

SECOND REGULAR SESSION

SENATE BILL NO. 899

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time February 4, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4690S.02I

AN ACT

To repeal sections 160.545 and 173.1105, RSMo, and to enact in lieu thereof nine new sections relating to the Missouri promise program.

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

Section A. Sections 160.545 and 173.1105, RSMo, are repealed and nine
2 new sections enacted in lieu thereof, to be known as sections 160.545, 173.1105,
3 173.1174, 173.1175, 173.1178, 173.1181, 173.1184, 173.1187, and 173.1190, to
4 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 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

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

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. 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 subsection.
68 However, any waiver provided to any school as outlined in this subsection shall
69 be void on June thirtieth of any school year in which the school fails to meet the
70 requirements for the approval of the grants authorized by this section as specified
71 in subsection 2 of this section.

72 6. For any school year, grants authorized by subsections 1 [to 3], **2, and**
73 **4** of this section shall be funded with the amount appropriated for this program[,
74 less those funds necessary to reimburse eligible students pursuant to subsection
75 7 of this section].

76 7. [The commissioner of education shall, by rule and regulation of the
77 state 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 vocational or technical school
80 or within the limits established in subsection 9 of this section for any two-year
81 private vocational or technical school for any student:

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

89 (2) Who has made a good faith effort to first secure all available federal

90 sources of funding that could be applied to the reimbursement described in this
91 subsection; and

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

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

101 [9. For a two-year private vocational or technical school to obtain
102 reimbursements under subsection 7 of this section, the following requirements
103 shall be satisfied:

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

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

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

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

173.1105. 1. Beginning with the 2007-08 academic year, an applicant who
2 is an undergraduate postsecondary student at an approved private or public
3 institution and who meets the other eligibility criteria shall be eligible for
4 financial assistance, with a minimum and maximum award amount as follows:

5 (1) One thousand dollars maximum and three hundred dollars minimum
6 for students attending institutions classified as part of the public two-year sector;

7 (2) Two thousand one hundred fifty dollars maximum and one thousand
8 dollars minimum for students attending institutions classified as part of the

9 public four-year sector, including Linn State Technical College; and
10 (3) Four thousand six hundred dollars maximum and two thousand dollars
11 minimum for students attending approved private institutions.

12 2. All students with an expected family contribution of twelve thousand
13 dollars or less shall receive at least the minimum award amount for his or her
14 institution. Maximum award amounts for an eligible student with an expected
15 family contribution above seven thousand dollars shall be reduced by ten percent
16 of the maximum expected family contribution for his or her increment
17 group. [Any award amount shall be reduced by the amount of a student's
18 reimbursement pursuant to section 160.545, RSMo.] For purposes of this
19 subsection, the term "increment group" shall mean a group organized by expected
20 family contribution in five hundred dollar increments into which all eligible
21 students shall be placed.

22 3. If appropriated funds are insufficient to fund the program as described,
23 the maximum award shall be reduced across all sectors by the percentage of the
24 shortfall. If appropriated funds exceed the amount necessary to fund the
25 program, the additional funds shall be used to increase the number of recipients
26 by raising the cutoff for the expected family contribution rather than by
27 increasing the size of the award.

28 4. Every three years, beginning with academic year 2009-10, the award
29 amount may be adjusted to increase no more than the Consumer Price Index for
30 All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as
31 defined and officially recorded by the United States Department of Labor, or its
32 successor agency, for the previous academic year. The coordinating board shall
33 prepare a report prior to the legislative session for use of the general assembly
34 and the governor in determining budget requests which shall include the amount
35 of funds necessary to maintain full funding of the program based on the baseline
36 established for the program upon the passage of sections 173.1101 to
37 173.1107. Any increase in the award amount shall not become effective unless
38 an increase in the amount of money appropriated to the program necessary to
39 cover the increase in award amount is passed by the general assembly.

173.1174. The program established under sections 173.1174 to
2 173.1190 shall be known and may be cited as the "Missouri Promise
3 Program". The Missouri promise program shall be the successor to the
4 A+ scholarship program.

173.1175. As used in sections 173.1174 to 173.1190, unless the

2 context requires otherwise, the following terms mean:

3 (1) "Approved public institution", a public institution of higher
4 education that meets the criteria set forth in subdivision (3) of section
5 173.1102;

6 (2) "Approved public university", an approved public institution
7 that offers at least one baccalaureate-level degree program;

8 (3) "Associate's degree", an associate of arts degree, an associate's
9 degree that contains the forty-two-hour general education block
10 established by the coordinating board, or an associate's degree in a
11 program that is part of an articulation agreement recognized by the
12 coordinating board;

13 (4) "Average university tuition", the sum of the amount of tuition
14 charged by each approved public university divided by the total
15 number of approved public universities;

16 (5) "Coordinating board", the coordinating board for higher
17 education;

18 (6) "Eligible approved private institution", a private institution
19 of higher education that meets the criteria set forth in subdivision (2)
20 of section 173.1102 and:

21 (a) Is a two-year vocational or technical school;

22 (b) Is a member of the North Central Association and is
23 accredited by the Higher Learning Commission as of July 1, 2008, and
24 maintains such accreditation;

25 (c) Is designated as a 501(c)(3) nonprofit organization under the
26 Internal Revenue Code of 1986, as amended; and

27 (d) Does not violate the provisions of article I, section 7, or
28 article IX, section 8, of the Missouri Constitution, or the first
29 amendment of the United States Constitution by receiving
30 reimbursements under the Missouri promise program;

31 (7) "Expected family contribution", the amount of money a
32 student and family should pay toward the cost of postsecondary
33 education as calculated by the United States Department of Education
34 and reported on the student aid report or the institutional student
35 information record;

36 (8) "Full-time student", an individual who is enrolled in and is
37 carrying a sufficient number of credit hours or their equivalent at an
38 approved public institution or an eligible approved private institution

39 to secure the degree or certificate toward which he or she is working
40 in no more than the number of semesters or the equivalent normally
41 required by that institution in the program in which the individual is
42 enrolled;

43 (9) "Level 1 Missouri Promise award", an award received by a
44 student who is attending an approved public institution that is a
45 community college or public vocational or technical school, or an
46 eligible approved private institution;

47 (10) "Level 2 Missouri Promise award", an award received by a
48 student who is attending an approved public university;

49 (11) "Tuition", the amount of tuition and fees charged by an
50 institution to all undergraduate students who are Missouri residents
51 and who are enrolled as full-time students.

173.1178. 1. The coordinating board shall administer the
2 Missouri Promise program and shall promulgate rules and regulations
3 for the program's implementation and operation. The coordinating
4 board shall prescribe the form, time, and method of filing applications
5 and supervise the processing thereof. Any rule or portion of a rule, as
6 that term is defined in section 536.010 that is created under the
7 authority delegated in sections 173.1174 to 173.1190 shall become
8 effective only if it complies with and is subject to all of the provisions
9 of chapter 536, and, if applicable, section 536.028. This section and
10 chapter 536 are nonseverable and if any of the powers vested with the
11 general assembly pursuant to chapter 536, to review, to delay the
12 effective date, or to disapprove and annul a rule are subsequently held
13 unconstitutional, then the grant of rulemaking authority and any rule
14 proposed or adopted after August 28, 2010, shall be invalid and void.

15 2. The coordinating board shall determine eligibility criteria for
16 Missouri promise awards. The coordinating board shall also establish
17 procedures by which students who meet criteria specified by the
18 coordinating board may seek to defer their initial or renewal Missouri
19 promise awards for a particular time period, and by which students
20 who fail to achieve the required grade point average while receiving a
21 Missouri promise award may be granted a finite grace period. Missouri
22 promise awards shall be available for a period of four years after high
23 school graduation unless a deferral is granted to the applicant by the
24 coordinating board in accordance with established procedures.

25 3. The coordinating board shall select qualified applicants to
26 receive awards, make awards to qualified applicants, and determine the
27 manner and method of payment of awards. The coordinating board
28 shall determine eligibility for renewal awards. In making renewal
29 awards, the coordinating board may increase or decrease the amount
30 of an applicant's award if such action is warranted by a change in the
31 financial condition of the applicant, the applicant's spouse, or the
32 applicant's parents, or the availability of appropriated funds.

33 4. The coordinating board may allow the department of higher
34 education to implement the Missouri promise program.

35 5. There is hereby created in the state treasury the "Missouri
36 Promise Fund". The state treasurer shall be custodian of the fund and
37 may approve disbursements from the fund in accordance with sections
38 30.170 and 30.180. Upon appropriation, money in the fund shall be used
39 solely to provide awards to qualified applicants as provided by sections
40 173.1174 to 173.1190. Notwithstanding the provisions of section 33.080
41 to the contrary, any moneys remaining in the fund at the end of the
42 biennium shall not revert to the credit of the general revenue
43 fund. The state treasurer shall invest moneys in the fund in the same
44 manner as other funds are invested. Any interest and moneys earned
45 on such investments shall be credited to the fund.

 173.1181. 1. No applicant for a level 1 or level 2 Missouri promise
2 award shall be eligible to receive an award unless the applicant:

- 3 (1) Is a citizen or permanent resident of the United States;
4 (2) Is a Missouri resident who graduated from a Missouri public
5 high school;
6 (3) Is enrolled, or has been accepted for enrollment, as a full-time
7 student in a program leading to a formal postsecondary non-degree
8 award, one- or two-year certificate, an associate's degree or a
9 bachelor's degree at an approved public institution or an eligible
10 approved private institution;
11 (4) Is not enrolled and does not intend to use the award to enroll
12 in a course of study leading to a degree in theology or divinity;
13 (5) Has not been found guilty of or plead guilty to any criminal
14 offense during the period of time in which the applicant is receiving a
15 Missouri promise award, provided such offense would disqualify the
16 applicant from receiving federal student aid under Title IV of the

17 **Higher Education Act of 1965, as amended;**

18 **(6) Has attempted to first secure all available state and federal**
19 **postsecondary student financial assistance that does not require**
20 **repayment by submitting a completed Free Application for Federal**
21 **Student Aid by the deadline established by the coordinating board.**

22 **2. An applicant may be eligible to receive an initial level 1**
23 **Missouri promise award if the applicant meets the following criteria,**
24 **in addition to meeting the criteria set forth in subsection 1 of this**
25 **section;**

26 **(1) During high school, the applicant:**

27 **(a) Achieved an overall grade point average of two and five-**
28 **tenths or higher on a four-point scale, or the equivalent on another**
29 **scale;**

30 **(b) Has at least a ninety-five percent attendance record overall**
31 **for grades nine through twelve;**

32 **(c) Performed at least fifty hours of unpaid community service;**
33 **and**

34 **(d) Maintained a record of good citizenship and avoidance of the**
35 **unlawful use of drugs or alcohol; and**

36 **(2) The applicant enrolls in an approved public institution that**
37 **is a community college or public vocational or technical school, or an**
38 **eligible approved private institution as a full-time student.**

39 **3. An applicant may be eligible to receive a renewal level 1**
40 **Missouri promise award if the applicant meets the following criteria,**
41 **in addition to meeting the criteria set forth in subsections 1 and 2 of**
42 **this section:**

43 **(1) The applicant remains continuously enrolled at an approved**
44 **public institution that is a community college or public vocational or**
45 **technical school, or an eligible approved private institution as a full-**
46 **time student;**

47 **(2) The applicant maintained a grade point average of two and**
48 **five-tenths or higher on a four-point scale, or the equivalent on another**
49 **scale, during the time that he or she received the Missouri promise**
50 **award or an A+ scholarship; and**

51 **(3) The applicant received a Missouri promise award or an A+**
52 **scholarship during the academic year immediately preceding the**
53 **academic year he or she seeks to receive a Missouri promise award, or,**

54 beginning with the fall 2010 academic semester, would have received
55 a level 1 Missouri promise award during each regular semester that he
56 or she attended an approved public institution that is a community
57 college or a public vocational or technical school, or an eligible
58 approved private institution but did not receive the award solely due
59 to the receipt of other state or federal postsecondary student financial
60 assistance or combination thereof; provided, however, that no student
61 shall receive a level 1 Missouri promise award or an A+ scholarship for
62 more than six semesters.

63 4. An applicant may be eligible to receive an initial level 2
64 Missouri promise award if the applicant meets the following criteria,
65 in addition to the criteria set forth in subsection 1 of this section:

66 (1) The applicant received an associate's degree from an
67 approved public institution that is a community college or public
68 vocational or technical school, or an eligible approved private
69 institution and enrolled in an approved public university within nine
70 months of completing the associate's degree;

71 (2) The applicant received a level 1 Missouri promise award or
72 an A+ scholarship during each regular semester that he or she attended
73 an approved public institution that is a community college or public
74 vocational or technical school, or an eligible approved private
75 institution, or, beginning with the fall 2010 academic semester, would
76 have received a level 1 Missouri promise award during each regular
77 semester that he or she attended an approved public institution that is
78 a community college or a public vocational or technical school, or an
79 eligible approved private institution but did not receive the award
80 solely due to the receipt of other state or federal postsecondary student
81 financial assistance;

82 (3) The applicant achieved an overall grade point average of two
83 and five-tenths or higher on a four-point scale, or the equivalent on
84 another scale, while attending an approved public institution that is a
85 community college or public vocational or technical school, or an
86 eligible approved private institution; and

87 (4) The applicant has an expected family contribution of twelve
88 thousand dollars or less.

89 5. An applicant may be eligible to receive a renewal level 2
90 Missouri promise award if, in addition to meeting the criteria set forth

91 in subsections 1 and 4 of this section, the applicant achieved an overall
92 grade point average of three points or higher on a four-point scale, or
93 the equivalent on another scale while attending an approved public
94 university. No student shall receive a level 2 Missouri promise award
95 for more than four semesters, unless a deferral is granted to the
96 applicant by the coordinating board in accordance with established
97 procedures or the student is enrolled in a baccalaureate program for
98 which greater than one hundred twenty-four credit hours is required
99 to graduate, as provided for by rule of the coordinating board. Under
100 no circumstances shall a student receive a level 2 Missouri promise
101 award for more than six semesters.

173.1184. 1. An eligible student attending an approved public
2 institution that is a community college or a public vocational or
3 technical school may receive a level 1 Missouri promise award in an
4 amount up to the student's actual tuition. An eligible student attending
5 an eligible approved private institution may receive a level 1 Missouri
6 promise award in an amount not to exceed the lesser of the student's
7 actual tuition or the tuition charged by the community college in whose
8 service area the eligible approved private institution is located. The
9 latter amount shall include the tuition charged to in-district Missouri
10 residents who enroll on a full-time basis.

11 2. A level 2 Missouri promise award shall not exceed the lesser
12 of either the tuition at the institution a student is attending or the
13 average university tuition.

14 3. Level 1 and level 2 Missouri promise awards shall be reduced
15 by the amount of a student's award under the federal Pell grant
16 program and any award received under the program established by
17 sections 173.1101 to 173.1107 or that program's successor.

18 4. All Missouri promise awards are subject to appropriation. If
19 appropriated funds are insufficient to fully fund all students eligible
20 for level 1 and level 2 awards, the coordinating board shall adjust
21 award amounts. Level 1 awards shall be fully funded before any level
22 2 awards are made. Awards shall be distributed in the following
23 priority:

24 (1) Students eligible for level 1 awards. If appropriated funds
25 are insufficient to fund all students eligible to receive level 1 awards,
26 awards shall be reduced according to guidelines established by the

27 coordinating board;

28 (2) Students eligible for level 2 awards. If appropriated funds
29 are insufficient to fund all students eligible to receive level 2 awards,
30 awards shall be reduced according to guidelines established by the
31 coordinating board.

173.1187. A recipient of a level 1 or level 2 Missouri promise
2 award may transfer from one approved public or eligible approved
3 private institution to another without losing eligibility for assistance
4 under sections 173.1174 to 173.1190, but the coordinating board shall
5 make any necessary adjustments in the amount of the award.

173.1190. If a Missouri promise award recipient is at any time
2 entitled to a refund of any tuition, fees, or other charges under the
3 rules and regulations of the institution in which he or she is enrolled,
4 the institution shall pay the portion of the refund which may be
5 attributed to the Missouri promise award to the coordinating
6 board. The coordinating board shall use these refunds to make
7 additional awards under the provisions of sections 173.1174 to 173.1190.

Bill ✓

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