

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

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 23. Oklahoma Higher Learning Access Program

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

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

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

SUMMARY:

The proposed permanent rule revisions are necessary for three reasons:

- (a) To incorporate changes from HB 3592 passed during the 2018 legislative session related to the return of award funds when a student withdraws from a course in college.
- (b) To incorporate changes approved as emergency rules earlier in 2018 that clarify the student requirements to "attend school regularly," "refrain from substance abuse," and "refrain from commission of crimes or delinquent acts."
- (c) To include language related to the prohibition of awards for noncredit remedial courses as required by SB 529 passed during the 2017 session.

Return of Award Funds for Certain Course Withdrawals: HB 3592 requires that award funds be returned to the program when a student withdraws from a college course prior to the end of the add/drop period for the semester in which the student is enrolled. This requirement is consistent with current program procedures.

Clarification Related to Student Conduct Requirements: The current language in the rules states that "compliance with the program requirements for attending school regularly, refraining from substance abuse, and refraining from criminal or delinquent acts shall be determined according to the local school district's policy." The proposed revisions specify the following:

- (a) "Attend school regularly" will mean that the student was in attendance at least eighty percent (80%) of each school year, excluding absences excused by the school.
- (b) "Refrain from substance abuse" will mean that 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 in the Oklahoma Statutes.
- (c) "Refrain from the commission of a crime or delinquent act" will mean that student was not adjudicated delinquent as a juvenile nor convicted of a crime as an adult by a court of law.

The revisions also direct local school districts to report to the State Regents the compliance or noncompliance of students with the three conduct requirements. This revision would also align the rule with guidance provided by the office of the Oklahoma Attorney General.

Relatively few Oklahoma's Promise students are disqualified for failure to comply with the conduct requirements. Of the over 8,300 students in the 2017 high school graduating class, about forty (0.5%) were disqualified only on the basis of noncompliance with one or more of the three conduct requirements.

Eliminating Award Payment for Remedial Courses: SB 529 of the 2017 legislative session included the requirement that, beginning with the 2018-2019 academic year, the program will no longer pay for noncredit remedial courses.

AUTHORITY:

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

COMMENT PERIOD:

Interested persons may submit written and oral comments to David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., October 31, 2018.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., October 31, 2018.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after October 1, 2018.

CONTACT PERSON:

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