

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 558
95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Offered April 6, 2009.

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TERRY L. SPIELER, Secretary.

2236S.08P

AN ACT

To repeal sections 160.545 and 173.250, RSMo, and to enact in lieu thereof three new sections relating to higher education scholarships.

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

Section A. Sections 160.545 and 173.250, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 160.545, 173.250,
3 and 173.268, to read as 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 **scholarships** made to **graduates of** public secondary schools that:

5 (1) Demonstrate [a commitment to ensure that:

6 (1) All students be graduated from school;

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

10 [(3) All students] (2) **Who** proceed from high school graduation to a
11 **community** college, [or] postsecondary vocational or technical school [or
12 high-wage job with work place skill development opportunities] **or state**
13 **technical college, as provided in this section.**

14 2. **Pursuant to the A+ program**, the state board of education shall
15 promulgate rules and regulations [for the approval of grants made under the

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

16 program to schools that:

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

19 (2) **that** specify the knowledge, skills and competencies, in measurable
20 terms, that students must demonstrate to successfully complete any individual
21 course offered by [the] a school[,] and any course of studies which will qualify a
22 student for graduation from [the] **such** school[;] **and does not include any**
23 **general track course, that upon completion, counts toward a high**
24 **school diploma,** and

25 [(3) Do not offer a general track of courses that, upon completion, can lead
26 to a high school diploma; and

27 (4) Require] **further specify** rigorous coursework with standards of
28 competency in basic academic subjects for students pursuing vocational and
29 technical education. [as prescribed by rule and regulation of the state board of
30 education; and

31 (5) Have a partnership plan developed in cooperation and with the advice
32 of local business persons, labor leaders, parents, and representatives of college
33 and postsecondary vocational and technical school representatives, with the plan
34 then approved by the local board of education. The plan shall specify a
35 mechanism to receive information on an annual basis from those who developed
36 the plan in addition to senior citizens, community leaders, and teachers to update
37 the plan in order to best meet the goals of the program as provided in subsection
38 1 of this section. Further, the plan shall detail the procedures used in the school
39 to identify students that may drop out of school and the intervention services to
40 be used to meet the needs of such students. The plan shall outline counseling
41 and mentoring services provided to students who will enter the work force upon
42 graduation from high school, address apprenticeship and intern programs, and
43 shall contain procedures for the recruitment of volunteers from the community
44 of the school to serve in schools receiving program grants.

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

48 4. By rule and regulation, the state board of education may determine a
49 local school district variable fund match requirement in order for a school or
50 schools in the district to receive a grant under the program. However, no school
51 in any district shall receive a grant under the program unless the district

52 designates a salaried employee to serve as the program coordinator, with the
53 district assuming a minimum of one-half the cost of the salary and other benefits
54 provided to the coordinator. Further, no school in any district shall receive a
55 grant under the program unless the district makes available facilities and
56 services for adult literacy training as specified by rule of the state board of
57 education.

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

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

83 7.] **3.** The commissioner of education shall, by rule and regulation of the
84 state board of education and with the advice of the coordinating board for higher
85 education, establish a procedure for the [reimbursement] **payment** of the cost of
86 tuition, books, and fees to any public community college or [within the limits
87 established in subsection 9 of this section any two-year public or private]

88 vocational or technical school [for any student] **or state technical college, or**
89 **within the limits established in subsection 11 of this section, any two-**
90 **year private vocational or technical school, for any student:**

91 (1) Who has attended a public high school in the state for at least three
92 years immediately prior to graduation [that meets the requirements of subsection
93 2 of this section], except that students who are active duty military dependents
94 who, in the school year immediately preceding graduation, meet all other
95 requirements of this subsection and are attending a school that meets the
96 requirements of [subsection 2 of] this section shall be exempt from the three-year
97 attendance requirement of this subdivision; and

98 (2) Who has made a good faith effort to first secure all available [federal]
99 sources of funding that could be applied to the [reimbursement described in this
100 subsection] **costs covered by this scholarship program;** and

101 (3) Who has earned a [minimal] grade **point average of at least two**
102 **and one-half points on a four-point scale, or its equivalent on another**
103 **scale,** while in high school [as determined by rule of the state board of
104 education,]; and

105 (4) **Meets** other requirements for the [reimbursement] **payment**
106 authorized by this subsection as determined by rule and regulation of said board.

107 **4. Student financial incentives shall be available for a period of**
108 **four years after high school graduation.**

109 **5. To be eligible for a student financial incentive, each student**
110 **shall:**

111 (1) **Have attended a public high school in Missouri for three**
112 **consecutive years prior to high school graduation;**

113 (2) **Have graduated from high school with an overall grade point**
114 **average of two and five-tenths or higher on a four point scale, or its**
115 **equivalent on another scale, or have graduated from a high school with**
116 **documented mastery of institutionally identified skills that would**
117 **equate to a two and five-tenths grade point average or higher on a four**
118 **point scale;**

119 (3) **Have performed at least fifty hours of unpaid tutoring or**
120 **mentoring;**

121 (4) **Have at least a ninety-five percent attendance record overall**
122 **for grades nine through twelve; and**

123 (5) **Have maintained a record of good citizenship and avoidance**

124 of the unlawful use of drugs and alcohol.

125 6. To maintain eligibility, each participating student shall,
126 during the four year period of incentive availability:

127 (1) Enroll in and attend on a full-time basis a Missouri public
128 community college, vocational or technical school, state technical
129 college, or within the limits established in subsection 11 of this section,
130 any two-year private vocational or technical school;

131 (2) Maintain a grade point average of two and five-tenths points
132 or higher on a four point scale, or its equivalent on another scale; and

133 (3) Maintain a record of good citizenship and avoidance of the
134 unlawful use of drugs and alcohol.

135 7. The financial incentives shall be made available, subject to
136 appropriation, only after the student has made a documented good
137 faith effort to first secure all available postsecondary student financial
138 assistance funds that do not require repayment.

139 8. Subject to appropriation, the financial incentives shall only be
140 made available to pay the unpaid balance of the cost of tuition, general
141 fees, and up to fifty percent of the book cost after all postsecondary
142 student financial assistance funds have been applied to these costs. If
143 changes are made to the above incentives, the department of
144 elementary and secondary education shall provide payments in the
145 following order of priority:

146 (1) The full amount of tuition;

147 (2) The general fees; and

148 (3) Up to fifty percent of the book cost.

149 9. Missouri public community colleges, vocational or technical
150 schools, state technical colleges, or within the limits established in
151 subsection 11 of this section, two-year private vocational or technical
152 schools shall, under this section, verify, prior to payment, for each
153 student intending to participate in the program at their institution
154 that:

155 (1) By the end of the first semester of the student's participation:

156 (a) Verification of student eligibility has been received from the
157 high school from which the student graduated;

158 (b) The eligible student is enrolled as a full-time student;

159 (c) A good faith effort has been made to secure all available
160 postsecondary student financial assistance funds; and

161 **(d) After all available postsecondary student financial assistance**
162 **funds are applied, the student shall receive financial incentive**
163 **funds. The amount of funds shall depend on the remaining costs of**
164 **tuition, general fees, and up to fifty percent of the book cost to attend**
165 **that institution, subject to appropriation; and**

166 **(2) During the second and subsequent semesters of the student's**
167 **participation:**

168 **(a) The eligible student continues to be enrolled as a full-time**
169 **student;**

170 **(b) Good faith efforts continue to be made to secure all available**
171 **postsecondary student financial assistance funds;**

172 **(c) The student has earned and maintains a grade point average**
173 **of two and five-tenths points or higher on a four point scale, or its**
174 **equivalent on another scale; and**

175 **(d) After all other available postsecondary student financial**
176 **assistance funds are applied, the student shall receive financial**
177 **incentive funds. The amount of funds shall be subject to appropriation**
178 **and shall depend on the remaining costs of tuition, general fees, and up**
179 **to fifty percent of the book cost to attend that institution.**

180 **[8.] 10.** The commissioner of education shall develop a procedure for
181 evaluating the effectiveness of the **scholarship** program described in this
182 section. Such evaluation shall be conducted annually with the results of the
183 evaluation provided to the governor, speaker of the house, and president pro
184 tempore of the senate.

185 **[9.] 11.** For a two-year [public or] private vocational or technical school
186 to obtain reimbursements under subsection [7] **3** of this section, [except for those
187 schools that are receiving reimbursements on August 28, 2008,] the following
188 requirements shall be satisfied:

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

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

195 **(3) No two-year [public or] private vocational or technical school shall**
196 **receive tuition reimbursements in excess of the tuition rate charged by a public**

197 community college for course work offered by the private vocational or technical
198 school within the service area of such college; and

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

173.250. 1. There is hereby established a "Higher Education Academic
2 Scholarship Program" and any moneys appropriated by the general assembly for
3 this program shall be used to provide scholarships for Missouri citizens to attend
4 a Missouri college or university of their choice pursuant to the provisions of this
5 section.

6 2. The definitions of terms set forth in section [173.205] **173.1102** shall
7 be applicable to such terms as used in this section. [The term "academic
8 scholarship" means an amount of money paid by the state of Missouri to a
9 qualified college or university student who has demonstrated superior academic
10 achievement pursuant to the provisions of this section.] **In addition, the**
11 **following definitions shall apply:**

12 (1) **"Academic scholarship", an amount of money paid by the state**
13 **of Missouri to a student pursuant to the provisions of this section;**

14 (2) **"ACT", the American College Testing Program examination;**

15 (3) **"Approved institution", an approved public or approved**
16 **private institution as defined in section 173.1102;**

17 (4) **"Eligible student", an individual who meets the criteria set**
18 **forth in section 173.1104, excluding the requirements of financial need**
19 **and undergraduate status, and in addition, meets the following**
20 **requirements:**

21 (a) **Has achieved a qualifying score on the ACT or SAT;**

22 (b) **Is a Missouri resident who has completed secondary**
23 **coursework through graduation from high school, receipt of a general**
24 **education development diploma (GED), or completion of a program of**
25 **study through homeschooling; and**

26 (c) **Is enrolled full-time or accepted for full-time enrollment as**
27 **a postsecondary student at an approved institution during the**
28 **academic year immediately following the completion of his or her**
29 **secondary coursework;**

30 (5) **"Missouri test-takers", all Missouri high school seniors who**

31 **take the ACT or the SAT;**

32 **(6) "Qualifying score", a composite score on the ACT or the SAT**
33 **achieved as a high school sophomore, junior, or senior, that is in the**
34 **top three percent of Missouri test-takers for fiscal years prior to 2011,**
35 **and five percent of Missouri test-takers for fiscal year 2011 and each**
36 **fiscal year thereafter, as established at the beginning of an eligible**
37 **student's final year of secondary coursework;**

38 **(7) "Recipient", an eligible or renewal student who receives an**
39 **academic scholarship pursuant to this section;**

40 **(8) "Renewal student", an eligible student who remains in**
41 **compliance with the provisions of section 173.1104, maintains**
42 **continuous enrollment, and makes satisfactory academic degree**
43 **progress;**

44 **(9) "SAT", the Scholastic Aptitude Test.**

45 3. The coordinating board for higher education shall be the administrative
46 agency for the implementation of the program established by this section, and
47 shall:

48 (1) Promulgate reasonable rules and regulations for the exercise of its
49 functions and the effectuation of the purposes of this section, including
50 regulations for granting scholarship deferments;

51 (2) Prescribe the form and the time and method of awarding academic
52 scholarships, and shall supervise the processing thereof; and

53 (3) Select qualified recipients to receive academic scholarships, make such
54 awards of academic scholarships to qualified recipients and determine the
55 manner and method of payment to the recipient.

56 4. [A student shall be eligible for initial or renewed academic scholarship
57 if he or she is in compliance with the eligibility requirements set forth in section
58 173.215 excluding the requirement of financial need and undergraduate status,
59 and in addition meets the following requirements:

60 (1) Initial academic scholarships shall be offered in the academic year
61 immediately following graduation from high school to Missouri high school seniors
62 whose composite scores on the American College Testing Program (ACT) or the
63 Scholastic Aptitude Test (SAT) of the College Board are in the top five percent of
64 all Missouri students taking those tests during the school year in which the
65 scholarship recipients graduate from high school. In the freshman year of college,
66 scholarship recipients are required to maintain status as a full-time student;

67 (2) Academic scholarships are renewable if the recipient remains in
68 compliance with the applicable provisions of section 173.215 and the recipient
69 makes satisfactory academic degree progress as a full-time student.

70 5. A student who is enrolled or has been accepted for enrollment as a
71 postsecondary student at an approved private or public institution beginning with
72 the fall 1987, term and who meets the other eligibility requirements for an
73 academic scholarship shall, within the limits of the funds appropriated and made
74 available, be offered an academic scholarship in the amount of two thousand
75 dollars for each eligible student whose composite scores on the American College
76 Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College
77 Board are in the top three percent of all Missouri students taking those tests
78 during the school year in which the scholarship recipients graduate from high
79 school for each fiscal year prior to fiscal year 2011, and, subject to appropriations,
80 three thousand dollars for fiscal year 2011 and every fiscal year thereafter, and
81 one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each
82 eligible student whose composite scores on the American College Testing Program
83 (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the
84 top five and three percent of all Missouri students taking those tests during the
85 school year in which the scholarship recipients graduate from high school, for the
86 first academic year of study, which scholarship shall be renewable in the amount
87 of two thousand dollars for each eligible student whose composite scores on the
88 American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT)
89 of the College Board are in the top three percent of all Missouri students taking
90 those tests during the school year in which the scholarship recipients graduate
91 from high school for each fiscal year prior to fiscal year 2011, and, subject to
92 appropriations, three thousand dollars for fiscal year 2011 and every fiscal year
93 thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year
94 thereafter for each eligible student whose composite scores on the American
95 College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the
96 College Board are between the top five and three percent of all Missouri students
97 taking those tests during the school year in which the scholarship recipients
98 graduate from high school, annually for the second, third and fourth academic
99 years or as long as the recipient is in compliance with the applicable eligibility
100 requirements set forth in section 173.215, provided those years of study are
101 continuous and the student continues to meet eligibility requirements for the
102 scholarship; provided, however, if a recipient ceases all attendance at an approved

103 public or private institution for the purpose of providing service to a nonprofit
104 organization, a state or federal government agency or any branch of the armed
105 forces of the United States, the recipient shall be eligible for a renewal
106 scholarship upon return to any approved public or private institution, provided
107 the recipient:

- 108 (1) Returns to full-time status within twenty-seven months;
- 109 (2) Provides verification in compliance with coordinating board for higher
110 education rules that the service to the nonprofit organization was satisfactorily
111 completed and was not compensated other than for expenses or that the service
112 to the state or federal governmental agency or branch of the armed forces of the
113 United States was satisfactorily completed; and
- 114 (3) Meets all other requirements established for eligibility to receive a
115 renewal scholarship.

116 **6.] Eligible students shall be offered academic scholarships in**
117 **the following amounts, within the limits of the funds appropriated and**
118 **made available:**

119 (1) **During each fiscal year prior to fiscal year 2011, each eligible**
120 **student with a qualifying score in the top three percent of all Missouri**
121 **test-takers shall be offered an academic scholarship in the amount of**
122 **two thousand dollars per year;**

123 (2) **During fiscal year 2011 and each fiscal year thereafter:**

124 (a) **Each eligible student with a qualifying score in the top three**
125 **percent of all Missouri test-takers shall be offered an academic**
126 **scholarship in the amount of three thousand dollars per year; and**

127 (b) **Each eligible student with a qualifying score in the top five**
128 **percent shall be offered an academic scholarship in the amount of one**
129 **thousand dollars per year;**

130 (3) **Eligible students may renew academic scholarships for their**
131 **second, third, and fourth years of postsecondary education, or as long**
132 **as the recipient is in compliance with the criteria to be a renewal**
133 **student;**

134 (4) **If an eligible student is unable to enroll during the first**
135 **academic year or a renewal student ceases attendance at an approved**
136 **institution for the purpose of providing service to a nonprofit**
137 **organization, a state or federal government agency, or any branch of**
138 **the armed forces of the United States, such student shall be offered an**

139 **academic scholarship upon enrollment in any approved institution**
140 **after the completion of their service, if the student meets all other**
141 **requirements for an initial or renewal award and if the following**
142 **criteria are met:**

143 **(a) For an eligible student who cannot attend an approved**
144 **institution as a result of service to a non-profit organization or the**
145 **state or federal government, the student returns to full-time status**
146 **within twenty-seven months and provides verification to the**
147 **coordinating board for higher education that the service to the**
148 **nonprofit organization was satisfactorily completed and was not**
149 **compensated other than for expenses, or that the service to the state or**
150 **federal government was satisfactorily completed; or**

151 **(b) For an eligible student who cannot attend an approved**
152 **institution as a result of military service in the armed forces of the**
153 **United States, the student returns to full-time status within six months**
154 **after the eligible student first ceases service to the armed forces and**
155 **provides verification to the coordinating board for higher education**
156 **that the military service was satisfactorily completed.**

157 **5. A recipient of an academic scholarship awarded under this section may**
158 **transfer from one approved [Missouri public or private] institution to another**
159 **without losing eligibility for the academic scholarship.**

160 **6. If a recipient of [the] an academic scholarship at any time withdraws**
161 **from an approved [private or public] institution so that under the rules and**
162 **regulations of that institution he or she is entitled to a refund of any tuition, fees**
163 **or other charges, the institution shall pay the portion of the refund attributable**
164 **to the academic scholarship for that term to the coordinating board for higher**
165 **education.**

166 **7. Other provisions of this section to the contrary notwithstanding, if [a**
167 **recipient] an eligible student has been awarded an initial academic scholarship**
168 **pursuant to the provisions of this section but is unable to [use the scholarship]**
169 **attend an approved institution during the first academic year because of**
170 **illness, disability, pregnancy or other medical need or if a [recipient] renewal**
171 **student ceases all attendance at an approved [public or private] institution**
172 **because of illness, disability, pregnancy or other medical need, the recipient shall**
173 **be eligible for an initial or renewal academic scholarship upon enrollment in or**
174 **return to any approved [public or private] institution, provided the recipient:**

- 175 (1) Enrolls in or returns to full-time status within twenty-seven months;
176 (2) Provides verification in compliance with coordinating board for higher
177 education rules of sufficient medical evidence documenting an illness, disability,
178 pregnancy or other medical need of such person to require that that person will
179 not be able to use the [initial or renewal] **academic** scholarship during the time
180 period for which it was originally offered; and
181 (3) Meets all other requirements established for eligibility to receive an
182 [initial or a renewal] **academic** scholarship.

**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 shall 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 3 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 all other sources of postsecondary student
24 financial assistance. All scholarships under this subsection shall be
25 subject to appropriation.**

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

**27 (1) Received a payment under subsection 3 of section 160.545,
28 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 sources of nonrepayable financial assistance that could be
40 applied to the student's tuition and fees;

41 (5) Maintained a record of good citizenship and avoidance of the
42 unlawful use of drugs and alcohol;

43 (6) Maintained full-time enrollment; and

44 (7) Maintained a grade point average of three points or higher
45 on a four-point scale, or its equivalent on another scale, during the
46 student's enrollment while receiving a scholarship under the provisions
47 of subsection 3 of this section.

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

58 6. If appropriated funds are insufficient to fund all eligible
59 students, the department shall adjust scholarship
60 amounts. Scholarships under subsection 3 of section 160.545, RSMo,
61 shall be fully funded prior to any scholarships being distributed under
62 subdivision (2) of this subsection. Scholarships shall be distributed in
63 the following priority:

64 (1) Students eligible for scholarships under subsection 3 of
65 section 160.545, RSMo. If appropriated funds are insufficient to fund
66 all students eligible under subsection 3 of section 160.545, RSMo,

67 scholarship amounts shall be reduced equally for all such students,
68 following the order of priority in subsection 8 of section 160.545, RSMo;

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

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

78 8. Any rule or portion of a rule, as that term is defined in section
79 536.010, RSMo, that is created under the authority delegated in this
80 section shall become effective only if it complies with and is subject to
81 all of the provisions of chapter 536, RSMo, and, if applicable, section
82 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
83 and if any of the powers vested with the general assembly pursuant to
84 chapter 536, RSMo, to review, to delay the effective date, or to
85 disapprove and annul a rule are subsequently held unconstitutional,
86 then the grant of rulemaking authority and any rule proposed or
87 adopted after August 28, 2009, shall be invalid and void.

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