

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL 2823

By: Denney of the House

and

Halligan of the Senate

COMMITTEE SUBSTITUTE

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

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

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

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

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

1 SECTION 2. AMENDATORY 70 O.S. 2011, Section 2603, as  
2 last amended by Section 24, Chapter 11, O.S.L. 2012 (70 O.S. Supp.  
3 2015, Section 2603), is amended to read as follows:

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

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

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

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

- 1           4.    a.    have graduated within the previous three (3) years  
2                    from a high school accredited by the State Board of  
3                    Education, or the Oklahoma School of Science and  
4                    Mathematics with a minimum 2.5 cumulative grade point  
5                    average on a 4.0 scale for all work attempted in  
6                    grades nine through twelve,
- 7                    b.    have graduated within the previous three (3) years  
8                    from a high school not accredited by the State Board  
9                    of Education with a minimum 2.5 cumulative grade point  
10                   average on a 4.0 scale for all work attempted in  
11                   grades nine through twelve and have achieved a  
12                   composite score of 22 or higher on the ACT test, or
- 13                   c.    have satisfactorily completed within the previous  
14                   three (3) years an educational program that was  
15                   provided through a means other than a public or  
16                   private school and have achieved a composite score of  
17                   22 or higher on the ACT test;

18           5.    Have completed the curricular requirements for admission to  
19           an institution within The Oklahoma State System of Higher Education  
20           and one additional unit or set of competencies in a course that  
21           meets college admission requirements. The curriculum requirements  
22           shall include two units or sets of competencies in foreign or non-  
23           English language or technology courses that meet the college  
24           admission requirements and one unit or set of competencies of a fine

1 arts course. Students shall also have attained a 2.5 grade point  
2 average in the core curriculum courses. Students who attended a  
3 high school which did not offer all the core curriculum courses or  
4 students who were educated by other means and were not offered all  
5 the core curriculum courses shall be allowed to satisfy this  
6 curriculum requirement by participating in a program approved by the  
7 State Regents for remediation of high school curricular  
8 deficiencies;

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

16 7. Have secured admission to, and enrolled in, an institution  
17 which is a member of The Oklahoma State System of Higher Education,  
18 a postsecondary ~~vocational-technical~~ career technology program that  
19 meets the requirements to be eligible for federal student financial  
20 aid and is offered pursuant to a duly approved cooperative agreement  
21 between by a technology center school and an institution of The  
22 Oklahoma State System of Higher Education supervised by the State  
23 Board of Career and Technology Education, or a private institution  
24

1 of higher learning located within this state and accredited pursuant  
2 to Section 4103 of this title; and

3 8. a. have established financial need according to the  
4 provisions of subsection D of Section 2605 of this  
5 title and standards and provisions promulgated by the  
6 Oklahoma State Regents for Higher Education,

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

17 c. if the student was adopted between thirteen (13) and  
18 seventeen (17) years of age while in the permanent  
19 custody of the Department of Human Services, in the  
20 court-ordered custody of a licensed private nonprofit  
21 child-placing agency, or federally recognized Indian  
22 tribe, as defined by the federal Indian Child Welfare  
23 Act, have established financial need according to the  
24 provisions of paragraph 2 of subsection E of Section

1 2605 of this title and standards and provisions  
2 promulgated by the Oklahoma State Regents for Higher  
3 Education.

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

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

19 b. is a resident of this state or is enrolled in a school  
20 district located in this state that serves students  
21 who reside in both this state and an adjacent state  
22 pursuant to a contract as authorized in Section 5-  
23 117.1 of this title,  
24

- 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~~ career technology program that  
17 meets the requirements to be eligible for federal  
18 student financial aid offered ~~pursuant to a duly~~  
19 ~~approved cooperative agreement between~~ by a technology  
20 center school ~~and an institution of The Oklahoma State~~  
21 ~~System of Higher Education~~ supervised by the State  
22 Board of Career and Technology Education, or a private  
23 institution of higher learning located within this  
24



1 state and accredited pursuant to Section 4103 of this  
2 title, and

3 f. executes an agreement pursuant to subsection C of  
4 Section 2605 of this title.

5 2. A student who is eligible to participate in the program  
6 pursuant to this subsection shall not be required to meet the  
7 eligibility requirements set forth in subsection A of this section.

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

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

18 2. Maintain good academic standing and satisfactory academic  
19 progress according to standards of the Oklahoma State Regents for  
20 Higher Education;

21 3. Maintain satisfactory academic progress as required for  
22 eligibility for federal Title IV student financial aid programs.  
23 The provisions of this paragraph shall become effective for the  
24 2012-2013 school year;

1 4. Comply with the standards related to maintenance of  
2 eligibility as promulgated by the Oklahoma State Regents for Higher  
3 Education; and

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

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

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

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

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

1 Section 2604. A. Subject to the availability of funds, an  
2 amount equivalent to the nonguaranteed resident tuition for which an  
3 eligible Oklahoma Higher Learning Access Program student is  
4 obligated at an institution of The Oklahoma State System of Higher  
5 Education shall be awarded by allocation from the Oklahoma Higher  
6 Learning Access Trust Fund.

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

17 C. Subject to the availability of funds, an amount equivalent  
18 to the tuition for any eligible Oklahoma Higher Learning Access  
19 Program student enrolled in a ~~public postsecondary vocational-~~  
20 ~~technical career technology~~ program ~~or course for the purpose set~~  
21 ~~forth in Section 2602 of this title~~ that meets the requirements to  
22 be eligible for federal student financial aid offered by a  
23 technology center school supervised by the State Board of Career and  
24 Technology Education shall be awarded by allocation from the

1 Oklahoma Higher Learning Access Trust Fund. Provided, such  
2 allocation shall not exceed the amount a student would have received  
3 for comparable enrollment at a two-year institution within The  
4 Oklahoma State System of Higher Education.

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

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

1 Reserve Corps of the Armed Forces of the United States, or the  
2 Oklahoma National Guard, and is ordered to active duty or active  
3 duty for special work or training and due to the duty commitment the  
4 student is unable to enroll prior to the end of the three-year  
5 period or before the student reaches twenty-one (21) years of age.  
6 The period shall be extended by the length of the term of duty.

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

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

17 E. Benefits awarded under the Oklahoma Higher Learning Access  
18 Program shall be awarded to all eligible applicants without any  
19 limitation on the number of awards in any year other than the amount  
20 of funds available for the program and the number of eligible  
21 applicants. Subject to the provisions of subsection F of this  
22 section, if funds are not sufficient to provide awards for all  
23 eligible applicants, the Oklahoma State Regents for Higher Education  
24 shall make awards on the basis of need. Provided, the Oklahoma

1 State Regents for Higher Education shall take into consideration  
2 other grants and scholarships received by an eligible applicant when  
3 making awards.

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

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

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

22  
23 55-2-3274

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