

1 **SENATE FLOOR VERSION**

2 April 9, 2024

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL NO. 3457

By: Moore of the House

and

Pugh of the Senate

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8  
9 An Act relating to the Oklahoma Higher Learning  
10 Access Program; amending 70 O.S. 2021, Section 2603,  
11 which relates to eligibility requirements; providing  
12 eligibility for children of certain teachers;  
13 defining term; amending 70 O.S. 2021, Section 2605,  
14 as amended by Section 1, Chapter 400, O.S.L. 2022 (70  
15 O.S. Supp. 2023, Section 2605), which relates to  
16 student agreements; exempting students who are  
17 children of certain teachers from financial  
18 qualification determination; defining term; directing  
19 the Oklahoma State Regents for Higher Education to  
20 verify certain employment status; providing an  
21 effective date; and declaring an emergency.

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

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

Section 2603. A. Except as otherwise provided for in  
subsection B of this section and elsewhere in this section, to be  
eligible to participate in the Oklahoma Higher Learning Access  
Program and to qualify for an award which includes payment of an

1 amount equivalent to resident tuition or other tuition pursuant to  
2 Section 2604 of this title for the first semester or other academic  
3 unit of postsecondary enrollment, a student shall:

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

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

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

18 4. a. have graduated within the previous three (3) years  
19 from a high school accredited by the State Board of  
20 Education<sup>7</sup> or the Oklahoma School of Science and  
21 Mathematics with a minimum 2.5 cumulative grade point  
22 average on a 4.0 scale for all work attempted in  
23 grades nine through twelve,

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- 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 is the child of a certified classroom  
19 teacher, as provided for in paragraph 4 of subsection  
20 E of Section 2605 of this title. For the purposes of  
21 this paragraph, "certified classroom teacher" means  
22 any certified, full-time teacher who has been employed  
23 by a public school district in this state for a  
24 minimum of ten (10) years. A certified classroom

1           teacher shall not be required to have been employed by  
2           the same public school district for ten (10) years or  
3           been employed for ten (10) consecutive years.

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,

- 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.
- 24

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;

24

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

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 E. 1. A student who was adopted between birth and twelve (12)  
22 years of age while in the permanent custody of the Department of  
23 Human Services, in the court-ordered custody of a licensed private  
24 nonprofit child-placing agency, or federally recognized Indian

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

11 |       2. A student who was adopted between thirteen (13) and  
12 | seventeen (17) years of age while in the permanent custody of the  
13 | Department of Human Services, in the court-ordered custody of a  
14 | licensed private nonprofit child-placing agency, or federally  
15 | recognized Indian tribe, as defined by the federal Indian Child  
16 | Welfare Act, shall not be found to be in financial need for purposes  
17 | of the Oklahoma Higher Learning Access Program if at the time the  
18 | student begins postsecondary education and prior to receiving any  
19 | Oklahoma Higher Learning Access Program benefit award, the federal  
20 | adjusted gross income of the student's parent(s) exceeds Two Hundred  
21 | Thousand Dollars (\$200,000.00) per year. The provisions of this  
22 | paragraph shall not apply to any student who has received an  
23 | Oklahoma Higher Learning Access Program benefit award prior to the  
24 | 2012-2013 school year.





1 learning located within this state and accredited  
2 pursuant to Section 4103 of this title. The Oklahoma  
3 State Regents for Higher Education shall verify the  
4 full-time employment status of the student's parent(s)  
5 prior to the student receiving any Oklahoma Higher  
6 Learning Access Program benefit award. The provisions  
7 of this paragraph shall apply to eighth-, ninth-,  
8 tenth-, or eleventh-grade students who are enrolled in  
9 a public or private school or students between the  
10 ages of thirteen (13) and fifteen (15) who are  
11 educated by other means who apply for participation in  
12 the program after the 2023-2024 school year.

13 b. For the purposes of this paragraph, "certified  
14 classroom teacher" means any certified, full-time  
15 teacher who has been employed by a public school  
16 district in this state for a minimum of ten (10)  
17 years. A certified classroom teacher shall not be  
18 required to have been employed by the same public  
19 school district for ten (10) years or been employed  
20 for ten (10) consecutive years.

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

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

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

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

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

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

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

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

24

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

23 SECTION 4. It being immediately necessary for the preservation  
24 of the public peace, health, or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
4 April 9, 2024 - DO PASS AS AMENDED BY CS

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