

SENATE FLOOR VERSION
February 20, 2025
AS AMENDED

SENATE BILL NO. 140

By: Seifried of the Senate

and

Hasenbeck of the House

[Oklahoma Higher Learning Access Program - student agreements - age limits - income eligibility - promulgation of rules - effective date -

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
eighth-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,
either with the parent, custodial parent, or guardian of the
student, of the opportunity for access to higher learning under the
Oklahoma Higher Learning Access Program. The Oklahoma State Regents
for Higher Education and the State Board of Education shall develop,
administer, and coordinate a public awareness program to be utilized in

1 making students and parents aware of the Oklahoma Higher Learning
2 Access Program.

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

14 C. 1. Students who qualify on the basis of financial need
15 according to subsection D or E of this section or who meet the
16 eligibility qualification set forth in subparagraph a of paragraph 1
17 of subsection B of Section 2603 of this title ~~prior to entering the~~
18 ~~eleventh grade no later than December 31 of their twelfth-grade year~~
19 or prior to reaching the age of ~~sixteen (16)~~ seventeen (17) and who
20 qualify on the basis of the standards and provisions promulgated by
21 the Oklahoma State Regents for Higher Education shall be given the
22 opportunity throughout the eighth-, ninth-, tenth-, and eleventh-
23 grade years, and no later than December 31 of the twelfth-grade
24 year, for students enrolled in a public or private school, or

1 between the ages of thirteen (13) and ~~sixteen (16)~~ seventeen (17),
2 for students who are educated by other means, to enter into
3 participation in the program by agreeing to, throughout the
4 remainder of their school years or educational program:

- 5 a. attend school or an educational program regularly and
6 do homework regularly,
- 7 b. refrain from substance abuse,
- 8 c. refrain from commission of crimes or delinquent acts,
- 9 d. have school work and school records reviewed by
10 mentors designated pursuant to the program,
- 11 e. provide information requested by the Oklahoma State
12 Regents for Higher Education or the State Board of
13 Education, and
- 14 f. 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 December 31 of their~~
18 twelfth-grade year or after reaching the age of ~~seventeen (17)~~
19 eighteen (18) shall be given the opportunity prior to reaching the
20 age of twenty-one (21) to enter into participation in the program
21 and shall execute an agreement with provisions as determined by the
22 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 4. The Oklahoma State Regents for Higher Education may provide
10 an exception to the age limits provided for in paragraphs 1 and 2 of
11 this subsection pursuant to subsection L of this section.

12 5. Notwithstanding the provisions of Sections 5-132 and 5-132.1
13 of this title, a student who is age twenty-one (21) or older shall
14 not be eligible to enter into participation in the program.

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

20 1. 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 2. 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 3. 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 4. Beginning with eighth-, ninth-, tenth-, or eleventh-grade
2 students or twelfth-grade students no later than December 31 of
3 their twelfth-grade year who are enrolled in a public or private
4 school or students between the ages of thirteen (13) and seventeen
5 (17) who are educated by other means who apply for participation in
6 the program in the 2025-2026 school year:

- 7 a. the federal adjusted gross income of the student's
8 parent(s), who have two or fewer dependent children,
9 exceeds Sixty Thousand Dollars (\$60,000.00) per year,
10 b. the federal adjusted gross income of the student's
11 parent(s), who have three or four dependent children,
12 exceeds Seventy Thousand Dollars (\$70,000.00) per
13 year, or
14 c. the federal adjusted gross income of the student's
15 parent(s), who have five or more dependent children,
16 exceeds Eighty Thousand Dollars (\$80,000.00) per year;

17 5. Beginning with the 2018-2019 academic year, prior to
18 receiving any Oklahoma Higher Learning Access Program benefit award
19 for any year during which the student is enrolled in an institution
20 which is a member of The Oklahoma State System of Higher Education,
21 a postsecondary vocational-technical program offered by a technology
22 center school that meets the requirements to be eligible for federal
23 student financial aid, or a private institution of higher learning
24 located within this state and accredited pursuant to Section 4103 of

1 this title, the federal adjusted gross income of the student's
2 parent(s) exceeds One Hundred Thousand Dollars (\$100,000.00) per
3 year.

4 The determination of financial qualification as set forth in
5 this paragraph shall be based on the income of the student, not the
6 income of the parent(s), if a student:

- 7 a. is determined to be independent of the student's
8 parents for federal financial aid purposes,
- 9 b. was in the permanent custody of the Department of
10 Human Services at the time the student enrolled in the
11 program, or
- 12 c. was in the court-ordered custody of a federally
13 recognized Indian tribe, as defined by the federal
14 Indian Child Welfare Act of 1978, at the time the
15 student enrolled in the program.

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

19 5. 6. The Oklahoma State Regents for Higher Education shall
20 review the determination of financial qualification as set forth in
21 paragraphs 1, 2, and 3, and 4 of this subsection if the income from
22 taxable and nontaxable sources of the student's parent(s) includes
23 income received from nontaxable military benefits or income received
24 from the federal Social Security Administration due to the death or

1 disability of the student's parent(s). If the income from taxable
2 and nontaxable sources of the student's parent(s), excluding income
3 received from nontaxable military benefits or income received from
4 the federal Social Security Administration due to the death or
5 disability of the student's parent(s), does not exceed the
6 limitations set forth by paragraphs 1, 2, and 3, and 4 of this
7 subsection, the student shall be determined to have met the
8 financial qualification set forth in paragraphs 1, 2, and 3, and 4
9 of this subsection.

10 E. 1. A student who was adopted between birth and twelve (12)
11 years of age while in the permanent custody of the Department of
12 Human Services, in the court-ordered custody of a licensed private
13 nonprofit child-placing agency, or federally recognized Indian
14 tribe, as defined by the federal Indian Child Welfare Act of 1978,
15 shall not be found to be in financial need for purposes of the
16 Oklahoma Higher Learning Access Program if at the time the student
17 begins postsecondary education and prior to receiving any Oklahoma
18 Higher Learning Access Program benefit award, the federal adjusted
19 gross income of the student's parent(s) exceeds One Hundred Fifty
20 Thousand Dollars (\$150,000.00) 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 2. A student who was adopted between thirteen (13) and
2 seventeen (17) years of age while in the permanent custody of the
3 Department of Human Services, in the court-ordered custody of a
4 licensed private nonprofit child-placing agency, or federally
5 recognized Indian tribe, as defined by the federal Indian Child
6 Welfare Act of 1978, shall not be found to be in financial need for
7 purposes of the Oklahoma Higher Learning Access Program if at the
8 time the student begins postsecondary education and prior to
9 receiving any Oklahoma Higher Learning Access Program benefit award,
10 the federal adjusted gross income of the student's parent(s) exceeds
11 Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions
12 of this paragraph shall not apply to any student who has received an
13 Oklahoma Higher Learning Access Program benefit award prior to the
14 2012-2013 school year.

15 3. A student who was placed in the custody of the Department of
16 Human Services at any time during the eighth, ninth, tenth, or
17 eleventh grades and enrolls in the program no later than his or her
18 official date of high school graduation shall not be found to be in
19 financial need for purposes of the Oklahoma Higher Learning Access
20 Program if the federal adjusted gross income of the student exceeds
21 Sixty Thousand Dollars (\$60,000.00) per year.

22 4. Except for students who qualify pursuant to subsection B of
23 Section 2603 of this title, the determination of financial
24 qualification as set forth in this subsection shall be based on the

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

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

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

- 19 1. Assist the student in achieving compliance with the
20 agreements;
- 21 2. Confer, when requested to do so, with the school contact
22 person, other school personnel, and program mentors;
- 23 3. Provide information requested by the Oklahoma State Regents
24 for Higher Education or the State Board of Education; and

1 4. Assist the student in completing forms and reports required
2 for program participation, making applications to institutions and
3 schools of higher learning, and filing applications for student
4 grants and scholarships.

5 H. The Oklahoma State Regents for Higher Education shall
6 promulgate rules for the determination of student compliance with
7 agreements made pursuant to this section.

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

15 J. The school district where an Oklahoma Higher Learning Access
16 Program student is enrolled when the student begins participation in
17 the program and any subsequent school district where the student
18 enrolls shall forward information regarding participation by the
19 student in the program to a school to which the student transfers
20 upon the request of the school for the records of the student.

21 K. Students participating in the Oklahoma Higher Learning
22 Program shall provide their Social Security number or their
23 student identification number used by their school to the Oklahoma
24 State Regents for Higher Education. The State Regents shall keep

1 the numbers confidential and use them only for administrative
2 purposes.

3 L. The State Regents may provide an exception to the age limits
4 provided for in paragraphs 1 and 2 of subsection C of this section
5 to a student due to hardship circumstances and allow an application
6 to the Oklahoma Higher Learning Access Program for twelfth-grade
7 students enrolled in a public or private school and students who are
8 educated by other means and are in the equivalent of twelfth grade.

9 Provided, however, the exception due to hardship circumstances shall
10 not apply to:

11 1. A student enrolled in a public or private school after the
12 student's official date of high school graduation;

13 2. A student educated by other means who is age nineteen (19)
14 or older; or

15 3. Any student who is age twenty-one (21) or older.

16 The Oklahoma State Regents for Higher Education shall promulgate
17 rules to implement the provisions of this subsection.

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
24 February 20, 2025 - DO PASS