

1 **SENATE FLOOR VERSION**

2 February 28, 2024

3 SENATE BILL NO. 1302

By: Rader of the Senate

4 and

5 Moore of the House

6
7
8 An Act relating to the Oklahoma Higher Learning
9 Access Program; amending 70 O.S. 2021, Section 2603,
10 which relates to program eligibility; removing
11 requirement to complete certain unit or set of
12 competencies; removing reference to specific
13 curriculum requirements; providing eligibility for
14 students placed in certain custody during certain
15 grades; amending 70 O.S. 2021, Section 2605, as
16 amended by Section 1, Chapter 400, O.S.L. 2022 (70
17 O.S. Supp. 2023, Section 2605), which relates to
18 student agreements; removing obsolete language
19 regarding certain income thresholds; establishing
20 financial need for students placed in certain custody
21 during certain grades; removing obsolete language
22 regarding eligibility for students who were denied
23 participation in certain school year; updating
24 statutory references; providing an effective date;
and declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2021, Section 2603, is
21 amended to read as follows:

22 Section 2603. A. Except as otherwise provided for in
23 subsection B of this section and elsewhere in this section, to be
24 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 Oklahoma State Regents for Higher Education for remediation of high
2 school curricular 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

1 agency, or federally recognized Indian tribe, as
2 defined by the federal Indian Child Welfare Act, have
3 established financial need according to the provisions
4 of paragraph 1 of subsection E of Section 2605 of this
5 title and standards and provisions promulgated by the
6 Oklahoma State Regents for Higher Education, ~~or~~

7 c. if the student was adopted between thirteen (13) and
8 seventeen (17) years of age while in the permanent
9 custody of the Department of Human Services, in the
10 court-ordered custody of a licensed private nonprofit
11 child-placing agency, or federally recognized Indian
12 tribe, as defined by the federal Indian Child Welfare
13 Act, have established financial need according to the
14 provisions of paragraph 2 of subsection E of Section
15 2605 of this title and standards and provisions
16 promulgated by the Oklahoma State Regents for Higher
17 Education, or

18 d. if the student was placed in the custody of the
19 Department of Human Services at any time during the
20 eighth, ninth, tenth, or eleventh grades and enrolls
21 in the program no later than his or her official date
22 of high school graduation, have established financial
23 need according to the provisions of paragraph 3 of
24 subsection E of Section 2605 of this title and

1 standards and provisions promulgated by the Oklahoma
2 State Regents for Higher Education.

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

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

18 b. is a resident of this state or is enrolled in a school
19 district located in this state that serves students
20 who reside in both this state and an adjacent state
21 pursuant to a contract as authorized in Section 5-
22 117.1 of this title,

- 1 c. enrolls in an institution within The Oklahoma State
2 System of Higher Education prior to reaching the age
3 of twenty-one (21),
- 4 d. has satisfied admission standards as determined by the
5 Oklahoma State Regents for Higher Education for first-
6 time-entering students for the appropriate type of
7 institution, or, if attending a private institution,
8 has satisfied admission standards as determined by the
9 private institution. No student participating in the
10 Oklahoma Higher Learning Access Program shall be
11 admitted into an institution of higher education by
12 special admission standards,
- 13 e. has secured admission to, and enrolled in, an
14 institution which is a member of The Oklahoma State
15 System of Higher Education, a postsecondary
16 vocational-technical program offered by a technology
17 center school that meets the requirements to be
18 eligible for federal student financial aid, or a
19 private institution of higher learning located within
20 this state and accredited pursuant to Section 4103 of
21 this title, and
- 22 f. executes an agreement pursuant to subsection C of
23 Section 2605 of this title.
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1 2. A student who is eligible to participate in the program
2 pursuant to this subsection shall not be required to meet the
3 eligibility requirements set forth in subsection A of this section.

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

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

8 2. Maintain good academic standing and satisfactory academic
9 progress according to standards of the Oklahoma State Regents for
10 Higher Education;

11 3. Maintain satisfactory academic progress as required for
12 eligibility for federal Title IV student financial aid programs.
13 The provisions of this paragraph shall become effective for the
14 2012-2013 school year;

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

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

23 D. The Oklahoma State Regents for Higher Education and the
24 State Board of Career and Technology Education shall promulgate

1 rules relating to maintenance of eligibility under the Oklahoma
2 Higher Learning Access Act by a student.

3 E. It is the intent of the Legislature that students in the
4 ninth grade for the 1992-93 school year who are determined to be
5 eligible Oklahoma Higher Learning Access students pursuant to the
6 Oklahoma Higher Learning Access Act shall be the first students
7 eligible for benefits from the Oklahoma Higher Learning Access Trust
8 Fund.

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

13 SECTION 2. AMENDATORY 70 O.S. 2021, Section 2605, as
14 amended by Section 1, Chapter 400, O.S.L. 2022 (70 O.S. Supp. 2023,
15 Section 2605), is amended to read as follows:

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

1 making students and parents aware of the Oklahoma Higher Learning
2 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-, tenth-, or eleventh-grade classes are taught.
8 When requested by the State Regents, the State Board of Education
9 shall assist the State Regents to ensure the designation of contact
10 persons. Private schools shall also designate at least one school
11 official as a contact person. For students who are educated by
12 other means, a parent or guardian or other person approved by the
13 State Regents shall be designated the contact person.

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

1 to, throughout the remainder of their school years or educational
2 program:

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

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

20 3. The contact person shall maintain the agreements, which
21 shall be executed on forms provided by the Oklahoma State Regents
22 for Higher Education and managed according to regulations
23 promulgated by the Oklahoma State Regents for Higher Education, and
24 the contact person shall monitor compliance of the student with the

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

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

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

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

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1 ~~3.~~ 2. Beginning with eighth-, ninth-, tenth-, or eleventh-grade
2 students who are enrolled in a public or private school or students
3 between the ages of thirteen (13) and sixteen (16) who are educated
4 by other means who apply for participation in the program in the
5 2021-2022 school year, the federal adjusted gross income of the
6 student's parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per
7 year;

8 ~~4.~~ 3. Beginning with eighth-, ninth-, tenth-, or eleventh-grade
9 students who are enrolled in a public or private school or students
10 between the ages of thirteen (13) and sixteen (16) who are educated
11 by other means who apply for participation in the program in the
12 2022-2023 school year:

13 a. the federal adjusted gross income of the student's
14 parent(s), who have two or fewer dependent children,
15 exceeds Sixty Thousand Dollars (\$60,000.00) per year,

16 b. the federal adjusted gross income of the student's
17 parent(s), who have three or four dependent children,
18 exceeds Seventy Thousand Dollars (\$70,000.00) per
19 year, or

20 c. the federal adjusted gross income of the student's
21 parent(s), who have five or more dependent children,
22 exceeds Eighty Thousand Dollars (\$80,000.00) per year;

23 ~~5. At the time the student begins postsecondary education and~~
24 ~~prior to receiving any Oklahoma Higher Learning Access Program~~

1 ~~benefit award, the federal adjusted gross income of the student's~~
2 ~~parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per~~
3 ~~year;~~

4 ~~6.~~ 4. Beginning with the 2018-2019 academic year, prior to
5 receiving any Oklahoma Higher Learning Access Program benefit award
6 for any year during which the student is enrolled in an institution
7 which is a member of The Oklahoma State System of Higher Education,
8 a postsecondary vocational-technical program offered by a technology
9 center school that meets the requirements to be eligible for federal
10 student financial aid, or a private institution of higher learning
11 located within this state and accredited pursuant to Section 4103 of
12 this title, the federal adjusted gross income of the student's
13 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
14 year.

15 The determination of financial qualification as set forth in
16 ~~paragraphs 5 and 6 of this subsection~~ this paragraph shall be based
17 on the income of the student, not the income of the parent(s), if a
18 student:

- 19 a. is determined to be independent of the student's
20 parents for federal financial aid purposes,
- 21 b. was in the permanent custody of the Department of
22 Human Services at the time the student enrolled in the
23 program, or

24

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

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

8 ~~7.~~ 5. The Oklahoma State Regents for Higher Education shall
9 review the determination of financial qualification as set forth in
10 paragraphs 1, 2, and 3, ~~and 4~~ of this subsection if the income from
11 taxable and nontaxable sources of the student's parent(s) includes
12 income received from nontaxable military benefits or income received
13 from the federal Social Security Administration due to the death or
14 disability of the student's parent(s). If the income from taxable
15 and nontaxable sources of the student's parent(s), excluding income
16 received from nontaxable military benefits or income received from
17 the federal Social Security Administration due to the death or
18 disability of the student's parent(s), does not exceed the
19 limitations set forth by paragraphs 1, 2, and 3, ~~and 4~~ of this
20 subsection, the student shall be determined to have met the
21 financial qualification set forth in paragraphs 1, 2, and 3, ~~and 4~~
22 of this subsection.

23 E. 1. A student who was adopted between birth and twelve (12)
24 years of age while in the permanent custody of the Department of

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

13 2. A student who was adopted between thirteen (13) and
14 seventeen (17) years of age while in the permanent custody of the
15 Department of Human Services, in the court-ordered custody of a
16 licensed private nonprofit child-placing agency, or federally
17 recognized Indian tribe, as defined by the federal Indian Child
18 Welfare Act, shall not be found to be in financial need for purposes
19 of the Oklahoma Higher Learning Access Program if at the time the
20 student begins postsecondary education and prior to receiving any
21 Oklahoma Higher Learning Access Program benefit award, the federal
22 adjusted gross income of the student's parent(s) exceeds Two Hundred
23 Thousand Dollars (\$200,000.00) per year. 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 2012-2013 school year.

3 3. A student who was placed in the custody of the Department of
4 Human Services at any time during the eighth, ninth, tenth, or
5 eleventh grades and enrolls in the program no later than his or her
6 official date of high school graduation shall not be found to be in
7 financial need for purposes of the Oklahoma Higher Learning Access
8 Program if the federal adjusted gross income of the student exceeds
9 Sixty Thousand Dollars (\$60,000.00) per year.

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 3. This act shall become effective July 1, 2024.

24

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 February 28, 2024 - DO PASS
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