

An Act

ENROLLED HOUSE
BILL NO. 3792

By: Hefner, McBride, Deck,
Pittman, Schreiber, Swope
and Munson of the House

and

Seifried and Kirt of the
Senate

An Act relating to higher education; creating the Oklahoma Access and Achievement Act; defining terms; creating the Oklahoma Access and Achievement Program; providing purpose of program; providing for award amount; providing eligibility criteria for program; providing retention eligibility criteria for program; providing for promulgation of rules; providing for calculation of scholarship program award to be allocated from certain fund; directing benefits to be awarded to certain eligible applicants subject to availability of funding and the number of eligible applicants; directing the Oklahoma State Regents for Higher Education to make awards on a certain basis if certain funds are insufficient; allowing the State Regents to take into consideration certain grants and scholarships; prohibiting award from being allowed for certain courses or units taken after certain period of time; allowing award for certain courses or units taken after certain period of time under certain circumstances; allowing the State Regents to set aside certain funds for certain full commitment; directing priority to be given to certain continued support; providing for calculation of financial need; amending 70 O.S. 2021, Section 3953.1, which relates to the Oklahoma Higher Learning Access Trust Fund; updating statutory language; expanding use of fund for certain purpose; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Higher education

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

SECTION 1. 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 Access and Achievement Act".

B. As used in this act:

1. "CTP program" means a degree, certificate, or nondegree program that:

- a. is offered by an institution of higher education or a technology center school,
- b. is delivered to students physically attending the institution of higher education or technology center school,
- c. is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education or technology center school to prepare for gainful employment,
- d. includes an advising and curriculum structure,
- e. requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution of higher education or technology center school, 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 of higher education or technology center school,
 - (2) auditing or participating in courses with nondisabled students offered by the institution

for higher education or technology center school 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 persons,
- f. requires students with intellectual disabilities to be socially and academically integrated with nondisabled students to the maximum extent possible, and
 - g. is approved by the United States Department of Education pursuant to Public Law 110-315, the Higher Education Opportunity Act, as amended;

2. "Eligible student" means a student with an intellectual disability who is eligible for the scholarship program;

3. "Scholarship program" means the Oklahoma Access and Achievement Program;

4. "State educational institution" means an institution of higher education or technology center school supported wholly or in part by direct legislative appropriations that provides a CTP program;

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

6. "Student with an intellectual disability" means a student:

- a. with 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 Individuals with Disabilities Education Act (IDEA), including a student who was determined eligible for special education or related services under IDEA but attended a private school or was educated pursuant to the other

means of education exception provided for in subsection A of Section 10-105 of Title 70 of the Oklahoma Statutes.

C. There is hereby created a program to be known as the Oklahoma Access and Achievement Program. The purpose of the program is to provide an award to eligible students with intellectual disabilities who are pursuing studies in this state at a CTP program. The award shall be an amount equal to the nonguaranteed resident tuition at an institution of higher education or the tuition at a technology center school.

D. A student with an intellectual disability shall be eligible for the Oklahoma Access and Achievement Program if the student:

1. 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 authorized by Section 5-117.1 of Title 70 of the Oklahoma Statutes;

2. 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 scholarship program and qualify for an award;

3. 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;

4. Has secured admission to and enrolled in a CTP program at a state educational institution that meets the requirements to be eligible for federal student financial aid; and

5. Has established financial need according to the provisions of Section 3 of this act and standards and provisions promulgated by the State Regents.

E. To retain eligibility in the scholarship program, a student with an intellectual disability shall:

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

2. Maintain satisfactory academic progress as required by the CTP program criteria;

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

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

F. The State Regents shall promulgate rules relating to the establishment and maintenance of eligibility under the scholarship program.

SECTION 2. 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 at an institution of higher education or the tuition at a technology center school where the eligible student is enrolled in a CTP program shall be awarded by allocation from the Oklahoma Higher Learning Access Trust Fund created pursuant to Section 3953.1 of Title 70 of the Oklahoma Statutes.

B. Benefits awarded through the scholarship 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 scholarship program and the number of eligible student applicants. Subject to the provisions of subsection C of this section, if funds are not sufficient to provide awards for all eligible student applicants, the Oklahoma State Regents for Higher Education shall make awards on the basis of need. Provided, the State Regents may take into consideration other grants and scholarships received by an eligible student applicant when making awards.

C. An award provided by this section shall not be allowed for courses or other postsecondary units taken more than five (5) years after the eligible student's first semester of postsecondary enrollment. The State Regents may award the scholarship program benefits for courses or other postsecondary units taken more than

five (5) years after the eligible student's first semester of postsecondary enrollment only in hardship circumstances; provided, however, no eligible student may receive benefits beyond a cumulative time period of five (5) years.

D. The State Regents may, at the time an award is made on behalf of an eligible 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 Access and Achievement Act and who have continued at all times to fulfill the requirements for eligibility to receive awards provided pursuant to the scholarship program shall be given an absolute priority for continued financial support by the scholarship program above any students who are applying for an award for the first time.

SECTION 3. 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. Except as otherwise provided in subsection B of this section, a student with an intellectual disability shall not be found to be in financial need for purposes of the Oklahoma Access and Achievement Act if prior to receiving any scholarship program award for any year during which the student is enrolled in a CTP program at a state educational institution, the federal adjusted gross income of the student's parents or legal guardians exceeds One Hundred Thousand Dollars (\$100,000.00) per year. The determination of financial qualification provided in this subsection shall be based on the income of the student, not the income of the parents or legal guardians, if a student is determined to be independent of his or her parents or legal guardians for federal financial aid purposes.

B. 1. A student with an intellectual disability 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 Access and Achievement Act if, prior to receiving any scholarship program award for any year during which the student is enrolled in a CTP program at a state educational institution, the federal adjusted gross income of

the student's parents exceeds One Hundred Fifty Thousand Dollars (\$150,000.00) per year.

2. A student with an intellectual disability 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 Oklahoma Access and Achievement Act if, prior to receiving any scholarship program award for any year during which the student is enrolled in a CTP program at a state educational institution, the federal adjusted gross income of the student's parents exceeds Two Hundred Thousand Dollars (\$200,000.00) per year.

3. The determination of financial qualification provided for in this subsection shall be based on the income of the student, not the income of the student's parents, if the student is determined to be independent of the student's parents for federal financial aid purposes.

SECTION 4. 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 the~~ the Trust Fund.

B. The State Regents shall utilize ~~said the~~ the Trust Fund to implement the provisions of Sections 2601 through 2605 of this title and Sections 1 through 3 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 the~~ the fund are hereby appropriated and may be budgeted and expended by the State Regents. Expenditures from ~~said the~~ the 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.

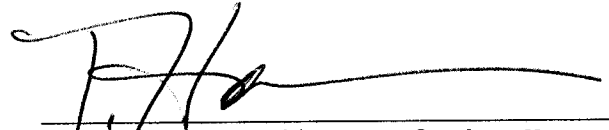
D. Notwithstanding other provisions of law, income and investment return on Trust Fund principal shall accrue to the Trust Fund for use as provided by authorization of the trustees for the purposes provided in Sections 2601 through 2605 of this title and Sections 1 through 3 of this act. The State Regents may also utilize the Trust Fund principal for the purposes provided in Sections 2601 through 2605 of this title and Sections 1 through 3 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 the Oklahoma Access and Achievement Program established by the Oklahoma Access and Achievement Act shall be paid from monies appropriated to the State Regents coordinating board for their general operating budget.

E. The State 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 Access and Achievement 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 5. This act shall become effective July 1, 2024.

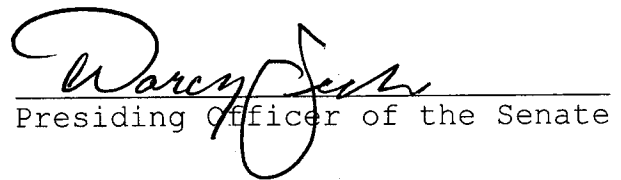
SECTION 6. It being immediately necessary for the preservation of the public peace, health, or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 16th day of May, 2024.



Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2024.



Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

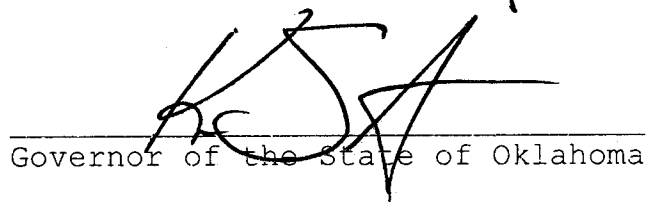
Received by the Office of the Governor this 20

day of May, 20 24, at 1:59 o'clock P. M.

By: Teri Stabel

Approved by the Governor of the State of Oklahoma this 21

day of May, 20 24, at 2:06 o'clock P. M.



Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st

day of May, 20 24, at 4:48 o'clock P. M.

By: [Signature]