

1 **SENATE FLOOR VERSION**

2 March 3, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 132

5 By: Bullard and Bergstrom of
6 the Senate

7 and

8 Baker of the House

9 **[Oklahoma Higher Learning Access Program - student
10 agreements for the program - effective date -
11 emergency]**

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as
14 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.
15 2020, Section 2605), is amended to read as follows:

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

1 utilized in making students and parents aware of the Oklahoma Higher
2 Learning Access Program.

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

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

1 ~~(15)~~ sixteen (16), for students who are educated by other means, to
2 enter into participation in the program by agreeing to, throughout
3 the remainder of their school years or educational program:

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

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

22 3. The contact person shall maintain the agreements, which
23 shall be executed on forms provided by the Oklahoma State Regents
24 for Higher Education and managed according to regulations

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

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

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

20 2. Beginning with eighth-, ninth- or tenth-grade students who
21 are enrolled in a public or private school or students between the
22 ages of thirteen (13) and fifteen (15) who are educated by other
23 means who apply for participation in the program in the 2017-2018
24

1 school year, the federal adjusted gross income of the student's
2 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

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

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

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

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

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

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

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

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

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

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

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

22 2. A student who was adopted between thirteen (13) and
23 seventeen (17) years of age while in the permanent custody of the
24 Department of Human Services, in the court-ordered custody of a

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

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

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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 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 March 3, 2021 - DO PASS
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