

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 130
96TH GENERAL ASSEMBLY

Reported from the Committee on Education, March 3, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0318S.03C

AN ACT

To amend chapter 173, RSMo, by adding thereto four new sections relating to the early high school graduation scholarship program.

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

Section A. Chapter 173, RSMo, is amended by adding thereto four new sections, to be known as sections 173.1300, 173.1303, 173.1306, and 173.1309, to read as follows:

173.1300. 1. There is hereby established the "Early High School Graduation Scholarship Program" to provide assistance to eligible students in Missouri that graduate from high school in accordance with the provisions of sections 173.1300 to 173.1309. The department of higher education shall implement and administer the program. Sections 173.1300 to 173.1309 shall be known and may be cited as the "Early High School Graduation Scholarship Program Act".

2. As used in sections 173.1300 to 173.1309, the following terms shall mean:

(1) "Eligible student", a student who qualifies for a scholarship under sections 173.1300 to 173.1309 and who:

(a) Has received approval from a parent or legal guardian;

(b) Has graduated from a public high school in Missouri in the time frame specified in section 173.1303 or 173.1306;

(c) Has attended one or more public high schools in Missouri for more than half of the time the student attended high school; and

(d) Is a United States citizen, permanent resident, or otherwise lawfully authorized to be present in the United States;

(2) "Private institution of higher education", a nonprofit

20 institution, dedicated to educational purposes, located in Missouri
21 which:

22 (a) Is operated privately under the control of an independent
23 board and not directly controlled or administered by any public agency
24 or political subdivision;

25 (b) Provides a postsecondary course of instruction at least six
26 months in length leading to or directly creditable toward a certificate
27 or degree;

28 (c) Meets the standards for accreditation as determined by either
29 the Higher Learning Commission or by other accrediting bodies
30 recognized by the United States Department of Education or by
31 utilizing accreditation standards applicable to nondegree-granting
32 institutions as established by the coordinating board for higher
33 education;

34 (d) Does not discriminate in the hiring of administrators, faculty,
35 and staff or in the admission of students on the basis of race, color,
36 religion, sex, or national origin and is in compliance with the Federal
37 Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant
38 thereto. Sex discrimination as used herein shall not apply to admission
39 practices of institutions offering the enrollment limited to one sex;

40 (e) Permits faculty members to select textbooks without
41 influence or pressure by any religious or sectarian source;

42 (3) "Public institution of higher education", an educational
43 institution located in Missouri which:

44 (a) Is directly controlled or administered by a public agency or
45 political subdivision;

46 (b) Receives appropriations directly or indirectly from the
47 general assembly for operating expenses;

48 (c) Provides a postsecondary course of instruction at least six
49 months in length leading to or directly creditable toward a degree or
50 certificate;

51 (d) Meets the standards for accreditation as determined by
52 either the Higher Learning Commission, or if a public community
53 college created under the provisions of sections 178.370 to 178.400
54 meets the standards established by the coordinating board for higher
55 education for such public community colleges, or by other accrediting
56 bodies recognized by the United States Department of Education or by

57 utilizing accreditation standards applicable to the institution as
58 established by the coordinating board for higher education;

59 (e) Does not discriminate in the hiring of administrators, faculty,
60 and staff or in the admission of students on the basis of race, color,
61 religion, sex, or national origin and is otherwise in compliance with the
62 Federal Civil Rights Acts of 1964 and 1968 and executive orders issued
63 pursuant thereto;

64 (f) Permits faculty members to select textbooks without influence
65 or pressure by any religious or sectarian source.

66 3. An eligible student who receives a scholarship under sections
67 173.1300 to 173.1309 shall use the scholarship within one year of
68 graduating from high school except as provided within this subsection
69 or subsection 4 of this section. If he or she is unable to enroll during
70 the first academic year following high school graduation for the
71 purpose of providing service to a nonprofit organization, a state or
72 federal government agency, or any branch of the armed forces of the
73 United States, he or she shall be offered a scholarship upon enrollment
74 in any public or private institution of higher education after the
75 completion of his or her service, if all other requirements and the
76 following criteria are met:

77 (1) For an eligible student who cannot attend a public or private
78 institution of higher education as a result of service to a non-profit
79 organization or a state or federal government agency, he or she returns
80 to full-time status within twenty-seven months and provides
81 verification to the department of higher education that the service to
82 the nonprofit organization was satisfactorily completed and was not
83 compensated other than for expenses, or that the service to the state or
84 federal government agency was satisfactorily completed; or

85 (2) For an eligible student who cannot attend a public or private
86 institution of higher education as a result of military service in any
87 branch of the armed forces of the United States, he or she returns to
88 full-time status within six months after he or she first ceases service to
89 the armed forces and provides verification to the department of higher
90 education that the military service was satisfactorily completed.

91 4. An eligible student may seek an extension from the
92 requirements of subsection 3 of this section if he or she is able to show
93 hardship or other good cause that prevents him or her from enrolling

94 in a public or private institution of higher education within one year
95 of graduating from high school. Hardship or other good cause shall
96 include a severe illness or other debilitating condition or responsibility
97 for the care of a sick, injured, or needy person. The department of
98 higher education shall determine whether a student qualifies for an
99 extension under this subsection.

173.1303. 1. An eligible student who receives a scholarship under
2 this section may use the scholarship money at a public or private
3 institution of higher education for tuition, mandatory fees, or both. An
4 eligible student who has participated in a dual credit or dual
5 enrollment program with his or her high school and an institution of
6 higher education may use the scholarship money to pay any fees
7 necessary to receive official post-secondary credit for work completed
8 through such program.

9 2. If an eligible student completes high school graduation
10 requirements and receives a high school diploma in not more than
11 thirty-six months, he or she shall be offered a scholarship in the
12 amount determined in subsection 4 of this section. For each eligible
13 student, an amount equal to ninety percent of the school district's state
14 aid payments pursuant to the provisions of sections 163.031, 163.043,
15 and 163.044 for the year immediately preceding the eligible student's
16 receipt of the high school diploma, divided by the district's weighted
17 average daily attendance for the year immediately preceding the
18 student's receipt of the high school diploma shall be placed in the fund
19 established in this section. The school district from which the eligible
20 student graduated shall be offered a grant in an amount equal to ten
21 percent of the school district's state aid payments pursuant to the
22 provisions of sections 163.031, 163.043, and 163.044 for the year
23 immediately preceding the eligible student's receipt of the high school
24 diploma, divided by the district's weighted average daily attendance for
25 the year immediately preceding the student's receipt of the high school
26 diploma when the student is offered, and accepts, the scholarship.

27 3. Upon enrollment of an eligible student in a public or private
28 institution of higher education, the institution shall apply to his or her
29 charges for tuition or mandatory fees, as applicable, for the enrollment
30 period an amount equal to the lesser of the:

31 (1) Amount of the scholarship as calculated under this section;

32 or

33 (2) Student's actual tuition and/or mandatory fees.

34 4. The department of higher education shall use the moneys in
35 the fund created in this section to distribute scholarships to students
36 and grants to school districts under this section. The department of
37 higher education shall distribute the grant moneys to eligible school
38 districts. After such distribution, the scholarship amount awarded to
39 an eligible student shall be determined by dividing the remaining
40 amount of money in the fund by the number of eligible students.

41 5. There is hereby created in the state treasury the "Early High
42 School Graduation Scholarship Program Fund I", which shall consist of
43 money collected under this section. The state treasurer shall be
44 custodian of the fund and may approve disbursements from the fund in
45 accordance with sections 30.170 and 30.180. Upon appropriation, money
46 in the fund shall be used solely for the administration of this
47 section. Any moneys remaining in the fund at the end of the biennium
48 shall revert to the credit of the general revenue fund. The state
49 treasurer shall invest moneys in the fund in the same manner as other
50 funds are invested. Any interest and moneys earned on such
51 investments shall be credited to the fund.

173.1306. 1. If an eligible student completes high school
2 graduation requirements and receives a high school diploma in not
3 more than forty-one months, he or she shall be offered a scholarship in
4 the amount determined under subsection 4 of this section. For each
5 eligible student, an amount equal to ninety percent of the school
6 district's state aid payments pursuant to the provisions of sections
7 163.031, 163.043, and 163.044 for the semester immediately preceding
8 the eligible student's receipt of the high school diploma, divided by the
9 district's weighted average daily attendance for the semester
10 immediately preceding the student's receipt of the high school diploma
11 shall be placed in the fund established in this section as provided in
12 subsection 4 of this section. The school district from which the student
13 graduated shall be offered a grant in an amount equal to ten percent
14 of the school district's state aid payments pursuant to the provisions of
15 sections 163.031, 163.043, and 163.044 for the semester immediately
16 preceding the student's receipt of the high school diploma, divided by
17 the district's weighted average daily attendance for the semester

18 immediately preceding the student's receipt of the high school diploma
19 when the student is offered, and accepts, the scholarship.

20 2. An eligible student who receives a scholarship under this
21 section shall use the scholarship money to participate in a dual
22 enrollment program with his or her high school and an institution of
23 higher education or shall use the scholarship money to pay any fees
24 necessary to receive official post-secondary credit for work completed
25 through such program.

26 3. The department of higher education shall use the moneys in
27 the fund created in this section to distribute scholarships to students
28 and grants to school districts under this section. The department of
29 higher education shall distribute the grant moneys to eligible school
30 districts. After such distribution, the scholarship amount awarded to
31 an eligible student shall be determined by dividing the remaining
32 amount of money in the fund by the number of eligible students.

33 4. There is hereby created in the state treasury the "Early High
34 School Graduation Scholarship Program Fund II", which shall consist
35 of money collected under this section. The state treasurer shall be
36 custodian of the fund and may approve disbursements from the fund in
37 accordance with sections 30.170 and 30.180. Upon appropriation, money
38 in the fund shall be used solely for the administration of this
39 section. Any moneys remaining in the fund at the end of the biennium
40 shall revert to the credit of the general revenue fund. The state
41 treasurer shall invest moneys in the fund in the same manner as other
42 funds are invested. Any interest and moneys earned on such
43 investments shall be credited to the fund.

173.1309. 1. The department of higher education shall annually
2 prepare a report that includes the following information:

3 (1) The name of each student who qualifies for a scholarship
4 under sections 173.1300 to 173.1309;

5 (2) The length of time taken for each student who qualifies for
6 the scholarship to graduate from high school; and

7 (3) The school district from which each student graduated from
8 high school.

9 The department of higher education shall submit the report to the
10 commissioner of education by June thirtieth.

11 2. The department of elementary and secondary education shall

12 confirm with the high school from which the eligible student graduated
13 that he or she has completed all of the eligibility requirements of the
14 program. The department shall also, with the cooperation of the
15 department of higher education, confirm that he or she has enrolled in,
16 and is attending, a public or private institution of higher education or
17 participating in a dual enrollment program, as applicable.

18 3. Each public high school in Missouri shall provide information
19 about the early high school graduation scholarship program and its
20 requirements to the following individuals:

21 (1) Each student enrolled in the school at the beginning of his or
22 her first year of high school;

23 (2) Each student who enrolls in the school before the student's
24 senior year who did not receive the information under subdivision (1)
25 of this subsection; and

26 (3) A parent, conservator, or legal guardian of the student under
27 subdivisions (1) and (2) of this subsection.

28 4. The information provided under subsection 3 of this section
29 shall include the following:

30 (1) The number and type of high school course credits necessary
31 to satisfy the eligibility requirements for the early high school
32 graduation scholarship program; and

33 (2) The appropriate order in which those high school course
34 credits shall be earned to satisfy eligibility requirements.

35 5. By January 31, 2012, the department of higher education, in
36 cooperation with the department of elementary and secondary
37 education, shall prepare a publication that includes the information
38 required to be provided under this section. The department of higher
39 education shall post that publication on its website in a form that
40 enables a public high school to reproduce the information for
41 distribution to students, parents, and other persons as required by this
42 section.

43 6. The department of higher education shall promulgate rules
44 and regulations necessary to implement sections 173.1300 to
45 173.1309. Any rule or portion of a rule, as that term is defined in
46 section 536.010 that is created under the authority delegated in this
47 section shall become effective only if it complies with and is subject to
48 all of the provisions of chapter 536, and, if applicable, section

49 **536.028. This section and chapter 536 are nonseverable and if any of**
50 **the powers vested with the general assembly pursuant to chapter 536,**
51 **to review, to delay the effective date, or to disapprove and annul a rule**
52 **are subsequently held unconstitutional, then the grant of rulemaking**
53 **authority and any rule proposed or adopted after August 28, 2011, shall**
54 **be invalid and void.**

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