

1                           **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE

5   BILL NO. 132

  By: Bullard and Bergstrom of  
  the Senate

6   and

7   Baker of the House

8  
9  
10             An Act relating to the Oklahoma Higher Learning  
11             Access Program; amending 70 O.S. 2011, Section 2605,  
12             as last amended by Section 4, Chapter 289, O.S.L.  
13             2017 (70 O.S. Supp. 2020, Section 2605), which  
14             relates to student agreements for the program;  
15             expanding the grade level of students to be apprised  
16             of the program; expanding the grade level and age of  
17             students who may enter into student agreements;  
18             expanding the grade level and age of students subject  
19             to certain financial qualifications beginning in  
20             certain school year; providing an effective date; and  
21             declaring an emergency.

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

23             SECTION 1.            AMENDATORY            70 O.S. 2011, Section 2605, as  
24             last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.  
25             2020, Section 2605), is amended to read as follows:

26             Section 2605.   A.   Each school year, every fifth- through ~~ninth-~~  
27             ~~grade~~ eleventh-grade student in the public and private schools of  
28             this state and students who are educated by other means and are in

1 the equivalent of the fifth through ~~ninth~~ eleventh grade shall be  
2 apprised, together with the parent, custodial parent, or guardian of  
3 the student, of the opportunity for access to higher learning under  
4 the Oklahoma Higher Learning Access Program. The Oklahoma State  
5 Regents for Higher Education and the State Board of Education shall  
6 develop, promote, and coordinate a public awareness program to be  
7 utilized in making students and parents aware of the Oklahoma Higher  
8 Learning Access Program.

9 B. On a form provided by the Oklahoma State Regents for Higher  
10 Education, every public school district shall designate at least one  
11 Oklahoma Higher Learning Access Program contact person, who shall be  
12 a counselor or teacher, at each public school site in this state in  
13 which eighth-, ninth- ~~or tenth-grade~~, tenth- or eleventh-grade  
14 classes are taught. When requested by the State Regents, the State  
15 Board of Education shall assist the State Regents to ensure the  
16 designation of contact persons. Private schools shall also  
17 designate at least one school official as a contact person. For  
18 students who are educated by other means, a parent or guardian or  
19 other person approved by the State Regents shall be designated the  
20 contact person.

21 C. 1. Students who qualify on the basis of financial need  
22 according to subsection D or E of this section or who meet the  
23 eligibility qualification set forth in subparagraph a of paragraph 1  
24 of subsection B of Section 2603 of this title prior to entering the

1 ~~tenth~~ eleventh grade or prior to reaching the age of ~~fifteen (15)~~  
2 sixteen (16) and the standards and provisions promulgated by the  
3 Oklahoma State Regents for Higher Education shall be given the  
4 opportunity throughout the eighth-, ninth-, ~~and tenth-grade~~ tenth-  
5 and eleventh-grade years, for students enrolled in a public or  
6 private school, or between the ages of thirteen (13) and ~~fifteen~~  
7 ~~(15)~~ sixteen (16), for students who are educated by other means, to  
8 enter into participation in the program by agreeing to, throughout  
9 the remainder of their school years or educational program:

- 10 a. attend school or an educational program regularly and  
11 do homework regularly,
- 12 b. refrain from substance abuse,
- 13 c. refrain from commission of crimes or delinquent acts,
- 14 d. have school work and school records reviewed by  
15 mentors designated pursuant to the program,
- 16 e. provide information requested by the Oklahoma State  
17 Regents for Higher Education or the State Board of  
18 Education, and
- 19 f. participate in program activities.

20 2. Students who meet the eligibility qualification set forth in  
21 subparagraph a of paragraph 1 of subsection B of Section 2603 of  
22 this title after completing the ~~tenth~~ eleventh grade or after  
23 reaching the age of ~~sixteen (16)~~ seventeen (17) shall be given the  
24 opportunity prior to reaching the age of twenty-one (21) to enter

1 into participation in the program and shall execute an agreement  
2 with provisions as determined by the Oklahoma State Regents for  
3 Higher Education.

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

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

19 1. At the time the student applies for participation in the  
20 program during the eighth, ninth or tenth grade for students  
21 enrolled in a public or private school, or between the ages of  
22 thirteen (13) and fifteen (15), for students who are educated by  
23 other means, the income from taxable and nontaxable sources of the  
24

1 student's parent(s) exceeds Fifty Thousand Dollars (\$50,000.00) per  
2 year;

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

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

16 4. At the time the student begins postsecondary education and  
17 prior to receiving any Oklahoma Higher Learning Access Program  
18 benefit award, the federal adjusted gross income of the student's  
19 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
20 year; and

21 5. Beginning with the 2018-2019 academic year, prior to  
22 receiving any Oklahoma Higher Learning Access Program benefit award  
23 for any year during which the student is enrolled in an institution  
24 which is a member of The Oklahoma State System of Higher Education,

1 a postsecondary vocational-technical program offered by a technology  
2 center school that meets the requirements to be eligible for federal  
3 student financial aid or a private institution of higher learning  
4 located within this state and accredited pursuant to Section 4103 of  
5 this title, the federal adjusted gross income of the student's  
6 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
7 year.

8 The determination of financial qualification as set forth in  
9 paragraphs 4 and 5 of this subsection shall be based on the income  
10 of the student, not the income of the parent(s), if a student:

- 11 a. is determined to be independent of the student's  
12 parents for federal financial aid purposes,
- 13 b. was in the permanent custody of the Department of  
14 Human Services at the time the student enrolled in the  
15 program, or
- 16 c. was in the court-ordered custody of a federally  
17 recognized Indian tribe, as defined by the federal  
18 Indian Child Welfare Act, at the time the student  
19 enrolled in the program.

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

23 6. The Oklahoma State Regents for Higher Education shall review  
24 the determination of financial qualification as set forth in

1 paragraphs 1, 2 and 3 of this subsection if the income from taxable  
2 and nontaxable sources of the student's parent(s) includes income  
3 received from nontaxable military benefits or income received from  
4 the federal Social Security Administration due to the death or  
5 disability of the student's parent(s). If the income from taxable  
6 and nontaxable sources of the student's parent(s), excluding income  
7 received from nontaxable military benefits or income received from  
8 the federal Social Security Administration due to the death or  
9 disability of the student's parent(s), does not exceed the  
10 limitations set forth by paragraphs 1, 2 and 3 of this subsection,  
11 the student shall be determined to have met the financial  
12 qualification set forth in paragraphs 1, 2 and 3 of this subsection.

13 E. 1. A student who was adopted between birth and twelve (12)  
14 years of age while in the permanent custody of the Department of  
15 Human Services, in the court-ordered custody of a licensed private  
16 nonprofit child-placing agency, or federally recognized Indian  
17 tribe, as defined by the federal Indian Child Welfare Act, shall not  
18 be found to be in financial need for purposes of the Oklahoma Higher  
19 Learning Access Program if at the time the student begins  
20 postsecondary education and prior to receiving any Oklahoma Higher  
21 Learning Access Program benefit award, the federal adjusted gross  
22 income of the student's parent(s) exceeds One Hundred Fifty Thousand  
23 Dollars (\$150,000.00) per year. The provisions of this paragraph  
24 shall not apply to any student who has received an Oklahoma Higher

1 Learning Access Program benefit award prior to the 2012-2013 school  
2 year.

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

17 3. Except for students who qualify pursuant to subsection B of  
18 Section 2603 of this title, the determination of financial  
19 qualification as set forth in this subsection shall be based on the  
20 income of the student, not the income of the parent(s), if the  
21 student is determined to be independent of the student's parent(s)  
22 for federal financial aid purposes. A determination of financial  
23 qualification shall not be required for the student who meets the  
24 criteria set forth in this subsection at the time the student



1 applies for participation in the program. The provisions of this  
2 paragraph shall not apply to any student who has received an  
3 Oklahoma Higher Learning Access Program benefit award prior to the  
4 2008-2009 school year.

5 F. The financial qualification of a student as set forth in  
6 subsections D and E of this section shall be certified by the  
7 contact person or by the Oklahoma State Regents for Higher Education  
8 on the agreement form provided by the Oklahoma State Regents for  
9 Higher Education. The form shall be retained in the permanent  
10 record of the student and a copy forwarded to the Oklahoma State  
11 Regents for Higher Education.

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

14 1. Assist the student in achieving compliance with the  
15 agreements;

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

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

20 4. Assist the student in completing forms and reports required  
21 for program participation, making applications to institutions and  
22 schools of higher learning, and filing applications for student  
23 grants and scholarships.

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1 H. Students who are enrolled in a school district located in  
2 this state that serves students who reside in both this state and an  
3 adjacent state pursuant to a contract as authorized in Section 5-  
4 117.1 of this title, are in the eleventh and twelfth grades during  
5 the 2006-2007 school year, and who were denied participation in the  
6 program shall be allowed to enter or reenter into participation in  
7 the program by entering into agreements as set forth in subsections  
8 C and D of this section by June 1, 2008.

9 I. The Oklahoma State Regents for Higher Education shall  
10 promulgate rules for the determination of student compliance with  
11 agreements made pursuant to this section.

12 J. The Oklahoma State Regents for Higher Education shall  
13 designate personnel to coordinate tracking of program records for  
14 the years when students participating in the program are still in  
15 the schools or are being educated by other means, provide staff  
16 development for contact persons in the schools, and provide liaison  
17 with the State Board of Education and local organizations and  
18 individuals participating in the program.

19 K. The school district where an Oklahoma Higher Learning Access  
20 Program student is enrolled when the student begins participation in  
21 the program and any subsequent school district where the student  
22 enrolls shall forward information regarding participation by the  
23 student in the program to a school to which the student transfers  
24 upon the request of the school for the records of the student.

1 L. Students participating in the Oklahoma Higher Learning  
2 Access Program shall provide their Social Security number or their  
3 student identification number used by their school to the Oklahoma  
4 State Regents for Higher Education. The Regents shall keep the  
5 numbers confidential and use them only for administrative purposes.

6 SECTION 2. This act shall become effective July 1, 2021.

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

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12 COMMITTEE REPORT BY: COMMITTEE ON HIGHER EDUCATION AND CAREER TECH,  
13 dated 03/30/2021 - DO PASS.

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