

FIRST REGULAR SESSION

SENATE BILL NO. 392

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Read 1st time February 26, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1554S.01I

AN ACT

To repeal section 173.616, RSMo, and to enact in lieu thereof one new section relating to institutions of higher education.

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

Section A. Section 173.616, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 173.616, to read as follows:

173.616. 1. The following schools, training programs, and courses of
2 instruction shall be exempt from the provisions of sections 173.600 to 173.618:

3 (1) A public institution;

4 (2) Any college or university represented directly or indirectly on the
5 advisory committee of the coordinating board for higher education as provided in
6 subsection 3 of section 173.005;

7 (3) An institution that is certified by the board as an "approved private
8 institution" under subdivision (2) of section 173.1102;

9 (4) A not-for-profit religious school that is accredited by the American
10 Association of Bible Colleges, the Association of Theological Schools in the United
11 States and Canada, or a regional accrediting association, such as the North
12 Central Association, which is recognized by the Council on Postsecondary
13 Accreditation and the United States Department of Education; and

14 (5) Beginning July 1, 2008, all out-of-state public institutions of higher
15 education, as such term is defined in subdivision (12) of subsection 2 of section
16 173.005.

17 2. The coordinating board shall exempt the following schools, training
18 programs and courses of instruction from the provisions of sections 173.600 to
19 173.618:

20 (1) A not-for-profit school owned, controlled and operated by a bona fide

21 religious or denominational organization which offers no programs or degrees and
22 grants no degrees or certificates other than those specifically designated as
23 theological, bible, divinity or other religious designation;

24 (2) A not-for-profit school owned, controlled and operated by a bona fide
25 eleemosynary organization which provides instruction with no financial charge
26 to its students and at which no part of the instructional cost is defrayed by or
27 through programs of governmental student financial aid, including grants and
28 loans, provided directly to or for individual students;

29 (3) A school which offers instruction only in subject areas which are
30 primarily for avocational or recreational purposes as distinct from courses to
31 teach employable, marketable knowledge or skills, which does not advertise
32 occupational objectives and which does not grant degrees;

33 (4) A course of instruction, study or training program sponsored by an
34 employer for the training and preparation of its own employees;

35 (5) A course of study or instruction conducted by a trade, business or
36 professional organization with a closed membership where participation in the
37 course is limited to bona fide members of the trade, business or professional
38 organization, or a course of instruction for persons in preparation for an
39 examination given by a state board or commission where the state board or
40 commission approves that course and school;

41 (6) A school or person whose clientele are primarily students aged sixteen
42 or under.

43 3. A school which is otherwise licensed and approved under and pursuant
44 to any other licensing law of this state shall be exempt from sections 173.600 to
45 173.618, but a state certificate of incorporation shall not constitute licensing for
46 the purpose of sections 173.600 to 173.618.

47 4. Any school, training program or course of instruction exempted herein
48 may elect by majority action of its governing body or by action of its director to
49 apply for approval of the school, training program or course of instruction under
50 the provisions of sections 173.600 to 173.618. **Notwithstanding the**
51 **provisions of subsections 1 and 2 of section 173.606 to the contrary, any**
52 **approval granted under this section to an otherwise exempt school,**
53 **training program, or course of instruction shall expire at the end of**
54 **five years.** Upon application to and approval by the coordinating board, such
55 school training program or course of instruction may become exempt from the
56 provisions of sections 173.600 to 173.618 at any subsequent time, except the

57 board shall not approve an application for exemption if the approved school is
58 then in any status of noncompliance with certification standards and a reversion
59 to exempt status shall not relieve the school of any liability for indemnification
60 or any penalty for noncompliance with certification standards during the period
61 of the school's approved status.

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