

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2823

By: Denney

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to higher education; amending 70 O.S.
9 2011, Sections 2602, 2603, as last amended by Section
10 24, Chapter 11, O.S.L. 2012 and 2604 (70 O.S. Supp.
11 2015, Section 2603), which relate to the Oklahoma
12 Higher Learning Access Program; clarifying statutory
13 language; changing type of career technology program
14 a student may enroll in and be eligible for an award
15 under the program; deleting reference to certain
16 courses; providing an effective date; and declaring
17 an emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2602, is
20 amended to read as follows:

21 Section 2602. There is hereby created the Oklahoma Higher
22 Learning Access Program. The program shall also be known as
23 "Oklahoma's Promise". The purpose of the program is to provide an
24 award to students who meet the criteria set forth in the Oklahoma
Higher Learning Access Act, ~~Section 2601 et seq. of this title,~~ and
who are pursuing studies in this state leading to an associate or

1 baccalaureate degree or who are pursuing studies in a postsecondary
2 ~~vocational-technical~~ career technology program ~~or course~~ that meets
3 the requirements to be eligible for federal student financial aid
4 and is offered ~~pursuant to a duly approved cooperative agreement~~
5 ~~between by~~ a technology center school ~~and an institution of The~~
6 ~~Oklahoma State System of Higher Education~~ supervised by the State
7 Board of Career and Technology Education, and who are in good
8 academic standing in the institution ~~of higher education~~ or
9 ~~technology center~~ school in which the student is enrolled, ~~to~~ that
10 will relieve ~~them~~ the student of the burden of paying nonguaranteed
11 resident tuition at institutions of The Oklahoma State System of
12 Higher Education, ~~to relieve them of the burden of~~ paying tuition
13 for enrollment in postsecondary programs of the technology center
14 districts, or ~~to relieve them of some portion of the burden of~~
15 paying some portion of such fees or tuition, pursuant to the
16 provisions of this act, as may be required of enrollees at private
17 institutions of higher education which are accredited pursuant to
18 Section 4103 of this title. The further purpose of this program is
19 to establish and maintain a variety of support services whereby a
20 broader range of the general student population of this state will
21 be prepared for success in postsecondary endeavors.

22 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2603, as
23 last amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp.
24 2015, Section 2603), is amended to read as follows:

1 Section 2603. A. Except as otherwise provided for in
2 subsection B of this section and elsewhere in this section, to be
3 eligible to participate in the Oklahoma Higher Learning Access
4 Program and to qualify for an award which includes payment of an
5 amount equivalent to resident tuition or other tuition pursuant to
6 Section 2604 of this title for the first semester or other academic
7 unit of postsecondary enrollment, a student shall:

8 1. Be a resident of this state or be enrolled in a school
9 district located in this state that serves students who reside in
10 both this state and an adjacent state pursuant to a contract as
11 authorized in Section 5-117.1 of this title;

12 2. Be a United States citizen or lawfully present in the United
13 States. A student who is not a United States citizen or lawfully
14 present in the United States shall not be eligible to participate in
15 the Oklahoma Higher Learning Access Program and to qualify for an
16 award notwithstanding the provisions of Section 3242 of this title.
17 The provisions of this paragraph shall not apply to any student who
18 was enrolled in the Oklahoma Higher Learning Access Program prior to
19 the end of the 2006-2007 school year;

20 3. Have a record of satisfactory compliance with agreements
21 executed pursuant to Section 2605 of this title;

22 4. a. have graduated within the previous three (3) years
23 from a high school accredited by the State Board of
24 Education, or the Oklahoma School of Science and

1 Mathematics with a minimum 2.5 cumulative grade point
2 average on a 4.0 scale for all work attempted in
3 grades nine through twelve,

4 b. have graduated within the previous three (3) years
5 from a high school not accredited by the State Board
6 of Education with a minimum 2.5 cumulative grade point
7 average on a 4.0 scale for all work attempted in
8 grades nine through twelve and have achieved a
9 composite score of 22 or higher on the ACT test, or

10 c. have satisfactorily completed within the previous
11 three (3) years an educational program that was
12 provided through a means other than a public or
13 private school and have achieved a composite score of
14 22 or higher on the ACT test;

15 5. Have completed the curricular requirements for admission to
16 an institution within The Oklahoma State System of Higher Education
17 and one additional unit or set of competencies in a course that
18 meets college admission requirements. The curriculum requirements
19 shall include two units or sets of competencies in foreign or non-
20 English language or technology courses that meet the college
21 admission requirements and one unit or set of competencies of a fine
22 arts course. Students shall also have attained a 2.5 grade point
23 average in the core curriculum courses. Students who attended a
24 high school which did not offer all the core curriculum courses or

1 students who were educated by other means and were not offered all
2 the core curriculum courses shall be allowed to satisfy this
3 curriculum requirement by participating in a program approved by the
4 State Regents for remediation of high school curricular
5 deficiencies;

6 6. Have satisfied admission standards as determined by the
7 Oklahoma State Regents for Higher Education for first-time-entering
8 students for the appropriate type of institution, or, if attending a
9 private institution, have satisfied admission standards as
10 determined by the private institution. No student participating in
11 the Oklahoma Higher Learning Access Program shall be admitted into
12 an institution of higher education by special admission standards;

13 7. Have secured admission to, and enrolled in, an institution
14 which is a member of The Oklahoma State System of Higher Education,
15 a postsecondary ~~vocational-technical~~ career technology program that
16 meets the requirements to be eligible for federal student financial
17 aid and is offered pursuant to a duly approved cooperative agreement
18 between by a technology center school and an institution of The
19 Oklahoma State System of Higher Education supervised by the State
20 Board of Career and Technology Education, or a private institution
21 of higher learning located within this state and accredited pursuant
22 to Section 4103 of this title; and

23 8. a. have established financial need according to the
24 provisions of subsection D of Section 2605 of this

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

3 b. if the student was adopted between birth and twelve
4 (12) years of age while in the permanent custody of
5 the Department of Human Services, in the court-ordered
6 custody of a licensed private nonprofit child-placing
7 agency, or federally recognized Indian tribe, as
8 defined by the federal Indian Child Welfare Act, have
9 established financial need according to the provisions
10 of paragraph 1 of subsection E of Section 2605 of this
11 title and standards and provisions promulgated by the
12 Oklahoma State Regents for Higher Education, or

13 c. if the student was adopted between thirteen (13) and
14 seventeen (17) years of age while in the permanent
15 custody of the Department of Human Services, in the
16 court-ordered custody of a licensed private nonprofit
17 child-placing agency, or federally recognized Indian
18 tribe, as defined by the federal Indian Child Welfare
19 Act, have established financial need according to the
20 provisions of paragraph 2 of subsection E of Section
21 2605 of this title and standards and provisions
22 promulgated by the Oklahoma State Regents for Higher
23 Education.
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1 B. 1. A student shall be eligible to participate in the
2 Oklahoma Higher Learning Access Program and to qualify for an award
3 which includes payment of an amount equivalent to resident tuition
4 or other tuition pursuant to Section 2604 of this title for the
5 first semester or other academic unit of postsecondary enrollment if
6 the student meets all of the following criteria:

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

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

21 c. enrolls in an institution within The Oklahoma State
22 System of Higher Education prior to reaching the age
23 of twenty-one (21),
24

- 1 d. has satisfied admission standards as determined by the
2 Oklahoma State Regents for Higher Education for first-
3 time-entering students for the appropriate type of
4 institution, or, if attending a private institution,
5 has satisfied admission standards as determined by the
6 private institution. No student participating in the
7 Oklahoma Higher Learning Access Program shall be
8 admitted into an institution of higher education by
9 special admission standards,
- 10 e. has secured admission to, and enrolled in, an
11 institution which is a member of The Oklahoma State
12 System of Higher Education, a postsecondary
13 ~~vocational-technical~~ career technology program that
14 meets the requirements to be eligible for federal
15 student financial aid offered ~~pursuant to a duly~~
16 ~~approved cooperative agreement between~~ by a technology
17 center school ~~and an institution of The Oklahoma State~~
18 ~~System of Higher Education~~ supervised by the State
19 Board of Career and Technology Education, or a private
20 institution of higher learning located within this
21 state and accredited pursuant to Section 4103 of this
22 title, and
- 23 f. executes an agreement pursuant to subsection C of
24 Section 2605 of this title.

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. Achieve a minimum cumulative grade point average of 2.0 on a
7 4.0 scale or its equivalent for courses taken through the student's
8 sophomore year and achieve a minimum grade point average of 2.5 on a
9 4.0 scale or its equivalent for courses taken during the student's
10 junior year and thereafter. The provisions of this paragraph shall
11 not apply to any student who has received an Oklahoma Higher
12 Learning Access Program benefit award prior to the 2012-2013 school
13 year;

14 2. Maintain good academic standing and satisfactory academic
15 progress according to standards of the Oklahoma State Regents for
16 Higher Education;

17 3. Maintain satisfactory academic progress as required for
18 eligibility for federal Title IV student financial aid programs.
19 The provisions of this paragraph shall become effective for the
20 2012-2013 school year;

21 4. Comply with the standards related to maintenance of
22 eligibility as promulgated by the Oklahoma State Regents for Higher
23 Education; and
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1 5. Refrain from conduct that leads to expulsion or suspension
2 of more than one semester from an institution of higher education.
3 A student who violates the provisions of this paragraph shall
4 permanently lose eligibility for program benefits. The provisions
5 of this paragraph shall become effective January 1, 2008.

6 D. The Oklahoma State Regents for Higher Education and the
7 State Board of Career and Technology Education shall promulgate
8 rules relating to maintenance of eligibility under the Oklahoma
9 Higher Learning Access Act by a student.

10 E. It is the intent of the Legislature that students in the
11 ninth grade for the 1992-93 school year who are determined to be
12 eligible Oklahoma Higher Learning Access students pursuant to the
13 Oklahoma Higher Learning Access Act shall be the first students
14 eligible for benefits from the Oklahoma Higher Learning Access Trust
15 Fund.

16 F. The Oklahoma State Regents for Higher Education are
17 authorized to study, develop and propose criteria for determining
18 award eligibility based upon the completion of seven (7) semesters
19 of high school coursework by a student.

20 SECTION 3. AMENDATORY 70 O.S. 2011, Section 2604, is
21 amended to read as follows:

22 Section 2604. A. Subject to the availability of funds, an
23 amount equivalent to the nonguaranteed resident tuition for which an
24 eligible Oklahoma Higher Learning Access Program student is

1 obligated at an institution of The Oklahoma State System of Higher
2 Education shall be awarded by allocation from the Oklahoma Higher
3 Learning Access Trust Fund.

4 B. Subject to the availability of funds, for each eligible
5 Oklahoma Higher Learning Access Program student enrolled at a
6 private institution of higher learning located within this state and
7 accredited pursuant to Section 4103 of this title, the Oklahoma
8 State Regents for Higher Education shall award from the Oklahoma
9 Higher Learning Access Trust Fund an amount equivalent to the amount
10 of resident tuition for which the student would be eligible if the
11 student were enrolled in a comparable program at a comparable
12 institution of The Oklahoma State System of Higher Education.
13 Comparability shall be determined by the State Regents.

14 C. Subject to the availability of funds, an amount equivalent
15 to the tuition for any eligible Oklahoma Higher Learning Access
16 Program student enrolled in a ~~public~~ postsecondary ~~vocational-~~
17 ~~technical~~ career technology program ~~or course for the purpose set~~
18 ~~forth in Section 2602 of this title~~ that meets the requirements to
19 be eligible for federal student financial aid offered by a
20 technology center school supervised by the State Board of Career and
21 Technology Education shall be awarded by allocation from the
22 Oklahoma Higher Learning Access Trust Fund. Provided, such
23 allocation shall not exceed the amount a student would have received
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1 for comparable enrollment at a two-year institution within The
2 Oklahoma State System of Higher Education.

3 D. 1. An award allowed by this section shall not be allowed
4 for courses or other postsecondary units taken in excess of the
5 requirements for completion of a baccalaureate program or taken more
6 than five (5) years after the student's first semester of
7 postsecondary enrollment. The Oklahoma State Regents for Higher
8 Education may award the Oklahoma Higher Learning Access Program
9 benefits for courses of postsecondary units taken more than five (5)
10 years after the student's first semester of postsecondary enrollment
11 only in hardship circumstances; provided, however, no Oklahoma
12 Higher Learning Access Program participant may receive benefits
13 beyond a cumulative time period of five (5) years.

14 2. The Oklahoma State Regents for Higher Education may award
15 the Oklahoma Higher Learning Access Program benefits for a student's
16 first semester or other academic unit of postsecondary enrollment
17 taken more than three (3) years after the student graduates from
18 high school or completes an educational program equivalent to high
19 school graduation as authorized in subsection A of Section 2603 of
20 this title or after the student turns twenty-one (21) years of age
21 as authorized in subsection B of Section 2603 of this title if the
22 student is a member of the Armed Forces of the United States, the
23 Reserve Corps of the Armed Forces of the United States, or the
24 Oklahoma National Guard, and is ordered to active duty or active

1 duty for special work or training and due to the duty commitment the
2 student is unable to enroll prior to the end of the three-year
3 period or before the student reaches twenty-one (21) years of age.
4 The period shall be extended by the length of the term of duty.

5 3. The Oklahoma State Regents for Higher Education may
6 establish a maximum limit on the number of courses or other
7 postsecondary units to which Oklahoma Higher Learning Access Program
8 benefits will apply.

9 4. An award for eligible Oklahoma Higher Learning Access
10 Program students enrolled in cooperative programs pursuant to
11 agreements between technology center schools and institutions of The
12 Oklahoma State System of Higher Education shall be satisfied for
13 both ~~vocational-technical~~ career technology and college work in
14 which enrolled pursuant to such cooperative program.

15 E. Benefits awarded under the Oklahoma Higher Learning Access
16 Program shall be awarded to all eligible applicants without any
17 limitation on the number of awards in any year other than the amount
18 of funds available for the program and the number of eligible
19 applicants. Subject to the provisions of subsection F of this
20 section, if funds are not sufficient to provide awards for all
21 eligible applicants, the Oklahoma State Regents for Higher Education
22 shall make awards on the basis of need. Provided, the Oklahoma
23 State Regents for Higher Education shall take into consideration
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1 other grants and scholarships received by an eligible applicant when
2 making awards.

3 F. The Oklahoma State Regents for Higher Education may, at the
4 time an award is made on behalf of an Oklahoma Higher Learning
5 Access Program student, set aside in the Oklahoma Higher Learning
6 Access Trust Fund funds for the full commitment made to such Higher
7 Learning Access Program student. For all academic years, students
8 who have previously received awards under the provisions of the
9 Oklahoma Higher Learning Access Act, Section 2601 et seq. of this
10 title, and who have continued at all times to fulfill the
11 requirements for eligibility to receive awards provided pursuant to
12 this program shall be given an absolute priority for continued
13 financial support by the Oklahoma Higher Learning Access Program
14 superior to any students who are applying for such benefits for the
15 first time.

16 SECTION 4. This act shall become effective July 1, 2016.

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

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