

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1092

6 By: Jech

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma Higher Learning  
9 Access Program; amending 70 O.S. 2011, Section 2605,  
10 as last amended by Section 4, Chapter 289, O.S.L.  
11 2017 (70 O.S. Supp. 2019, Section 2605), which  
12 relates to student agreements; removing language  
13 providing for certain income qualification; modifying  
14 income qualification eligibility for certain students  
15 beginning in certain school year; providing for  
16 calculation of certain income qualification in future  
17 years; updating references; modifying type of income  
18 to be used to determine qualification; and providing  
19 an effective date.

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

21 SECTION 1. AMENDATORY 70 O.S. 2011, Section 2605, as  
22 last amended by Section 4, Chapter 289, O.S.L. 2017 (70 O.S. Supp.  
23 2019, Section 2605), is amended to read as follows:

24 Section 2605. A. Each school year, every fifth- through ninth-  
grade student in the public and private schools of this state and  
students who are educated by other means and are in the equivalent  
of the fifth through ninth grade shall be apprised, together with  
the parent, custodial parent, or guardian of the student, of the

1 opportunity for access to higher learning under the Oklahoma Higher  
2 Learning Access Program. The Oklahoma State Regents for Higher  
3 Education and the State Board of Education shall develop, promote,  
4 and coordinate a public awareness program to be utilized in making  
5 students and parents aware of the Oklahoma Higher Learning Access  
6 Program.

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

18 C. 1. Students who qualify on the basis of financial need  
19 according to subsection D or E of this section or who meet the  
20 eligibility qualification set forth in subparagraph a of paragraph 1  
21 of subsection B of Section 2603 of this title prior to entering the  
22 tenth grade or prior to reaching the age of fifteen (15) and the  
23 standards and provisions promulgated by the Oklahoma State Regents  
24 for Higher Education shall be given the opportunity throughout the

1 eighth-, ninth-~~7~~ and tenth-grade years, for students enrolled in a  
2 public or private school, or between the ages of thirteen (13) and  
3 fifteen (15), for students who are educated by other means, to enter  
4 into participation in the program by agreeing to, throughout the  
5 remainder of their school years or educational program:

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

16 2. Students who meet the eligibility qualification set forth in  
17 subparagraph a of paragraph 1 of subsection B of Section 2603 of  
18 this title after completing the tenth grade or after reaching the  
19 age of sixteen (16) shall be given the opportunity prior to reaching  
20 the age of twenty-one (21) to enter into participation in the  
21 program and shall execute an agreement with provisions as determined  
22 by the Oklahoma State Regents for Higher Education.

23 3. The contact person shall maintain the agreements, which  
24 shall be executed on forms provided by the Oklahoma State Regents

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

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

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

21 2. Beginning with eighth-, ninth- or tenth-grade students who  
22 are enrolled in a public or private school or students between the  
23 ages of thirteen (13) and fifteen (15) who are educated by other  
24 means who apply for participation in the program in the 2017-2018

1 school year, the federal adjusted gross income of the student's  
2 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

3 3. 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 2021-2022  
7 school year, the federal adjusted gross income of the student's  
8 parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per year;

9 ~~4. At the time the student begins postsecondary education and~~  
10 ~~prior to receiving any Oklahoma Higher Learning Access Program~~  
11 ~~benefit award, the federal adjusted gross income of the student's~~  
12 ~~parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per~~  
13 year Beginning with eighth-, ninth- or tenth-grade students who are  
14 enrolled in a public or private school or students between the ages  
15 of thirteen (13) and fifteen (15) who are educated by other means  
16 who apply for participation in the program in the 2025-2026 school  
17 year, the federal adjusted gross income of the student's parent(s)  
18 exceeds an amount equivalent to Sixty Thousand Dollars (\$60,000.00)  
19 per year adjusted for inflation since 2021 based upon the Consumer  
20 Price Index for the South Region reported by the United States  
21 Bureau of Labor Statistics; provided, the income amount shall be  
22 rounded to the nearest One Thousand Dollars (\$1,000.00) and shall be  
23 adjusted every four (4) years following the 2025-2026 school year;  
24 ~~and~~

1           5. Beginning with the 2018-2019 academic year, prior to  
2 receiving any Oklahoma Higher Learning Access Program benefit award  
3 for any year during which the student is enrolled in an institution  
4 which is a member of The Oklahoma State System of Higher Education,  
5 a postsecondary vocational-technical program offered by a technology  
6 center school that meets the requirements to be eligible for federal  
7 student financial aid or a private institution of higher learning  
8 located within this state and accredited pursuant to Section 4103 of  
9 this title, the federal adjusted gross income of the student's  
10 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per  
11 year.

12           The determination of financial qualification as set forth in  
13 ~~paragraphs 4 and~~ paragraph 5 of this subsection shall be based on  
14 the income of the student, not the income of the parent(s), if a  
15 student:

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

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

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

20 E. 1. A student who was adopted between birth and twelve (12)  
21 years of age while in the permanent custody of the Department of  
22 Human Services, in the court-ordered custody of a licensed private  
23 nonprofit child-placing agency, or federally recognized Indian  
24 tribe, as defined by the federal Indian Child Welfare Act, shall not

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

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

24



1           3. Except for students who qualify pursuant to subsection B of  
2 Section 2603 of this title, the determination of financial  
3 qualification as set forth in this subsection shall be based on the  
4 income of the student, not the income of the parent(s), if the  
5 student is determined to be independent of the student's parent(s)  
6 for federal financial aid purposes. A determination of financial  
7 qualification shall not be required for the student who meets the  
8 criteria set forth in this subsection at the time the student  
9 applies for participation in the program. The provisions of this  
10 paragraph shall not apply to any student who has received an  
11 Oklahoma Higher Learning Access Program benefit award prior to the  
12 2008-2009 school year.

13           F. The financial qualification of a student as set forth in  
14 subsections D and E of this section shall be certified by the  
15 contact person or by the Oklahoma State Regents for Higher Education  
16 on the agreement form provided by the Oklahoma State Regents for  
17 Higher Education. The form shall be retained in the permanent  
18 record of the student and a copy forwarded to the Oklahoma State  
19 Regents for Higher Education.

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

22           1. Assist the student in achieving compliance with the  
23 agreements;

24

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

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

5           4. Assist the student in completing forms and reports required  
6 for program participation, making applications to institutions and  
7 schools of higher learning, and filing applications for student  
8 grants and scholarships.

9           H. Students who are enrolled in a school district located in  
10 this state that serves students who reside in both this state and an  
11 adjacent state pursuant to a contract as authorized in Section 5-  
12 117.1 of this title, are in the eleventh and twelfth grades during  
13 the 2006-2007 school year, and who were denied participation in the  
14 program shall be allowed to enter or reenter into participation in  
15 the program by entering into agreements as set forth in subsections  
16 C and D of this section by June 1, 2008.

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

20           J. The Oklahoma State Regents for Higher Education shall  
21 designate personnel to coordinate tracking of program records for  
22 the years when students participating in the program are still in  
23 the schools or are being educated by other means, provide staff  
24 development for contact persons in the schools, and provide liaison

1 with the State Board of Education and local organizations and  
2 individuals participating in the program.

3 K. The school district where an Oklahoma Higher Learning Access  
4 Program student is enrolled when the student begins participation in  
5 the program and any subsequent school district where the student  
6 enrolls shall forward information regarding participation by the  
7 student in the program to a school to which the student transfers  
8 upon the request of the school for the records of the student.

9 L. Students participating in the Oklahoma Higher Learning  
10 Access Program shall provide their Social Security number or their  
11 student identification number used by their school to the Oklahoma  
12 State Regents for Higher Education. The Regents shall keep the  
13 numbers confidential and use them only for administrative purposes.

14 SECTION 2. This act shall become effective November 1, 2020.

15

16 57-2-3883 EB 2/25/2020 9:26:40 AM

17

18

19

20

21

22

23

24