

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 140

By: Seifried

6 AS INTRODUCED

7 An Act relating to the Oklahoma Higher Learning
8 Access Program; amending 70 O.S. 2021, Section 2605,
9 as last amended by Section 2, Chapter 274, O.S.L.
10 2024 (70 O.S. Supp. 2024, Section 2605), which
11 relates to student agreements; extending time period
12 for eligible students to enter into an agreement to
13 participate in the program; allowing the Oklahoma
14 State Regents for Higher Education to provide an
15 exception to certain age limits; prohibiting students
16 who are certain age or older from being eligible to
enter into participation; providing income
eligibility for certain students who apply for
participation beginning in certain school year;
updating statutory references; allowing the State
Regents to provide an exception to certain age limits
under certain circumstances; providing for
promulgation of rules; updating statutory language;
providing an effective date; and declaring an
emergency.

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

19 SECTION 1. AMENDATORY 70 O.S. 2021, Section 2605, as

20 last amended by Section 2, Chapter 274, O.S.L. 2024 (70 O.S. Supp.
21 2024, Section 2605), is amended to read as follows:

22 Section 2605. A. Each school year, every fifth- through
23 eleventh-grade student in the public and private schools of this
24 state and students who are educated by other means and are in the

1 equivalent of the fifth through eleventh grade shall be apprised,
2 together with the parent, custodial parent, or guardian of the
3 student, of the opportunity for access to higher learning under the
4 Oklahoma Higher Learning Access Program. The Oklahoma State Regents
5 for Higher Education and the State Board of Education shall develop,
6 promote, and coordinate a public awareness program to be utilized in
7 making students and parents aware of the Oklahoma Higher Learning
8 Access Program.

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

20 C. 1. Students who qualify on the basis of financial need
21 according to subsection D or E of this section or who meet the
22 eligibility qualification set forth in subparagraph a of paragraph 1
23 of subsection B of Section 2603 of this title ~~prior to entering the~~
24 ~~eleventh grade no later than December 31 of their twelfth-grade year~~

1 or prior to reaching the age of ~~sixteen~~ (16) seventeen (17) and who
2 qualify on the basis of the standards and provisions promulgated by
3 the Oklahoma State Regents for Higher Education shall be given the
4 opportunity throughout the eighth-, ninth-, tenth-, and eleventh-
5 grade years, and no later than December 31 of the twelfth-grade
6 year, for students enrolled in a public or private school, or
7 between the ages of thirteen (13) and ~~sixteen~~ (16) seventeen (17),
8 for students who are educated by other means, to enter into
9 participation in the program by agreeing to, throughout the
10 remainder of their school years or educational program:

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

21 2. Students who meet the eligibility qualification set forth in
22 subparagraph a of paragraph 1 of subsection B of Section 2603 of
23 this title after ~~completing the eleventh grade~~ December 31 of their
24 twelfth-grade year or after reaching the age of ~~seventeen~~ (17)

1 eighteen (18) shall be given the opportunity prior to reaching the
2 age of twenty-one (21) to enter into participation in the program
3 and shall execute an agreement with provisions as determined by the
4 Oklahoma State Regents for Higher Education.

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

15 4. The Oklahoma State Regents for Higher Education may provide
16 an exception to the age limits provided for in paragraphs 1 and 2 of
17 this subsection pursuant to subsection L of this section.

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

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

3 1. Beginning with eighth-, ninth-, or tenth-grade students who
4 are enrolled in a public or private school or students between the
5 ages of thirteen (13) and fifteen (15) who are educated by other
6 means who apply for participation in the program in the 2017-2018
7 school year, the federal adjusted gross income of the student's
8 parent(s) exceeds Fifty-five Thousand Dollars (\$55,000.00) per year;

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

16 3. Beginning with eighth-, ninth-, tenth-, or eleventh-grade
17 students who are enrolled in a public or private school or students
18 between the ages of thirteen (13) and sixteen (16) who are educated
19 by other means who apply for participation in the program in the
20 2022-2023 school year:

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

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

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

8 4. Beginning with eighth-, ninth-, tenth-, or eleventh-grade

9 students or twelfth-grade students no later than December 31 of
10 their twelfth-grade year who are enrolled in a public or private
11 school or students between the ages of thirteen (13) and seventeen
12 (17) who are educated by other means who apply for participation in
13 the program in the 2025-2026 school year:

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

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

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

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

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

- 15 a. is determined to be independent of the student's
16 parents for federal financial aid purposes,
- 17 b. was in the permanent custody of the Department of
18 Human Services at the time the student enrolled in the
19 program, or
- 20 c. was in the court-ordered custody of a federally
21 recognized Indian tribe, as defined by the federal
22 Indian Child Welfare Act of 1978, at the time the
23 student enrolled in the program.

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

4 5. 6. The Oklahoma State Regents for Higher Education shall
5 review the determination of financial qualification as set forth in
6 paragraphs 1, 2, and 3, and 4 of this subsection if the income from
7 taxable and nontaxable sources of the student's parent(s) includes
8 income received from nontaxable military benefits or income received
9 from the federal Social Security Administration due to the death or
10 disability of the student's parent(s). If the income from taxable
11 and nontaxable sources of the student's parent(s), excluding 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), does not exceed the
15 limitations set forth by paragraphs 1, 2, and 3, and 4 of this
16 subsection, the student shall be determined to have met the
17 financial qualification set forth in paragraphs 1, 2, and 3, and 4
18 of this subsection.

19 E. 1. A student who was adopted between birth and twelve (12)
20 years of age while in the permanent custody of the Department of
21 Human Services, in the court-ordered custody of a licensed private
22 nonprofit child-placing agency, or federally recognized Indian
23 tribe, as defined by the federal Indian Child Welfare Act of 1978,
24 shall not be found to be in financial need for purposes of the

1 Oklahoma Higher Learning Access Program if at the time the student
2 begins postsecondary education and prior to receiving any Oklahoma
3 Higher Learning Access Program benefit award, the federal adjusted
4 gross income of the student's parent(s) exceeds One Hundred Fifty
5 Thousand Dollars (\$150,000.00) per year. The provisions of this
6 paragraph shall not apply to any student who has received an
7 Oklahoma Higher Learning Access Program benefit award prior to the
8 2012-2013 school year.

9 2. A student who was adopted between thirteen (13) and
10 seventeen (17) years of age while in the permanent custody of the
11 Department of Human Services, in the court-ordered custody of a
12 licensed private nonprofit child-placing agency, or federally
13 recognized Indian tribe, as defined by the federal Indian Child
14 Welfare Act of 1978, shall not be found to be in financial need for
15 purposes of the Oklahoma Higher Learning Access Program if at the
16 time the student begins postsecondary education and prior to
17 receiving any Oklahoma Higher Learning Access Program benefit award,
18 the federal adjusted gross income of the student's parent(s) exceeds
19 Two Hundred Thousand Dollars (\$200,000.00) per year. The provisions
20 of this paragraph shall not apply to any student who has received an
21 Oklahoma Higher Learning Access Program benefit award prior to the
22 2012-2013 school year.

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

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

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

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

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

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

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

9 4. Assist the student in completing forms and reports required
10 for program participation, making applications to institutions and
11 schools of higher learning, and filing applications for student
12 grants and scholarships.

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

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

23 J. The school district where an Oklahoma Higher Learning Access
24 Program student is enrolled when the student begins participation in

1 the program and any subsequent school district where the student
2 enrolls shall forward information regarding participation by the
3 student in the program to a school to which the student transfers
4 upon the request of the school for the records of the student.

5 K. Students participating in the Oklahoma Higher Learning
6 Access Program shall provide their Social Security number or their
7 student identification number used by their school to the Oklahoma
8 State Regents for Higher Education. The State Regents shall keep
9 the numbers confidential and use them only for administrative
10 purposes.

11 L. The State Regents may provide an exception to the age limits
12 provided for in paragraphs 1 and 2 of subsection C of this section
13 to a student due to hardship circumstances and allow an application
14 to the Oklahoma Higher Learning Access Program for twelfth-grade
15 students enrolled in a public or private school and students who are
16 educated by other means and are in the equivalent of twelfth grade.
17 Provided, however, the exception due to hardship circumstances shall
18 not apply to:

- 19 1. A student enrolled in a public or private school after the
20 student's official date of high school graduation;
- 21 2. A student educated by other means who is age nineteen (19)
22 or older; or
- 23 3. Any student who is age twenty-one (21) or older.

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

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

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

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