CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

SUBCHAPTER 23. OKLAHOMA HIGHER LEARNING ACCESS PROGRAM

610:25-23-2. Eligibility of participants

Eligibility to participate in the program must be established by both the student and his/her parent(s), custodial parent(s), or permanent guardian(s). Students enrolled in the eighth, ninth, tenth, or eleventh grade and no later than December 31 of the twelfth-grade year at a public or private school and whose parents' income meets the financial need criteria are eligible to apply to become a program participant. A student who does not have a December 31 of their twelfth-grade year must complete all fields of the application, sign virtual or physical agreement forms, and submit the finished application and required eligibility documentation to the OSRHE no later than the official date of high school graduation. Students educated by other means ~~who are between the ages~~ after reaching the age of thirteen (13) and ~~sixteen (16)~~ prior to reaching the age of eighteen (18) are eligible to apply to become a program participant. A student who was placed in the custody of the Department of Human Services at any time during the eighth, ninth, tenth, or eleventh grades may be eligible to enroll in the program until no later than the student's official date of high school graduation. All students must submit an application and provide all required verifying documentation no later than their official date of high school graduation. 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) Beginning in the 2022-2023 school year, the federal adjusted gross income of the student's parent(s) shall not exceed the following amounts at the time the student applies for participation in the program:

(i) $60,000 per year for parents who have one or two dependent children,

(ii) $70,000 per year for parents who have three or four dependent children, or

(iii) $80,000 per year for parents who have five or more dependent children.

(B) 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.

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

(D) Beginning in the 2025-2026 school year, the federal adjusted gross income of the student's parent(s) who qualify as children of certified classroom teachers shall not exceed 700% of the federal poverty level (FPL) at the time the student is enrolled in the program. Household income is determined by the federal adjusted gross income of the student's parent(s).

(i) "Certified classroom teacher" means a full-time classroom teacher with a standard or alternative standard certification as a teacher in Oklahoma who has been employed as a teacher in a public school district classroom in this state for a minimum of ten (10) years prior to his or her child applying for participation in the program. *Certified classroom teacher does not mean a certified teacher who is employed as a school district superintendent, principal, or any other position within the administration of a public school district when his or her child applies for participation in the program or prior to his or her child receiving any Oklahoma Higher Learning Access Program benefit award.* [70 O.S. Section 2605]. A certified classroom teacher is not required to have been employed by the same public school district for ten (10) consecutive years, and the ten (10) years of employment do not have to be consecutive. For purposes of calculating years of employment, a completed semester of employment will be counted as one-half (0.5) year of service. Two qualifying half-years may be combined and counted as one full year of service. Employment periods of less than one completed semester will not be counted toward the ten-year requirement. A counselor, librarian, school nurse or athletic trainer may be considered a "certified classroom teacher" only if the individual is employed by an Oklahoma public school district to teach students specifically identified classes for specifically identified subject areas during a semester, has been employed as a teacher for at least ten (10) years, has held a standard certificate or alternative standard certificate in a classroom subject area for at least ten (10) years and currently maintains such certification, and otherwise fulfills the requirements of this definition.

(ii) For the purposes of this subparagraph, a certified classroom teacher shall be considered the parent of a student if he or she is the natural or adoptive parent or permanent legal guardian of the student.

(iii) The FPL shall be determined in accordance with federal guidelines using the most recently completed tax year at the time the application is submitted.

~~(D)~~ (E) 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~~ recently completed calendar (tax) year income. ~~Parents of eleventh-grade applicants may use the calendar (tax) year income that coincides with the spring semester of the 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) Income information submitted through the Free Application for Federal Student Aid (FAFSA).

~~(iii)~~ (F) 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)(7)]

~~(E)~~ (G) 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.

610:25-23-3. Applications

(a) Students and their parent(s), custodial parent(s), or permanent guardian(s) must complete fully an application form provided by the Oklahoma State Regents for Higher Education (OSRHE). If a student's legal custody is the subject of an active legal proceeding, the student may submit an application without the information of their parent(s), custodial parent(s), or permanent guardian(s). The application will be treated as an incomplete application per section (h) below until the student's legal custody is determined.

(b) The application shall include either:

(1) an agreement form upon which the school site contact person (see rule 610:25-23-8 for policies related to the contact person) shall certify that the student meets the financial need criteria and which verifies that the student and his/her parent(s), custodial parent(s), or permanent guardian(s) agree to the program's requirements. The agreement form shall be retained in the student's permanent record and a copy forwarded to the OSRHE. A copy of the agreement form must be received by the OSRHE for the student to be considered enrolled in the program; or

(2) an agreement form submitted directly to the OSRHE by the student and their parent(s), custodial parent(s), or permanent guardian(s), which shall be processed and verified by the OSRHE.

(c) Students participating in the Oklahoma Higher Learning Access Program shall provide their social security number, or their student identification number used by their local school, to the OSRHE. The OSRHE shall keep the numbers confidential and use them only for administrative purposes.

(d) Any falsified or incomplete information on the application forms may result in the student's disqualification from the program.

(e) Applications will be accepted throughout the school year for students in the eighth, ninth, tenth, and eleventh grade. Applications will be accepted until December 31 for students in the twelfth grade. All applications must be fully submitted with required verifying documentation prior to the official date of high school graduation.

(f) Contact persons should forward copies of agreement forms to the OSRHE monthly, but not later than June 30 of each school year.

(g) Persons applying directly to the OSRHE must complete all fields of the application, sign virtual or physical agreement forms, and submit the finished application to the OSRHE no later than June 30 for students in the eighth, ninth, tenth, and eleventh grade. If June 30 is not a business day, agreement forms shall be submitted no later than the first business day thereafter. Applications mailed to the OSRHE must be postmarked by June 30, or the next business day if applicable, to be considered timely submitted to the OSRHE. Persons applying directly to the OSRHE must complete all fields of the application, sign virtual or physical agreement forms, and submit the finished application to the OSRHE no later than December 31 for students in the twelfth grade. If December 31 is not a business day, agreement forms shall be submitted no later than the first business day thereafter. Applications mailed to the OSRHE must be postmarked by December 31, or the next business day if applicable, to be considered timely submitted to the OSRHE. Exceptions to the December 31 or eighteenth (18) birthday deadline may be approved by the Chancellor for extraordinary circumstances. Any application that remains incomplete after the student's official date of high school graduation will not be accepted.

(h) Applicants shall be provided an opportunity to provide the required supporting and verifying income documentation to complete their application. Applicants must submit this required documentation no later than ~~December 31~~ February 1 immediately prior to the student's graduation from high school. Exceptions to the ~~December 31~~ February 1 ~~submission date~~ document submission deadline may be approved by the Chancellor ~~for~~ only upon a showing of extraordinary circumstances. To be considered for program

enrollment, the student and the student's parent(s), custodial parent(s), or permanent guardian(s) must fully complete the application and submit all documentation required to establish eligibility, including any financial, custody, household, employment, certification, or other supporting information requested by OSRHE. An application that remains incomplete after the student's official date of high school graduation will not be accepted, and no application may be accepted after that date. Any falsified, misleading, or materially incomplete information submitted by the student or parent(s), custodial parent(s), or permanent guardian(s) may result in the student's disqualification or ineligibility for the program.

(i) For purposes of this section, hardship means a serious, atypical circumstance outside the applicant's reasonable control that directly prevented timely compliance with an applicable deadline despite reasonable diligence. In reviewing hardship requests, the Chancellor may consider factors including severity, control, causation, timing, duration, diligence, the strength of supporting documentation, the availability of narrow relief, consistency of application, and program integrity.

(j) Applicants shall notify the OSRHE of any material change in information submitted in support of the application, including but not limited to changes in legal name, address, household composition, custody status, or other information affecting eligibility. Such notification shall be made by submitting a Change of Status Form available on the OSRHE website.

610:25-23-4. Program requirements

(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 curricular requirements for admission to an institution within The Oklahoma State System of Higher Education, herein referred to as the "college admissions curriculum", and attain a minimum 2.50 grade-point-average (GPA) on a 4.00 grading scale in this curriculum, by the time they graduate from high school. The courses required for college admission shall be provided for in the Oklahoma State Regents for Higher Education Policy and Procedures Manual. Any change by the OSRHE to the college admissions curriculum shall also apply to the Oklahoma's Promise curricular requirements. For the purpose of calculating the required college admissions curriculum GPA, courses in English, lab science, mathematics, and history and citizenship skills, must be transcripted 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. The Chancellor may approve exceptions to the grading policy for pass/fail courses for extraordinary circumstances.

(d) Students seeking admission to a technology center school overseen by the State Board of Career and Technology Education located within this state and accredited pursuant to Section 4103 of Title 70 of the Oklahoma Statutes must complete either:

(1) the college admissions curriculum; or

(2) all requirements of the high school "core curriculum" adopted by the State Board of Education. However, if the core curriculum does not fulfill the requirements of the college admissions curriculum, then the scholarship shall not be transferable to an institution within The Oklahoma State System of Higher Education.

(e) Advanced students who complete courses in earlier grades will not be required to take additional courses for purposes of the requirements of this program. Such courses must be awarded high school credit and appear on the high school transcript.

(f) Exceptions to the Oklahoma's Promise required high school 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~~ college admissions curriculum courses will be allowed to satisfy the requirements subject to the following provisions:

(A) Curriculum requirements which are also required for admission to an institution within The Oklahoma State System of Higher Education (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 Oklahoma's Promise high school 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) Any other requests for exceptions to the college admissions 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 college admissions curriculum requirements omitted in high school or other educational program.

(g) Students must attain a minimum 2.50 cumulative GPA on a 4.00 grading scale for all work attempted in grades nine through twelve.

(h) 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 or CLT 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 and CLT test scores will be considered in a manner comparable to ACT test scores. CLT test scores of students in this state who take the CLT test shall only be accepted if the student took the CLT test in compliance with 70 O.S. § 1210.508-7. OSRHE may require students to demonstrate compliance with 70 O.S. § 1210.508-7.

610:25-23-5. Securing Program benefits

(a) To qualify for the program benefits for the first semester or other academic unit of postsecondary enrollment, the participant must:

(1) Be a resident of this state both at the time of application to the program and at the time the student graduates from high school, or have been 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.

(2) Have graduated within the previous three (3) calendar years from a high school or other educational program if homeschooled. The Oklahoma State Regents for Higher Education (OSRHE) may award benefits for a student's first semester or other academic unit of postsecondary enrollment taken more than three (3) calendar years after the student graduates from high school, or other educational program if homeschooled, 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 prior to the end of the three-year period. Such three-year period shall be extended by the length of the term of duty.

(3) Have a record of satisfactory compliance with the agreements and program requirements described in 610:25-23-4. Students failing to comply with the agreement and program requirements shall not be eligible for awards. Compliance shall be verified by the local contact person upon a form provided by the OSRHE. Final verification of compliance shall be determined by the OSRHE. A copy of the student's final high school transcript shall be submitted by the local contact person with the student's verification form.

(4) Have satisfied admission standards as established by the OSRHE for first-time-entering students for the appropriate type of institution (OSRHE policy on Institutional Admission and Retention) or, if attending a private institution, satisfy the admission standards determined by the private institution; provided, that no student participating in the program shall be admitted into an institution of higher education by special admission standards.

(5) Have secured admission to, and 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.

(6) Be a United States citizen or lawfully present in the United States.

(b) Beginning with the 2018-2019 academic year, prior to receiving any Oklahoma Higher Learning Access Program benefit award for any year during which the student is enrolled in an eligible institution, the federal adjusted gross income of the student's parent(s) shall not exceed $100,000 per year. The determination of financial qualification as set forth in this paragraph shall be based on the income of the student, not the income of the parent(s), if the student:

(1) is determined to be independent of the student's parents for federal financial aid purposes,

(2) was in the permanent custody of the Department of Human Services at the time the student enrolled it the program,

(3) was placed in the custody of the Department of Human Services at any time during the eighth, ninth, tenth, or eleventh grades and enrolled in the program no later than the student's official date of high school graduation, or

(4) 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.

(c) 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 be subject to the following financial qualification at the time the student begins postsecondary education and prior to receiving any program benefit award:

(1) For a student adopted between birth and twelve (12) years of age, the federal adjusted gross income of the student's parent(s) may not exceed $150,000 per year.

(2) For a student adopted between thirteen (13) and ~~seventeen (17)~~ prior to reaching the age of eighteen (18), the federal adjusted gross income of the student's parent(s) may not exceed $200,000 per year.

(3) If the student is determined to be independent of the student's parents for federal financial aid purposes, the determination of financial qualification shall be based on the income of the student, not the income of the parent(s).

(d) For a participant who is the child of a certified classroom teacher, prior to receiving any Oklahoma Higher Learning Access Program benefit award for any year during which the student is enrolled in an eligible institution, the federal adjusted gross income of the student's parent(s) shall not exceed 700% FPL at the date of enrollment in the eligible institution. In addition, for each year in which the student is enrolled in an eligible institution, the teacher-parent's qualifying employment and required certification shall be verified before the student receives an award.

~~(d)~~(e) Award recipients shall apply for financial aid at the institution in which they enroll.

~~(e)~~(f) Beginning in 2018-2019 and thereafter, all students eligible to receive the program benefit award must complete an application for federal student financial aid (Free Application for Federal Student Aid or FAFSA) each year the student is enrolled in postsecondary education. Students not eligible to complete the FAFSA may be provided an alternate method by the OSRHE. Income information submitted through the FAFSA shall be used to determine compliance with the income limits described in sections (b) and (c) above. Any falsified or incomplete information submitted by the student or parent(s) may result in the student's disqualification from the program.

~~(f)~~(g) Any person incarcerated in a state, federal, or private correctional facility shall not be eligible to receive program benefits.

610:25-23-9. "Heroes Promise"

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-, tenth-, ~~or~~ eleventh-~~grade~~, or twelfth-grade and eligible students educated by other means between the ages of thirteen (13) and ~~seventeen (17)~~ prior to reaching the age of eighteen (18) may apply to participate in the program.

(B) Eligible students who have completed the ~~eleventh~~ twelfth grade or ~~who have reached age seventeen (17)~~ prior to reaching the age of eighteen (18) 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).