HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 322

By: Seifried of the Senate

and

McBride and Hefner of the House

COMMITTEE SUBSTITUTE

[ higher education - Oklahoma Higher Education

Tuition Aid Act - Oklahoma Higher Learning Access

Trust Fund - State Regents - effective date -

emergency ]

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 626.7, is

amended to read as follows:

Section 626.7 A college tuition aid grant may be awarded

annually to each eligible, qualified full-time or part-time

undergraduate or graduate student enrolled in a curriculum leading

to a degree or certificate in an institution of collegiate grade or
postsecondary institution providing a program of training to prepare
students for employment in a recognized occupation in Oklahoma
approved or accredited by the Oklahoma State Regents for Higher
Education or appropriate postsecondary agency. Eligible programs of
training shall include comprehensive transition and postsecondary
programs approved by the United States Department of Education.
College tuition aid grants shall be awarded in accordance with the
following:

1. Eligibility. Each full-time or part-time resident student
will shall be eligible to receive a grant in an amount as provided
in paragraph 2 of this section. The Oklahoma State Regents for
Higher Education shall determine by rules and regulations the
maximum number of semesters a student may be eligible for grants.
No student shall be eligible for grants unless the student maintains
such minimum standards of academic performance as are required by
the institution in which the student is enrolled.

In the event a student for any reason ceases to continue to be
enrolled during the course of an academic year, the student shall
cease to be eligible for tuition aid.

2. Amount of grant. The amount of tuition aid grant to any
student under this act for any semester shall represent a percentage
not greater than seventy-five percent (75%) of the tuition and
enrollment fees normally charged to residents of the State of
Oklahoma this state by the institution of attendance. The Oklahoma
State Regents for Higher Education shall determine by rules the annual maximum award amount based on an annual assessment of funds availability.

Financial assistance received under this act will be considered as part of a student’s financial aid package.

SECTION 2. AMENDATORY 70 O.S. 2021, Section 3953.1, is amended to read as follows:

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

B. The State Regents shall utilize said Trust Fund to implement the provisions of Sections 2601 through 2605 of this title and Sections 2 through 4 of this act.

C. The Trust Fund principal shall consist of monies the Legislature appropriates or transfers to the Oklahoma State Regents for Higher Education for the Trust Fund and any monies or assets contributed to the Trust Fund from any other source, public or private. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the State Regents. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.
D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Sections 2601 through 2605 of this title and Sections 2 through 4 of this act. The State Regents may also utilize the Trust Fund principal for the purposes provided in Sections 2601 through 2605 of this title and Sections 2 through 4 of this act. Except as otherwise provided by law, no such income or investment return or principal shall be used for administrative expenses; expenses incurred by the State Regents in the administration of the Trust Fund and of the Oklahoma Higher Learning Access Program established by the Oklahoma Higher Learning Access Act and of the Oklahoma Promise Opportunity Scholarship program established by the Oklahoma Promise Opportunity Scholarship Act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The Regents shall adopt rules for accomplishing transfer of funds from the Oklahoma Higher Learning Access Trust Fund to the appropriate institutional Educational and General Operations Revolving Funds, as provided in Section 3901 of this title, to private institutions, and to the appropriate technology center school district to cover general enrollment fees or tuition for eligible students pursuant to the Oklahoma Higher Learning Access Act and the Oklahoma Promise Opportunity Scholarship Act.
Allocations from the Trust Fund may be made only for the purpose of covering the general enrollment fees or tuition of eligible students. No portion of the Trust Fund may be used or allocated for administrative or operating expenses of any higher education institution or technology center school.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2501 of Title 70, unless there is created a duplication in numbering, reads as follows:

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

B. As used in the Oklahoma Promise Opportunity Scholarship Act:

1. "Board" means the State Board of Education;

2. "Comprehensive transition and postsecondary program for students with intellectual disabilities" or "CTP program" means a degree, certificate, or nondegree program that meets each of the following:

   a. is offered by a state educational institution,

   b. is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at a state educational institution in order to prepare for gainful employment,

   c. includes an advising and curriculum structure,
d. requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with participation focusing on academic components, and occurring through one or more of the following activities:

   (1) regular enrollment in credit-bearing courses with nondisabled students offered by the institution,

   (2) auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit,

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

   (4) participation in internships or work-based training in settings with nondisabled individuals, and

   e. requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible;

3. "Program" means the Oklahoma Promise Opportunity Scholarship program;

4. "State educational institution" means any higher education institution supported wholly or in part by direct legislative
appropriations which provides a comprehensive transition and
postsecondary program for students with intellectual disabilities;

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

6. "Student" means a student with:

   a. a cognitive impairment, characterized by significant
      limitations in intellectual and cognitive functioning
      and adaptive behavior as expressed in conceptual,
      social, and practical adaptive skills, and
   b. who is currently, or was formerly, eligible for a free
      appropriate public education under the federal
      Individuals with Disabilities Education Act.

C. There is hereby created a program to be known as the
"Oklahoma Promise Opportunity Scholarship". The purpose of the
program is to provide an award to eligible students who are pursuing
studies in this state at a CTP program, that will relieve students
from paying nonguaranteed resident tuition at state educational
institutions.

D. A student shall be eligible for the Oklahoma Promise
Opportunity Scholarship program if the student:

1. Meets the definition for student provided in paragraph 6 of
   subsection B of this section;

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

3. Is a United States citizen or lawfully present in the United
States. A student who is not a United States citizen or lawfully
present in the United States shall not be eligible to participate in
the program and qualify for an award notwithstanding the provisions
of Section 3242 of Title 70 of the Oklahoma Statutes;

4. Has a record of satisfactory compliance with agreements
executed pursuant to Section 4 of this act;

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

6. Has completed the curricular requirements for admission to a
state educational institution;

7. Has satisfied admission standards as determined by the State
Regents for first-time-entering students for the appropriate type of
state educational institution;

8. Have secured admission to, and enrolled in, a state
educational institution that meets the requirements to be eligible
for federal student financial aid; and
9. Has established financial need according to the provisions of subsection D of Section 4 of this act and standards and provisions promulgated by the State Regents.

E. To retain eligibility in the program, the student shall:

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

2. Maintain good academic standing and satisfactory academic progress according to standards of the State Regents;

3. Maintain satisfactory academic progress as required for eligibility for federal Title IV student financial aid programs;

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

5. Refrain from conduct that leads to expulsion or suspension of more than one (1) semester from a state educational institution. A student who violates the provisions of this paragraph shall permanently lose eligibility for program benefits.

F. The State Regents shall promulgate rules relating to maintenance of eligibility under the program by a student.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2502 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Subject to the availability of funds, an amount equivalent to the nonguaranteed resident tuition for which an eligible Oklahoma
Promise Opportunity Scholarship program student is obligated at a
state educational institution shall be awarded by allocation from
the Oklahoma Higher Learning Access Trust Fund.

B. Benefits awarded through the program shall be awarded to all
eligible student applicants without any limitation on the number of
awards in any year other than the amount of funds available for the
program and the number of eligible applicants. Subject to the
provisions of subsection D of this section, if funds are not
sufficient to provide awards for all eligible applicants, the State
Regents shall make awards on the basis of need. Provided, the State
Regents may take into consideration other grants and scholarships
received by an eligible applicant when making awards.

C. The State Regents may, at the time an award is made on
behalf of an Oklahoma Promise Opportunity Scholarship program
student, set aside in the Oklahoma Higher Learning Access Trust Fund
funds for the full commitment made to the student. For all academic
years, students who have previously received awards under the
provisions of the Oklahoma Promise Opportunity Scholarship Act, and
who have continued at all times to fulfill the requirements for
eligibility to receive awards provided pursuant to this program,
shall be given an absolute priority for continued financial support
by the Oklahoma Promise Opportunity Scholarship program superior to
any students who are applying for an award for the first time.
SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2503 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each school year, the parent or legal guardian of 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, who meets the definition for student provided in paragraph 6 of subsection B of Section 2 of this act, shall be informed of the opportunity for access to higher learning through the Oklahoma Promise Opportunity Scholarship Act. The State Regents and the State Board of Education shall develop, promote, and coordinate a public awareness program to be utilized in making students and parents aware of the Oklahoma Promise Opportunity Scholarship program.

B. On a form provided by the State Regents, every public school district shall designate at least one (1) Oklahoma Promise Opportunity Scholarship program contact person, who shall be a counselor or teacher, at each public school site in this state in which eighth-, ninth-, tenth-, or eleventh-grade classes are taught. When requested by the State Regents, the Board shall assist the State Regents to ensure the designation of contact persons. Private schools shall also designate at least one (1) school official as a contact person. For students who are educated by other means, a
parent, legal guardian, or other person approved by the State Regents shall be designated the contact person.

C. 1. Students who qualify on the basis of financial need according to subsection D or E of this section prior to entering the eleventh grade or prior to reaching sixteen (16) years of age and who meet the standards and provisions promulgated by the State Regents, shall be given the opportunity throughout the eighth-, ninth-, tenth-, and eleventh-grade years, for students enrolled in a public or private school, or between thirteen (13) and sixteen (16) years of age, for students who are educated by other means, to enter into participation in the program by agreeing, throughout the remainder of their school years or educational program, to:

a. attend school or an educational program regularly, 

b. refrain from substance abuse, 

c. refrain from commission of violent crimes, 

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

e. provide information requested by the State Regents or the Board, and 

f. participate in required program activities. 

2. The contact person shall maintain the agreements, which shall be executed on forms provided by the State Regents and managed according to regulations promulgated by the State Regents, and the contact person shall monitor compliance of the student with the
terms of the agreement. The State Regents are authorized to process student agreements and verify compliance with the agreements. Students failing to comply with the terms of the agreement shall not be eligible for the awards provided in Section 3 of this act.

D. Except as otherwise provided for in subsection E of this section, a student shall not be found to be in financial need for purposes of the Oklahoma Promise Opportunity Scholarship Act if:

1. At the time the student applies for participation in the program during the eighth, ninth, or tenth grade for students enrolled in a public or private school, or between thirteen (13) and fifteen (15) years of age for students who are educated by other means:

   a. the federal adjusted gross income of the student's parent(s), who have two (2) or fewer dependent children, exceeds Sixty-five Thousand Dollars ($65,000.00) per year,

   b. the federal adjusted gross income of the student's parent(s), who have three (3) or four (4) dependent children, exceeds Seventy-five Thousand Dollars ($75,000.00) per year, or

   c. the federal adjusted gross income of the student's parent(s), who have five (5) or more dependent children, exceeds Eighty-five Thousand Dollars ($85,000.00) per year;
2. At the time the student begins postsecondary education and prior to receiving any program award, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Thousand Dollars ($100,000.00) per year; and

3. Prior to receiving any program award for any year during which the student is enrolled in a state educational institution, the federal adjusted gross income of the student's parent(s) exceeds One Hundred Thousand Dollars ($100,000.00) per year.

The determination of financial qualification provided in paragraphs 2 and 3 of this subsection shall be based on the income of the student, not the income of the parent(s), if a student is determined to be independent of the student's parents for federal financial aid purposes, was in the permanent custody of the Department of Human Services at the time the student enrolled in the program, or was in the court-ordered custody of a federally recognized Indian tribe, as defined by the federal Indian Child Welfare Act, at the time the student enrolled in the program.

The State Regents shall review the determination of financial qualification provided in paragraph 1 of this subsection if the income from taxable and nontaxable sources of the student's parent(s) includes income received from nontaxable military benefits or income received from the federal Social Security Administration due to the death or disability of the student's parent(s). If the income from taxable and nontaxable sources of the student's
parent(s), excluding income received from nontaxable military
benefits or income received from the federal Social Security
Administration due to the death or disability of the student's
parent(s), does not exceed the limitations provided in paragraph 1
of this subsection, the student shall be determined to have met the
financial qualification provided in paragraph 1 of this subsection.

E. 1. A student who was adopted between birth and twelve (12)
years of age while in the permanent custody of the Department of
Human Services, in the court-ordered custody of a licensed private
nonprofit child-placing agency, or federally recognized Indian
tribe, as defined by the federal Indian Child Welfare Act, shall not
be found to be in financial need for purposes of the Oklahoma
Promise Opportunity Scholarship Act if at the time the student
begins postsecondary education and prior to receiving any program
award, the federal adjusted gross income of the student's parent(s)
exceeds One Hundred Fifty Thousand Dollars ($150,000.00) per year.

2. A student who was adopted between thirteen (13) and
seventeen (17) years of age while in the permanent custody of the
Department of Human Services, in the court-ordered custody of a
licensed private nonprofit child-placing agency, or federally
recognized Indian tribe, as defined by the federal Indian Child
Welfare Act, shall not be found to be in financial need for purposes
of the program if at the time the student begins postsecondary
education and prior to receiving any program award, the federal
adjusted gross income of the student's parent(s) exceeds Two Hundred Thousand Dollars ($200,000.00) per year.

3. The determination of financial qualification provided in this subsection shall be based on the income of the student, not the income of the parent(s), if the student is determined to be independent of the student's parent(s) for federal financial aid purposes. A determination of financial qualification shall not be required for the student who meets the criteria set forth in this subsection at the time the student applies for participation in the program.

F. The financial qualification of a student provided in subsections D and E of this section shall be certified by the contact person or by the State Regents on the agreement form provided by the State Regents. The form shall be retained in the permanent record of the student and a copy forwarded to the State Regents.

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

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

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

3. Provide information requested by the State Regents or the Board; and
4. Assist the student in completing forms and reports required for program participation, making applications to state educational institutions, and filing applications for student grants and scholarships.

H. The State Regents shall promulgate rules for the determination of student compliance with agreements made pursuant to this section.

I. The State Regents shall designate personnel to coordinate tracking of program records for the years when students participating in the program are still in the schools or are being educated by other means, provide staff development for contact persons in the schools, and provide liaison with the Board and local organizations and individuals participating in the program.

J. The school district where an Oklahoma Promise Opportunity Scholarship program student is enrolled when the student begins participation in the program and any subsequent school district where the student enrolls, shall forward information regarding participation by the student in the program to the school where the student transfers upon request of the school for the student's records.

K. Students participating in the program shall provide their Social Security number or their student identification number used by their school to the State Regents. The State Regents shall keep
the numbers confidential and use them only for administrative purposes.

SECTION 6. This act shall become effective July 1, 2023.

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 04/17/2023 - DO PASS, As Amended and Coauthored.