

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 406

By: Brooks

AS INTRODUCED

An Act relating to the Oklahoma Higher Learning Access Program; amending 70 O.S. 2021, Section 2605, as last amended by Section 2, Chapter 274, O.S.L. 2024 (70 O.S. Supp. 2024, Section 2605), which relates to public awareness for the program; directing certain designated individuals to annually evaluate students in certain grades based on certain program eligibility criteria; directing the designated individual to make certain students and their parents aware of certain opportunity; updating statutory references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 2605, as last amended by Section 2, Chapter 274, O.S.L. 2024 (70 O.S. Supp. 2024, Section 2605), is amended to read as follows:

Section 2605. A. Each school year, every fifth- through eleventh-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 eleventh grade shall be apprised, together with the parent, custodial parent, or guardian of the student, of the opportunity for access to higher learning under the

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

6 B. 1. On a form provided by the Oklahoma State Regents for  
7 Higher Education, every public school district shall designate at  
8 least one Oklahoma Higher Learning Access Program contact person,  
9 who shall be a counselor or teacher, at each public school site in  
10 this state in which eighth-, ninth-, tenth-, or eleventh-grade  
11 classes are taught. When requested by the State Regents, the State  
12 Board of Education shall assist the State Regents to ensure the  
13 designation of contact persons. Private schools shall also  
14 designate at least one school official as a contact person. For  
15 students who are educated by other means, a parent or guardian or  
16 other person approved by the State Regents shall be designated the  
17 contact person.

18 2. The individual designated as an Oklahoma Higher Learning  
19 Access Program contact person pursuant to paragraph 1 of this  
20 subsection at each school district in this state shall annually  
21 evaluate students in eighth, ninth, tenth, and eleventh grade based  
22 on the program eligibility criteria set forth in subparagraphs a  
23 through d of paragraph 1 of subsection C of this section. The

1 contact person shall make potentially eligible students and their  
2 parents aware of the opportunity to participate in the program.

3 C. 1. Students who qualify on the basis of financial need  
4 according to subsection D or E of this section or who meet the  
5 eligibility qualification set forth in subparagraph a of paragraph 1  
6 of subsection B of Section 2603 of this title prior to entering the  
7 eleventh grade or prior to reaching the age of sixteen (16) and the  
8 standards and provisions promulgated by the Oklahoma State Regents  
9 for Higher Education shall be given the opportunity throughout the  
10 eighth-, ninth-, tenth-, and eleventh-grade years, for students  
11 enrolled in a public or private school, or between the ages of  
12 thirteen (13) and sixteen (16), for students who are educated by  
13 other means, to enter into participation in the program by agreeing  
14 to, throughout the remainder of their school years or educational  
15 program:

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

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

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

19 D. Except as otherwise provided for in subsection E of this  
20 section and except for students who qualify pursuant to subsection B  
21 of Section 2603 of this title, a student shall not be found to be in  
22 financial need for purposes of the Oklahoma Higher Learning Access  
23 Program if:  
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1 1. Beginning with eighth-, ninth-, or tenth-grade students who  
2 are enrolled in a public or private school or students between the  
3 ages of thirteen (13) and fifteen (15) who are educated by other  
4 means who apply for participation in the program in the 2017-2018  
5 school year, the federal adjusted gross income of the student's  
6 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

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

14 3. Beginning with eighth-, ninth-, tenth-, or eleventh-grade  
15 students who are enrolled in a public or private school or students  
16 between the ages of thirteen (13) and sixteen (16) who are educated  
17 by other means who apply for participation in the program in the  
18 2022-2023 school year:

- 19 a. the federal adjusted gross income of the student's  
20 parent(s), who have two or fewer dependent children,  
21 exceeds Sixty Thousand Dollars (\$60,000.00) per year,
- 22 b. the federal adjusted gross income of the student's  
23 parent(s), who have three or four dependent children,

1 exceeds Seventy Thousand Dollars (\$70,000.00) per  
2 year, or

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

6 4. 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 this paragraph shall be based on the income of the student, not the  
19 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  
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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 of 1978, at the time the  
4 student 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 5. The Oklahoma State Regents for Higher Education shall review  
9 the determination of financial qualification as set forth in  
10 paragraphs 1, 2, and 3 of this subsection if the income from taxable  
11 and nontaxable sources of the student's parent(s) includes income  
12 received from nontaxable military benefits or income received from  
13 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, and 3 of this subsection,  
20 the student shall be determined to have met the financial  
21 qualification set forth in paragraphs 1, 2, and 3 of this  
22 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  
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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 of 1978,  
4 shall not be found to be in financial need for purposes of the  
5 Oklahoma Higher Learning Access Program if at the time the student  
6 begins postsecondary education and prior to receiving any Oklahoma  
7 Higher Learning Access Program benefit award, the federal adjusted  
8 gross income of the student's parent(s) exceeds One Hundred Fifty  
9 Thousand Dollars (\$150,000.00) per year. 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 2012-2013 school 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 of 1978, shall not be found to be in financial need for  
19 purposes of the Oklahoma Higher Learning Access Program if at the  
20 time the student begins postsecondary education and prior to  
21 receiving any Oklahoma Higher Learning Access Program benefit award,  
22 the federal adjusted gross income of the student's parent(s) exceeds  
23 Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions  
24 of this 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. A student who was placed in the custody of the Department of  
4 Human Services at any time during the eighth, ninth, tenth, or  
5 eleventh grades and enrolls in the program no later than his or her  
6 official date of high school graduation shall not be found to be in  
7 financial need for purposes of the Oklahoma Higher Learning Access  
8 Program if the federal adjusted gross income of the student exceeds  
9 Sixty Thousand Dollars (\$60,000.00) per year.

10 4. Except for students who qualify pursuant to subsection B of  
11 Section 2603 of this title, the determination of financial  
12 qualification as set forth in this subsection shall be based on the  
13 income of the student, not the income of the parent(s), if the  
14 student is determined to be independent of the student's parent(s)  
15 for federal financial aid purposes. A determination of financial  
16 qualification shall not be required for the student who meets the  
17 criteria set forth in this subsection at the time the student  
18 applies for participation in the program. The provisions of this  
19 paragraph shall not apply to any student who has received an  
20 Oklahoma Higher Learning Access Program benefit award prior to the  
21 2008-2009 school year.

22 F. The financial qualification of a student as set forth in  
23 subsections D and E of this section shall be certified by the  
24 contact person or by the Oklahoma State Regents for Higher Education  
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1 on the agreement form provided by the Oklahoma State Regents for  
2 Higher Education. The form shall be retained in the permanent  
3 record of the student and a copy forwarded to the Oklahoma State  
4 Regents for Higher Education.

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

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

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

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

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

17 H. 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 I. 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 J. 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 K. 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 State Regents shall keep  
13 the numbers confidential and use them only for administrative  
14 purposes.

15 SECTION 2. This act shall become effective July 1, 2025.

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

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