

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3268

By: Wolfley

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Higher Learning
8 Access Program; amending 70 O.S. 2021, Section 2605,
9 as amended by Section 1, Chapter 400, O.S.L. 2022 (70
10 O.S. Supp. 2023, Section 2605), which relates to
11 program eligibility; excluding certain tax credit
12 from income eligibility calculation; and providing an
13 effective date.

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

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

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

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

4 B. On a form provided by the Oklahoma State Regents for Higher
5 Education, every public school district shall designate at least one
6 Oklahoma Higher Learning Access Program contact person, who shall be
7 a counselor or teacher, at each public school site in this state in
8 which eighth-, ninth-, tenth-, or eleventh-grade classes are taught.
9 When requested by the State Regents, the State Board of Education
10 shall assist the State Regents to ensure the designation of contact
11 persons. Private schools shall also designate at least one school
12 official as a contact person. For students who are educated by
13 other means, a parent or guardian or other person approved by the
14 State Regents shall be designated the 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 eleventh grade or prior to reaching the age of sixteen (16) and the
20 standards and provisions promulgated by the Oklahoma State Regents
21 for Higher Education shall be given the opportunity throughout the
22 eighth-, ninth-, tenth-, and eleventh-grade years, for students
23 enrolled in a public or private school, or between the ages of
24 thirteen (13) and sixteen (16), for students who are educated by
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1 other means, to enter into participation in the program by agreeing
2 to, throughout the remainder of their school years or educational
3 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 eleventh grade or after reaching the
17 age of seventeen (17) shall be given the opportunity prior to
18 reaching the age of twenty-one (21) to enter into participation in
19 the program and shall execute an agreement with provisions as
20 determined by the Oklahoma State Regents for Higher Education.

21 3. The contact person shall maintain the agreements, which
22 shall be executed on forms provided by the Oklahoma State Regents
23 for Higher Education and managed according to regulations
24 promulgated by the Oklahoma State Regents for Higher Education, and
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1 the contact person shall monitor compliance of the student with the
2 terms of the agreement. The Oklahoma State Regents for Higher
3 Education are authorized to process student agreements and verify
4 compliance with the agreements. Students failing to comply with the
5 terms of the agreement shall not be eligible for the awards provided
6 in Section 2604 of this title.

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

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

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

1 3. 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. 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
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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. 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 shall be based on the income
17 of the student, not the income of the parent(s), if a student:

- 18 a. is determined to be independent of the student's
19 parents for federal financial aid purposes,
- 20 b. was in the permanent custody of the Department of
21 Human Services at the time the student enrolled in the
22 program, or
- 23 c. was in the court-ordered custody of a federally
24 recognized Indian tribe, as defined by the federal

1 Indian Child Welfare Act, at the time the student
2 enrolled in the program.

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

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

21 8. If a tax credit claimed pursuant to the Oklahoma Parental
22 Choice Tax Credit Act is classified as taxable income by the
23 Oklahoma Tax Commission, the Oklahoma State Regents for Higher
24 Education shall not include the claimed tax credit as taxable or
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1 nontaxable income in determining the income eligibility of a
2 student's parents as provided by this 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
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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
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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.

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, 2024.
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