

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 581

By: Silk

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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 last amended by Section 2, Chapter 289, O.S.L.
10 2017 (70 O.S. Supp. 2018, Section 2603), which
11 relates to eligibility requirements; providing for
12 eligibility of students who were adopted while in the
13 custody of certain out-of-state agency and who are
14 residents of the state when eligibility is
15 determined; amending 70 O.S. 2011, Section 2605, as
16 last amended by Section 4, Chapter 289, O.S.L. 2017
17 (70 O.S. Supp. 2018, Section 2605), which relates to
18 student agreements; providing for the determination
19 of financial need for students who were adopted while
20 in the custody of certain out-of-state agency and who
21 are residents of the state when eligibility is
22 determined; providing an effective date; and
23 declaring an emergency.

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

25 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2603, as
26 last amended by Section 2, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
27 2018, Section 2603), is amended to read as follows:

28 Section 2603. A. Except as otherwise provided for in
29 subsection B of this section and elsewhere in this section, to be
30 eligible to participate in the Oklahoma Higher Learning Access

1 Program and to qualify for an award which includes payment of an
2 amount equivalent to resident tuition or other tuition pursuant to
3 Section 2604 of this title for the first semester or other academic
4 unit of postsecondary enrollment, a student shall:

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

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

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

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

- 1 b. have graduated within the previous three (3) years
2 from a high school not accredited by the State Board
3 of Education with a minimum 2.5 cumulative grade point
4 average on a 4.0 scale for all work attempted in
5 grades nine through twelve and have achieved a
6 composite score of 22 or higher on the ACT test, or
7 c. have satisfactorily completed within the previous
8 three (3) years an educational program that was
9 provided through a means other than a public or
10 private school and have achieved a composite score of
11 22 or higher on the ACT test;

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

1 State Regents for remediation of high school curricular
2 deficiencies;

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

10 7. Have secured admission to, and enrolled in, an institution
11 which is a member of The Oklahoma State System of Higher Education,
12 a postsecondary vocational-technical program offered by a technology
13 center school that meets the requirements to be eligible for federal
14 student financial aid, or a private institution of higher learning
15 located within this state and accredited pursuant to Section 4103 of
16 this title; and

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

21 b. if the student was adopted between birth and twelve
22 (12) years of age while in the permanent custody of
23 the Department of Human Services, in the court-ordered
24 custody of a licensed private nonprofit child-placing
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1 agency, ~~or~~ in the custody of a federally recognized
2 Indian tribe, as defined by the federal Indian Child
3 Welfare Act, or in the custody of an out-of-state
4 public child welfare agency and is a resident of
5 Oklahoma at the time eligibility is determined, have
6 established financial need according to the provisions
7 of paragraph 1 of subsection E of Section 2605 of this
8 title and standards and provisions promulgated by the
9 Oklahoma State Regents for Higher Education, or
10 c. if the student was adopted between thirteen (13) and
11 seventeen (17) years of age while in the permanent
12 custody of the Department of Human Services, in the
13 court-ordered custody of a licensed private nonprofit
14 child-placing agency, ~~or~~ in the custody of a federally
15 recognized Indian tribe, as defined by the federal
16 Indian Child Welfare Act, or in the custody of an out-
17 of-state public child welfare agency and is a resident
18 of Oklahoma at the time eligibility is determined,
19 have established financial need according to the
20 provisions of paragraph 2 of subsection E of Section
21 2605 of this title and standards and provisions
22 promulgated by the Oklahoma State Regents for Higher
23 Education.

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

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

16 b. is a resident of this state or is enrolled in a school
17 district located in this state that serves students
18 who reside in both this state and an adjacent state
19 pursuant to a contract as authorized in Section 5-
20 117.1 of this title,

21 c. enrolls in an institution within The Oklahoma State
22 System of Higher Education prior to reaching the age
23 of twenty-one (21),
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1 d. has satisfied admission standards as determined by the
2 Oklahoma State Regents for Higher Education for first-
3 time-entering students for the appropriate type of
4 institution, or, if attending a private institution,
5 has satisfied admission standards as determined by the
6 private institution. No student participating in the
7 Oklahoma Higher Learning Access Program shall be
8 admitted into an institution of higher education by
9 special admission standards,

10 e. has secured admission to, and enrolled in, an
11 institution which is a member of The Oklahoma State
12 System of Higher Education, a postsecondary
13 vocational-technical program offered by a technology
14 center school that meets the requirements to be
15 eligible for federal student financial aid, or a
16 private institution of higher learning located within
17 this state and accredited pursuant to Section 4103 of
18 this title, and

19 f. executes an agreement pursuant to subsection C of
20 Section 2605 of this title.

21 2. A student who is eligible to participate in the program
22 pursuant to this subsection shall not be required to meet the
23 eligibility requirements set forth in subsection A of this section.
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1 C. To retain eligibility while pursuing the program of higher
2 learning in which enrolled, the student shall:

3 1. Meet the requirements for retention and degree completion as
4 established by the institution in which the student is enrolled;

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

8 3. Maintain satisfactory academic progress as required for
9 eligibility for federal Title IV student financial aid programs.

10 The provisions of this paragraph shall become effective for the
11 2012-2013 school year;

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

15 5. Refrain from conduct that leads to expulsion or suspension
16 of more than one semester from an institution of higher education.

17 A student who violates the provisions of this paragraph shall
18 permanently lose eligibility for program benefits. The provisions
19 of this paragraph shall become effective January 1, 2008.

20 D. The Oklahoma State Regents for Higher Education and the
21 State Board of Career and Technology Education shall promulgate
22 rules relating to maintenance of eligibility under the Oklahoma
23 Higher Learning Access Act by a student.
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1 E. It is the intent of the Legislature that students in the
2 ninth grade for the 1992-93 school year who are determined to be
3 eligible Oklahoma Higher Learning Access students pursuant to the
4 Oklahoma Higher Learning Access Act shall be the first students
5 eligible for benefits from the Oklahoma Higher Learning Access Trust
6 Fund.

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

11 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2605, as
12 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
13 2018, Section 2605), is amended to read as follows:

14 Section 2605. A. Each school year, every fifth- through ninth-
15 grade student in the public and private schools of this state and
16 students who are educated by other means and are in the equivalent
17 of the fifth through ninth grade shall be apprised, together with
18 the parent, custodial parent, or guardian of the student, of the
19 opportunity for access to higher learning under the Oklahoma Higher
20 Learning Access Program. The Oklahoma State Regents for Higher
21 Education and the State Board of Education shall develop, promote,
22 and coordinate a public awareness program to be utilized in making
23 students and parents aware of the Oklahoma Higher Learning Access
24 Program.

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

12 C. 1. Students who qualify on the basis of financial need
13 according to subsection D or E of this section or who meet the
14 eligibility qualification set forth in subparagraph a of paragraph 1
15 of subsection B of Section 2603 of this title prior to entering the
16 tenth grade or prior to reaching the age of fifteen (15) and the
17 standards and provisions promulgated by the Oklahoma State Regents
18 for Higher Education shall be given the opportunity throughout the
19 eighth-, ninth-, and tenth-grade years, for students enrolled in a
20 public or private school, or between the ages of thirteen (13) and
21 fifteen (15), for students who are educated by other means, to enter
22 into participation in the program by agreeing to, throughout the
23 remainder of their school years or educational program:

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

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

3. The contact person shall maintain the agreements, which shall be executed on forms provided by the Oklahoma State Regents for Higher Education and managed according to regulations promulgated by the Oklahoma State Regents for Higher Education, and the contact person shall monitor compliance of the student with the terms of the agreement. The Oklahoma State Regents for Higher Education are authorized to process student agreements and verify

1 compliance with the agreements. Students failing to comply with the
2 terms of the agreement shall not be eligible for the awards provided
3 in Section 2604 of this title.

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

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

16 2. Beginning with eighth-, ninth- or tenth-grade students who
17 are enrolled in a public or private school or students between the
18 ages of thirteen (13) and fifteen (15) who are educated by other
19 means who apply for participation in the program in the 2017-2018
20 school year, the federal adjusted gross income of the student's
21 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

22 3. Beginning with eighth-, ninth- or tenth-grade students who
23 are enrolled in a public or private school or students between the
24 ages of thirteen (13) and fifteen (15) who are educated by other

1 means who apply for participation in the program in the 2021-2022
2 school year, the federal adjusted gross income of the student's
3 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

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

9 5. Beginning with the 2018-2019 academic year, prior to
10 receiving any Oklahoma Higher Learning Access Program benefit award
11 for any year during which the student is enrolled in an institution
12 which is a member of The Oklahoma State System of Higher Education,
13 a postsecondary vocational-technical program offered by a technology
14 center school that meets the requirements to be eligible for federal
15 student financial aid or a private institution of higher learning
16 located within this state and accredited pursuant to Section 4103 of
17 this title, the federal adjusted gross income of the student's
18 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
19 year.

20 The determination of financial qualification as set forth in
21 paragraphs 4 and 5 of this subsection shall be based on the income
22 of the student, not the income of the parent(s), if a student:

- 23 a. is determined to be independent of the student's
24 parents for federal financial aid purposes,

1 b. was in the permanent custody of the Department of
2 Human Services at the time the student enrolled in the
3 program, or

4 c. was in the court-ordered custody of a federally
5 recognized Indian tribe, as defined by the federal
6 Indian Child Welfare Act, at the time the student
7 enrolled in the program.

8 The provisions of this paragraph shall apply to any student who
9 has received an Oklahoma Higher Learning Access Program benefit
10 award after the 2017-2018 school year;

11 6. The Oklahoma State Regents for Higher Education shall review
12 the determination of financial qualification as set forth in
13 paragraphs 1, 2 and 3 of this subsection if the income from taxable
14 and nontaxable sources of the student's parent(s) includes income
15 received from nontaxable military benefits or income received from
16 the federal Social Security Administration due to the death or
17 disability of the student's parent(s). If the income from taxable
18 and nontaxable sources of the student's parent(s), excluding income
19 received from nontaxable military benefits or income received from
20 the federal Social Security Administration due to the death or
21 disability of the student's parent(s), does not exceed the
22 limitations set forth by paragraphs 1, 2 and 3 of this subsection,
23 the student shall be determined to have met the financial
24 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

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

17 2. A student who was adopted between thirteen (13) and
18 seventeen (17) years of age while in the permanent custody of the
19 Department of Human Services, in the court-ordered custody of a
20 licensed private nonprofit child-placing agency, ~~or~~ in the custody
21 of a federally recognized Indian tribe, as defined by the federal
22 Indian Child Welfare Act, or in the custody of an out-of-state
23 public child welfare agency and is a resident of Oklahoma at the
24 time eligibility is determined, shall not be found to be in

1 financial need for purposes of the Oklahoma Higher Learning Access
2 Program if at the time the student begins postsecondary education
3 and prior to receiving any Oklahoma Higher Learning Access Program
4 benefit award, the federal adjusted gross income of the student's
5 parent(s) exceeds Two Hundred Thousand Dollars (\$200,000.00) per
6 year. The provisions of this paragraph shall not apply to any
7 student who has received an Oklahoma Higher Learning Access Program
8 benefit award prior to the 2012-2013 school year.

9 3. Except for students who qualify pursuant to subsection B of
10 Section 2603 of this title, the determination of financial
11 qualification as set forth in this subsection shall be based on the
12 income of the student, not the income of the parent(s), if the
13 student is determined to be independent of the student's parent(s)
14 for federal financial aid purposes. A determination of financial
15 qualification shall not be required for the student who meets the
16 criteria set forth in this subsection at the time the student
17 applies for participation in the program. The provisions of this
18 paragraph shall not apply to any student who has received an
19 Oklahoma Higher Learning Access Program benefit award prior to the
20 2008-2009 school year.

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

1 Higher Education. The form shall be retained in the permanent
2 record of the student and a copy forwarded to the Oklahoma State
3 Regents for Higher Education.

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

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

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

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

12 4. Assist the student in completing forms and reports required
13 for program participation, making applications to institutions and
14 schools of higher learning, and filing applications for student
15 grants and scholarships.

16 H. Students who are enrolled in a school district located in
17 this state that serves students who reside in both this state and an
18 adjacent state pursuant to a contract as authorized in Section 5-
19 117.1 of this title, are in the eleventh and twelfth grades during
20 the 2006-2007 school year, and who were denied participation in the
21 program shall be allowed to enter or reenter into participation in
22 the program by entering into agreements as set forth in subsections
23 C and D of this section by June 1, 2008.

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

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

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

17 L. Students participating in the Oklahoma Higher Learning
18 Access Program shall provide their Social Security number or their
19 student identification number used by their school to the Oklahoma
20 State Regents for Higher Education. The Regents shall keep the
21 numbers confidential and use them only for administrative purposes.

22 SECTION 3. This act shall become effective July 1, 2019.

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

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