

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2772

By: Munson

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5
6 AS INTRODUCED

7 An Act relating to higher education; amending 70 O.S.
8 2021, Section 2605, as amended by Section 1, Chapter
9 400, O.S.L. 2022 (70 O.S. Supp. 2022, Section 2605),
10 which relates to the Oklahoma Higher Learning Access
11 Act; modifying eligibility requirements for the
12 Oklahoma Higher Learning Access Program; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2021, Section 2605, as
16 amended by Section 1, Chapter 400, O.S.L. 2022 (70 O.S. Supp. 2022,
17 Section 2605), is amended to read as follows:

18 Section 2605. A. Each school year, every fifth- through
19 eleventh-grade student in the public and private schools of this
20 state and students who are educated by other means and are in the
21 equivalent of the fifth through eleventh grade shall be apprised,
22 together with the parent, custodial parent, or guardian of the
23 student, of the opportunity for access to higher learning under the
24 Oklahoma Higher Learning Access Program. The Oklahoma State Regents
for Higher Education and the State Board of Education shall develop,

1 promote, and coordinate a public awareness program to be utilized in
2 making students and parents aware of the Oklahoma Higher Learning
3 Access Program.

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

15 C. 1. Students who qualify on the basis of financial need
16 according to subsection D or E of this section or who meet the
17 eligibility qualification set forth in subparagraph a of paragraph 1
18 of subsection B of Section 2603 of this title prior to entering the
19 eleventh grade or prior to reaching the age of sixteen (16) and the
20 standards and provisions promulgated by the Oklahoma State Regents
21 for Higher Education shall be given the opportunity throughout the
22 eighth-, ninth-, tenth-, and eleventh-grade years, for students
23 enrolled in a public or private school, or between the ages of
24 thirteen (13) and sixteen (16), for students who are educated by

1 other means, to enter into participation in the program by agreeing
2 to, throughout the remainder of their school years or educational
3 program:

4 a. attend school or an educational program regularly and
5 do homework regularly,

6 ~~b. refrain from substance abuse,~~

7 ~~c. refrain from commission of violent crimes or~~
8 ~~delinquent acts,~~

9 ~~d. c.~~ have school work and school records reviewed by
10 mentors designated pursuant to the program,

11 ~~e. d.~~ provide information requested by the Oklahoma State
12 Regents for Higher Education or the State Board of
13 Education, and

14 ~~f. e.~~ participate in program activities.

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

22 3. The contact person shall maintain the agreements, which
23 shall be executed on forms provided by the Oklahoma State Regents
24 for Higher Education and managed according to regulations

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

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

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

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

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-, tenth-, or eleventh-grade
4 students who are enrolled in a public or private school or students
5 between the ages of thirteen (13) and sixteen (16) who are educated
6 by other means who apply for participation in the program in the
7 2021-2022 school year, the federal adjusted gross income of the
8 student's parent(s) exceeds Sixty Thousand Dollars (\$60,000.00) per
9 year;

10 4. Beginning with eighth-, ninth-, tenth-, or eleventh-grade
11 students who are enrolled in a public or private school or students
12 between the ages of thirteen (13) and sixteen (16) who are educated
13 by other means who apply for participation in the program in the
14 2022-2023 school year:

15 a. the federal adjusted gross income of the student's
16 parent(s), who have two or fewer dependent children,
17 exceeds Sixty Thousand Dollars (\$60,000.00) per year,

18 b. the federal adjusted gross income of the student's
19 parent(s), who have three or four dependent children,
20 exceeds Seventy Thousand Dollars (\$70,000.00) per
21 year, or

22 c. the federal adjusted gross income of the student's
23 parent(s), who have five or more dependent children,
24 exceeds Eighty Thousand Dollars (\$80,000.00) per year;

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

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

17 The determination of financial qualification as set forth in
18 paragraphs 5 and 6 of this subsection shall be based on the income
19 of the student, not the income of the parent(s), if a student:

- 20 a. is determined to be independent of the student's
21 parents for federal financial aid purposes,
- 22 b. was in the permanent custody of the Department of
23 Human Services at the time the student enrolled in the
24 program, or

1 c. was in the court-ordered custody of a federally
2 recognized Indian tribe, as defined by the federal
3 Indian Child Welfare Act, at the time the student
4 enrolled in the program.

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

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

23 E. 1. A student who was adopted between birth and twelve (12)
24 years of age while in the permanent custody of the Department of

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

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

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

3 3. Except for students who qualify pursuant to subsection B of
4 Section 2603 of this title, the determination of financial
5 qualification as set forth in this subsection shall be based on the
6 income of the student, not the income of the parent(s), if the
7 student is determined to be independent of the student's parent(s)
8 for federal financial aid purposes. A determination of financial
9 qualification shall not be required for the student who meets the
10 criteria set forth in this subsection at the time the student
11 applies for participation in the program. The provisions of this
12 paragraph shall not apply to any student who has received an
13 Oklahoma Higher Learning Access Program benefit award prior to the
14 2008-2009 school year.

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

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

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- 1 1. Assist the student in achieving compliance with the
2 agreements;
- 3 2. Confer, when requested to do so, with the school contact
4 person, other school personnel, and program mentors;
- 5 3. Provide information requested by the Oklahoma State Regents
6 for Higher Education or the State Board of Education; and
- 7 4. Assist the student in completing forms and reports required
8 for program participation, making applications to institutions and
9 schools of higher learning, and filing applications for student
10 grants and scholarships.

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

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

22 J. The Oklahoma State Regents for Higher Education shall
23 designate personnel to coordinate tracking of program records for
24 the years when students participating in the program are still in

1 the schools or are being educated by other means, provide staff
2 development for contact persons in the schools, and provide liaison
3 with the State Board of Education and local organizations and
4 individuals participating in the program.

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

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

16 SECTION 2. This act shall become effective November 1, 2023.

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