

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS
SUBCHAPTER 23. OKLAHOMA HIGHER LEARNING ACCESS PROGRAM

610:25-23-2. Eligibility of participants [AMENDED]

Eligibility to participate in the program must be established by both the student and his/her parent(s), custodial parent(s), or guardian(s). Students enrolled in the eighth, ninth ~~or tenth grade~~, tenth, or eleventh grade at a public or private school and whose parents' income meets the financial need criteria are eligible to apply to become a program participant. Students educated by other means who are between the ages of thirteen (13) and ~~fifteen (15)~~ sixteen (16) are eligible to apply to become a program participant. Eligibility requirements to participate in the program include the following:

- (1) The student must be a resident of the state of Oklahoma or be 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; and
- (2) The student's parent(s), custodial parent(s), or guardian(s) must establish financial need.
 - (A) To meet the program's financial need criteria, the income of the student's parent(s) from taxable and nontaxable sources shall not exceed \$50,000 per year at the time the student applies for participation in the program. Beginning in 2017-2018, the federal adjusted gross income of the student's parent(s) shall not exceed \$55,000 per year at the time the student applies for participation in the program. Beginning in 2021-2022, the federal adjusted gross income of the student's parent(s) shall not exceed \$60,000 per year at the time the student applies for participation in the program. A student who was adopted 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 subject to the determination of financial qualification at the time the student applies for participation in the program.
 - (B) Parents of students making application to the program must use one of the following options to establish financial need eligibility:
 - (i) Documentation of their most recent calendar (tax) year income. Parents of ~~tenth grade~~ eleventh-grade applicants may use the calendar (tax) year income that coincides with the spring semester of the ~~tenth grade~~ eleventh grade if the application is submitted by the required deadline; or
 - (ii) Documentation of current yearly income from an officially approved application for free or reduced price school meals or other state or federal means-tested programs as determined by the State Regents. The State Regents may limit use of this option to pilot projects as determined by the State Regents. If requested by the State Regents, parents may be required to provide additional documentation of income.
 - (iii) The Oklahoma State Regents for Higher Education shall review the determination of financial need eligibility of the student as set forth in section (2)(A) above 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 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 set forth in section (2)(A) above, the student shall be determined to have met the financial need eligibility [70 O.S. § 2605(D)(6)]
 - (C) For students that are subject to court-ordered joint custody arrangements, the OSRHE shall use guidelines consistent with regulations for federal Title IV student financial aid programs to determine which parent(s) shall meet the financial need criteria.

610:25-23-4. Program requirements [AMENDED]

(a) Students shall agree to abide by the following provisions throughout the remainder of their school years or educational program:

- (1) Attend school regularly and to do homework regularly, meaning the student was in attendance at least eighty percent (80%) of each school year, excluding absences excused by the school;
- (2) Refrain from substance abuse, meaning the student was not adjudicated delinquent as a juvenile nor convicted of a crime as an adult by a court of law for an offense involving a controlled dangerous substance, as defined by 63 O.S. § 2-101(8);
- (3) Refrain from commission of crimes or delinquent acts, meaning the student was not adjudicated delinquent as a juvenile nor convicted of a crime as an adult by a court of law;
- (4) Have school work and school records reviewed by mentors designated pursuant to the program;
- (5) Provide information requested by the Oklahoma State Regents for Higher Education [OSRHE] or the State Board of Education; and
- (6) Participate in program activities. [70 O.S. § 2605]

(b) The student's parent(s), custodial parent(s), or guardian(s) shall witness the student's agreement and 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 OSRHE or the State Board of Education; and
- (4) Assist the student in completing forms and reports required for program participation, making application to institutions and schools of higher learning, and filing applications for student grants and scholarships. [70 O.S. § 2605]

(c) Students must complete the following 17-unit core curriculum with a minimum 2.50 grade-point-average (GPA) on a 4.00 grading scale, by the time they graduate from high school. For the purpose of calculating the required core curriculum GPA, core courses in English, lab science, mathematics, history and citizenship skills, foreign or non-English language, computer technology, or "additional" subject areas must be transcribed with a letter grade that has a corresponding numerical value. If the school district assigns a course a grade of "pass" without a numerical value, the OSRHE will assign a letter grade of "D" or the lowest passing grade that the high school assigns to courses. If the required one unit, year, or set of competencies in fine arts (music, art, or drama) or speech is fulfilled on a pass/fail or competency basis, the course(s) will be accepted and excluded from the required core curriculum GPA calculation. The Chancellor may approve exceptions to the grading policy for pass/fail courses for extraordinary circumstances.

- (1) Four units, or years, of English (grammar, composition, literature; should include an integrated writing component);
- (2) Three units, or years, of lab science (biology, chemistry, physics, or any lab science certified by the school district; general science with or without a lab may not be used to meet this requirement);
- (3) Three units, or years, of mathematics (Algebra I, Algebra II, geometry, trigonometry, math analysis, pre-calculus, statistics and probability [must have completed geometry and Algebra II], calculus, Advanced Placement Statistics);
- (4) Three units, or years of history and citizenship skills (1 unit of American history and 2 units from the subjects of history, economics, geography, government and/or non-Western culture);
- (5) Two units, or years, of a foreign or non-English language (both units, or years, of the same language), or Two units, or years, of computer technology (courses in programming, hardware, and business computer applications such as word processing, databases, spreadsheets and graphics will qualify; keyboarding and typing classes do not qualify);
- (6) One additional unit, or year, of subjects listed above, or any Advanced Placement course, psychology, sociology, or any concurrent liberal arts and sciences course at a State System institution that is not being used to fulfill any curricular requirement previously listed. ~~any Advanced Placement~~

course except AP courses in applied fine arts (art history and music theory will count; studio art courses will not count);

- (7) One unit, year, or set of competencies of fine arts (music, art, or drama) or speech.
- (d) The program curricular requirements for English, science, mathematics, history and citizenship skills are identical with the curricular requirements for college admission set by the OSRHE. Any change by the OSRHE to the curricular requirements for college admission shall also apply to the program curricular requirements.
- (e) Advanced students who complete core courses in earlier grades will not be required to take additional courses for purposes of the requirements of this program.
- (f) Strict parameters regulate the substitution of applied courses (OSRHE policy on Institutional Admission and Retention).
- (g) Exceptions to the required core curriculum will be considered according to the following:
 - (1) Students attending schools, or homeschool students participating in other educational programs, which do not offer all the core curriculum courses will be allowed to satisfy the requirements subject to the following provisions:
 - (A) Core curriculum requirements which are also required for regular college admission (OSRHE policy on Institutional Admission and Retention) will be subject to the OSRHE Policy on Remediation and Removal of High School Curricular Deficiencies.
 - (B) Any other core curriculum requirements must be satisfied during the first twenty-four (24) hours of college coursework. Any exceptions to the twenty-four (24) hour limitation must be requested in writing and shall be subject to approval by the Chancellor.
 - (2) Students who have documented proficiency in a non-English language equivalent to at least two (2) units of high school study may be exempted from the requirement of two (2) units of a foreign or non-English language.
 - (3) Any other requests for exceptions to the core curriculum requirement must be submitted in writing to the Chancellor. Upon approval of the exception, the student may be eligible for program benefits; provided, such approval may require the satisfaction of any core curriculum requirements omitted in high school or other educational program.
- (h) Students must attain a minimum 2.50 cumulative GPA on a 4.00 grading scale for all work attempted in grades nine through twelve.
- (i) Homeschool students and students graduating from a high school not accredited by the State Board of Education must achieve a composite score of 22 or higher on the ACT test or the equivalent SAT test score. Only ACT scores reported by ACT for tests-administered prior to the student's high school graduation will be considered. Beginning September 1, 2020, all test scores reported by ACT, including "superscores" as defined by ACT, will be considered. Scores from ACT residual tests will not be considered except under extraordinary circumstances as determined and approved by the Chancellor. SAT test scores will be considered in a manner comparable to ACT test scores.

610:25-23-7. Payment of awards; policies and limitations [AMENDED]

- (a) Eligible students enrolled at an institution in The Oklahoma State System of Higher Education shall have an award equivalent to their undergraduate resident nonguaranteed tuition paid to the institution on the student's behalf by an allocation from the Oklahoma Higher Learning Trust Fund [70 O.S. § 3953.1];
- (b) Eligible students enrolled in a duly accredited private Oklahoma institution of higher education [70 O.S. § 4103] shall have awards paid to the institution on the student's behalf by an allocation from the Oklahoma Higher Learning Access Trust Fund in an amount equivalent to the average undergraduate resident nonguaranteed tuition if the student were enrolled in a comparable institution of The Oklahoma State System of Higher Education. Comparability of institutions shall be determined by the OSRHE;
- (c) Eligible students enrolled in a postsecondary career technology program that meets the requirements to be eligible for federal student financial aid and is offered by a technology center school supervised by the State Board of Career and Technology Education ~~through a cooperative agreement between a public technology center and an institution of The Oklahoma State System of Higher Education~~ shall have an

award equivalent to tuition paid, not exceeding the average amount the student would have received for comparable enrollment at a two-year institution within The Oklahoma State System of Higher Education, to the school or institution on the student's behalf by an allocation from the Oklahoma Higher Learning Access Trust Fund;

(d) Funds shall be transferred by the OSRHE from the Oklahoma Higher Learning Access Trust Fund to the institution in which the student is enrolled. No funds shall be paid directly to the student;

(e) Payment will not be allowed for courses taken in excess of those required for a baccalaureate degree;

(f) Beginning with students graduating high school in 2017-2018 and thereafter, payment will be limited to 129 semester credit hours, or the equivalent, except as provided in the following. Students enrolled in a baccalaureate degree program that requires in excess of 129 semester credit hours or the equivalent, may receive payment for the number of semester credit hours required by the degree program. Students without a baccalaureate degree who are enrolled in a first professional degree program that does not require completion of a baccalaureate degree and that requires in excess of 129 semester credit hours or the equivalent, may receive payment for the number of semester credit hours required by the degree program up to a maximum of 150 semester credit hours or the equivalent. The Chancellor may approve exceptions to the limit for extraordinary or hardship circumstances including, but not limited to, sickness and injury.

(g) Students will be eligible for the benefits outlined in this policy for five (5) years from the first date of postsecondary enrollment. The Oklahoma State Regents for Higher Education may award the Oklahoma Higher Learning Access Program benefits for courses of postsecondary units taken more than five (5) years after the student's first semester of postsecondary enrollment only in hardship circumstances; provided, however, no Oklahoma Higher Learning Access Program participant may receive benefits beyond a cumulative time period of five (5) years [70 O.S. § 2604]. Hardship circumstances may include, but are not limited to, sickness, injury, required military service, or service required by the student's religious or cultural traditions;

(h) There will be no limit to the number of awards other than the amount of funds available or the number of eligible students. If sufficient funds are not available to provide awards for all eligible applicants, the OSRHE shall make awards on the basis of need;

(i) Students who have previously received awards shall have priority over students applying for initial awards;

(j) The Oklahoma State Regents for Higher Education shall take into consideration other grants and scholarships received by an eligible applicant when making awards [70 O.S. § 2604]. Award recipients may not receive financial aid in excess of his/her cost of attendance as determined by the institution in which the student is enrolled. The cost of attendance determined by the institution shall be consistent with regulations for federal Title IV student financial aid programs. If necessary, an award shall be reduced by an amount which makes the student's total financial aid equivalent to the student's identified cost of attendance.

(k) Beginning with the 2018-2019 academic year, an award shall not include payment for non-credit remedial courses.

(l) If a student withdraws from a class in which he or she has received an award from the Oklahoma Higher Learning Access Program, the awarded funds shall be returned to the Oklahoma Higher Learning Access Program. This provision shall only apply to awarded funds when the student withdraws prior to the end of the add/drop period for the session in which the student is enrolled.

610:25-23-8. Administrative responsibilities [AMENDED]

The Oklahoma Higher Learning Access Act established administrative roles and responsibilities for the Oklahoma State Regents for Higher Education (OSRHE) and the State Board of Education.

(1) Every public school district shall designate at least one contact person at each Oklahoma public school site in which eighth, ninth- ~~or tenth-grade~~, tenth- or eleventh-grade classes are taught. When requested by the OSRHE, the State Board of Education shall assist the OSRHE to ensure the designation of contact persons. Private schools shall also designate at least one school official as a

contact person. For students who are educated by other means, a parent or guardian or other person approved by the OSRHE shall be designated as the contact person. [70 O.S. § 2605]

(A) The contact person shall be responsible for processing student applications for the program according to the rules and regulations established by the OSRHE.

(B) The contact person shall maintain the agreements, which shall be executed on forms provided by the OSRHE.

(C) The local contact person shall:

(i) monitor the student's compliance with the terms of the agreement;

(ii) document transfer out of state, death, and other conditions; and

(iii) report on circumstances of noncompliance to the OSRHE.

(D) Compliance or noncompliance with the program requirements for attending school regularly [610:25-23-4(a)(1)], refraining from substance abuse [610:25-23-4(a)(2)], and refraining from criminal or delinquent acts [610:25-23-4(a)(3)] shall be reported to the OSRHE by the local school district.

(E) The local district contact person shall report program participants who transfer into or out of the district to the OSRHE and identify the local education agency (LEA) and site from which or to which the student transferred.

(F) Beginning in April of the student's year of graduation, the local contact person shall gather from the program participants and his/her records, information which substantiates whether or not the program requirements have been met.

(G) The student's program verification form should be completed, signed, dated, and forwarded to the OSRHE as soon after the student's graduation as possible.

(2) The local school district where an Oklahoma Higher Learning Access Program student is attending when the student begins participation in the program and any subsequent school district where the student attends shall forward information regarding the student's participation in the program to a school to which the student transfers upon the school's request for the student's records. [70 O.S. § 2605]

(3) The Oklahoma State Regents for Higher Education shall:

(A) designate personnel to coordinate tracking of program records for the years when students participating in the program are still in the public schools, provide staff development for contact persons in the public schools, and provide liaison with the State Board of Education and local organizations and individuals participating in the program [70 O.S. § 2605];

(B) coordinate and develop policies and procedures to implement the Oklahoma Higher Learning Access Act;

(C) coordinate the publication and distribution of program awareness information and materials;

(i) Each school year, every fifth- through ~~ninth-grade~~ eleventh-grade student in the public and private schools of Oklahoma and students educated by other means who are in the equivalent of the fifth through ~~ninth~~ eleventh grade shall be apprised, together with his/her parents, custodial parent, or guardian, of the student's opportunity for access to higher learning under the Oklahoma Higher Learning Access Program [70 O.S. § 2605];

(ii) The OSRHE 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 program [70 O.S. § 2605];

(D) coordinate the provision of technical assistance to local school districts and individual participants;

(E) administer the Oklahoma Higher Learning Access Trust Fund;

(F) process applications submitted directly to the OSRHE;

(G) determine final eligibility for the program award.

610:25-23-9. "Heroes Promise" [AMENDED]

HB 1343 of the 2011 Oklahoma legislative session amended the Oklahoma Higher Learning Access Act to authorize certain persons to participate in the Oklahoma Higher Learning Access Program and to qualify for the program benefits. This category of program participation shall be referred to as the "Heroes Promise" program. Except as otherwise provided in this section, the administrative rules of the Oklahoma Higher Learning Access Program shall apply to participants in the Heroes Promise program.

(1) Eligibility: A student shall be eligible to participate in the Heroes Promise program if the student meets the following criteria:

(A) The student is a child of any person killed after January 1, 2000, in the line of duty in any branch of the United States Armed Forces or who died after January 1, 2000, as a result of an injury sustained while in the line of duty in any branch of the United States Armed Forces and the person who was killed or died filed an individual or joint Oklahoma income tax return for the tax year prior to the year during which the person was killed or died.

(B) The student is a resident of Oklahoma or is 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.

(C) The student executes an agreement to participate in the program.

(2) Application and Enrollment:

(A) Eligible students enrolled in a public or private school in the eighth-, ninth-, ~~or tenth-grade,~~ tenth-, or eleventh-grade and eligible students educated by other means between the ages of thirteen (13) and ~~sixteen (16)~~ seventeen (17) may apply to participate in the program.

(B) Eligible students who have completed the ~~tenth~~ eleventh grade or who have reached age ~~sixteen (16)~~ seventeen (17) shall be given the opportunity to apply to participate in the program prior to reaching the age of twenty-one (21).

(C) An eligible student shall not be required to establish financial need as described in 610:25-23-2(2).

(D) To apply, the student and/or their parent, custodial parent, or guardian shall submit appropriate documentation of eligibility including, but not limited to:

(i) A copy of an individual or joint Oklahoma income tax return filed by the parent of the student for the tax year prior to the year during which the parent was killed or died.

(ii) Documentation of the parent's death after January 1, 2000 while in the line of duty or as a result of injury sustained while in the line of duty in any branch of the United States Armed Forces.

(iii) Documentation that the student is a resident of Oklahoma or is 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) Exemption from Oklahoma Higher Learning Access Program Requirements: Students eligible for the Heroes Promise program shall not be subject to the program requirements contained in 610:25-23-4 (Program requirements).

(4) Securing Program Benefits: An eligible student may qualify for a Heroes Promise award which includes payment of an amount equivalent to resident tuition or other tuition pursuant to Section 2604 of Title 70 of the Oklahoma Statutes for the first semester or other academic unit of postsecondary enrollment if the student meets the following criteria:

(A) The student has satisfied admission standards as determined by the Oklahoma State Regents for Higher Education for first-time-entering students for the appropriate type of institution, or, if attending a private institution, has satisfied admission standards as determined by the private institution. No student participating in the Heroes Promise program shall be admitted into an institution of higher education by special admission standards.

(B) The student has secured admission to, and, prior to reaching the age of twenty-one (21), has enrolled in an institution which is a member of The Oklahoma State System of Higher Education,

a postsecondary career technology program that meets the requirements to be eligible for federal student financial aid and is offered by a technology center school supervised by the State Board of Career and Technology Education, or a private institution of higher learning located within this state and accredited pursuant to Section 4103 of Title 70 of the Oklahoma Statutes. The Oklahoma State Regents for Higher Education may award the Heroes Promise benefit for a student's first semester or other academic unit of postsecondary enrollment taken after the student turns twenty-one (21) years of age if the student is a member of the Armed Forces of the United States, the Reserve Corps of the Armed Forces of the United States, or the Oklahoma National Guard, and is ordered to active duty or active duty for special work or training and due to the duty commitment the student is unable to enroll before the student reaches twenty-one (21) years of age. The period of the extension shall be the length of the term of duty.

(C) Except as otherwise provided in this section, students eligible for the Heroes Promise award benefits shall not be subject to the provisions of 610:25-23-5 (Securing Program benefits).

(D) Except as otherwise provided in this section, the payment of Heroes Promise award benefits shall be subject to the provisions of 610:25-23-7 (Payment of awards; policies and limitations).

(E) A student that qualifies for the Oklahoma Higher Learning Access Program benefit based on both their Heroes Promise eligibility and completion of the regular program requirements shall only receive a single program benefit.

(5) Retaining Eligibility in Postsecondary Education: To retain eligibility for the Heroes Promise award while pursuing a program of higher learning at an eligible Oklahoma institution, the student must maintain compliance with the provisions of 610:25-23-6 (Retaining eligibility in postsecondary education).