

SECOND REGULAR SESSION

SENATE BILL NO. 846

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3520S.011

AN ACT

To repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to higher education scholarships.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 160.545, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 160.545 and 173.272, to read as
3 follows:

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and

15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course
17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and

19 (3) Do not offer a general track of courses that, upon completion, can lead

20 to a high school diploma; and

21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and

24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed
29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon
35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

38 3. By rule and regulation, the state board of education may determine a
39 local school district variable fund match requirement in order for a school or
40 schools in the district to receive a grant under the program. However, no school
41 in any district shall receive a grant under the program unless the district
42 designates a salaried employee to serve as the program coordinator, with the
43 district assuming a minimum of one-half the cost of the salary and other benefits
44 provided to the coordinator. Further, no school in any district shall receive a
45 grant under the program unless the district makes available facilities and
46 services for adult literacy training as specified by rule of the state board of
47 education.

48 4. For any school that meets the requirements for the approval of the
49 grants authorized by this section and specified in subsection 2 of this section for
50 three successive school years, by August first following the third such school year,
51 the commissioner of education shall present a plan to the superintendent of the
52 school district in which such school is located for the waiver of rules and
53 regulations to promote flexibility in the operations of the school and to enhance
54 and encourage efficiency in the delivery of instructional services in the
55 school. The provisions of other law to the contrary notwithstanding, the plan

56 presented to the superintendent shall provide a summary waiver, with no
57 conditions, for the pupil testing requirements pursuant to section 160.257 in the
58 school. Further, the provisions of other law to the contrary notwithstanding, the
59 plan shall detail a means for the waiver of requirements otherwise imposed on
60 the school related to the authority of the state board of education to classify
61 school districts pursuant to subdivision (9) of section 161.092, RSMo, and such
62 other rules and regulations as determined by the commissioner of education,
63 except such waivers shall be confined to the school and not other schools in the
64 school district unless such other schools meet the requirements of this
65 subsection. However, any waiver provided to any school as outlined in this
66 subsection shall be void on June thirtieth of any school year in which the school
67 fails to meet the requirements for the approval of the grants authorized by this
68 section as specified in subsection 2 of this section.

69 5. For any school year, grants authorized by subsections 1 to 3 of this
70 section shall be funded with the amount appropriated for this program, less those
71 funds necessary to reimburse eligible students pursuant to subsection 6 of this
72 section.

73 6. The commissioner of education shall, by rule and regulation of the state
74 board of education and with the advice of the coordinating board for higher
75 education, establish a procedure for the reimbursement of the cost of tuition,
76 books and fees to any public community college or **within the limits**
77 **established in subsection 8 of this section any two-year public or**
78 **private** vocational or technical school for any student:

79 (1) Who has attended a public high school in the state for at least three
80 years immediately prior to graduation that meets the requirements of subsection
81 2 of this section, except that students who are active duty military dependents
82 who, in the school year immediately preceding graduation, meet all other
83 requirements of this subsection and are attending a school that meets the
84 requirements of subsection 2 of this section shall be exempt from the three-year
85 attendance requirement of this subdivision; and

86 (2) Who has made a good faith effort to first secure all available federal
87 sources of funding that could be applied to the reimbursement described in this
88 subsection; and

89 (3) Who has earned a minimal grade average while in high school as
90 determined by rule of the state board of education, and other requirements for the
91 reimbursement authorized by this subsection as determined by rule and

92 regulation of said board.

93 7. The commissioner of education shall develop a procedure for evaluating
94 the effectiveness of the program described in this section. Such evaluation shall
95 be conducted annually with the results of the evaluation provided to the governor,
96 speaker of the house, and president pro tempore of the senate.

97 8. **For a two-year public or private vocational or technical school**
98 **to obtain reimbursements under subsection 6 of this section, except for**
99 **those schools that are receiving reimbursements on August 28, 2008, the**
100 **following requirements shall be satisfied:**

101 (1) **Such two-year public or private vocational or technical**
102 **school shall be a member of the north central association and be**
103 **accredited by the higher learning commission as of July 1, 2008, and**
104 **maintain such accreditation;**

105 (2) **Such two-year public or private vocational or technical**
106 **school shall be designated as a 501(c)(3) nonprofit organization under**
107 **the Internal Revenue Code of 1986, as amended;**

108 (3) **No two-year public or private vocational or technical school**
109 **shall receive tuition reimbursements in excess of the tuition rate**
110 **charged by a public community college for course work offered by the**
111 **private vocational or technical school within the service area of such**
112 **college; and**

113 (4) **The reimbursements provided to any two-year private**
114 **vocational or technical school shall not violate the provisions of article**
115 **IX, section 8, or article I, section 7, of the Missouri Constitution or the**
116 **first amendment of the United States Constitution.**

173.272. 1. **There is hereby created in the state treasury the**
2 **"Community College Associate Degree Transfer Incentive Program**
3 **Fund", which shall consist of all moneys appropriated to the fund, all**
4 **moneys required by law to be deposited in the fund, and all gifts,**
5 **bequests or donations of any kind to the fund. The state treasurer shall**
6 **be custodian of the fund and shall approve disbursements from the**
7 **fund in accordance with sections 30.170 and 30.180, RSMo. Upon**
8 **appropriation, money in the fund shall be used solely for the**
9 **administration of this section.**

10 2. **Notwithstanding the provisions of section 33.080, RSMo, to the**
11 **contrary, any moneys remaining in the fund at the end of the biennium**
12 **shall not revert to the credit of the general revenue fund. The state**

13 treasurer shall invest moneys in the fund in the same manner as other
14 funds are invested. Any interest and moneys earned on such
15 investments shall be credited to the fund.

16 3. At the end of each biennium and after all statutorily or
17 constitutionally required transfer of funds have been made, the state
18 treasurer shall transfer the balance in the fund, except for gifts,
19 donations, bequests, or money received from a federal source, created
20 in subsection 1 of this section in excess of two hundred percent of the
21 previous fiscal year's expenditures into the state general revenue fund.

22 4. Any moneys appropriated to the coordinating board for higher
23 education by the general assembly for this program shall be distributed
24 as scholarships by the Missouri department of higher education to
25 eligible students enrolled at public or private four-year Missouri
26 colleges or universities who have graduated from a public Missouri
27 community college or other two-year institution as defined in
28 subsection 6 of this section and transfer to a public or private four-year
29 Missouri college or university under the provisions of this section.

30 5. The coordinating board for higher education shall promulgate
31 rules to implement the provisions of this section.

32 6. A student shall be eligible for an associate degree transfer
33 incentive program scholarship if the student meets the eligibility
34 requirements of section 173.1104, with the exception of full-time
35 enrollment, and has completed an associate of arts degree, or another
36 degree that contains forty-two credit hours of general education core
37 curriculum, at a Missouri public community college or other two-year
38 institution located in Missouri and recognized by the department of
39 higher education to confer associate degrees.

40 7. The coordinating board shall establish performance standards
41 that provide for continuation of the scholarship for a minimum of four
42 semesters and a maximum of four years, and a minimum annual
43 scholarship level of one thousand dollars, not to exceed the cost of
44 attendance.

45 8. The coordinating board shall develop and publish application
46 procedures, deadlines, award amounts, and any other features
47 necessary to effectuate the purposes of this section. The primary
48 criterion shall be need. Scholarships may be pro-rated for part-time
49 students. The coordinating board shall submit an annual report of the

50 use and distribution of such scholarship funds to the general assembly,
51 with such report subject to audit. The coordinating board shall
52 establish by rule a method of determining need.

53 **9.** Any rule or portion of a rule, as that term is defined in section
54 536.010, RSMo, that is created under the authority delegated in this
55 section shall become effective only if it complies with and is subject to
56 all of the provisions of chapter 536, RSMo, and, if applicable, section
57 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
58 and if any of the powers vested with the general assembly under
59 chapter 536, RSMo, to review, to delay the effective date, or to
60 disapprove and annul a rule are subsequently held unconstitutional,
61 then the grant of rulemaking authority and any rule proposed or
62 adopted after August 28, 2008, shall be invalid and void.

63 **10.** Under section 23.253, RSMo, of the Missouri Sunset Act:

64 **(1)** The provisions of the new program authorized under this
65 section shall automatically sunset six years after the effective date of
66 this section unless reauthorized by an act of the general assembly; and

67 **(2)** If such program is reauthorized, the program authorized
68 under this section shall automatically sunset twelve years after the
69 effective date of the reauthorization of this section; and

70 **(3)** This section shall terminate on September first of the
71 calendar year immediately following the calendar year in which the
72 program authorized under this section is sunset.

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