

1 **SENATE FLOOR VERSION**

2 February 13, 2024

3 SENATE BILL NO. 1339

By: Seifried of the Senate

4 and

5 Hefner and McBride of the
6 House

7
8 An Act relating to higher education; creating the
9 Oklahoma Opportunity Scholarship Act; providing short
10 title; defining terms; creating the Oklahoma
11 Opportunity Scholarship Program; providing purpose of
12 program; providing for award amount; providing
13 eligibility criteria for program; providing retention
14 eligibility criteria for program; providing for
15 promulgation of rules; providing for calculation of
16 scholarship program award to be allocated from
17 certain fund; directing benefits to be awarded to
18 certain eligible applicants subject to availability
19 of funding and the number of eligible applicants;
20 directing the Oklahoma State Regents for Higher
21 Education to make awards on certain basis if certain
22 funds are insufficient; allowing the State Regents to
23 take into consideration certain grants and
24 scholarships; prohibiting award from being allowed
for certain courses or units taken after certain
period of time; allowing award for certain courses or
units taken after certain period of time under
certain circumstances; allowing the State Regents to
set aside certain funds for certain full commitment;
directing priority to be given to certain continued
support; providing for calculation of financial need;
amending 70 O.S. 2021, Section 3953.1, which relates
to the Oklahoma Higher Learning Access Trust Fund;
updating statutory language; expanding use of fund
for certain purpose; providing for codification;
providing an effective date; and declaring an
emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 2500 of Title 70, unless there
4 is created a duplication in numbering, reads as follows:

5 A. This act shall be known and may be cited as the "Oklahoma
6 Opportunity Scholarship Act".

7 B. As used in this act:

8 1. "CTP program" means a degree, certificate, or nondegree
9 program that meets each of the following criteria:

- 10 a. is offered by an institution of higher education or
11 technology center school,
- 12 b. is delivered to students physically attending the
13 institution of higher education or technology center
14 school,
- 15 c. is designed to support students with intellectual
16 disabilities who are seeking to continue academic,
17 career and technical, and independent living
18 instruction at an institution of higher education or
19 technology center school to prepare for gainful
20 employment,
- 21 d. includes an advising and curriculum structure,
- 22 e. requires students with intellectual disabilities to
23 participate on not less than a half-time basis as
24 determined by the institution of higher education or

1 technology center school, with such participation
2 focusing on academic components and occurring through
3 one or more of the following activities:

4 (1) regular enrollment in credit-bearing courses with
5 nondisabled students offered by the institution
6 of higher education or technology center school,

7 (2) auditing or participating in courses with
8 nondisabled students offered by the institution
9 for higher education or technology center school
10 for which the student does not receive regular
11 academic credit,

12 (3) enrollment in noncredit-bearing, nondegree
13 courses with nondisabled students, or

14 (4) participation in internships or work-based
15 training in settings with nondisabled students,

16 f. requires students with intellectual disabilities to be
17 socially and academically integrated with nondisabled
18 students to the maximum extent possible, and

19 g. is approved by the United States Department of
20 Education pursuant to P.L. No. 110-315, the Higher
21 Education Opportunity Act, as amended;

22 2. "Eligible student" means a student with an intellectual
23 disability who is eligible for the scholarship program;

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1 3. "Scholarship program" means the Oklahoma Opportunity
2 Scholarship Program;

3 4. "State educational institution" means a higher education
4 institution or technology center school supported wholly or in part
5 by direct legislative appropriations that provides a CTP program;

6 5. "State Regents" means the Oklahoma State Regents for Higher
7 Education; and

8 6. "Student with an intellectual disability" means a student:

9 a. with a cognitive impairment, characterized by
10 significant limitations in intellectual and cognitive
11 functioning and adaptive behavior as expressed in
12 conceptual, social, and practical adaptive skills, and

13 b. who is currently or was formerly eligible for a free
14 appropriate public education under the Individuals
15 with Disabilities Education Act (IDEA), including a
16 student who was determined eligible for special
17 education or related services under IDEA but attended
18 a private school or was educated pursuant to the other
19 means of education exception provided for in
20 subsection A of Section 10-105 of Title 70 of the
21 Oklahoma Statutes.

22 C. There is hereby created a program to be known as the
23 Oklahoma Opportunity Scholarship Program. The purpose of the
24 program is to provide an award to eligible students with

1 intellectual disabilities who are pursuing studies in this state at
2 a CTP program. The award shall be an amount equal to the
3 nonguaranteed resident tuition at an institution of higher education
4 or the tuition at a technology center school.

5 D. A student with an intellectual disability shall be eligible
6 for the Oklahoma Opportunity Scholarship Program if the student:

7 1. Is a resident of this state or enrolled in a school district
8 located in this state that serves students who reside in both this
9 state and an adjacent state pursuant to a contract authorized by
10 Section 5-117.1 of Title 70 of the Oklahoma Statutes;

11 2. Is a United States citizen or lawfully present in the United
12 States. A student who is not a United States citizen or lawfully
13 present in the United States shall not be eligible to participate in
14 the scholarship program and qualify for an award;

15 3. Has graduated within the previous six (6) years from a
16 public high school accredited by the State Board of Education or a
17 private school, or has satisfactorily completed within the previous
18 six (6) years an educational program that was provided through a
19 means other than a public or private school;

20 4. Has secured admission to and enrolled in a CTP program at an
21 educational institution that meets the requirements to be eligible
22 for federal student financial aid; and
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1 5. Has established financial need according to the provisions
2 of Section 3 of this act and standards and provisions promulgated by
3 the State Regents.

4 E. To retain eligibility in the scholarship program, a student
5 with an intellectual disability shall:

6 1. Meet the requirements for retention and completion as
7 established by the state educational institution where the student
8 is enrolled;

9 2. Maintain satisfactory academic progress as required by the
10 CTP program criteria;

11 3. Comply with the standards related to maintenance of
12 eligibility as promulgated by the State Regents; and

13 4. Refrain from conduct that leads to expulsion or suspension
14 of more than one semester from a state educational institution. A
15 student who violates the provisions of this paragraph shall
16 permanently lose eligibility for scholarship program benefits.

17 F. The State Regents shall promulgate rules relating to the
18 establishment and maintenance of eligibility under the scholarship
19 program.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2501 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Subject to the availability of funds, an amount equivalent
24 to the nonguaranteed resident tuition at an institution of higher

1 education or the tuition at a technology center school for which an
2 eligible student is obligated at a CTP program shall be awarded by
3 allocation from the Oklahoma Higher Learning Access Trust Fund
4 created pursuant to Section 3953.1 of Title 70 of the Oklahoma
5 Statutes.

6 B. Benefits awarded through the scholarship program shall be
7 awarded to all eligible student applicants without any limitation on
8 the number of awards in any year other than the amount of funds
9 available for the scholarship program and the number of eligible
10 student applicants. Subject to the provisions of subsection C of
11 this section, if funds are not sufficient to provide awards for all
12 eligible student applicants, the Oklahoma State Regents for Higher
13 Education shall make awards on the basis of need. Provided, the
14 State Regents may take into consideration other grants and
15 scholarships received by an eligible student applicant when making
16 awards.

17 C. An award provided for by this section shall not be allowed
18 for courses or other postsecondary units taken more than five (5)
19 years after the eligible student's first semester of postsecondary
20 enrollment. The State Regents may award the scholarship program
21 benefits for courses or other postsecondary units taken more than
22 five (5) years after the eligible student's first semester of
23 postsecondary enrollment only in hardship circumstances; provided,

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1 however, no eligible student may receive benefits beyond a
2 cumulative time period of five (5) years.

3 D. The State Regents may, at the time an award is made on
4 behalf of an eligible student, set aside in the Oklahoma Higher
5 Learning Access Trust Fund funds for the full commitment made to the
6 student. For all academic years, students who have previously
7 received awards under the provisions of the Oklahoma Opportunity
8 Scholarship Act and who have continued at all times to fulfill the
9 requirements for eligibility to receive awards provided pursuant to
10 the scholarship program shall be given an absolute priority for
11 continued financial support by the scholarship program above any
12 students who are applying for an award for the first time.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2502 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Except as otherwise provided for in subsection B of this
17 section, a student with an intellectual disability shall not be
18 found to be in financial need for purposes of the Oklahoma
19 Opportunity Scholarship Act if prior to receiving any scholarship
20 program award for any year during which the student is enrolled in a
21 CTP program at a state educational institution, the federal adjusted
22 gross income of the student's parent(s) or legal guardian(s) exceeds
23 One Hundred Thousand Dollars (\$100,000.00) per year. The
24 determination of financial qualification provided in this subsection

1 shall be based on the income of the student, not the income of the
2 parent(s) or legal guardian(s), if a student is determined to be
3 independent of his or her parent(s) or legal guardian(s) for federal
4 financial aid purposes.

5 B. 1. A student with an intellectual disability who was
6 adopted between birth and twelve (12) years of age while in the
7 permanent custody of the Department of Human Services, in the court-
8 ordered custody of a licensed private nonprofit child-placing
9 agency, or federally recognized Indian tribe, as defined by the
10 federal Indian Child Welfare Act, shall not be found to be in
11 financial need for purposes of the Oklahoma Opportunity Scholarship
12 Act if prior to receiving any scholarship program award for any year
13 during which the student is enrolled in a CTP program at a state
14 educational institution, the federal adjusted gross income of the
15 student's parent(s) exceeds One Hundred Fifty Thousand Dollars
16 (\$150,000.00) per year.

17 2. A student with an intellectual disability who was adopted
18 between thirteen (13) and seventeen (17) years of age while in the
19 permanent custody of the Department of Human Services, in the court-
20 ordered custody of a licensed private nonprofit child-placing
21 agency, or federally recognized Indian tribe, as defined by the
22 federal Indian Child Welfare Act, shall not be found to be in
23 financial need for purposes of the Oklahoma Opportunity Scholarship
24 Act if prior to receiving any scholarship program award for any year

1 during which the student is enrolled in a CTP program at a state
2 educational institution, the federal adjusted gross income of the
3 student's parent(s) exceeds Two Hundred Thousand Dollars
4 (\$200,000.00) per year.

5 3. The determination of financial qualification provided for in
6 this subsection shall be based on the income of the student, not the
7 income of the student's parent(s), if the student is determined to
8 be independent of the student's parent(s) for federal financial aid
9 purposes.

10 SECTION 4. AMENDATORY 70 O.S. 2021, Section 3953.1, is
11 amended to read as follows:

12 Section 3953.1. A. There is hereby created a trust fund to be
13 known as the "Oklahoma Higher Learning Access Trust Fund". The
14 Oklahoma State Regents for Higher Education shall be the trustees of
15 ~~said~~ the Trust Fund.

16 B. The State Regents shall utilize ~~said~~ the Trust Fund to
17 implement the provisions of Sections 2601 through 2605 of this title
18 and Sections 1 through 3 of this act.

19 C. The Trust Fund principal shall consist of monies the
20 Legislature appropriates or transfers to the Oklahoma State Regents
21 for Higher Education for the Trust Fund and any monies or assets
22 contributed to the Trust Fund from any other source, public or
23 private. All monies accruing to the credit of ~~said~~ the fund are
24 hereby appropriated and may be budgeted and expended by the State

1 Regents. Expenditures from ~~said~~ the fund shall be made upon
2 warrants issued by the State Treasurer against claims filed as
3 prescribed by law with the Director of the Office of Management and
4 Enterprise Services for approval and payment.

5 D. Notwithstanding other provisions of law, income and
6 investment return on Trust Fund principal shall accrue to the Trust
7 Fund for use as provided by authorization of the trustees for the
8 purposes provided in Sections 2601 through 2605 of this title and
9 Sections 1 through 3 of this act. The State Regents may also
10 utilize the Trust Fund principal for the purposes provided in
11 Sections 2601 through 2605 of this title and Sections 1 through 3 of
12 this act. Except as otherwise provided by law, no such income or
13 investment return or principal shall be used for administrative
14 expenses; expenses incurred by the State Regents in the
15 administration of the Trust Fund and of the Oklahoma Higher Learning
16 Access Program established by the Oklahoma Higher Learning Access
17 Act and the Oklahoma Opportunity Scholarship Program established by
18 the Oklahoma Opportunity Scholarship Act shall be paid from monies
19 appropriated to the State Regents coordinating board for their
20 general operating budget.

21 E. The State Regents shall adopt rules for accomplishing
22 transfer of funds from the Oklahoma Higher Learning Access Trust
23 Fund to the appropriate institutional Educational and General
24 Operations Revolving Funds, as provided in Section 3901 of this

1 title, to private institutions, and to the appropriate technology
2 center school district to cover general enrollment fees or tuition
3 for eligible students pursuant to the Oklahoma Higher Learning
4 Access Act and the Oklahoma Opportunity Scholarship Act.

5 Allocations from the Trust Fund may be made only for the purpose of
6 covering the general enrollment fees or tuition of eligible
7 students. No portion of the Trust Fund may be used or allocated for
8 administrative or operating expenses of any higher education
9 institution or technology center school.

10 SECTION 5. This act shall become effective July 1, 2024.

11 SECTION 6. It being immediately necessary for the preservation
12 of the public peace, health, or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
16 February 13, 2024 - DO PASS

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