

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 391

By: Brecheen

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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. 2016, Section 2603), which relates to
11 eligibility; modifying reference to tuition rate;
12 amending 70 O.S. 2011, Section 2604, which relates to
13 awards; modifying calculation of award amount;
14 removing language regarding calculation of award
15 amount for students attending private institutions of
16 higher learning; and providing an effective date.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2603, as
19 amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2016,
20 Section 2603), is amended to read as follows:

21 Section 2603. A. Except as otherwise provided for in
22 subsection B of this section and elsewhere in this section, to be
23 eligible to participate in the Oklahoma Higher Learning Access
24 Program and to qualify for an award which includes payment of an
amount equivalent to the resident tuition ~~or other tuition pursuant~~
~~to~~ rate established in Section 2604 of this title for the first

1 semester or other academic unit of postsecondary enrollment, a
2 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 institution
9 which is a member of The Oklahoma State System of Higher Education,
10 a postsecondary vocational-technical program offered pursuant to a
11 duly approved cooperative agreement between a technology center
12 school and an institution of The Oklahoma State System of Higher
13 Education, or a private institution of higher learning located
14 within this state and accredited pursuant to Section 4103 of this
15 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 the resident
20 tuition ~~or other tuition pursuant to~~ rate established in Section
21 2604 of this title for the first semester or other academic unit of
22 postsecondary enrollment if the student meets all of the following
23 criteria:
24

- 1 a. is a child of any person killed after January 1, 2000,
2 in the line of duty in any branch of the United States
3 Armed Forces or who died after January 1, 2000, as a
4 result of an injury sustained while in the line of
5 duty in any branch of the United States Armed Forces
6 and the person who was killed or died filed an
7 individual or joint Oklahoma income tax return for the
8 tax year prior to the year during which the person was
9 killed or died,
- 10 b. is a resident of this state or is enrolled in a school
11 district located in this state that serves students
12 who reside in both this state and an adjacent state
13 pursuant to a contract as authorized in Section 5-
14 117.1 of this title,
- 15 c. enrolls in an institution within The Oklahoma State
16 System of Higher Education prior to reaching the age
17 of twenty-one (21),
- 18 d. has satisfied admission standards as determined by the
19 Oklahoma State Regents for Higher Education for first-
20 time-entering students for the appropriate type of
21 institution, or, if attending a private institution,
22 has satisfied admission standards as determined by the
23 private institution. No student participating in the
24 Oklahoma Higher Learning Access Program shall be

1 admitted into an institution of higher education by
2 special admission standards,

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

13 f. executes an agreement pursuant to subsection C of
14 Section 2605 of this title.

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

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

20 1. Achieve a minimum cumulative grade point average of 2.0 on a
21 4.0 scale or its equivalent for courses taken through the student's
22 sophomore year and achieve a minimum grade point average of 2.5 on a
23 4.0 scale or its equivalent for courses taken during the student's
24 junior year and thereafter. The provisions of this paragraph shall

1 not apply to any student who has received an Oklahoma Higher
2 Learning Access Program benefit award prior to the 2012-2013 school
3 year;

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

7 3. Maintain satisfactory academic progress as required for
8 eligibility for federal Title IV student financial aid programs.
9 The provisions of this paragraph shall become effective for the
10 2012-2013 school year;

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

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

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

23 E. It is the intent of the Legislature that students in the
24 ninth grade for the 1992-93 school year who are determined to be

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

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

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

11 Section 2604. A. Subject to the availability of funds, an
12 amount equivalent to the average nonguaranteed resident tuition ~~for~~
13 ~~which an eligible Oklahoma Higher Learning Access Program student is~~
14 ~~obligated at an institution of The Oklahoma State System of Higher~~
15 ~~Education~~ rate approved by the Oklahoma State Regents for Higher
16 Education for the fiscal year ending July 1, 2017, shall be awarded
17 by allocation from the Oklahoma Higher Learning Access Trust Fund to
18 an institution within The Oklahoma State System of Higher Education
19 or a private institution of higher learning located within this
20 state and accredited pursuant to Section 4103 of this title at which
21 an eligible Oklahoma Higher Learning Access Program student is
22 obligated.

23 B. ~~Subject to the availability of funds, for each eligible~~
24 ~~Oklahoma Higher Learning Access Program student enrolled at a~~

1 ~~private institution of higher learning located within this state and~~
2 ~~accredited pursuant to Section 4103 of this title, the Oklahoma~~
3 ~~State Regents for Higher Education shall award from the Oklahoma~~
4 ~~Higher Learning Access Trust Fund an amount equivalent to the amount~~
5 ~~of resident tuition for which the student would be eligible if the~~
6 ~~student were enrolled in a comparable program at a comparable~~
7 ~~institution of The Oklahoma State System of Higher Education.~~
8 ~~Comparability shall be determined by the State Regents.~~

9 ~~C.~~ Subject to the availability of funds, an amount equivalent
10 to the tuition for any eligible Oklahoma Higher Learning Access
11 Program student enrolled in a public postsecondary vocational-
12 technical program or course for the purpose set forth in Section
13 2602 of this title shall be awarded by allocation from the Oklahoma
14 Higher Learning Access Trust Fund. Provided, such allocation shall
15 not exceed the amount ~~a student would have received for comparable~~
16 ~~enrollment at a two-year institution within The Oklahoma State~~
17 ~~System of Higher Education~~ established in subsection A of this
18 section.

19 ~~D.~~ C. 1. An award allowed by this section shall not be allowed
20 for courses or other postsecondary units taken in excess of the
21 requirements for completion of a baccalaureate program or taken more
22 than five (5) years after the student's first semester of
23 postsecondary enrollment. The Oklahoma State Regents for Higher
24 Education may award the Oklahoma Higher Learning Access Program

1 benefits for courses of postsecondary units taken more than five (5)
2 years after the student's first semester of postsecondary enrollment
3 only in hardship circumstances; provided, however, no Oklahoma
4 Higher Learning Access Program participant may receive benefits
5 beyond a cumulative time period of five (5) years.

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

21 3. The Oklahoma State Regents for Higher Education may
22 establish a maximum limit on the number of courses or other
23 postsecondary units to which Oklahoma Higher Learning Access Program
24 benefits will apply.

1 4. An award for eligible Oklahoma Higher Learning Access
2 Program students enrolled in cooperative programs pursuant to
3 agreements between technology center schools and institutions of The
4 Oklahoma State System of Higher Education shall be satisfied for
5 both vocational-technical and college work in which enrolled
6 pursuant to such cooperative program.

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

18 ~~F.~~ E. The Oklahoma State Regents for Higher Education may, at
19 the time an award is made on behalf of an Oklahoma Higher Learning
20 Access Program student, set aside in the Oklahoma Higher Learning
21 Access Trust Fund funds for the full commitment made to such Higher
22 Learning Access Program student. For all academic years, students
23 who have previously received awards under the provisions of the
24 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this

1 title, and who have continued at all times to fulfill the
2 requirements for eligibility to receive awards provided pursuant to
3 this program shall be given an absolute priority for continued
4 financial support by the Oklahoma Higher Learning Access Program
5 superior to any students who are applying for such benefits for the
6 first time.

7 SECTION 3. This act shall become effective November 1, 2018.

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