

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 529

6 By: Smalley

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma Higher Learning  
9 Access Program; amending 70 O.S. 2011, Section 2602,  
10 which relates to creation of the Oklahoma Higher  
11 Learning Access Program; modifying reference to  
12 postsecondary vocational-technical programs; amending  
13 70 O.S. 2011, Section 2603, as amended by Section 24,  
14 Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2016, Section  
15 2603), which relates to eligibility; modifying  
16 reference to postsecondary vocational-technical  
17 program; modifying requirements for student to retain  
18 eligibility; amending 70 O.S. 2011, Section 2604,  
19 which relates to Oklahoma Higher Learning Access  
20 Program awards; requiring rather than allowing the  
21 Oklahoma State Regents for Higher Education to  
22 establish certain maximum limit; modifying reference  
23 to postsecondary vocational-technical program;  
24 amending 70 O.S. 2011, Section 2605, as last amended  
by Section 1, Chapter 63, O.S.L. 2015 (70 O.S. Supp.  
2016, Section 2605), which relates to student  
agreements; modifying certain income qualification  
for students who apply for participation in certain  
years; requiring certain income qualification to be  
verified beginning in certain year; updating  
references; providing an effective date; and  
declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2602, is  
2 amended to read as follows:

3 Section 2602. There is hereby created the Oklahoma Higher  
4 Learning Access Program. The program shall also be known as  
5 "Oklahoma's Promise". The purpose of the program is to provide an  
6 award to students who meet the criteria set forth in the Oklahoma  
7 Higher Learning Access Act, Section 2601 et seq. of this title, and  
8 who are pursuing studies in this state leading to an associate or  
9 baccalaureate degree or who are pursuing studies in a postsecondary  
10 vocational-technical program or course offered ~~pursuant to a duly~~  
11 ~~approved cooperative agreement between~~ by a technology center school  
12 ~~and an institution of The Oklahoma State System of Higher Education~~  
13 that meets the requirements to be eligible for federal student  
14 financial aid, and who are in good academic standing in the  
15 institution of higher education or technology center school in which  
16 enrolled, to relieve them of the burden of paying nonguaranteed  
17 resident tuition at institutions of The Oklahoma State System of  
18 Higher Education, to relieve them of the burden of paying tuition  
19 for enrollment in postsecondary programs of the technology center  
20 districts, or to relieve them of some portion of the burden of  
21 paying such fees or tuition, pursuant to the provisions of ~~this act~~  
22 the Oklahoma Higher Learning Access Act, as may be required of  
23 enrollees at private institutions of higher education which are  
24 accredited pursuant to Section 4103 of this title. The further

1 purpose of this program is to establish and maintain a variety of  
2 support services whereby a broader range of the general student  
3 population of this state will be prepared for success in  
4 postsecondary endeavors.

5 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2603, as  
6 amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp. 2016,  
7 Section 2603), is amended to read as follows:

8 Section 2603. A. Except as otherwise provided for in  
9 subsection B of this section and elsewhere in this section, to be  
10 eligible to participate in the Oklahoma Higher Learning Access  
11 Program and to qualify for an award which includes payment of an  
12 amount equivalent to resident tuition or other tuition pursuant to  
13 Section 2604 of this title for the first semester or other academic  
14 unit of postsecondary enrollment, a student shall:

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

19 2. Be a United States citizen or lawfully present in the United  
20 States. A student who is not a United States citizen or lawfully  
21 present in the United States shall not be eligible to participate in  
22 the Oklahoma Higher Learning Access Program and to qualify for an  
23 award notwithstanding the provisions of Section 3242 of this title.  
24 The provisions of this paragraph shall not apply to any student who

1 was enrolled in the Oklahoma Higher Learning Access Program prior to  
2 the end of the 2006-2007 school year;

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

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

11 b. have graduated within the previous three (3) years  
12 from a high school not accredited by the State Board  
13 of Education with a minimum 2.5 cumulative grade point  
14 average on a 4.0 scale for all work attempted in  
15 grades nine through twelve and have achieved a  
16 composite score of 22 or higher on the ACT test, or

17 c. have satisfactorily completed within the previous  
18 three (3) years an educational program that was  
19 provided through a means other than a public or  
20 private school and have achieved a composite score of  
21 22 or higher on the ACT test;

22 5. Have completed the curricular requirements for admission to  
23 an institution within The Oklahoma State System of Higher Education  
24 and one additional unit or set of competencies in a course that

1 meets college admission requirements. The curriculum requirements  
2 shall include two units or sets of competencies in foreign or non-  
3 English language or technology courses that meet the college  
4 admission requirements and one unit or set of competencies of a fine  
5 arts course. Students shall also have attained a 2.5 grade point  
6 average in the core curriculum courses. Students who attended a  
7 high school which did not offer all the core curriculum courses or  
8 students who were educated by other means and were not offered all  
9 the core curriculum courses shall be allowed to satisfy this  
10 curriculum requirement by participating in a program approved by the  
11 State Regents for remediation of high school curricular  
12 deficiencies;

13 6. Have satisfied admission standards as determined by the  
14 Oklahoma State Regents for Higher Education for first-time-entering  
15 students for the appropriate type of institution, or, if attending a  
16 private institution, have satisfied admission standards as  
17 determined by the private institution. No student participating in  
18 the Oklahoma Higher Learning Access Program shall be admitted into  
19 an institution of higher education by special admission standards;

20 7. Have secured admission to, and enrolled in, an institution  
21 which is a member of The Oklahoma State System of Higher Education,  
22 a postsecondary vocational-technical program offered ~~pursuant to a~~  
23 ~~duly approved cooperative agreement between~~ by a technology center  
24 ~~school and an institution of The Oklahoma State System of Higher~~

1 Education that meets the requirements to be eligible for federal  
2 student financial aid, or a private institution of higher learning  
3 located within this state and accredited pursuant to Section 4103 of  
4 this title; and

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

9 b. if the student was adopted between birth and twelve  
10 (12) years of age while in the permanent custody of  
11 the Department of Human Services, in the court-ordered  
12 custody of a licensed private nonprofit child-placing  
13 agency, or federally recognized Indian tribe, as  
14 defined by the federal Indian Child Welfare Act, have  
15 established financial need according to the provisions  
16 of paragraph 1 of subsection E of Section 2605 of this  
17 title and standards and provisions promulgated by the  
18 Oklahoma State Regents for Higher Education, or

19 c. if the student was adopted between thirteen (13) and  
20 seventeen (17) years of age while in the permanent  
21 custody of the Department of Human Services, in the  
22 court-ordered custody of a licensed private nonprofit  
23 child-placing agency, or federally recognized Indian  
24 tribe, as defined by the federal Indian Child Welfare

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

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

12 a. is a child of any person killed after January 1, 2000,  
13 in the line of duty in any branch of the United States  
14 Armed Forces or who died after January 1, 2000, as a  
15 result of an injury sustained while in the line of  
16 duty in any branch of the United States Armed Forces  
17 and the person who was killed or died filed an  
18 individual or joint Oklahoma income tax return for the  
19 tax year prior to the year during which the person was  
20 killed or died,

21 b. is a resident of this state or is enrolled in a school  
22 district located in this state that serves students  
23 who reside in both this state and an adjacent state  
24

1           pursuant to a contract as authorized in Section 5-  
2           117.1 of this title,

3           c.    enrolls in an institution within The Oklahoma State  
4           System of Higher Education prior to reaching the age  
5           of twenty-one (21),

6           d.    has satisfied admission standards as determined by the  
7           Oklahoma State Regents for Higher Education for first-  
8           time-entering students for the appropriate type of  
9           institution, or, if attending a private institution,  
10          has satisfied admission standards as determined by the  
11          private institution. No student participating in the  
12          Oklahoma Higher Learning Access Program shall be  
13          admitted into an institution of higher education by  
14          special admission standards,

15          e.    has secured admission to, and enrolled in, an  
16          institution which is a member of The Oklahoma State  
17          System of Higher Education, a postsecondary  
18          vocational-technical program offered ~~pursuant to a~~  
19          ~~duly approved cooperative agreement between~~ by a  
20          technology center school ~~and an institution of The~~  
21          ~~Oklahoma State System of Higher Education~~ that meets  
22          the requirements to be eligible for federal student  
23          financial aid, or a private institution of higher  
24



1 learning located within this state and accredited  
2 pursuant to Section 4103 of this title, and

3 f. executes an agreement pursuant to subsection C of  
4 Section 2605 of this title.

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

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

10 1. ~~Achieve a minimum cumulative grade point average of 2.0 on a~~  
11 ~~4.0 scale or its equivalent for courses taken through the student's~~  
12 ~~sophomore year and achieve a minimum grade point average of 2.5 on a~~  
13 ~~4.0 scale or its equivalent for courses taken during the student's~~  
14 ~~junior year and thereafter. The provisions of this paragraph shall~~  
15 ~~not apply to any student who has received an Oklahoma Higher~~  
16 ~~Learning Access Program benefit award prior to the 2012-2013 school~~  
17 ~~year~~ Meet the requirements for retention and degree completion as  
18 established by the institution in which the student is enrolled;

19 2. Maintain good academic standing and satisfactory academic  
20 progress according to standards of the Oklahoma State Regents for  
21 Higher Education;

22 3. Maintain satisfactory academic progress as required for  
23 eligibility for federal Title IV student financial aid programs.  
24

1 The provisions of this paragraph shall become effective for the  
2 2012-2013 school year;

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

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

11 D. The Oklahoma State Regents for Higher Education and the  
12 State Board of Career and Technology Education shall promulgate  
13 rules relating to maintenance of eligibility under the Oklahoma  
14 Higher Learning Access Act by a student.

15 E. It is the intent of the Legislature that students in the  
16 ninth grade for the 1992-93 school year who are determined to be  
17 eligible Oklahoma Higher Learning Access students pursuant to the  
18 Oklahoma Higher Learning Access Act shall be the first students  
19 eligible for benefits from the Oklahoma Higher Learning Access Trust  
20 Fund.

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

1 SECTION 3. AMENDATORY 70 O.S. 2011, Section 2604, is  
2 amended to read as follows:

3 Section 2604. A. Subject to the availability of funds, an  
4 amount equivalent to the nonguaranteed resident tuition for which an  
5 eligible Oklahoma Higher Learning Access Program student is  
6 obligated at an institution of The Oklahoma State System of Higher  
7 Education shall be awarded by allocation from the Oklahoma Higher  
8 Learning Access Trust Fund.

9 B. Subject to the availability of funds, for each eligible  
10 Oklahoma Higher Learning Access Program student enrolled at a  
11 private institution of higher learning located within this state and  
12 accredited pursuant to Section 4103 of this title, the Oklahoma  
13 State Regents for Higher Education shall award from the Oklahoma  
14 Higher Learning Access Trust Fund an amount equivalent to the amount  
15 of resident tuition for which the student would be eligible if the  
16 student were enrolled in a comparable program at a comparable  
17 institution of The Oklahoma State System of Higher Education.  
18 Comparability shall be determined by the State Regents.

19 C. Subject to the availability of funds, an amount equivalent  
20 to the tuition for any eligible Oklahoma Higher Learning Access  
21 Program student enrolled in a public postsecondary vocational-  
22 technical program or course for the purpose set forth in Section  
23 2602 of this title shall be awarded by allocation from the Oklahoma  
24 Higher Learning Access Trust Fund. Provided, such allocation shall

1 not exceed the amount a student would have received for comparable  
2 enrollment at a two-year institution within The Oklahoma State  
3 System of Higher Education.

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

15 2. The Oklahoma State Regents for Higher Education may award  
16 the Oklahoma Higher Learning Access Program benefits for a student's  
17 first semester or other academic unit of postsecondary enrollment  
18 taken more than three (3) years after the student graduates from  
19 high school or completes an educational program equivalent to high  
20 school graduation as authorized in subsection A of Section 2603 of  
21 this title or after the student turns twenty-one (21) years of age  
22 as authorized in subsection B of Section 2603 of this title if the  
23 student is a member of the Armed Forces of the United States, the  
24 Reserve Corps of the Armed Forces of the United States, or the

1 Oklahoma National Guard, and is ordered to active duty or active  
2 duty for special work or training and due to the duty commitment the  
3 student is unable to enroll prior to the end of the three-year  
4 period or before the student reaches twenty-one (21) years of age.  
5 The period shall be extended by the length of the term of duty.

6 3. The Oklahoma State Regents for Higher Education ~~may~~ shall  
7 establish a maximum limit on the number of courses or other  
8 postsecondary units to which Oklahoma Higher Learning Access Program  
9 benefits will apply.

10 4. An award for eligible Oklahoma Higher Learning Access  
11 Program students enrolled in ~~cooperative programs pursuant to~~  
12 ~~agreements between technology center schools and institutions of The~~  
13 ~~Oklahoma State System of Higher Education~~ a postsecondary  
14 vocational-technical program offered by a technology center school  
15 that meets the requirements to be eligible for federal student  
16 financial aid shall be satisfied for both vocational-technical and  
17 college work in which enrolled ~~pursuant to such cooperative program.~~

18 E. Benefits awarded under the Oklahoma Higher Learning Access  
19 Program shall be awarded to all eligible applicants without any  
20 limitation on the number of awards in any year other than the amount  
21 of funds available for the program and the number of eligible  
22 applicants. Subject to the provisions of subsection F of this  
23 section, if funds are not sufficient to provide awards for all  
24 eligible applicants, the Oklahoma State Regents for Higher Education

1 shall make awards on the basis of need. Provided, the Oklahoma  
2 State Regents for Higher Education shall take into consideration  
3 other grants and scholarships received by an eligible applicant when  
4 making awards.

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

18 SECTION 4. AMENDATORY 70 O.S. 2011, Section 2605, as  
19 last amended by Section 1, Chapter 63, O.S.L. 2015 (70 O.S. Supp.  
20 2016, Section 2605), is amended to read as follows:

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

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

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

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

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

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

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

24



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

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

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

23           2. Beginning with eighth, ninth or tenth grade students who are  
24 enrolled in a public or private school or students between the ages

1 of thirteen (13) and fifteen (15) who are educated by other means  
2 who apply for participation in the Program in the 2017-2018 school  
3 year, the federal adjusted gross income of the student's parent(s)  
4 exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

5 3. Beginning with eighth, ninth or tenth grade students who are  
6 enrolled in a public or private school or students between the ages  
7 of thirteen (13) and fifteen (15) who are educated by other means  
8 who apply for participation in the Program in the 2019-2020 school  
9 year, the federal adjusted gross income of the student's parent(s)  
10 exceeds Sixty Thousand Dollars (\$60,000.00) per year;

11 4. At the time the student begins postsecondary education and  
12 prior to receiving any Oklahoma Higher Learning Access Program  
13 benefit award, the federal adjusted gross income of the student's  
14 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
15 year; and

16 5. Beginning with the 2018-2019 academic year, prior to  
17 receiving any Oklahoma Higher Learning Access Program benefit award  
18 for any year during which the student is enrolled in an institution  
19 which is a member of The Oklahoma State System of Higher Education,  
20 a postsecondary vocational-technical program offered by a technology  
21 center school that meets the requirements to be eligible for federal  
22 student financial aid or a private institution of higher learning  
23 located within this state and accredited pursuant to Section 4103 of  
24 this title, the federal adjusted gross income of the student's

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~~ paragraphs 4 and 5 of this subsection shall be based  
5 on the income of the student, not the income of the parent(s), if a  
6 student:

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

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

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

16 The provisions of this paragraph shall ~~not~~ apply to any student  
17 who has received an Oklahoma Higher Learning Access Program benefit  
18 award ~~prior to~~ after the ~~2012-2013~~ 2017-2018 school year;

19 ~~3.~~ 6. The Oklahoma State Regents for Higher Education shall  
20 review the determination of financial qualification as set forth in  
21 ~~paragraph~~ paragraphs 1, 2 and 3 of this subsection if the income  
22 from taxable and nontaxable sources of the student's parent(s)  
23 includes income received from nontaxable military benefits or income  
24 received from the federal Social Security Administration due to the

1 death or disability of the student's parent(s). If the income from  
2 taxable and nontaxable sources of the student's parent(s), excluding  
3 income received from nontaxable military benefits or income received  
4 from the federal Social Security Administration due to the death or  
5 disability of the student's parent(s), does not exceed ~~Fifty~~  
6 ~~Thousand Dollars (\$50,000.00) per year~~ the limitations set forth by  
7 paragraphs 1, 2 and 3 of this subsection, the student shall be  
8 determined to have met the financial qualification set forth in  
9 ~~paragraph~~ paragraphs 1, 2 and 3 of this subsection.

10 E. 1. A student who was adopted between birth and twelve (12)  
11 years of age while in the permanent custody of the Department of  
12 Human Services, in the court-ordered custody of a licensed private  
13 nonprofit child-placing agency, or federally recognized Indian  
14 tribe, as defined by the federal Indian Child Welfare Act, shall not  
15 be found to be in financial need for purposes of the Oklahoma Higher  
16 Learning Access Program if at the time the student begins  
17 postsecondary education and prior to receiving any Oklahoma Higher  
18 Learning Access Program benefit award, the federal adjusted gross  
19 income of the student's parent(s) exceeds One Hundred Fifty Thousand  
20 Dollars (\$150,000.00) per year. The provisions of this paragraph  
21 shall not apply to any student who has received an Oklahoma Higher  
22 Learning Access Program benefit award prior to the 2012-2013 school  
23 year.

24

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

15           3. Except for students who qualify pursuant to subsection B of  
16 Section 2603 of this title, the determination of financial  
17 qualification as set forth in this subsection shall be based on the  
18 income of the student, not the income of the parent(s), if the  
19 student is determined to be independent of the student's parents for  
20 federal financial aid purposes. A determination of financial  
21 qualification shall not be required for the student who meets the  
22 criteria set forth in this subsection at the time the student  
23 applies for participation in the program. The provisions of this  
24 paragraph shall not apply to any student who has received an

1 Oklahoma Higher Learning Access Program benefit award prior to the  
2 2008-2009 school year.

3 F. The financial qualification of a student as set forth in  
4 subsections D and E of this section shall be certified by the  
5 contact person or by the Oklahoma State Regents for Higher Education  
6 on the agreement form provided by the Oklahoma State Regents for  
7 Higher Education. The form shall be retained in the permanent  
8 record of the student and a copy forwarded to the Oklahoma State  
9 Regents for Higher Education.

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

12 1. Assist the student in achieving compliance with the  
13 agreements;

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

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

18 4. Assist the student in completing forms and reports required  
19 for program participation, making applications to institutions and  
20 schools of higher learning, and filing applications for student  
21 grants and scholarships.

22 H. Students who are enrolled in a school district located in  
23 this state that serves students who reside in both this state and an  
24 adjacent state pursuant to a contract as authorized in Section 5-

1 117.1 of this title, are in the eleventh and twelfth grades during  
2 the 2006-2007 school year, and who were denied participation in the  
3 program shall be allowed to enter or reenter into participation in  
4 the program by entering into agreements as set forth in subsections  
5 C and D of this section by June 1, 2008.

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

9 J. The Oklahoma State Regents for Higher Education shall  
10 designate personnel to coordinate tracking of program records for  
11 the years when students participating in the program are still in  
12 the schools or are being educated by other means, provide staff  
13 development for contact persons in the schools, and provide liaison  
14 with the State Board of Education and local organizations and  
15 individuals participating in the program.

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

22 L. Students participating in the Oklahoma Higher Learning  
23 Access Program shall provide their social security number or their  
24 student identification number used by their school to the Oklahoma

1 State Regents for Higher Education. The Regents shall keep the  
2 numbers confidential and use them only for administrative purposes.

3 SECTION 5. This act shall become effective July 1, 2017.

4 SECTION 6. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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