

SECOND REGULAR SESSION

SENATE BILL NO. 699

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time January 13, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

4868S.02I

AN ACT

To repeal sections 173.030 and 174.450, RSMo, and to enact in lieu thereof two new sections relating to state authorization of reciprocity agreements for distance education.

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

Section A. Sections 173.030 and 174.450, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 173.030 and 174.450, to
3 read as follows:

173.030. The coordinating board, in addition, shall have responsibility,
2 within the provisions of the constitution and the statutes of the state of Missouri,
3 for:

4 (1) Requesting the governing boards of all state-supported institutions of
5 higher education, and of major private institutions to submit to the coordinating
6 board any proposed policy changes which would create additional institutions of
7 higher education, additional residence centers, or major additions in degree and
8 certificate programs, and make pertinent recommendations relating thereto;

9 (2) Recommending to the governing board of any institution of higher
10 education in the state the development, consolidation, or elimination of programs,
11 degree offerings, physical facilities or policy changes where that action is deemed
12 by the coordinating board as in the best interests of the institutions themselves
13 and/or the general requirements of the state. Recommendations shall be
14 submitted to governing boards by twelve months preceding the term in which the
15 action may take effect;

16 (3) Recommending to the governing boards of state-supported institutions
17 of higher education, including public community colleges receiving state support,

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

18 formulas to be employed in specifying plans for general operations, for
19 development and expansion, and for requests for appropriations from the general
20 assembly. Such recommendations will be submitted to the governing boards by
21 April first of each year preceding a regular session of the general assembly of the
22 state of Missouri;

23 (4) Promulgating rules to include selected off-campus instruction in public
24 college and university appropriation recommendations where prior need has been
25 established in areas designated by the coordinating board for higher
26 education. Funding for such off-campus instruction shall be included in the
27 appropriation recommendations, shall be determined by the general assembly and
28 shall continue, within the amounts appropriated therefor, unless the general
29 assembly disapproves the action by concurrent resolution;

30 (5) Coordinating reciprocal agreements between or among Missouri state
31 institutions of higher education at the request of one or more of the institutions
32 party to the agreement, and between or among Missouri state institutions of
33 higher education and publicly supported higher education institutions located
34 outside the state of Missouri at the request of any Missouri institution party to
35 the agreement;

36 (6) **Entering into agreements for interstate reciprocity regarding**
37 **the delivery of postsecondary distance education, administering such**
38 **agreements, and approving or disapproving applications to participate**
39 **in such agreements from a postsecondary institution that has its**
40 **principal campus in the state of Missouri:**

41 (a) **The coordinating board shall establish standards for**
42 **institutional approval. Those standards shall include, but are not**
43 **limited to the:**

44 a. **Definition of physical presence for non-Missouri institutions**
45 **servicing Missouri residents consistent with other states' definitions of**
46 **physical presence; and**

47 b. **Establishment of consumer protection policies for distance**
48 **education addressing recruitment and marketing activities; disclosure**
49 **of tuition, fees, and other charges; disclosure of admission processes**
50 **and procedures; and student complaints;**

51 (b) **The coordinating board shall establish policies for the review**
52 **and resolution of student complaints arising from distance education**
53 **programs offered under the agreement;**

54 **(c) The coordinating board may charge fees to any institution**
55 **that applies to participate in an interstate postsecondary distance**
56 **education reciprocity agreement authorized pursuant to this**
57 **section. Such fees shall not exceed the coordinating board for higher**
58 **education's cost of reviewing and evaluating the applications; and**

59 **(d) The coordinating board shall promulgate rules to implement**
60 **the provisions of this subdivision. Any rule or portion of a rule, as that**
61 **term is defined in section 536.010 that is created under the authority**
62 **delegated in this section shall become effective only if it complies with**
63 **and is subject to all of the provisions of chapter 536, and, if applicable,**
64 **section 536.028. This section and chapter 536 are nonseverable and if**
65 **any of the powers vested with the general assembly pursuant to chapter**
66 **536, to review, to delay the effective date, or to disapprove and annul**
67 **a rule are subsequently held unconstitutional, then the grant of**
68 **rulemaking authority and any rule proposed or adopted after August**
69 **28, 2014, shall be invalid and void;**

70 **(7) Administering the nurse training incentive fund;**

71 **[(7)] (8) Conducting, in consultation with each public four-year**
72 **institution's governing board and the governing board of technical colleges and**
73 **community colleges, a review every five years of the mission statements of the**
74 **institutions comprising Missouri's system of public higher education. This review**
75 **shall be based upon the needs of the citizens of the state as well as the**
76 **requirements of business, industry, the professions and government. The purpose**
77 **of this review shall be to ensure that Missouri's system of higher education is**
78 **responsive to the state's needs and is focused, balanced, cost-effective, and**
79 **characterized by programs of high quality as demonstrated by student**
80 **performance and program outcomes. As a component of this review, each**
81 **institution shall prepare, in a manner prescribed by the coordinating board, a**
82 **mission implementation plan for the coordinating board's consideration and**
83 **approval. If the coordinating board determines that an institution has qualified**
84 **for a mission change or additional targeted resources pursuant to review**
85 **conducted under this subdivision and subdivision [(8)] (9) of this subsection, the**
86 **coordinating board shall submit a report to the general assembly that outlines**
87 **the proposed mission change or targeted state resources. No change of mission**
88 **for an institution under this subdivision establishing a statewide mission shall**
89 **become effective until the general assembly approves the proposed mission change**

90 by concurrent resolution, except for the institution defined pursuant to
91 subdivision (1) of section 174.010, and has been approved by the coordinating
92 board and the institutions for which the coordinating board has recommended a
93 statewide mission prior to August 28, 1995. The effective date of any mission
94 change under this subdivision shall be the first day of July immediately following
95 the approval of the concurrent resolution by the general assembly as required
96 under this subdivision, and shall be August 28, 1995, for any institution for which
97 the coordinating board has recommended a statewide mission which has not yet
98 been implemented on such date. Nothing in this subdivision shall preclude an
99 institution from initiating a request to the coordinating board for a revision of its
100 mission; and

101 **[(8)] (9)** Reviewing applications from institutions seeking a statewide
102 mission. Such institutions shall provide evidence to the coordinating board that
103 they have the capacity to discharge successfully such a mission. Such evidence
104 shall consist of the following:

105 (a) That the institution enrolls a representative cross-section of Missouri
106 students. Examples of evidence for meeting this requirement which the
107 institution may present include, but are not limited to, the following: enrolling
108 at least forty percent of its Missouri resident, first-time degree-seeking freshmen
109 from outside its historic statutory service region; enrolling its Missouri
110 undergraduate students from at least eighty percent of all Missouri counties; or
111 enrolling one or more groups of special population students such as minorities,
112 economically disadvantaged, or physically disadvantaged from outside its historic
113 statutory service region at rates exceeding state averages of such populations
114 enrolled in the higher educational institutions of this state;

115 (b) That the institution offers one or more programs of unusual strength
116 which respond to a specific statewide need. Examples of evidence of meeting this
117 requirement which the institution may present include, but are not limited to, the
118 following: receipt of national, discipline-specific accreditation when available;
119 receipt of independent certification for meeting national or state standards or
120 requirements when discipline-specific accreditation is not available; for
121 occupationally specific programs, placement rates significantly higher than
122 average; for programs for which state or national licensure is required or for
123 which state or national licensure or registration is available on a voluntary basis,
124 licensure or registration rates for graduates seeking such recognition significantly
125 higher than average; or quality of program faculty as measured by the percentage

126 holding terminal degrees, the percentage writing publications in professional
127 journals or other appropriate media, and the percentage securing competitively
128 awarded research grants which are higher than average;

129 (c) That the institution has a clearly articulated admission standard
130 consistent with the provisions of subdivision (4) of subsection 2 of section 173.005
131 or section 174.130;

132 (d) That the institution is characterized by a focused academic
133 environment which identifies specific but limited areas of academic emphasis at
134 the undergraduate, and if appropriate, at the graduate and professional school
135 levels, including the identification of programs to be continued, reduced,
136 terminated or targeted for excellence. The institution shall, consistent with its
137 focused academic environment, also have the demonstrable capacity to provide
138 significant public service or research support that address statewide needs for
139 constituencies beyond its historic statutory service region; and

140 (e) That the institution has adopted and maintains a program of
141 continuous quality improvement, or the equivalent of such a program, and reports
142 annually appropriate and verifiable measures of institutional accountability
143 related to such program. Such measures shall include, but not be limited to,
144 indicators of student achievement and institutional mission attainment such as
145 percentage of students meeting institutional admission standards; success of
146 remediation programs, if offered; student retention rate; student graduation rate;
147 objective measures of student, alumni, and employer satisfaction; objective
148 measures of student learning in general education and the major, including
149 written and oral communication skills and critical thinking skills; percentage of
150 students attending graduate or professional schools; student placement, licensure
151 and professional registration rates when appropriate to a program's objectives;
152 objective measures of successful attainment of statewide goals as may be
153 expressed from time to time by the coordinating board or by the general assembly;
154 and objective measures of faculty teaching effectiveness. In the development and
155 evaluation of these institutional accountability reports, the coordinating board
156 and institutions are expected to use multiple measures of success, including
157 nationally developed and verified as well as locally developed and independently
158 verified assessment instruments; however, preference shall be given to nationally
159 developed instruments when they are available and if they are
160 appropriate. Institutions which serve or seek to serve a statewide mission shall
161 be judged to have met the prerequisites for such a mission when they

162 demonstrate to the coordinating board that they have met the criteria described
163 in this subdivision. As a component of this process, each institution shall
164 prepare, in a manner prescribed by the coordinating board, a mission
165 implementation plan for the coordinating board's consideration and approval.

174.450. 1. Except as provided in subsection 2 and subsection 6 of this
2 section, the governing board of the University of Central Missouri, Missouri State
3 University, Missouri Southern State University, Missouri Western State
4 University, and of each other public institution of higher education which,
5 through the procedures established in subdivision [(7) or] (8) **or (9)** of section
6 173.030, is charged with a statewide mission shall be a board of governors
7 consisting of eight members, composed of seven voting members and one
8 nonvoting member as provided in sections 174.453 and 174.455, who shall be
9 appointed by the governor of Missouri, by and with the advice and consent of the
10 senate. No person shall be appointed a voting member who is not a citizen of the
11 United States and who has not been a resident of the state of Missouri for at
12 least two years immediately prior to such appointment. Not more than four
13 voting members shall belong to any one political party. The appointed members
14 of the board of regents serving on the date of the statutory mission change shall
15 become members of the board of governors on the effective date of the statutory
16 mission change and serve until the expiration of the terms for which they were
17 appointed. The board of regents of any such institution shall be abolished on the
18 effective date of the statutory mission change, as prescribed in subdivision [(7)
19 or] (8) **or (9)** of section 173.030.

20 2. The governing board of Missouri State University, a public institution
21 of higher education charged with a statewide mission in public affairs, shall be
22 a board of governors of ten members, composed of nine voting members and one
23 nonvoting member, who shall be appointed by the governor, by and with the
24 advice and consent of the senate. The nonvoting member shall be a student
25 selected in the same manner as prescribed in section 174.055. At least one but
26 no more than two voting members shall be appointed to the board from each
27 congressional district, and every member of the board shall be a citizen of the
28 United States, and a resident of this state for at least two years prior to his or
29 her appointment. No more than five voting members shall belong to any one
30 political party. The term of office of the governors shall be six years, except as
31 provided in this subsection. The term of office for those appointed hereafter shall
32 end January first in years ending in an odd number. For the six voting members'

33 terms that expired in 2011, the successors shall be appointed in the following
34 manner:

35 (1) Of the five voting members' terms that expired on August 28, 2011,
36 one successor member shall be appointed, or the existing member shall be
37 reappointed, to a term that shall expire on January 1, 2013;

38 (2) Of the five voting members' terms that expired on August 28, 2011,
39 two successor members shall be appointed, or the existing members shall be
40 reappointed, to terms that shall expire on January 1, 2015;

41 (3) Of the five voting members' terms that expired on August 28, 2011,
42 two successor members shall be appointed, or the existing members shall be
43 reappointed, to a term that shall expire on January 1, 2017; and

44 (4) For the voting member's term that expired on January 1, 2011, the
45 successor member shall be appointed, or the existing member shall be
46 reappointed, to a term that shall expire on January 1, 2017.

47 Notwithstanding any provision of law to the contrary, nothing in this section
48 relating to a change in the composition and configuration of congressional
49 districts in this state shall prohibit a member who is serving a term on August
50 28, 2011, from completing his or her term.

51 3. If a voting member of the board of governors of Missouri State
52 University is found by unanimous vote of the other governors to have moved such
53 governor's residence from the district from which such governor was appointed,
54 then the office of such governor shall be forfeited and considered vacant.

55 4. Should the total number of Missouri congressional districts be altered,
56 all members of the board of governors of Missouri State University shall be
57 allowed to serve the remainder of the term for which they were appointed.

58 5. Should the boundaries of any congressional districts be altered in a
59 manner that displaces a member of the board of governors of Missouri State
60 University from the congressional district from which the member was appointed,
61 the member shall be allowed to serve the remainder of the term for which the
62 member was appointed.

63 6. The governing board of Missouri Southern State University shall be a
64 board of governors consisting of nine members, composed of eight voting members
65 and one nonvoting member as provided in sections 174.453 and 174.455, who
66 shall be appointed by the governor of Missouri, by and with the advice and
67 consent of the senate. No person shall be appointed a voting member who is not
68 a citizen of the United States and who has not been a resident of the state of

69 Missouri for at least two years immediately prior to such appointment. Not more
70 than four voting members shall belong to any one political party.

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