

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 558
95TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 26, 2009, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

2236S.03C

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Section A. Section 160.545, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 160.545 and 173.268, to read as follows:

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

(1) All students be graduated from school;

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

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

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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. A school district may participate in the program irrespective of its
39 accreditation classification by the state board of education, provided it meets all
40 other requirements.

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

51 5. For any school that meets the requirements for the approval of the
52 grants authorized by this section and specified in subsection 2 of this section for
53 three successive school years, by August first following the third such school year,
54 the commissioner of education shall present a plan to the superintendent of the

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

72 6. For any school year, grants authorized by subsections 1 to 3 of this
73 section shall be funded with the amount appropriated for this program, less those
74 funds necessary to reimburse eligible students pursuant to subsection 7 of this
75 section.

76 7. The commissioner of education shall, by rule and regulation of the state
77 board of education and with the advice of the coordinating board for higher
78 education, establish a procedure for the reimbursement of the cost of tuition,
79 books, and fees to any public community college or [within the limits established
80 in subsection 9 of this section any two-year public or private] vocational or
81 technical school [for any student] **or state technical college or within the**
82 **limits established in subsection 9 of this section, any two-year private**
83 **vocational or technical school, for any student:**

84 (1) Who has attended a public high school in the state for at least three
85 years immediately prior to graduation that meets the requirements of subsection
86 2 of this section, except that students who are active duty military dependents
87 who, in the school year immediately preceding graduation, meet all other
88 requirements of this subsection and are attending a school that meets the
89 requirements of subsection 2 of this section shall be exempt from the three-year
90 attendance requirement of this subdivision; and

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

94 (3) Who has earned a minimal grade average while in high school as
95 determined by rule of the state board of education, and other requirements for the
96 reimbursement authorized by this subsection as determined by rule and
97 regulation of said board.

98 8. The commissioner of education shall develop a procedure for evaluating
99 the effectiveness of the program described in this section. Such evaluation shall
100 be conducted annually with the results of the evaluation provided to the governor,
101 speaker of the house, and president pro tempore of the senate.

102 9. For a two-year [public or] private vocational or technical school to
103 obtain reimbursements under subsection 7 of this section, [except for those
104 schools that are receiving reimbursements on August 28, 2008,] the following
105 requirements shall be satisfied:

106 (1) Such two-year [public or] private vocational or technical school shall
107 be a member of the North Central Association and be accredited by the Higher
108 Learning Commission as of July 1, 2008, and maintain such accreditation;

109 (2) Such two-year [public or] private vocational or technical school shall
110 be designated as a 501(c)(3) nonprofit organization under the Internal Revenue
111 Code of 1986, as amended;

112 (3) No two-year [public or] private vocational or technical school shall
113 receive tuition reimbursements in excess of the tuition rate charged by a public
114 community college for course work offered by the private vocational or technical
115 school within the service area of such college; and

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

**173.268. 1. There is hereby established within the department of
2 higher education the "Missouri Promise Program" to be administered
3 by the commissioner of higher education.**

4 2. For the purposes of subsection 3 of this section:

**5 (1) "Average tuition" shall be the sum of the tuition amounts for
6 the academic year in which the scholarships will be granted for any
7 approved public institution that meets the conditions set forth in**

8 subdivision (3) of section 173.1102 and in addition offers baccalaureate
9 degrees, divided by the number of such institutions;

10 (2) "Tuition" shall have the definition ascribed to under
11 subsection 7 of section 173.1003.

12 3. For the academic year 2009-2010 and subsequent years, the
13 commissioner of higher education shall, by rule and regulation
14 promulgated by the coordinating board for higher education, establish
15 a procedure for the provision of scholarships, provided that
16 scholarships for all qualified students under subsection 7 of section
17 160.545, RSMo, are fully funded. The amount of scholarships under this
18 subsection shall not exceed the lesser of either the tuition for the
19 relevant student or the average tuition to any approved public
20 institution that meets the conditions set forth in subdivision (3) of
21 section 173.1102, and in addition offers baccalaureate degrees. The
22 amount of each scholarship shall be reduced by the amount of a
23 student's award under the federal Pell grant program and any award
24 received under section 173.1105. All scholarships under this subsection
25 shall be subject to appropriation.

26 4. Scholarships shall be awarded to any student who has:

27 (1) Received a reimbursement under subsection 7 of section
28 160.545, RSMo;

29 (2) Completed an associate of arts degree, an associate's degree
30 that contains the forty-two-hour general education block, or an
31 associate's degree in a program that is part of an articulation
32 agreement recognized by the coordinating board for higher education
33 and enrolls in an approved public institution under subsection 3 of this
34 section within nine months of completing the associate's degree
35 described in this subdivision;

36 (3) Received a scholarship under subsection 3 of this section for
37 no more than six semesters;

38 (4) Made a good faith effort to first secure all available federal
39 and state source of nonrepayable financial assistance that could be
40 applied to the student's tuition and fees;

41 (5) Maintained full-time enrollment; and

42 (6) Maintained a grade point average of three points or higher
43 on a four-point scale or the equivalent on another scale, during the
44 student's enrollment while receiving a scholarship under the provisions

45 of subsection 3 of this section.

46 5. In the event a student receiving a scholarship under
47 subsection 3 of this section has a cumulative grade point average that
48 falls below three points on a four-point scale or the equivalent on
49 another scale at the end of a semester, the student shall be granted a
50 one-semester grace period from the grade point requirement of
51 subdivision (6) of subsection 4 of this section. If the student's grades
52 in the subsequent semester are insufficient to raise the student's
53 cumulative average to three points or more on a four-point scale or the
54 equivalent on another scale, the student shall lose eligibility for the
55 program established under subsection 3 of this section.

56 6. If appropriated funds are insufficient to fund all eligible
57 students, the department shall adjust scholarship amounts.
58 Scholarships under subsection 7 of section 160.545, RSMo, shall be fully
59 funded prior to any scholarships being distributed under subdivision
60 2 of this subsection. Scholarships shall be distributed in the following
61 priority:

62 (1) Students eligible for scholarships under subsection 7 of
63 section 160.545, RSMo. If appropriated funds are insufficient to fund
64 all students eligible under subsection 7 of section 160.545, RSMo,
65 scholarship amounts shall be reduced equally for all such students;

66 (2) Students eligible for scholarships under subsection 3 of this
67 section. If appropriated funds are insufficient to fund all students
68 eligible under subsection 3 of this section, scholarship amounts shall
69 be reduced equally for all such students.

70 7. The commissioner of higher education shall develop a
71 procedure for evaluating the effectiveness of the program described in
72 this section. Such evaluation shall be conducted every two years with
73 the results of the evaluation provided to the governor, speaker of the
74 house of representatives, and president pro tempore of the senate.

75 8. Any rule or portion of a rule, as that term is defined in section
76 536.010, RSMo, that is created under the authority delegated in this
77 section shall become effective only if it complies with and is subject to
78 all of the provisions of chapter 536, RSMo, and, if applicable, section
79 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
80 and if any of the powers vested with the general assembly pursuant to
81 chapter 536, RSMo, to review, to delay the effective date, or to

82 **disapprove and annul a rule are subsequently held unconstitutional,**
83 **then the grant of rulemaking authority and any rule proposed or**
84 **adopted after August 28, 2009, shall be invalid and void.**

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