Individuals with Disabilities Education Act.

20 C. There is hereby created a program to be known as the
21 "Oklahoma Promise Opportunity Scholarship". The purpose of the
22 program is to provide an award to eligible students who are pursuing
23 studies in this state at a CTP program, that will relieve students
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1 from paying nonguaranteed resident tuition at state educational
2 institutions.

3 D. A student shall be eligible for the Oklahoma Promise
4 Opportunity Scholarship program if the student:

5 1. Meets the definition for student provided in paragraph 6 of
6 subsection B of this section;

7 2. Is a resident of this state or enrolled in a school district
8 located in this state that serves students who reside in both this
9 state and an adjacent state pursuant to a contract as authorized in
10 Section 5-117.1 of Title 70 of the Oklahoma Statutes;

11 3. Is a United States citizen or lawfully present in the United
12 States. A student who is not a United States citizen or lawfully
13 present in the United States shall not be eligible to participate in
14 the program and qualify for an award notwithstanding the provisions
15 of Section 3242 of Title 70 of the Oklahoma Statutes;

16 4. Has a record of satisfactory compliance with agreements
17 executed pursuant to Section 4 of this act;

18 5. Has graduated within the previous six (6) years from a
19 public high school accredited by the State Board of Education or a
20 private school, or has satisfactorily completed within the previous
21 six (6) years an educational program that was provided through a
22 means other than a public or private school;

23 6. Has completed the curricular requirements for admission to a
24 state educational institution;

1 7. Has satisfied admission standards as determined by the State
2 Regents for first-time-entering students for the appropriate type of
3 state educational institution;

4 8. Have secured admission to, and enrolled in, a state
5 educational institution that meets the requirements to be eligible
6 for federal student financial aid; and

7 9. Has established financial need according to the provisions
8 of subsection D of Section 4 of this act and standards and
9 provisions promulgated by the State Regents.

10 E. To retain eligibility in the program, the student shall:

11 1. Meet the requirements for retention and completion as
12 established by the state educational institution where the student
13 is enrolled;

14 2. Maintain good academic standing and satisfactory academic
15 progress according to standards of the State Regents;

16 3. Maintain satisfactory academic progress as required for
17 eligibility for federal Title IV student financial aid programs;

18 4. Comply with the standards related to maintenance of
19 eligibility as promulgated by the State Regents; and

20 5. Refrain from conduct that leads to expulsion or suspension
21 of more than one (1) semester from a state educational institution.

22 A student who violates the provisions of this paragraph shall
23 permanently lose eligibility for program benefits.

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1 F. The State Regents shall promulgate rules relating to
2 maintenance of eligibility under the program by a student.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2502 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Subject to the availability of funds, an amount equivalent
7 to the nonguaranteed resident tuition for which an eligible Oklahoma
8 Promise Opportunity Scholarship program student is obligated at a
9 state educational institution shall be awarded by allocation from
10 the Oklahoma Higher Learning Access Trust Fund.

11 B. Benefits awarded through the program shall be awarded to all
12 eligible student applicants without any limitation on the number of
13 awards in any year other than the amount of funds available for the
14 program and the number of eligible applicants. Subject to the
15 provisions of subsection D of this section, if funds are not
16 sufficient to provide awards for all eligible applicants, the State
17 Regents shall make awards on the basis of need. Provided, the State
18 Regents may take into consideration other grants and scholarships
19 received by an eligible applicant when making awards.

20 C. The State Regents may, at the time an award is made on
21 behalf of an Oklahoma Promise Opportunity Scholarship program
22 student, set aside in the Oklahoma Higher Learning Access Trust Fund
23 funds for the full commitment made to the student. For all academic
24 years, students who have previously received awards under the

1 provisions of the Oklahoma Promise Opportunity Scholarship Act, and
2 who have continued at all times to fulfill the requirements for
3 eligibility to receive awards provided pursuant to this program,
4 shall be given an absolute priority for continued financial support
5 by the Oklahoma Promise Opportunity Scholarship program superior to
6 any students who are applying for an award for the first time.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2503 of Title 70, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Each school year, the parent or legal guardian of every
11 fifth- through eleventh-grade student in the public and private
12 schools of this state and students who are educated by other means
13 and are in the equivalent of the fifth through eleventh grade, who
14 meets the definition for student provided in paragraph 6 of
15 subsection B of Section 2 of this act, shall be informed of the
16 opportunity for access to higher learning through the Oklahoma
17 Promise Opportunity Scholarship Act. The State Regents and the
18 State Board of Education shall develop, promote, and coordinate a
19 public awareness program to be utilized in making students and
20 parents aware of the Oklahoma Promise Opportunity Scholarship
21 program.

22 B. On a form provided by the State Regents, every public school
23 district shall designate at least one (1) Oklahoma Promise
24 Opportunity Scholarship program contact person, who shall be a

1 counselor or teacher, at each public school site in this state in
2 which eighth-, ninth-, tenth-, or eleventh-grade classes are taught.
3 When requested by the State Regents, the Board shall assist the
4 State Regents to ensure the designation of contact persons. Private
5 schools shall also designate at least one (1) school official as a
6 contact person. For students who are educated by other means, a
7 parent, legal guardian, or other person approved by the State
8 Regents shall be designated the contact person.

9 C. 1. Students who qualify on the basis of financial need
10 according to subsection D or E of this section prior to entering the
11 eleventh grade or prior to reaching sixteen (16) years of age and
12 who meet the standards and provisions promulgated by the State
13 Regents, shall be given the opportunity throughout the eighth-,
14 ninth-, tenth-, and eleventh-grade years, for students enrolled in a
15 public or private school, or between thirteen (13) and sixteen (16)
16 years of age, for students who are educated by other means, to enter
17 into participation in the program by agreeing, throughout the
18 remainder of their school years or educational program, to:

- 19 a. attend school or an educational program regularly,
- 20 b. refrain from substance abuse,
- 21 c. refrain from commission of violent crimes,
- 22 d. have school work and school records reviewed by
23 mentors designated pursuant to the program,

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1 e. provide information requested by the State Regents or
2 the Board, and

3 f. participate in required program activities.

4 2. The contact person shall maintain the agreements, which
5 shall be executed on forms provided by the State Regents and managed
6 according to regulations promulgated by the State Regents, and the
7 contact person shall monitor compliance of the student with the
8 terms of the agreement. The State Regents are authorized to process
9 student agreements and verify compliance with the agreements.
10 Students failing to comply with the terms of the agreement shall not
11 be eligible for the awards provided in Section 3 of this act.

12 D. Except as otherwise provided for in subsection E of this
13 section, a student shall not be found to be in financial need for
14 purposes of the Oklahoma Promise Opportunity Scholarship Act if:

15 1. At the time the student applies for participation in the
16 program during the eighth, ninth, or tenth grade for students
17 enrolled in a public or private school, or between thirteen (13) and
18 fifteen (15) years of age for students who are educated by other
19 means:

20 a. the federal adjusted gross income of the student's
21 parent(s), who have two (2) or fewer dependent
22 children, exceeds Sixty-five Thousand Dollars
23 (\$65,000.00) per year,

1 b. the federal adjusted gross income of the student's
2 parent(s), who have three (3) or four (4) dependent
3 children, exceeds Seventy-five Thousand Dollars
4 (\$75,000.00) per year, or

5 c. the federal adjusted gross income of the student's
6 parent(s), who have five (5) or more dependent
7 children, exceeds Eighty-five Thousand Dollars
8 (\$85,000.00) per year;

9 2. At the time the student begins postsecondary education and
10 prior to receiving any program award, the federal adjusted gross
11 income of the student's parent(s) exceeds One Hundred Thousand
12 Dollars (\$100,000.00) per year; and

13 3. Prior to receiving any program award for any year during
14 which the student is enrolled in a state educational institution,
15 the federal adjusted gross income of the student's parent(s) exceeds
16 One Hundred Thousand Dollars (\$100,000.00) per year.

17 The determination of financial qualification provided in
18 paragraphs 2 and 3 of this subsection shall be based on the income
19 of the student, not the income of the parent(s), if a student is
20 determined to be independent of the student's parents for federal
21 financial aid purposes, was in the permanent custody of the
22 Department of Human Services at the time the student enrolled in the
23 program, or was in the court-ordered custody of a federally
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1 recognized Indian tribe, as defined by the federal Indian Child
2 Welfare Act, at the time the student enrolled in the program.

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

16 E. 1. A student who was adopted between birth and twelve (12)
17 years of age while in the permanent custody of the Department of
18 Human Services, in the court-ordered custody of a licensed private
19 nonprofit child-placing agency, or federally recognized Indian
20 tribe, as defined by the federal Indian Child Welfare Act, shall not
21 be found to be in financial need for purposes of the Oklahoma
22 Promise Opportunity Scholarship Act if at the time the student
23 begins postsecondary education and prior to receiving any program
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1 award, the federal adjusted gross income of the student's parent(s)
2 exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year.

3 2. A student who was adopted between thirteen (13) and
4 seventeen (17) years of age while in the permanent custody of the
5 Department of Human Services, in the court-ordered custody of a
6 licensed private nonprofit child-placing agency, or federally
7 recognized Indian tribe, as defined by the federal Indian Child
8 Welfare Act, shall not be found to be in financial need for purposes
9 of the program if at the time the student begins postsecondary
10 education and prior to receiving any program award, the federal
11 adjusted gross income of the student's parent(s) exceeds Two Hundred
12 Thousand Dollars (\$200,000.00) per year.

13 3. The determination of financial qualification provided in
14 this subsection shall be based on the income of the student, not the
15 income of the parent(s), if the student is determined to be
16 independent of the student's parent(s) for federal financial aid
17 purposes. A determination of financial qualification shall not be
18 required for the student who meets the criteria set forth in this
19 subsection at the time the student applies for participation in the
20 program.

21 F. The financial qualification of a student provided in
22 subsections D and E of this section shall be certified by the
23 contact person or by the State Regents on the agreement form
24 provided by the State Regents. The form shall be retained in the

1 permanent record of the student and a copy forwarded to the State
2 Regents.

3 G. Agreements shall be witnessed by the parent or legal
4 guardian of the student, who shall further agree to:

5 1. Assist the student in achieving compliance with the
6 agreements;

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

9 3. Provide information requested by the State Regents or the
10 Board; and

11 4. Assist the student in completing forms and reports required
12 for program participation, making applications to state educational
13 institutions, and filing applications for student grants and
14 scholarships.

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

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

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1 J. The school district where an Oklahoma Promise Opportunity
2 Scholarship program student is enrolled when the student begins
3 participation in the program and any subsequent school district
4 where the student enrolls, shall forward information regarding
5 participation by the student in the program to the school where the
6 student transfers upon request of the school for the student's
7 records.

8 K. Students participating in the program shall provide their
9 Social Security number or their student identification number used
10 by their school to the State Regents. The State Regents shall keep
11 the numbers confidential and use them only for administrative
12 purposes.

13 SECTION 6. This act shall become effective July 1, 2023.

14 SECTION 7. It being immediately necessary for the preservation
15 of the public peace, health, or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval."

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1 Passed the House of Representatives the 26th day of April, 2023.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
BILL NO. 322

By: Seifried of the Senate

2
3 and

4 McBride of the House

5
6 An Act relating to higher education; amending 70 O.S.
7 2021, Section 626.7, which relates to the Oklahoma
8 Higher Education Tuition Aid Act; providing
9 eligibility for certain programs; updating statutory
10 language; providing an effective date; and declaring
11 an emergency.

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

13 SECTION 8. AMENDATORY 70 O.S. 2021, Section 626.7, is
14 amended to read as follows:

15 Section 626.7. A college tuition aid grant may be awarded
16 annually to each eligible, qualified full-time or part-time
17 undergraduate or graduate student enrolled in a curriculum leading
18 to a degree or certificate in an institution of collegiate grade or
19 postsecondary institution providing a program of training to prepare
20 students for employment in a recognized occupation in Oklahoma
21 approved or accredited by the Oklahoma State Regents for Higher
22 Education or appropriate postsecondary agency. Eligible programs of
23 training shall include comprehensive transition and postsecondary
24 programs approved by the United States Department of Education.

1 College tuition aid grants shall be awarded in accordance with the
2 following:

3 1. Eligibility. Each full-time or part-time resident student
4 ~~will~~ shall be eligible to receive a grant in an amount as provided
5 in paragraph 2 of this section. The Oklahoma State Regents for
6 Higher Education shall determine by rules and regulations the
7 maximum number of semesters a student may be eligible for grants.
8 No student shall be eligible for grants unless the student maintains
9 ~~such~~ minimum standards of academic performance as are required by
10 the institution in which the student is enrolled.

11 In the event a student for any reason ceases to continue to be
12 enrolled during the course of an academic year, the student shall
13 cease to be eligible for tuition aid.

14 2. Amount of grant. The amount of tuition aid grant to any
15 student under this act for any semester shall represent a percentage
16 not greater than seventy-five percent (75%) of the tuition and
17 enrollment fees normally charged to residents of ~~the State of~~
18 ~~Oklahoma~~ this state by the institution of attendance. The Oklahoma
19 State Regents for Higher Education shall determine by rules the
20 annual maximum award amount based on an annual assessment of funds
21 availability.

22 Financial assistance received under this act ~~will~~ shall be
23 considered as part of a student's financial aid package.

24 SECTION 9. This act shall become effective July 1, 2023.

1 SECTION 10. 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 Passed the Senate the 9th day of March, 2023.

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Presiding Officer of the Senate

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9 Passed the House of Representatives the ____ day of _____,
10 2023.

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Presiding Officer of the House
of Representatives

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