

1 ENGROSSED SENATE
2 BILL NO. 132

By: Bullard and Bergstrom of
the Senate

3 and

4 Baker of the House

5
6 An Act relating to the Oklahoma Higher Learning
7 Access Program; amending 70 O.S. 2011, Section 2605,
8 as last amended by Section 4, Chapter 289, O.S.L.
9 2017 (70 O.S. Supp. 2020, Section 2605), which
10 relates to student agreements for the program;
11 expanding the grade level of students to be apprised
12 of the program; expanding the grade level and age of
13 students who may enter into student agreements;
14 expanding the grade level and age of students subject
15 to certain financial qualifications beginning in
16 certain school year; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as
20 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
21 2020, Section 2605), is amended to read as follows:

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

1 Regents for Higher Education and the State Board of Education shall
2 develop, promote, and coordinate a public awareness program to be
3 utilized in making students and parents aware of the Oklahoma Higher
4 Learning Access 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~~, tenth- or eleventh-grade
10 classes are taught. When requested by the State Regents, the State
11 Board of Education shall assist the State Regents to ensure the
12 designation of contact persons. Private schools shall also
13 designate at least one school official as a contact person. For
14 students who are educated by other means, a parent or guardian or
15 other person approved by the State Regents shall be designated the
16 contact person.

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

1 and eleventh-grade years, for students enrolled in a public or
2 private school, or between the ages of thirteen (13) and ~~fifteen~~
3 ~~(15)~~ sixteen (16), for students who are educated by other means, to
4 enter into participation in the program by agreeing to, throughout
5 the remainder of their school years or educational program:

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

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

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 eighth-, ninth- ~~or tenth-grade~~, tenth- or
6 eleventh-grade students who are enrolled in a public or private
7 school or students between the ages of thirteen (13) and ~~fifteen~~
8 ~~(15)~~ sixteen (16) who are educated by other means who apply for
9 participation in the program in the 2021-2022 school year, the
10 federal adjusted gross income of the student's parent(s) exceeds
11 Sixty Thousand Dollars (\$60,000.00) per year;

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

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

1 this title, the federal adjusted gross income of the student's
2 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
3 year.

4 The determination of financial qualification as set forth in
5 paragraphs 4 and 5 of this subsection shall be based on the income
6 of the student, not the income of the parent(s), if a 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 apply to any student who
17 has received an Oklahoma Higher Learning Access Program benefit
18 award after the 2017-2018 school year;

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

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

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

23 2. A student who was adopted between thirteen (13) and
24 seventeen (17) years of age while in the permanent custody of the

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

13 3. Except for students who qualify pursuant to subsection B of
14 Section 2603 of this title, the determination of financial
15 qualification as set forth in this subsection shall be based on the
16 income of the student, not the income of the parent(s), if the
17 student is determined to be independent of the student's parent(s)
18 for federal financial aid purposes. A determination of financial
19 qualification shall not be required for the student who meets the
20 criteria set forth in this subsection at the time the student
21 applies for participation in the program. The provisions of this
22 paragraph shall not apply to any student who has received an
23 Oklahoma Higher Learning Access Program benefit award prior to the
24 2008-2009 school year.

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

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

10 1. Assist the student in achieving compliance with the
11 agreements;

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

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

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

20 H. Students who are enrolled in a school district located in
21 this state that serves students who reside in both this state and an
22 adjacent state pursuant to a contract as authorized in Section 5-
23 117.1 of this title, are in the eleventh and twelfth grades during
24 the 2006-2007 school year, and who were denied participation in the

1 program shall be allowed to enter or reenter into participation in
2 the program by entering into agreements as set forth in subsections
3 C and D of this section by June 1, 2008.

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

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

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

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

1 SECTION 2. This act shall become effective July 1, 2021.

2 SECTION 3. It being immediately necessary for the preservation
3 of the public peace, health or safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 Passed the Senate the 9th day of March, 2021.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2021.

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Presiding Officer of the House
of Representatives

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