

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 23. Oklahoma Higher Learning Access Program
610:25-23-2. Eligibility of participants [AMENDED]

AUTHORITY:

Oklahoma State Regents for Higher Education; 70 O.S. §2601 et seq.; 70 O.S. §3206 (i).

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:

September 24, 2015

COMMENT PERIOD:

October 16, 2015 through November 16, 2015

PUBLIC HEARING:

None

ADOPTION:

December 3, 2015

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

December 11, 2015

APPROVED BY GOVERNOR'S DECLARATION:

Approved by Governor's declaration on June 9, 2016

FINAL ADOPTION:

June 9, 2016

EFFECTIVE:

September 11, 2016

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The proposed revision implements an amendment to the Oklahoma Higher Learning Access Program - Oklahoma's Promise statutes as passed in SB 137 of the 2015 Oklahoma legislative session. The amendment relates to the determination of financial eligibility of students applying for the program in the 8th, 9th or 10th grade. The new statutory language requires the State Regents to review the financial eligibility of the student if the income of the student's parent(s) includes income from either non-taxable military benefits or Social Security benefits due to the death or disability of a parent (Social Security retirement benefits are not included in the review). If the review determines that the total income of the parent(s), excluding non-taxable military benefits and Social Security benefits due to the death or disability of a parent, does not exceed \$50,000, then the student will be eligible to enroll in the program. The change is estimated to have a small fiscal impact on the program, resulting in approximately 25 additional scholarship recipients annually at a cost of about \$110,000.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E),

ACCEPTED 7/13/11
Office of Administrative Rules
Oklahoma Secretary of State
Docket # 16 - 058 OAR/cert CC

WITH AN EFFECTIVE DATE OF SEPTEMBER 11, 2016:

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 guardian(s). Students enrolled in the eighth, ninth or tenth 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) 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. 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 applicants may use the calendar (tax) year income that coincides with the spring semester of the tenth-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 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 from taxable and nontaxable sources 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 Fifty Thousand Dollars (\$50,000.00) per year, the student shall be determined to have met the financial need eligibility [70 O.S. § 2605(D)(3)]
 - (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.