

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 2227

By: Russ

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma Higher Learning  
9 Access Program; amending 70 O.S. 2011, Section 2605,  
10 as last amended by Section 4, Chapter 289, O.S.L.  
11 2017 (70 O.S. Supp. 2018, Section 2605), which  
12 relates to program awareness; modifying eligibility  
13 for certain students to participate in program; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as  
17 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.  
18 2018, Section 2605), is amended to read as follows:

19 Section 2605. A. Each school year, every fifth- through ninth-  
20 grade student in the public and private schools of this state and  
21 students who are educated by other means and are in the equivalent  
22 of the fifth through ninth grade shall be apprised, together with  
23 the parent, custodial parent, or guardian of the student, of the  
24 opportunity for access to higher learning under the Oklahoma Higher  
Learning Access Program. The Oklahoma State Regents for Higher

1 Education and the State Board of Education shall develop, promote,  
2 and coordinate a public awareness program to be utilized in making  
3 students and parents aware of the Oklahoma Higher Learning Access  
4 Program.

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

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

1 fifteen (15), for students who are educated by other means, or  
2 throughout the eleventh- or twelfth-grade years or between the ages  
3 of sixteen (16) and eighteen (18) for students who meet the  
4 conditions of paragraphs 3 or 5 of subsection D of this section, to  
5 enter into participation in the program by agreeing to, throughout  
6 the 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;

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

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

5 3. Beginning with eleventh- or twelfth-grade students who are  
6 enrolled in a public or private school or students between the ages  
7 of sixteen (16) and eighteen (18) who are educated by other means  
8 who apply for participation in the program in the 2019-2020 school  
9 year, whose parents have become deceased after the student's tenth-  
10 grade year, the federal adjusted gross income of the student or the  
11 student's adoptive parent(s), if applicable, exceeds Fifty-five  
12 Thousand Dollars (\$55,000.00) per year;

13 4. Beginning with eighth-, ninth- or tenth-grade students who  
14 are enrolled in a public or private school or students between the  
15 ages of thirteen (13) and fifteen (15) who are educated by other  
16 means who apply for participation in the program in the 2021-2022  
17 school year, the federal adjusted gross income of the student's  
18 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

19 ~~4.~~ 5. Beginning with eleventh- or twelfth-grade students who  
20 are enrolled in a public or private school or students between the  
21 ages of sixteen (16) and eighteen (18) who are educated by other  
22 means who apply for participation in the program in the 2021-2022  
23 school year, whose parents have become deceased after the student's  
24 tenth-grade year, the federal adjusted gross income of the student

1 or the student's adoptive parent(s), if applicable, exceeds Sixty  
2 Thousand Dollars (\$60,000.00) per year;

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

8 ~~5.~~ 7. Beginning with the 2018-2019 academic year, prior to  
9 receiving any Oklahoma Higher Learning Access Program benefit award  
10 for any year during which the student is 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, the federal adjusted gross income of the student's  
17 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
18 year.

19 The determination of financial qualification as set forth in  
20 paragraphs ~~4~~ 6 and ~~5~~ 7 of this subsection shall be based on the  
21 income of the student, not the income of the parent(s), if a  
22 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; and

11          ~~6.~~ 8. The Oklahoma State Regents for Higher Education shall  
12          review the determination of financial qualification as set forth in  
13          paragraphs 1, 2 and ~~3~~ 4 of this subsection if the income from  
14          taxable and nontaxable sources of the student's parent(s) includes  
15          income received from nontaxable military benefits or income received  
16          from 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~~ 4 of this subsection,  
23          the student shall be determined to have met the financial  
24

1 qualification set forth in paragraphs 1, 2 and ~~3~~ 4 of this  
2 subsection.

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



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

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

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

1 record of the student and a copy forwarded to the Oklahoma State  
2 Regents for Higher Education.

3 G. Agreements shall be witnessed by the parent, custodial  
4 parent, or 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 Oklahoma State Regents  
10 for Higher Education or the State Board of Education; and

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

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

23

24

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 2. This act shall become effective November 1, 2019.

23

24 57-1-8395 LRB 02/28/19