

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 807 & 577
99TH GENERAL ASSEMBLY

5054H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.545, 162.441, 163.191, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, 178.636, 436.218, 436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.263, 436.266, and 436.257, RSMo, and to enact in lieu thereof thirty-two new sections relating to higher education, with penalty provisions.

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

Section A. Sections 160.545, 162.441, 163.191, 172.280, 173.005, 173.260, 173.1003, 2 173.1101, 173.1102, 173.1104, 173.1105, 173.1107, 174.160, 174.225, 174.231, 174.251, 3 174.324, 174.500, 178.636, 436.218, 436.221, 436.224, 436.227, 436.230, 436.236, 436.242, 4 436.245, 436.248, 436.254, 436.263, 436.266, and 436.257, RSMo, are repealed and thirty-two 5 new sections enacted in lieu thereof, to be known as sections 160.545, 162.441, 163.191, 6 170.013, 172.280, 173.005, 173.260, 173.1003, 173.1101, 173.1102, 173.1104, 173.1105, 7 173.1107, 173.1450, 174.160, 174.225, 174.231, 174.251, 174.500, 178.636, 436.218, 436.221, 8 436.224, 436.227, 436.230, 436.236, 436.242, 436.245, 436.248, 436.254, 436.263, and 436.266, 9 to read as follows:

160.545. 1. There is hereby established within the department of elementary and 2 secondary education the "A+ Schools Program" to be administered by the commissioner of 3 education. The program shall consist of grant awards made to public secondary schools that 4 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 challenging and for 7 which there are identified learning expectations; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 (3) All students proceed from high school graduation to a college or postsecondary
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval
11 of grants made under the program to schools that:

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

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students
15 must demonstrate to successfully complete any individual course offered by the school, and any
16 course of studies which will qualify a student for graduation from the school; and

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

19 (4) Require rigorous coursework with standards of competency in basic academic
20 subjects for students pursuing vocational and technical education as prescribed by rule and
21 regulation of the state board of education; and

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

34 3. Any nonpublic school in this state may apply to the state board of education for
35 certification that it meets the requirements of this section subject to the same criteria as public
36 high schools. Every nonpublic school that applies and has met the requirements of this section
37 shall have its students eligible for reimbursement of postsecondary education under subsection
38 8 of this section on an equal basis to students who graduate from public schools that meet the
39 requirements of this section. Any nonpublic school that applies shall not be eligible for any
40 grants under this section. Students of certified nonpublic schools shall be eligible for
41 reimbursement of postsecondary education under subsection 8 of this section so long as they
42 meet the other requirements of such subsection. For purposes of subdivision (5) of subsection
43 2 of this section, the nonpublic school shall be included in the partnership plan developed by the

44 public school district in which the nonpublic school is located. For purposes of subdivision (1)
45 of subsection 2 of this section, the nonpublic school shall establish measurable performance
46 standards for the goals of the program for every school and grade level over which the nonpublic
47 school maintains control.

48 4. A school district may participate in the program irrespective of its accreditation
49 classification by the state board of education, provided it meets all other requirements.

50 5. By rule and regulation, the state board of education may determine a local school
51 district variable fund match requirement in order for a school or schools in the district to receive
52 a grant under the program. However, no school in any district shall receive a grant under the
53 program unless the district designates a salaried employee to serve as the program coordinator,
54 with the district assuming a minimum of one-half the cost of the salary and other benefits
55 provided to the coordinator. Further, no school in any district shall receive a grant under the
56 program unless the district makes available facilities and services for adult literacy training as
57 specified by rule of the state board of education.

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

75 7. For any school year, grants authorized by subsections 1, 2, and 5 of this section shall
76 be funded with the amount appropriated for this program, less those funds necessary to reimburse
77 eligible students pursuant to subsection 8 of this section.

78 8. The department of higher education shall, by rule, establish a procedure for the
79 reimbursement of the cost of tuition, books and fees to any public community college or

80 vocational or technical school or within the limits established in subsection 10 of this section for
81 any two-year private vocational or technical school for any student:

82 (1) Who has attended a high school in the state for at least three years [~~immediately~~]
83 prior to graduation that meets the requirements of subsection 2 of this section **and who has**
84 **graduated from such a school**; except that, students who are active duty military dependents,
85 and students who are dependants of retired military who relocate to Missouri within one year of
86 the date of the parent's retirement from active duty, who, in the school year immediately
87 preceding graduation, meet all other requirements of this subsection and are attending a school
88 that meets the requirements of subsection 2 of this section shall be exempt from the three-year
89 attendance requirement of this subdivision; and

90 (2) Who has made a good faith effort to first secure all available federal sources of
91 funding that could be applied to the reimbursement described in this subsection; and

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

95 (4) Who is a citizen or permanent resident of the United States.

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

100 10. For a two-year private vocational or technical school to obtain reimbursements under
101 subsection 8 of this section, the following requirements shall be satisfied:

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

105 (2) Such two-year private vocational or technical school shall be designated as a
106 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

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

111 (4) The reimbursements provided to any two-year private vocational or technical school
112 shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri
113 Constitution or the first amendment of the United States Constitution.

162.441. 1. If any school district desires to be attached **to a community college district**
2 **organized under sections 178.770 to 178.890 or** to one or more adjacent seven-director school

3 districts for school purposes, upon the receipt of a petition setting forth such fact, signed either
4 by voters of the district equal in number to ten percent of those voting in the last school election
5 at which school board members were elected or by a majority of the voters of the district,
6 whichever is the lesser, the school board of the district desiring to be so attached shall submit the
7 question to the voters.

8 2. As an alternative to the procedure in subsection 1 of this section, a seven-director
9 district may, by a majority vote of its board of education, propose a plan to the voters of the
10 district to attach the district to one or more adjacent seven-director districts and call ~~[for]~~ an
11 election upon the question of such plan.

12 3. **As an alternative to the procedures in subsection 1 or 2 of this section, a**
13 **community college district organized under sections 178.770 to 178.890 may, by a majority**
14 **vote of its board of trustees, propose a plan to the voters of the school district to attach the**
15 **school district to the community college district, levy the tax rate applicable to the**
16 **community college district at the time of the vote of the board of trustees, and call an**
17 **election upon the question of such plan. The tax rate applicable to the community college**
18 **district shall not be levied as to the school district until the proposal by the board of**
19 **trustees of the community college district has been approved by a majority vote of the**
20 **voters of the school district at the election called for that purpose. The community college**
21 **district shall be responsible for the costs associated with the election.**

22 4. A plat of the proposed changes to all affected districts shall be published and posted
23 with the notice of election.

24 ~~[4-]~~ 5. The question shall be submitted in substantially the following form:

25 Shall the _____ school district be annexed to the _____ school districts effective the
26 _____ day of _____, _____?

27 ~~[5-]~~ 6. If a majority of the votes cast in the district proposing annexation favor
28 annexation, the secretary shall certify the fact, with a copy of the record, to the board of the
29 district and to the boards of the districts to which annexation is proposed; whereupon the boards
30 of the seven-director districts to which annexation is proposed shall meet to consider the
31 advisability of receiving the district or a portion thereof, and if a majority of all the members of
32 each board favor annexation, the boundary lines of the seven-director school districts from the
33 effective date shall be changed to include the district, and the board shall immediately notify the
34 secretary of the district which has been annexed of its action.

35 ~~[6-]~~ 7. Upon the effective date of the annexation, all indebtedness, property and money
36 on hand belonging thereto shall immediately pass to the seven-director school district. If the
37 district is annexed to more than one district, the provisions of sections 162.031 and 162.041 shall
38 apply.

163.191. 1. As used in this section, the following terms shall mean:

2 (1) "Community college", an institution of higher education deriving financial resources
3 from local, state, and federal sources, and providing postsecondary education primarily for
4 persons above the twelfth grade age level, including courses in:

5 (a) Liberal arts and sciences, including general education;

6 (b) Occupational, vocational-technical; and

7 (c) A variety of educational community services.

8

9 Community college course offerings **shall generally** lead to the granting of certificates,
10 diplomas, or associate degrees, ~~[but do not]~~ **and may** include baccalaureate ~~[or higher]~~ degrees
11 **only when authorized by the coordinating board for higher education in circumstances**
12 **where the level of education required in a field for accreditation or licensure increases to**
13 **the baccalaureate degree level or, in the case of applied bachelor's degrees, the level of**
14 **education required for employment in a field increases to that level, and when doing so**
15 **would not unnecessarily duplicate an existing program, collaboration with a university is**
16 **not feasible or the approach is not a viable means of meeting the needs of students and**
17 **employers, and the institution has the academic and financial capacity to offer the program**
18 **in a high-quality manner. Quality for such baccalaureate degree programs shall be**
19 **evaluated at least in part by the delivery of upper-level coursework or competencies, and**
20 **defined by accreditation or compliance with the Higher Learning Commission standards**
21 **for bachelor's degrees;**

22 (2) "Operating costs", all costs attributable to current operations, including all direct
23 costs of instruction, instructors' and counselors' compensation, administrative costs, all normal
24 operating costs and all similar noncapital expenditures during any year, excluding costs of
25 construction of facilities and the purchase of equipment, furniture, and other capital items
26 authorized and funded in accordance with subsection 6 of this section. Operating costs shall be
27 computed in accordance with accounting methods and procedures to be specified by the
28 department of higher education;

29 (3) "Year", from July first to June thirtieth of the following year.

30 2. Each year public community colleges in the aggregate shall be eligible to receive from
31 state funds, if state funds are available and appropriated, an amount up to but not more than fifty
32 percent of the state community colleges' planned operating costs as determined by the department
33 of higher education. The department of higher education shall review all institutional budget
34 requests and prepare appropriation recommendations annually for the community colleges under
35 the supervision of the department. The department's budget request shall include a
36 recommended level of funding.

37 3. (1) Except as provided in subdivision (2) of this subsection, distribution of
38 appropriated funds to community college districts shall be in accordance with the community
39 college resource allocation model. This model shall be developed and revised as appropriate
40 cooperatively by the community colleges and the department of higher education. The
41 department of higher education shall recommend the model to the coordinating board for higher
42 education for their approval. The core funding level for each community college shall initially
43 be established at an amount agreed upon by the community colleges and the department of higher
44 education. This amount will be adjusted annually for inflation, limited growth, and program
45 improvements in accordance with the resource allocation model starting with fiscal year 1993.

46 (2) Unless the general assembly chooses to otherwise appropriate state funding,
47 beginning in fiscal year 2016, at least ninety percent of any increase in core funding over the
48 appropriated amount for the previous fiscal year shall be distributed in accordance with the
49 achievement of performance-funding measures under section 173.1006.

50 4. The department of higher education shall be responsible for evaluating the
51 effectiveness of the resource allocation model and shall submit a report to the governor, the joint
52 committee on education, the speaker of the house of representatives and president pro tempore
53 of the senate by October 31, 2019, and every four years thereafter.

54 5. The department of higher education shall request new and separate state aid funds for
55 any new community college district for its first six years of operation. The request for the new
56 district shall be based upon the same level of funding being provided to the existing districts, and
57 should be sufficient to provide for the growth required to reach a mature enrollment level.

58 6. In addition to state funds received for operating purposes, each community college
59 district shall be eligible to receive an annual appropriation, exclusive of any capital
60 appropriations, for the cost of maintenance and repair of facilities and grounds, including surface
61 parking areas, and purchases of equipment and furniture. Such funds shall not exceed in any year
62 an amount equal to ten percent of the state appropriations, exclusive of any capital
63 appropriations, to community college districts for operating purposes during the most recently
64 completed fiscal year. The department of higher education may include in its annual
65 appropriations request the necessary funds to implement the provisions of this subsection and
66 when appropriated shall distribute the funds to each community college district as appropriated.
67 The department of higher education appropriations request shall be for specific maintenance,
68 repair, and equipment projects at specific community college districts, shall be in an amount of
69 fifty percent of the cost of a given project as determined by the coordinating board and shall be
70 only for projects which have been approved by the coordinating board through a process of
71 application, evaluation, and approval as established by the coordinating board. The coordinating
72 board, as part of its process of application, evaluation, and approval, shall require the community

73 college district to provide proof that the fifty-percent share of funding to be defrayed by the
74 district is either on hand or committed for maintenance, repair, and equipment projects. Only
75 salaries or portions of salaries paid which are directly related to approved projects may be used
76 as a part of the fifty-percent share of funding.

77 7. School districts offering two-year college courses pursuant to section 178.370 on
78 October 31, 1961, shall receive state aid pursuant to subsection 2, subdivision (1) of subsection
79 3, and subsection 6 of this section if all scholastic standards established pursuant to sections
80 178.770 to 178.890 are met.

81 8. In order to make postsecondary educational opportunities available to Missouri
82 residents who do not reside in an existing community college district, community colleges
83 organized pursuant to section 178.370 or sections 178.770 to 178.890 shall be authorized
84 pursuant to the funding provisions of this section to offer courses and programs outside the
85 community college district with prior approval by the coordinating board for higher education.
86 The classes conducted outside the district shall be self-sustaining except that the coordinating
87 board shall promulgate rules to reimburse selected out-of-district instruction only where prior
88 need has been established in geographical areas designated by the coordinating board for higher
89 education. Funding for such off-campus instruction shall be included in the appropriation
90 recommendations, shall be determined by the general assembly and shall continue, within the
91 amounts appropriated therefor, unless the general assembly disapproves the action by concurrent
92 resolution.

93 9. When distributing state aid authorized for community colleges, the state treasurer may,
94 in any year if requested by a community college, disregard the provision in section 30.180
95 requiring the state treasurer to convert the warrant requesting payment into a check or draft and
96 wire transfer the amount to be distributed to the community college directly to the community
97 college's designated deposit for credit to the community college's account.

**170.013. 1. Any student entering a public institution of higher education for the
2 first time after July 2019 who is pursuing an associate's or bachelor's degree from such
3 institution shall successfully pass an examination on the provisions and principles of
4 American civics with a score of seventy percent or greater as a condition of graduation
5 from such institution. The examination shall be known as the "Missouri Higher Education
6 Civics Achievement Examination".**

**7 2. The examination required under this section shall consist of at least fifty
8 questions, but shall not exceed one hundred questions, and shall be similar to the one
9 hundred questions administered to applicants for United States citizenship by the United
10 States Citizenship and Immigration Services division of the Department of Homeland
11 Security. Subject matter on the examination shall include the United States Constitution,**

12 **the United States Bill of Rights, governmental institutions, historical manifestations of**
13 **federalism, and history of constitutional interpretation and amendments.**

14 **3. The examination required under this section may be included within any other**
15 **examination that is administered on the provisions and principles of the Constitution of the**
16 **United States and the Constitution of the state of Missouri, and in American history and**
17 **American institutions, as required in subsection 3 of section 170.011.**

18 **4. Institutions of higher education may use online testing to comply with the**
19 **provisions of this section.**

172.280. The curators shall have the authority to confer, by diploma, under their
2 common seal, on any person whom they may judge worthy thereof, such degrees as are known
3 to and usually granted by any college or university. **The University of Missouri is the state's**
4 **only public research university and the exclusive grantor of research doctorates. As such,**
5 **except as provided in section 175.040, the University of Missouri shall be the only state**
6 **college or university that may offer doctor of philosophy degrees or first-professional**
7 **degrees, including chiropractic, dentistry, law, medicine, optometry, osteopathic medicine,**
8 **pharmacy, podiatry, and veterinary medicine.**

173.005. 1. There is hereby created a "Department of Higher Education", and the
2 division of higher education of the department of education is abolished and all its powers,
3 duties, functions, personnel and property are transferred as provided by the Reorganization Act
4 of 1974, Appendix B, RSMo.

5 2. The commission on higher education is abolished and all its powers, duties, personnel
6 and property are transferred by type I transfer to the "Coordinating Board for Higher Education",
7 which is hereby created, and the coordinating board shall be the head of the department. The
8 coordinating board shall consist of nine members appointed by the governor with the advice and
9 consent of the senate, and not more than five of its members shall be of the same political party.
10 None of the members shall be engaged professionally as an educator or educational administrator
11 with a public or private institution of higher education at the time appointed or during his term.
12 Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of
13 the United States, and who shall not have been a resident of the state of Missouri two years next
14 prior to appointment, and at least one but not more than two persons shall be appointed to said
15 board from each congressional district. The term of service of a member of the coordinating
16 board shall be six years and said members, while attending the meetings of the board, shall be
17 reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary,
18 nothing in this section relating to a change in the composition and configuration of congressional
19 districts in this state shall prohibit a member who is serving a term on August 28, 2011, from
20 completing his or her term. The coordinating board may, in order to carry out the duties

21 prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical
22 and research personnel as may be necessary to assist it in performing those duties, but this staff
23 shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the
24 source of funding. In addition to all other powers, duties and functions transferred to it, the
25 coordinating board for higher education shall have the following duties and responsibilities:

26 (1) The coordinating board for higher education [~~shall have approval of~~] **may approve,**
27 **not approve, or provisionally approve** proposed new degree programs to be offered by the
28 state institutions of higher education. **The coordinating board may authorize a degree**
29 **program outside an institution's coordinating board-approved mission only when the**
30 **coordinating board has received clear evidence that the institution proposing to offer the**
31 **program:**

32 (a) **Made a good-faith effort to explore the feasibility of offering the program in**
33 **collaboration with an institution the mission of which includes offering the program;**

34 (b) **Is contributing substantially to the goals in the coordinating board's**
35 **coordinated plan for higher education;**

36 (c) **Has the existing capacity to ensure the program is delivered in a high-quality**
37 **manner;**

38 (d) **Has demonstrated that the proposed program is needed;**

39 (e) **Has a clear plan to meet the articulated workforce need; and**

40 (f) **Such other factors deemed relevant by the coordinating board;**

41 (2) **The governing board of each public institution of higher education in the state**
42 **shall have the power and authority to confer degrees in chiropractic, osteopathic medicine,**
43 **and podiatry only in collaboration with the University of Missouri, provided that such**
44 **collaborative agreements are approved by the governing board of each institution and that**
45 **in these instances the University of Missouri will be the degree-granting institution. Should**
46 **the University of Missouri decline to collaborate in the offering of such programs, any of**
47 **these institutions may seek approval of the program through the coordinating board for**
48 **higher education's comprehensive review process when doing so would not unnecessarily**
49 **duplicate an existing program, collaboration is not feasible or a viable means of meeting**
50 **the needs of students and employers, and the institution has the academic and financial**
51 **capacity to offer the program in a high-quality manner.**

52 [~~2~~] (3) The coordinating board for higher education may promote and encourage the
53 development of cooperative agreements between Missouri public four-year institutions of higher
54 education which do not offer graduate degrees and Missouri public four-year institutions of
55 higher education which do offer graduate degrees for the purpose of offering graduate degree
56 programs on campuses of those public four-year institutions of higher education which do not

57 otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of
58 the parties, including assignment of administrative responsibility. Any diploma awarded for
59 graduate degrees under such a cooperative agreement shall include the names of both institutions
60 inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no
61 further approval from the coordinating board for higher education. Any costs incurred with
62 respect to the administrative provisions of this subdivision may be paid from state funds
63 allocated to the institution assigned the administrative authority for the program. The provisions
64 of this subdivision shall not be construed to invalidate the provisions of subdivision (1) of this
65 subsection;

66 ~~[(3)]~~ **(4)** In consultation with the heads of the institutions of higher education affected
67 and against a background of carefully collected data on enrollment, physical facilities, manpower
68 needs, **and** institutional missions, the coordinating board for higher education shall establish
69 guidelines for appropriation requests by those institutions of higher education; however, other
70 provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated
71 by the general assembly to the governing board of each public four-year institution of higher
72 education which shall prepare expenditure budgets for the institution;

73 ~~[(4)]~~ **(5)** No new state-supported senior colleges or residence centers shall be established
74 except as provided by law and with approval of the coordinating board for higher education;

75 ~~[(5)]~~ **(6)** The coordinating board for higher education shall establish admission
76 guidelines consistent with institutional missions;

77 ~~[(6)]~~ **(7)** The coordinating board for higher education shall require all public two-year
78 and four-year higher education institutions to replicate best practices in remediation identified
79 by the coordinating board and institutions from research undertaken by regional educational
80 laboratories, higher education research organizations, and similar organizations with expertise
81 in the subject, and identify and reduce methods that have been found to be ineffective in
82 preparing or retaining students or that delay students from enrollment in college-level courses;

83 ~~[(7)]~~ **(8)** The coordinating board shall establish policies and procedures for institutional
84 decisions relating to the residence status of students;

85 ~~[(8)]~~ **(9)** The coordinating board shall establish guidelines to promote and facilitate the
86 transfer of students between institutions of higher education within the state and, with the
87 assistance of the committee on transfer and articulation, shall require all public two-year and
88 four-year higher education institutions to create by July 1, 2014, a statewide core transfer library
89 of at least twenty-five lower division courses across all institutions that are transferable among
90 all public higher education institutions. The coordinating board shall establish policies and
91 procedures to ensure such courses are accepted in transfer among public institutions and treated
92 as equivalent to similar courses at the receiving institutions. The coordinating board shall

93 develop a policy to foster reverse transfer for any student who has accumulated enough hours in
94 combination with at least one public higher education institution in Missouri that offers an
95 associate degree and one public four-year higher education institution in the prescribed courses
96 sufficient to meet the public higher education institution's requirements to be awarded an
97 associate degree. The department of elementary and secondary education shall maintain the
98 alignment of the assessments found in section 160.518 and successor assessments with the
99 competencies previously established under this subdivision for entry-level collegiate courses in
100 English, mathematics, foreign language, sciences, and social sciences associated with an
101 institution's general education core;

102 ~~[(9)]~~ **(10)** The coordinating board shall collect the necessary information and develop
103 comparable data for all institutions of higher education in the state. The coordinating board shall
104 use this information to delineate the areas of competence of each of these institutions and for any
105 other purposes deemed appropriate by the coordinating board;

106 ~~[(10)]~~ **(11)** Compliance with requests from the coordinating board for institutional
107 information and the other powers, duties and responsibilities, herein assigned to the coordinating
108 board, shall be a prerequisite to the receipt of any funds which the coordinating board is
109 responsible for administering;

110 ~~[(11)]~~ **(12)** If any institution of higher education in this state, public or private, willfully
111 fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by
112 the coordinating board, or knowingly deviates from any such guideline, or knowingly acts
113 without coordinating board approval where such approval is required, or willfully fails to comply
114 with any other lawful order of the coordinating board, the coordinating board may, after a public
115 hearing, withhold or direct to be withheld from that institution any funds the disbursement of
116 which is subject to the control of the coordinating board, or may remove the approval of the
117 institution as an approved institution within the meaning of section 173.1102. If any such public
118 institution willfully disregards board policy, the commissioner of higher education may order
119 such institution to remit a fine in an amount not to exceed one percent of the institution's current
120 fiscal year state operating appropriation to the board. The board shall hold such funds until such
121 time that the institution, as determined by the commissioner of higher education, corrects the
122 violation, at which time the board shall refund such amount to the institution. If the
123 commissioner determines that the institution has not redressed the violation within one year, the
124 fine amount shall be deposited into the general revenue fund, unless the institution appeals such
125 decision to the full coordinating board, which shall have the authority to make a binding and
126 final decision, by means of a majority vote, regarding the matter. However, nothing in this
127 section shall prevent any institution of higher education in this state from presenting additional

128 budget requests or from explaining or further clarifying its budget requests to the governor or the
129 general assembly;

130 ~~[(12)]~~ **(13)** In recognition of institutions that meet the requirements of subdivision (2),
131 (3), or (4) of subsection 1 of section 173.616, are established by name as an educational
132 institution in Missouri, and are authorized to operate programs beyond secondary education for
133 purposes of authorization under 34 CFR 600.9, the coordinating board for higher education shall
134 maintain and publish on its website a list of such postsecondary educational institutions; and

135 ~~[(13)]~~ **(14)** (a) As used in this subdivision, the term "out-of-state public institution of
136 higher education" shall mean an education institution located outside of Missouri that:

137 a. Is controlled or administered directly by a public agency or political subdivision or is
138 classified as a public institution by the state;

139 b. Receives appropriations for operating expenses directly or indirectly from a state other
140 than Missouri;

141 c. Provides a postsecondary course of instruction at least six months in length leading
142 to or directly creditable toward a degree or certificate;

143 d. Meets the standards for accreditation by an accrediting body recognized by the United
144 States Department of Education or any successor agency; and

145 e. Permits faculty members to select textbooks without influence or pressure by any
146 religious or sectarian source.

147 (b) No later than July 1, 2008, the coordinating board shall promulgate rules regarding:

148 a. The board's approval process of proposed new degree programs and course offerings
149 by any out-of-state public institution of higher education seeking to offer degree programs or
150 course work within the state of Missouri; and

151 b. The board's approval process of degree programs and courses offered by any
152 out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by
153 the board to operate a school in compliance with the provisions of sections 173.600 to 173.618.
154 The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer
155 degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri
156 public higher education institutions. Such out-of-state public institutions shall be held to
157 standards no lower than the standards established by the coordinating board for program approval
158 and the policy guidelines of the coordinating board for data collection, cooperation, and
159 resolution of disputes between Missouri institutions of higher education under this section. Any
160 such out-of-state public institutions of higher education wishing to continue operating within this
161 state must be approved by the board under the rules promulgated under this subdivision. The
162 coordinating board may charge and collect fees from out-of-state public institutions to cover the
163 costs of reviewing and assuring the quality of programs offered by out-of-state public

164 institutions. Any rule or portion of a rule, as that term is defined in section 536.010, that is
165 created under the authority delegated in this section shall become effective only if it complies
166 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
167 This section and chapter 536 are nonseverable and if any of the powers vested with the general
168 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a
169 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
170 proposed or adopted after August 28, 2007, shall be invalid and void.

171 (c) Nothing in this subdivision or in section 173.616 shall be construed or interpreted
172 so that students attending an out-of-state public institution are considered to be attending a
173 Missouri public institution of higher education for purposes of obtaining student financial
174 assistance.

175 3. The coordinating board shall meet at least four times annually with an advisory
176 committee who shall be notified in advance of such meetings. The coordinating board shall have
177 exclusive voting privileges. The advisory committee shall consist of thirty-two members, who
178 shall be the president or other chief administrative officer of the University of Missouri; the
179 chancellor of each campus of the University of Missouri; the president of each state-supported
180 four-year college or university, including Harris-Stowe State University, Missouri Southern State
181 University, Missouri Western State University, and Lincoln University; the president of State
182 Technical College of Missouri; the president or chancellor of each public community college
183 district; and representatives of each of five accredited private institutions selected biennially,
184 under the supervision of the coordinating board, by the presidents of all of the state's privately
185 supported institutions; but always to include at least one representative from one privately
186 supported community college, one privately supported four-year college, and one privately
187 supported university. The conferences shall enable the committee to advise the coordinating
188 board of the views of the institutions on matters within the purview of the coordinating board.

189 4. The University of Missouri, Lincoln University, and all other state-governed colleges
190 and universities, chapters 172, 174, 175, and others, are transferred by type III transfers to the
191 department of higher education subject to the provisions of subsection 2 of this section.

192 5. The state historical society, chapter 183, is transferred by type III transfer to the
193 University of Missouri.

194 6. The state anatomical board, chapter 194, is transferred by type II transfer to the
195 department of higher education.

196 7. All the powers, duties and functions vested in the division of public schools and state
197 board of education relating to community college state aid and the supervision, formation of
198 districts and all matters otherwise related to the state's relations with community college districts
199 and matters pertaining to community colleges in public school districts, chapters 163, 178, and

200 others, are transferred to the coordinating board for higher education by type I transfer.
201 Provided, however, that all responsibility for administering the federal-state programs of
202 vocational-technical education, except for the 1202a postsecondary educational amendments of
203 1972 program, shall remain with the department of elementary and secondary education. The
204 department of elementary and secondary education and the coordinating board for higher
205 education shall cooperate in developing the various plans for vocational-technical education;
206 however, the ultimate responsibility will remain with the state board of education.

207 8. All the powers, duties, functions, and properties of the state poultry experiment
208 station, chapter 262, are transferred by type I transfer to the University of Missouri, and the state
209 poultry association and state poultry board are abolished. In the event the University of Missouri
210 shall cease to use the real estate of the poultry experiment station for the purposes of research
211 or shall declare the same surplus, all real estate shall revert to the governor of the state of
212 Missouri and shall not be disposed of without legislative approval.

173.260. 1. As used in this section, unless the context clearly requires otherwise, the
2 following terms mean:

3 (1) **"Air ambulance pilot", a person certified as an air ambulance pilot in**
4 **accordance with sections 190.001 to 190.245 and corresponding regulations applicable to**
5 **air ambulances adopted by the department of health and senior services;**

6 (2) **"Air ambulance registered professional nurse", a person licensed as a registered**
7 **professional nurse in accordance with sections 335.011 to 335.096 and corresponding**
8 **regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides**
9 **registered professional nursing services as a flight nurse in conjunction with an air**
10 **ambulance program that is certified in accordance with sections 190.001 to 190.245 and the**
11 **corresponding regulations applicable to such programs;**

12 (3) **"Air ambulance registered respiratory therapist", a person licensed as a**
13 **registered respiratory therapist in accordance with sections 334.800 to 334.930 and**
14 **corresponding regulations adopted by the state board for respiratory care, who provides**
15 **respiratory therapy services in conjunction with an air ambulance program that is certified**
16 **in accordance with sections 190.001 to 190.245 and corresponding regulations applicable**
17 **to such programs;**

18 (4) "Board", the coordinating board for higher education;

19 ~~(2)~~ (5) "Eligible child", the natural, adopted or stepchild of a public safety officer or
20 employee, as defined in this section, who is less than twenty-four years of age and who is a
21 dependent of a public safety officer or employee or was a dependent at the time of death or
22 permanent and total disability of a public safety officer or employee;

23 **(6) "Emergency medical technician", a person licensed in emergency medical care**
24 **in accordance with standards prescribed by sections 190.001 to 190.245 and by rules**
25 **adopted by the department of health and senior services under sections 190.001 to 190.245;**

26 ~~[(3)]~~ (7) "Employee", any full-time employee of the department of transportation
27 engaged in the construction or maintenance of the state's highways, roads and bridges;

28 **(8) "Flight crew member", an individual engaged in flight responsibilities with an**
29 **air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding**
30 **regulations applicable to such programs;**

31 ~~[(4)]~~ (9) "Grant", the public safety officer or employee survivor grant as established by
32 this section;

33 ~~[(5)]~~ (10) "Institution of postsecondary education", any approved public or private
34 institution as defined in section 173.205;

35 ~~[(6)]~~ (11) "Line of duty", any action of a public safety officer, whose primary function
36 is crime control or reduction, enforcement of the criminal law, or suppression of fires, is
37 authorized or obligated by law, rule, regulation or condition of employment or service to
38 perform;

39 ~~[(7)]~~ (12) "Public safety officer", any firefighter, **uniformed employee of the office of**
40 **the state fire marshal, emergency medical technician, police officer, capitol police officer,**
41 **parole officer, probation officer, state correctional employee, water safety officer, park ranger,**
42 **conservation officer or highway patrolman employed by the state of Missouri or a political**
43 **subdivision thereof who is killed or permanently and totally disabled in the line of duty or any**
44 **emergency medical technician, air ambulance pilot, air ambulance registered professional**
45 **nurse, air ambulance registered respiratory therapist, or flight crew member who is killed**
46 **or permanently and totally disabled in the line of duty;**

47 ~~[(8)]~~ (13) "Permanent and total disability", a disability which renders a person unable to
48 engage in any gainful work;

49 ~~[(9)]~~ (14) "Spouse", the husband, wife, widow or widower of a public safety officer or
50 employee at the time of death or permanent and total disability of such public safety officer;

51 ~~[(10)]~~ (15) "Tuition", any tuition or incidental fee or both charged by an institution of
52 postsecondary education, as defined in this section, for attendance at that institution by a student
53 as a resident of this state.

54 2. Within the limits of the amounts appropriated therefor, the coordinating board for
55 higher education shall provide, as defined in this section, a grant for either of the following to
56 attend an institution of postsecondary education:

57 (1) An eligible child of a public safety officer or employee killed or permanently and
58 totally disabled in the line of duty; or

59 (2) A spouse of a public safety officer killed or permanently and totally disabled in the
60 line of duty.

61 3. An eligible child or spouse may receive a grant under this section only so long as the
62 child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate
63 degree. In no event shall a child or spouse receive a grant beyond the completion of the first
64 baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may
65 receive a grant through the completion of the semester or similar grading period in which the
66 child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred
67 percent of tuition when combined with similar funds made available to such child or spouse.

68 4. The coordinating board for higher education shall:

69 (1) Promulgate all necessary rules and regulations for the implementation of this section;

70 (2) Determine minimum standards of performance in order for a child or spouse to
71 remain eligible to receive a grant under this program;

72 (3) Make available on behalf of an eligible child or spouse an amount toward the child's
73 or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the
74 provisions of this section;

75 (4) Provide the forms and determine the procedures necessary for an eligible child or
76 spouse to apply for and receive a grant under this program.

77 5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an
78 undergraduate postsecondary student at an approved institution of postsecondary education shall
79 receive a grant in an amount not to exceed the least of the following:

80 (1) The actual tuition, as defined in this section, charged at an approved institution where
81 the child or spouse is enrolled or accepted for enrollment; or

82 (2) The amount of tuition charged a Missouri resident at the University of Missouri for
83 attendance as a full-time student, as defined in section 173.205.

84 6. An eligible child or spouse who is a recipient of a grant may transfer from one
85 approved public or private institution of postsecondary education to another without losing his
86 entitlement under this section. The board shall make necessary adjustments in the amount of the
87 grant. If a grant recipient at anytime withdraws from the institution of postsecondary education
88 so that under the rules and regulations of that institution he is entitled to a refund of any tuition,
89 fees, or other charges, the institution shall pay the portion of the refund to which he is entitled
90 attributable to the grant for that semester or similar grading period to the board.

91 7. If an eligible child or spouse is granted financial assistance under any other student
92 aid program, public or private, the full amount of such aid shall be reported to the board by the
93 institution and the eligible child or spouse.

94 8. Nothing in this section shall be construed as a promise or guarantee that a person will
95 be admitted to an institution of postsecondary education or to a particular institution of
96 postsecondary education, will be allowed to continue to attend an institution of postsecondary
97 education after having been admitted, or will be graduated from an institution of postsecondary
98 education.

99 9. A public safety officer who is permanently and totally disabled shall be eligible for
100 a grant pursuant to the provisions of this section.

101 10. An eligible child of a public safety officer or employee, spouse of a public safety
102 officer or public safety officer shall cease to be eligible for a grant pursuant to this section when
103 such public safety officer or employee is no longer permanently and totally disabled.

173.1003. 1. Beginning with the 2008-09 academic year, each approved public
2 institution, as such term is defined in section 173.1102, shall submit its percentage change in the
3 amount of tuition from the current academic year compared to the upcoming academic year to
4 the coordinating board for higher education by July first preceding such academic year.

5 2. For institutions whose tuition is greater than the average tuition, the percentage change
6 in tuition shall not exceed the percentage change of the consumer price index [~~or zero, whichever~~
7 ~~is greater~~] **plus a percentage that would produce an increase in net tuition revenue no**
8 **greater than the dollar amount by which the state operating support was reduced for the**
9 **prior fiscal year, if applicable.**

10 3. For institutions whose tuition is less than the average tuition, the dollar increase in
11 tuition shall not exceed the product of [~~zero or~~] the percentage change of the consumer price
12 index [~~, whichever is greater,~~] times the average tuition, **plus a percentage that would produce**
13 **an increase in net tuition revenue no greater than the dollar amount by which the state**
14 **operating support was reduced for the prior fiscal year, if applicable.**

15 4. If a tuition increase exceeds the limits set forth in subsections 2 or 3 of this section,
16 then the institution shall be subject to the provisions of subsection 5 of this section.

17 5. Any institution that exceeds the limits set forth in subsections 2 or 3 of this section
18 shall remit to the board an amount equal to five percent of its current year state operating
19 [~~appropriation~~] **support** amount which shall be deposited into the general revenue fund unless
20 the institution appeals, within thirty days of such notice, to the commissioner of higher education
21 for a waiver of this provision. The commissioner, after meeting with appropriate representatives
22 of the institution, shall determine whether the institution's waiver request is sufficiently
23 warranted, in which case no fund remission shall occur. In making this determination, the factors
24 considered by the commissioner shall include but not be limited to the relationship between state
25 appropriations and the consumer price index and any extraordinary circumstances. If the
26 commissioner determines that an institution's tuition percent increase is not sufficiently

27 warranted and declines the waiver request, the commissioner shall recommend to the full
28 coordinating board that the institution shall remit an amount up to five percent of its current year
29 state operating appropriation to the board, which shall deposit the amount into the general
30 revenue fund. The coordinating board shall have the authority to make a binding and final
31 decision, by means of a majority vote, regarding the matter.

32 6. The provisions of subsections 2 to 5 of this section shall not apply to any community
33 college unless any such community college's tuition for any Missouri resident is greater than or
34 equal to the average tuition. If the provisions of subsections 2 to 5 of this section apply to a
35 community college, subsections 2 to 5 of this section shall only apply to out-of-district Missouri
36 resident tuition.

37 7. For purposes of this section, the term "average tuition" shall be the sum of the tuition
38 amounts for the previous academic year for each approved public institution that is not excluded
39 under subsection 6 of this section, divided by the number of such institutions. The term
40 "consumer price index" shall mean the Consumer Price Index for All Urban Consumers (CPI-U),
41 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States
42 Department of Labor, or its successor agency, from January first of the current year compared
43 to January first of the preceding year. The term "state appropriation" shall mean the state
44 operating appropriation for the prior year per full-time equivalent student for the prior year
45 compared to state operating appropriation for the current year per full-time equivalent student
46 for the prior year. The term "tuition" shall mean the amount of tuition and required fees,
47 excluding any fee established by the student body of the institution, charged to a Missouri
48 resident undergraduate enrolled in fifteen credit hours at the institution. **The term "state
49 operating support" shall mean the funding actually disbursed from state operating
50 appropriations to approved public institutions and shall not include appropriations or
51 disbursement for special initiatives or specific program additions or expansions. The term
52 "net tuition revenue" shall mean the net amount of resident undergraduate tuition and
53 required fees reduced by institutional aid only. "Institutional aid" includes all aid
54 awarded to the student by the student's institution of higher education only from such
55 institutions's funds. "Institutional aid" does not include the following: Pell Grants; state
56 awards such as the Missouri higher education academic scholarship program, the A+
57 schools program, and the access Missouri financial aid program; foundation scholarships;
58 third party scholarships; employee and dependent fee waivers; and student loans.**

59 8. Nothing in this section shall be construed to usurp or preclude the ability of the
60 governing board of an institution of higher education to establish tuition or required fee rates.

173.1101. The financial assistance program established under sections 173.1101 to
2 173.1107 shall be hereafter known as the "Access Missouri Financial Assistance Program". The

3 coordinating board and all approved private, ~~and~~ public, **and virtual** institutions in this state
4 shall refer to the financial assistance program established under sections 173.1101 to 173.1107
5 as the access Missouri student financial assistance program in their scholarship literature,
6 provided that no institution shall be required to revise or amend any such literature to comply
7 with this section prior to the date such literature would otherwise be revised, amended, reprinted
8 or replaced in the ordinary course of such institution's business.

173.1102. 1. As used in sections 173.1101 to 173.1107, unless the context requires
2 otherwise, the following terms mean:

3 (1) "Academic year", the period from July first of any year through June thirtieth of the
4 following year;

5 (2) "Approved private institution", a nonprofit institution, dedicated to educational
6 purposes, located in Missouri which:

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

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

11 (c) Meets the standards for accreditation as determined by either the Higher Learning
12 Commission or by other accrediting bodies recognized by the United States Department of
13 Education or by utilizing accreditation standards applicable to nondegree-granting institutions
14 as established by the coordinating board for higher education;

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

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

22 (3) "Approved public institution", an educational institution located in Missouri which:

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

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

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

28 (d) Meets the standards for accreditation as determined by either the Higher Learning
29 Commission, or if a public community college created under the provisions of sections 178.370
30 to 178.400 meets the standards established by the coordinating board for higher education for

31 such public community colleges, or by other accrediting bodies recognized by the United States
32 Department of Education or by utilizing accreditation standards applicable to the institution as
33 established by the coordinating board for higher education;

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

38 (f) Permits faculty members to select textbooks without influence or pressure by any
39 religious or sectarian source;

40 (4) **"Approved virtual institution", an educational institution that meets all of the**
41 **following requirements:**

42 (a) **Is recognized as a qualifying institution by gubernatorial executive order, unless**
43 **such order is rescinded;**

44 (b) **Is recognized as a qualifying institution through a memorandum of**
45 **understanding between the state of Missouri and the approved virtual institution;**

46 (c) **Is accredited by a regional accrediting agency recognized by the United States**
47 **Department of Education;**

48 (d) **Has established and continuously maintains a physical campus or location of**
49 **operation within the state of Missouri;**

50 (e) **Maintains at least twenty-five full-time Missouri employees, at least one-half of**
51 **which shall be faculty or administrators engaged in operations;**

52 (f) **Enrolls at least one thousand Missouri residents as degree or certificate seeking**
53 **students;**

54 (g) **Maintains a governing body or advisory board based in Missouri with oversight**
55 **of Missouri operations;**

56 (h) **Is organized as a nonprofit institution; and**

57 (i) **Utilizes an exclusively competency-based education model;**

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

59 [~~5~~] (6) "Expected family contribution", the amount of money a student and family
60 should pay toward the cost of postsecondary education as calculated by the United States
61 Department of Education and reported on the student aid report or the institutional student
62 information record;

63 [~~6~~] (7) "Financial assistance", an amount of money paid by the state of Missouri to a
64 qualified applicant under sections 173.1101 to 173.1107;

65 [~~7~~] (8) "Full-time student", an individual who is enrolled in and is carrying a sufficient
66 number of credit hours or their equivalent at an approved private, [~~or~~] public, **or virtual**

67 institution to secure the degree or certificate toward which he or she is working in no more than
68 the number of semesters or their equivalent normally required by that institution in the program
69 in which the individual is enrolled. This definition shall be construed as the successor to
70 subdivision (7) of section 173.205 for purposes of eligibility requirements of other financial
71 assistance programs that refer to section 173.205.

72 **2. The failure of an approved virtual institution to continuously maintain all of the**
73 **requirements in subdivision (4) of subsection 1 of this section shall preclude such**
74 **institution's students or applicants from being eligible for assistance under sections**
75 **173.1104 and 173.1105.**

173.1104. 1. An applicant shall be eligible for initial or renewed financial assistance
2 only if, at the time of application and throughout the period during which the applicant is
3 receiving such assistance, the applicant:

- 4 (1) Is a citizen or a permanent resident of the United States;
- 5 (2) Is a resident of the state of Missouri, as determined by reference to standards
6 promulgated by the coordinating board;
- 7 (3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student
8 in an approved private, ~~or~~ public, **or virtual** institution; and
- 9 (4) Is not enrolled or does not intend to use the award to enroll in a course of study
10 leading to a degree in theology or divinity.

11 2. If an applicant is found guilty of or pleads guilty to any criminal offense during the
12 period of time in which the applicant is receiving financial assistance, such applicant shall not
13 be eligible for renewal of such assistance, provided such offense would disqualify the applicant
14 from receiving federal student aid under Title IV of the Higher Education Act of 1965, as
15 amended.

16 3. Financial assistance shall be allotted for one academic year, but a recipient shall be
17 eligible for renewed assistance until he or she has obtained a baccalaureate degree, provided such
18 financial assistance shall not exceed a total of ten semesters or fifteen quarters or their
19 equivalent. Standards of eligibility for renewed assistance shall be the same as for an initial
20 award of financial assistance, except that for renewal, an applicant shall demonstrate a grade-
21 point average of two and five-tenths on a four-point scale, or the equivalent on another scale.
22 This subsection shall be construed as the successor to section 173.215 for purposes of eligibility
23 requirements of other financial assistance programs that refer to section 173.215.

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

5 (1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

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

8 (b) Two thousand one hundred fifty dollars maximum and one thousand dollars
9 minimum for students attending institutions classified as part of the public four-year sector,
10 including State Technical College of Missouri; and

11 (c) Four thousand six hundred dollars maximum and two thousand dollars minimum for
12 students attending approved private institutions;

13 (2) For the 2014-15 academic year and subsequent years:

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

16 (b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred
17 dollars minimum for students attending institutions classified as part of the public four-year
18 sector, including State Technical College of Missouri, ~~or~~ approved private institutions, **or**
19 **approved virtual institutions.**

20 2. All students with an expected family contribution of twelve thousand dollars or less
21 shall receive at least the minimum award amount for his or her institution. Maximum award
22 amounts for an eligible student with an expected family contribution above seven thousand
23 dollars shall be reduced by ten percent of the maximum expected family contribution for his or
24 her increment group. Any award amount shall be reduced by the amount of a student's payment
25 from the A+ schools program or any successor program to it. For purposes of this subsection,
26 the term "increment group" shall mean a group organized by expected family contribution in five
27 hundred dollar increments into which all eligible students shall be placed.

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

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

41 become effective unless an increase in the amount of money appropriated to the program
 42 necessary to cover the increase in award amount is passed by the general assembly.

173.1107. A recipient of financial assistance may transfer from one approved public [ø] , private, **or virtual** institution to another without losing eligibility for assistance under sections 173.1101 to 173.1107, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition, fees, or other charges under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund which may be attributed to the state grant to the coordinating board. The coordinating board will use these refunds to make additional awards under the provisions of sections 173.1101 to 173.1107.

173.1450. 1. The provisions of this section shall be known and may be referred to as the "College Credit Disclosure Act".

2. Except as provided in subsection 4 of this section, institutions of higher education located within the state that grant college-level credit but are not accredited by a regional accrediting body recognized by the United States Department of Education shall disclose during the admission application process, in writing, that the institution has not achieved regional accreditation recognized by the department.

3. The disclosure required in subsection 2 of this section shall be provided to an enrolling student prior to registering for any class granting credit, and the student shall sign the disclosure, either in writing or electronically, acknowledging receipt of such disclosure. The disclosure provided shall contain the following wording, in no less than fourteen-point font:

"College level credits earned at (Institution name) may not be transferrable to other higher learning/postsecondary learning institutions, including, but not limited to, universities, colleges, junior colleges, community colleges, or trade schools accredited by a regional accrediting body recognized by the United States Department of Higher Education.

Contact the institution receiving the transferred credit(s) for more information."

4. Notwithstanding any provision of this section or any other law, institutions of higher education affiliated with religious organizations that are accredited by a national faith-related accrediting organization recognized by the United States Department of Education shall be exempt from the disclosure requirements of this section.

174.160. The board of regents of each state college and each state teachers college shall have power and authority to confer upon students, by diploma under the common seal, such degrees as are usually granted by such colleges, **and additional degrees only when authorized by the coordinating board for higher education in circumstances in which offering such**

5 **degree would not unnecessarily duplicate an existing program, collaboration is not feasible**
 6 **or a viable means of meeting the needs of students and employers, and the institution has**
 7 **the academic and financial capacity to offer the program in a high-quality manner. In the**
 8 **case of nonresearch doctoral degrees in allied health professions, an institution may be**
 9 **authorized to offer such degree independently if offering it in collaboration with another**
 10 **institution would not increase the quality of the program or allow it to be delivered more**
 11 **efficiently. Such boards shall have the power and authority to confer degrees in**
 12 **engineering only in collaboration with the University of Missouri, provided that such**
 13 **collaborative agreements are approved by the governing board of each institution and that**
 14 **in these instances the University of Missouri will be the degree-granting institution. Should**
 15 **the University of Missouri decline to collaborate in the offering of such programs, one of**
 16 **these institutions may seek approval of the program through the coordinating board for**
 17 **higher education's comprehensive review process when doing so would not unnecessarily**
 18 **duplicate an existing program, collaboration is not feasible or a viable means of meeting**
 19 **the needs of students and employers, and the institution has the academic and financial**
 20 **capacity to offer the program in a high-quality manner.**

174.225. [~~Missouri State University~~] **No state college or university shall [not] seek the**
 2 land grant designation held by Lincoln University and the University of Missouri [~~nor shall~~
 3 ~~Missouri State University seek~~] **or the research designation currently held by the University of**
 4 Missouri. [~~Missouri State University shall offer engineering programs and doctoral programs~~
 5 ~~only in cooperation with the University of Missouri; provided that such cooperative agreements~~
 6 ~~are approved by the governing boards of each institution and that in these instances the~~
 7 ~~University of Missouri shall be the degree-granting institution. Should the University of~~
 8 ~~Missouri decline to cooperate in the offering of such programs within one year of the formal~~
 9 ~~approval of the coordinating board, Missouri State University may cooperate with another~~
 10 ~~educational institution, or directly offer the degree. In all cases, the offering of such degree~~
 11 ~~programs shall be subject to the approval of the coordinating board for higher education, or any~~
 12 ~~other higher education governing authority that may replace it. Missouri State University may~~
 13 ~~offer doctoral programs in audiology and physical therapy. Missouri State University shall~~
 14 ~~neither offer nor duplicate the professional programs at the University of Missouri including,~~
 15 ~~without limitation, those that train medical doctors, pharmacists, dentists, veterinarians,~~
 16 ~~optometrists, lawyers, and architects. The alteration of the name of Southwest Missouri State~~
 17 ~~University to Missouri State University shall not entitle Missouri State University to any~~
 18 ~~additional state funding.]~~

174.231. 1. On and after August 28, 2005, the institution formerly known as Missouri
 2 Southern State College located in Joplin, Jasper County, shall be known as "Missouri Southern

3 State University". Missouri Southern State University is hereby designated and shall hereafter
4 be operated as a statewide institution of international or global education. The Missouri
5 Southern State University is hereby designated a moderately selective institution which shall
6 provide associate degree programs except as provided in subsection 2 of this section,
7 baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and
8 (2) of subsection 2 of section 173.005. The institution shall develop such academic support
9 programs and public service activities it deems necessary and appropriate to establish
10 international or global education as a distinctive theme of its mission. [~~Consistent with the~~
11 ~~provisions of section 174.324, Missouri Southern State University is authorized to offer master's~~
12 ~~level degree programs in accountancy, subject to the approval of the coordinating board for~~
13 ~~higher education as provided in subdivision (1) of subsection 2 of section 173.005.]~~

14 2. As of July 1, 2008, Missouri Southern State University shall discontinue any and all
15 associate degree programs unless the continuation of such associate degree programs is approved
16 by the coordinating board for higher education pursuant to subdivision (1) of subsection 2 of
17 section 173.005.

174.251. 1. On and after August 28, 2005, the institution formerly known as Missouri
2 Western State College at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri
3 Western State University". Missouri Western State University is hereby designated and shall
4 hereafter be operated as a statewide institution of applied learning. The Missouri Western State
5 University is hereby designated an open enrollment institution which shall provide associate
6 degree programs except as provided in subsection 2 of this section, baccalaureate degree
7 programs, and graduate degree programs pursuant to [~~subdivisions (1) and (2) of~~] subsection 2
8 of section 173.005. The institution shall develop such academic support programs as it deems
9 necessary and appropriate to an open enrollment institution with a statewide mission of applied
10 learning. [~~Consistent with the provisions of section 174.324, Missouri Western State University~~
11 ~~is authorized to offer master's level degree programs in accountancy, subject to the approval of~~
12 ~~the coordinating board for higher education as provided in subdivision (1) of subsection 2 of~~
13 ~~section 173.005.]~~

14 2. As of July 1, 2010, Missouri Western State University shall discontinue any and all
15 associate degree programs unless the continuation of such associate degree program is approved
16 by the coordinating board for higher education pursuant to [~~subdivision~~] **subsection 2** of section
17 173.005.

174.500. 1. The board of governors of Missouri State University is authorized to
2 continue the program of higher education at West Plains, Missouri, which was begun in 1963
3 and which shall be known as the "West Plains Campus of Missouri State University". Missouri

4 State University may include an appropriation request for the branch facility at West Plains in
5 its operating budget.

6 2. The coordinating board for higher education in cooperation with the board of
7 governors shall develop a mission implementation plan for the campus at West Plains, Howell
8 County, which is known as the "West Plains Campus of Missouri State University", and which
9 shall be a teaching institution, offering one-year certificates, two-year associate degrees and
10 credit and noncredit courses to both traditional and nontraditional students to meet the ongoing
11 and emerging employer and educational needs of the citizens of the area served. **The West
12 Plains campus of Missouri State University may offer baccalaureate degrees only when
13 authorized by the coordinating board for higher education in circumstances where the
14 level of education required in a field for accreditation or licensure increases to the
15 baccalaureate degree level or, in the case of applied bachelor's degrees, the level of
16 education required for employment in a field increases to that level, and when doing so
17 would not unnecessarily duplicate an existing program, collaboration with a university is
18 not feasible or the approach is not a viable means of meeting the needs of students and
19 employers, and the institution has the academic and financial capacity to offer the program
20 in a high-quality manner. Quality for such baccalaureate degree programs shall be
21 evaluated at least in part by delivery of upper-level coursework or competencies, and
22 defined by accreditation or compliance with the Higher Learning Commission standards
23 for bachelor's degrees.**

178.636. 1. State Technical College of Missouri shall be a special purpose institution
2 that shall make available to students from all areas of the state exceptional educational
3 opportunities through highly specialized and advanced technical education and training at the
4 certificate and associate degree level in both emerging and traditional technologies with
5 particular emphasis on technical and vocational programs not commonly offered by community
6 colleges or area vocational technical schools. Primary consideration shall be placed on the
7 industrial and technological manpower needs of the state. In addition, State Technical College
8 of Missouri is authorized to assist the state in economic development initiatives and to facilitate
9 the transfer of technology to Missouri business and industry directly through the graduation of
10 technicians in advanced and emerging disciplines and through technical assistance provided to
11 business and industry. State Technical College of Missouri is authorized to provide technical
12 assistance to area vocational technical schools and community colleges through supplemental
13 on-site instruction and distance learning as such area vocational technical schools and
14 community colleges deem appropriate.

15 2. Consistent with the mission statement provided in subsection 1 of this section, State
16 Technical College of Missouri shall offer vocational and technical programs leading to the

17 granting of certificates, diplomas, and applied science associate degrees, or a combination
 18 thereof~~[, but not including]~~. **State Technical College of Missouri may offer** associate of arts
 19 or baccalaureate ~~[or higher]~~ degrees **only when authorized by the coordinating board for**
 20 **higher education in circumstances where the level of education required in a field for**
 21 **accreditation or licensure increases to the baccalaureate degree level or, in the case of**
 22 **applied bachelor's degrees, the level of education required for employment in a field**
 23 **increases to that level, and when doing so would not unnecessarily duplicate an existing**
 24 **program, collaboration with a university is not feasible or the approach is not a viable**
 25 **means of meeting the needs of students and employers, and the institution has the academic**
 26 **and financial capacity to offer the program in a high-quality manner. Quality for such**
 27 **baccalaureate degree programs shall be evaluated at least in part by delivery of upper-level**
 28 **coursework or competencies, and defined by accreditation or compliance with the Higher**
 29 **Learning Commission standards for bachelor's degrees.** State Technical College of Missouri
 30 shall also continue its role as a recognized area vocational technical school as provided by
 31 policies and procedures of the state board of education.

436.218. As used in sections 436.215 to 436.272, the following terms mean:

2 (1) "Agency contract", an agreement in which a student athlete authorizes a person to
 3 negotiate or solicit on behalf of the student athlete a professional sports services contract or an
 4 endorsement contract;

5 (2) "Athlete agent"~~]; an individual who enters into an agency contract with a student~~
 6 ~~athlete or directly or indirectly recruits or solicits a student athlete to enter into an agency~~
 7 ~~contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the~~
 8 ~~student athlete or an individual acting solely on behalf of a professional sports team or~~
 9 ~~professional sports organization. The term includes an individual who represents to the public~~
 10 ~~that the individual is an athlete agent] :~~

11 (a) A person, whether or not registered under sections 436.215 to 436.272, who:

12 a. **Directly or indirectly recruits or solicits a student athlete to enter into an agency**
 13 **contract or, for compensation, procures employment or offers, promises, attempts, or**
 14 **negotiates to obtain employment for a student athlete as a professional athlete or member**
 15 **of a professional sports team or organization;**

16 b. **For compensation or in anticipation of compensation related to a student**
 17 **athlete's participation in athletics:**

18 (i) **Serves the student athlete in an advisory capacity on a matter related to finances,**
 19 **business pursuits, or career management decisions, unless the person is an employee of an**
 20 **educational institution acting exclusively as an employee of the institution for the benefit**
 21 **of the institution; or**

- 22 (ii) **Manages the business affairs of the student athlete by providing assistance with**
 23 **bills, payments, contracts, or taxes; or**
- 24 c. **In anticipation of representing a student athlete for a purpose related to the**
 25 **student athlete's participation in athletics:**
- 26 (i) **Gives consideration to the student athlete or another person;**
- 27 (ii) **Serves the student athlete in an advisory capacity on a matter related to**
 28 **finances, business pursuits, or career management decisions; or**
- 29 (iii) **Manages the business affairs of the student athlete by providing assistance with**
 30 **bills, payments, contracts, or taxes; but**
- 31 (b) **Does not include a person who:**
- 32 a. **Acts solely on behalf of a professional sports team or organization; or**
- 33 b. **Is a licensed, registered, or certified professional and offers or provides services**
 34 **to a student athlete customarily provided by members of the profession, unless the person:**
- 35 (i) **Also recruits or solicits the student athlete to enter into an agency contract;**
- 36 (ii) **Also, for compensation, procures employment or offers, promises, attempts, or**
 37 **negotiates to obtain employment for the student athlete as a professional athlete or member**
 38 **of a professional sports team or organization; or**
- 39 (iii) **Receives consideration for providing the services calculated using a different**
 40 **method than for a person who is not a student athlete;**
- 41 (3) "Athletic director", [~~an individual~~] **a person** responsible for administering the overall
 42 athletic program of an educational institution or, if an educational institution has separately
 43 administered athletic programs for male students and female students, the athletic program for
 44 males or the athletic program for females, as appropriate;
- 45 (4) [~~"Contact", a direct or indirect communication between an athlete agent and a student~~
 46 ~~athlete to recruit or solicit the student athlete to enter into an agency contract;~~
- 47 ~~—(5)]~~ "Director", the director of the division of professional registration;
- 48 ~~[(6)]~~ (5) "Division", the division of professional registration;
- 49 (6) **"Educational institution", includes a public or private elementary school,**
 50 **secondary school, technical or vocational school, community college, college, or university;**
- 51 (7) "Endorsement contract", an agreement under which a student athlete is employed or
 52 receives consideration to use on behalf of the other party any value that the student athlete may
 53 have because of publicity, reputation, following, or fame obtained because of athletic ability or
 54 performance;
- 55 (8) **"Enrolled" or "enrolls", registered or registers for courses at an educational**
 56 **institution and attending or will attend athletic practice or class;**

57 **(9)** "Intercollegiate sport", a sport played at the collegiate level for which eligibility
58 requirements for participation by a student athlete are established by a national association for
59 the promotion or regulation of collegiate athletics;

60 **(10)** "Interscholastic sport", a sport played between educational institutions that
61 are not community colleges, colleges, or universities;

62 **(11)** "Licensed, registered, or certified professional", a person licensed, registered,
63 or certified as an attorney, dealer in securities, financial planner, insurance agent, real
64 estate broker or sales agent, tax consultant, accountant, or member of a profession other
65 than that of athlete agent, who is licensed, registered, or certified by the state or a
66 nationally recognized organization that licenses, registers, or certifies members of the
67 profession on the basis of experience, education, or testing;

68 ~~[(9)]~~ **(12)** "Person", an individual, corporation, business trust, estate, trust, partnership,
69 limited liability company, association, joint venture, government, governmental subdivision,
70 agency, or instrumentality, public corporation, or any other legal or commercial entity;

71 ~~[(10)]~~ **(13)** "Professional sports services contract", an agreement under which an
72 individual is employed ~~[or]~~ **as a professional athlete and** agrees to render services as a player
73 on a professional sports team~~;~~ **or** with a professional sports organization~~], or as a professional~~
74 ~~athlete];~~

75 ~~[(11)]~~ **(14)** "Record", information that is inscribed on a tangible medium or that is stored
76 in an electronic or other medium and is retrievable in perceivable form;

77 **(15)** "Recruit or solicit", to attempt to influence the choice of an athlete agent by
78 a student athlete or, if the student athlete is a minor, a parent or guardian of the student
79 athlete. The term does not include giving advice on the selection of a particular agent in a
80 family, coaching, or social situation unless the person giving the advice does so because of
81 the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the
82 agent;

83 ~~[(12)]~~ **(16)** "Registration", registration ~~as an athlete agent under sections 436.215 to~~
84 ~~436.272;~~

85 **(17)** "Sign", with present intent to authenticate or adopt a record:

86 **(a)** To execute or adopt a tangible symbol; or

87 **(b)** To attach to or logically associate with the record an electronic symbol, sound,
88 or process;

89 ~~[(13)]~~ **(18)** "State", a state of the United States, the District of Columbia, Puerto Rico,
90 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
91 of the United States;

92 ~~[(14)]~~ **(19)** "Student athlete", ~~[a current student who engages in, has engaged in, is~~
 93 ~~eligible to engage in, or may be eligible in the future to engage in, any intercollegiate sport]~~ **a**
 94 **person who is eligible to attend an educational institution and engages in, is eligible to**
 95 **engage in, or may be eligible in the future to engage in, any interscholastic or**
 96 **intercollegiate sport. The term does not include an person permanently ineligible to**
 97 **participate in a particular interscholastic or intercollegiate sport for that sport.**

436.221. 1. The director shall administer the provisions of sections 436.215 to 436.272.

2 2. By engaging in the business of an athlete agent in this state, a nonresident ~~[individual]~~
 3 **person** appoints the director as the ~~[individual's]~~ **person's** agent to accept service of process in
 4 any civil action related to the ~~[individual's]~~ **person's** business as an athlete agent in this state.

5 3. The director may subpoena witnesses, issue subpoenas duces tecum and require
 6 production of documents and records. Subpoenas including subpoenas duces tecum shall be
 7 served by a person authorized to serve subpoenas of courts of record. In lieu of requiring
 8 attendance of a person to produce original documents in response to a subpoena duces tecum,
 9 the board may require sworn copies of such documents to be filed with it or delivered to its
 10 designated representative.

11 4. The director may enforce its subpoenas including subpoenas duces tecum by applying
 12 to a circuit court of Cole County, the county of the investigation, hearing or proceeding, or any
 13 county where the person resides or may be found for an order upon any person who shall fail to
 14 obey a subpoena to show cause why such subpoena should not be enforced, which such order and
 15 a copy of the application therefor shall be served upon the person in the same manner as a
 16 summons in a civil action and if the circuit court shall after a hearing determine that the
 17 subpoena should be sustained and enforced such court shall proceed to enforce the subpoena in
 18 the same manner as though the subpoena had been issued in a civil case in the circuit court.

436.224. 1. Except as otherwise provided in subsection 2 of this section, an individual
 2 may not act as an athlete agent in this state ~~[before]~~ **without** being issued a certificate of
 3 registration under section 436.230 or 436.236.

4 2. ~~[An individual with a temporary license]~~ **Before being issued a certificate of**
 5 **registration** under section 436.236, **a person** may act as an athlete agent ~~[before being issued~~
 6 ~~a certificate of registration]~~ for all purposes except signing an agency contract if:

7 (1) A student athlete or another acting on behalf of the student athlete initiates
 8 communication with the individual; and

9 (2) Within seven days after an initial act ~~[as an athlete agent]~~ **that requires the**
 10 **individual to register as an athlete agent**, the individual submits an application to register as
 11 an athlete agent in this state.

12 3. An agency contract resulting from conduct in violation of this section is void. The
13 athlete agent shall return any consideration received under the contract.

436.227. 1. An applicant for registration shall submit an application for registration to
2 the director in a form prescribed by the director. The application ~~[must]~~ **shall** be in the name of
3 an individual and signed by the applicant under penalty of perjury and ~~[must]~~ **shall** state or
4 contain **at least the following:**

5 (1) The name, **date of birth, and place of birth** of the applicant ~~[and]~~ ;

6 (2) The address **and telephone numbers** of the applicant's principal place of business;

7 (3) **The applicant's mobile telephone numbers and any means of communicating**
8 **electronically, including a facsimile number, electronic-mail address, and personal and**
9 **business or employer websites, as applicable;**

10 ~~[(2)]~~ (4) The name of the applicant's business or employer, if applicable, **including for**
11 **each business or employer, the mailing address, telephone number, organization form, and**
12 **the nature of the business;**

13 (5) **Each social media account with which the applicant or the applicant's business**
14 **or employer is affiliated;**

15 ~~[(3)]~~ (6) Any business or occupation engaged in by the applicant for the five years next
16 preceding the date of submission of the application, **including self-employment and**
17 **employment by others, and any professional or occupational license, registration, or**
18 **certification held by the applicant during that time;**

19 ~~[(4)]~~ (7) A description of the applicant's:

20 (a) Formal training as an athlete agent;

21 (b) Practical experience as an athlete agent; and

22 (c) Educational background relating to the applicant's activities as an athlete agent;

23 ~~[(5)]~~ ~~The names and addresses of three individuals not related to the applicant who are~~
24 ~~willing to serve as references;~~

25 ~~—[(6)]~~ (8) The name~~], sport, and last known team for each individual~~ **of each student**
26 **athlete** for whom the applicant ~~[provided services]~~ **acted** as an athlete agent during the five years
27 ~~[next]~~ preceding the date of submission of the application **or, if the student athlete is a minor,**
28 **the name of the parent or guardian of the minor, together with the student athlete's sport**
29 **and last known team;**

30 ~~[(7)]~~ (9) The names and addresses of all persons who are:

31 (a) With respect to the athlete agent's business if it is not a corporation, the partners,
32 officers, **managers**, associates, or profit-sharers, **or persons who directly or indirectly hold**
33 **an equity interest of five percent or greater;** and

34 (b) With respect to a corporation employing the ~~[athlete agent]~~ **applicant**, the officers,
35 directors, and any shareholder of the corporation with a five percent or greater interest;

36 **(10) A description of the status of any application by the applicant, or any person**
37 **named under subdivision (9) of this subsection, for a state or federal business, professional,**
38 **or occupational license, other than as an athlete agent, from a state or federal agency,**
39 **including any denial, refusal to renew, suspension, withdrawal, or termination of the**
40 **license and any reprimand or censure related to the license;**

41 ~~[(8)]~~ **(11) Whether the applicant or any other person named under subdivision [(7)] (9)**
42 **of this section has ~~[been convicted]~~ pled or been found guilty** of a crime that if committed in
43 this state would be a felony or other crime involving moral turpitude, and ~~[a description of]~~
44 **information regarding the crime, including the crime, the law enforcement agency involved,**
45 **and if applicable the date of the verdict and the penalty imposed;**

46 **(12) Whether, within fifteen years before the date of application, the applicant, or**
47 **any person named under subdivision (9) of this subsection, has been a defendant or**
48 **respondent in a civil proceeding, including a proceeding seeking an adjudication of legal**
49 **incompetence, and, if so, the date and a full explanation of each proceeding;**

50 **(13) Whether the applicant, or any person named under subdivisions (9) of this**
51 **subsection, has an unsatisfied judgment or a judgment of continuing effect, including**
52 **alimony or a domestic order in the nature of child support, which is not current at the date**
53 **of the application;**

54 **(14) Whether, within ten years before the date of application, the applicant, or any**
55 **person named under subdivision (9) of this subsection, was adjudicated bankrupt or was**
56 **an owner of a business that was adjudicated bankrupt;**

57 ~~[(9)]~~ **(15) Whether there has been any administrative or judicial determination that the**
58 **applicant or any other person named under subdivision [(7)] (9) of this section has made a false,**
59 **misleading, deceptive, or fraudulent representation;**

60 ~~[(10)]~~ **(16) Any instance in which the prior conduct of the applicant or any other person**
61 **named under subdivision [(7)] (9) of this section resulted in the imposition of a sanction,**
62 **suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate**
63 **athletic event on a student athlete or educational institution;**

64 ~~[(11)]~~ **(17) Any sanction, suspension, or disciplinary action taken against the applicant**
65 **or any other person named under subdivision [(7)] (9) of this section arising out of occupational**
66 **or professional conduct; and**

67 ~~[(12)]~~ **(18) Whether there has been any denial of an application for, suspension or**
68 **revocation of, or refusal to renew the registration or licensure of the applicant or any other person**
69 **named under subdivision [(7)] (9) of this section as an athlete agent in any state;**

70 **(19) Each state in which the applicant currently is registered as an athlete agent or**
71 **has applied to be registered as an athlete agent;**

72 **(20) If the applicant is certified or registered by a professional league or players**
73 **association:**

74 **(a) The name of the league or association;**

75 **(b) The date of certification or registration, and the date of expiration of the**
76 **certification or registration, if any; and**

77 **(c) If applicable, the date of any denial of an application for, suspension or**
78 **revocation of, refusal to renew, withdrawal of, or termination of, the certification or**
79 **registration or any reprimand or censure related to the certification or registration; and**

80 **(21) Any additional information as required by the director.**

81 **2. In lieu of submitting the application and information required under subsection**
82 **1 of this section, an applicant who is registered as an athlete agent in another state may**
83 **apply for registration as an athlete agent by submitting the following:**

84 **(1) A copy of the application for registration in the other state;**

85 **(2) A statement that identifies any material change in the information on the**
86 **application or verifies there is no material change in the information, signed under penalty**
87 **of perjury; and**

88 **(3) A copy of the certificate of registration from the other state.**

89 **3. The director shall issue a certificate of registration to an applicant who applies**
90 **for registration under subsection 2 of this section if the director determines:**

91 **(1) The application and registration requirements of the other state are**
92 **substantially similar to or more restrictive than the requirements provided under sections**
93 **436.215 to 436.272; and**

94 **(2) The registration has not been revoked or suspended and no action involving the**
95 **applicant's conduct as an athlete agent is pending against the applicant or the applicant's**
96 **registration in any state.**

97 **4. For purposes of implementing subsection 3 of this section, the director shall:**

98 **(1) Cooperate with national organizations concerned with athlete agent issues and**
99 **agencies in other states which register athlete agents to develop a common registration**
100 **form and determine which states have laws that are substantially similar to or more**
101 **restrictive than sections 436.215 to 436.272; and**

102 **(2) Exchange information, including information related to actions taken against**
103 **registered athlete agents or their registrations, with those organizations and agencies.**

 436.230. 1. Except as otherwise provided in subsection 2 of this section, the director
2 shall issue a certificate of registration to an individual who complies with section 436.227.

3 2. The director may refuse to issue a certificate of registration if the director determines
4 that the applicant has engaged in conduct that has a significant adverse effect on the applicant's
5 fitness to serve as an athlete agent. In making the determination, the director may consider
6 whether the applicant has:

7 (1) Been convicted of a crime that if committed in this state would be a felony or other
8 crime involving moral turpitude;

9 (2) Made a materially false, misleading, deceptive, or fraudulent representation as an
10 athlete agent or in the application;

11 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary
12 capacity;

13 (4) Engaged in conduct prohibited by section 436.254;

14 (5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or
15 been refused renewal of registration or licensure in any state;

16 (6) Engaged in conduct or failed to engage in conduct the consequence of which was that
17 a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or
18 intercollegiate athletic event was imposed on a student athlete or educational institution; or

19 (7) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
20 honesty, or integrity.

21 3. In making a determination under subsection [3] 2 of this section, the director shall
22 consider:

23 (1) How recently the conduct occurred;

24 (2) The nature of the conduct and the context in which it occurred; and

25 (3) Any other relevant conduct of the applicant.

26 4. An athlete agent may apply to renew a registration by submitting an application for
27 renewal in a form prescribed by the director. The application for renewal [~~must~~] **shall** be signed
28 by the applicant under penalty of perjury under section 575.040 and shall contain current
29 information on all matters required in an original registration.

30 5. **An athlete agent registered under subsection 3 of section 436.227 may renew the**
31 **registration by proceeding under subsection 4 of this section or, if the registration in the**
32 **other state has been renewed, by submitting to the director copies of the application for**
33 **renewal in the other state and the renewed registration from the other state. The director**
34 **shall renew the registration if the director determines:**

35 (1) **The registration requirements of the other state are substantially similar to or**
36 **more restrictive than the requirements provided under sections 436.215 to 436.272; and**

37 **(2) The renewed registration has not been suspended or revoked and no action**
 38 **involving the individual's conduct as an athlete agent is pending against the individual or**
 39 **the individual's registration in any state.**

40 **6.** A certificate of registration or a renewal of a registration is valid for two years.

 436.236. The director may issue a temporary certificate of registration [~~valid for sixty~~
 2 ~~days~~] while an application for registration or renewal is pending.

 436.242. 1. An agency contract [~~must~~] **shall** be in a record signed by the parties.

2 2. An agency contract [~~must~~] **shall** state or contain:

3 **(1) A statement that the athlete agent is registered as an athlete agent in this state**
 4 **and a list of any other states in which the agent is registered as an athlete agent;**

5 **(2)** The amount and method of calculating the consideration to be paid by the student
 6 athlete for services to be provided by the athlete agent under the contract and any other
 7 consideration the athlete agent has received or will receive from any other source for entering
 8 into the contract or for providing the services;

9 ~~[(2)]~~ **(3)** The name of any person not listed in the application for registration or renewal
 10 who will be compensated because the student athlete signed the agency contract;

11 ~~[(3)]~~ **(4)** A description of any expenses that the student athlete agrees to reimburse;

12 ~~[(4)]~~ **(5)** A description of the services to be provided to the student athlete;

13 ~~[(5)]~~ **(6)** The duration of the contract; and

14 ~~[(6)]~~ **(7)** The date of execution.

15 3. An agency contract shall contain in close proximity to the signature of the student
 16 athlete a conspicuous notice in boldface type in capital letters stating:

17 "WARNING TO STUDENT ATHLETE IF YOU SIGN THIS CONTRACT:

18 **(1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT**
 19 **ATHLETE IN YOUR SPORT;**

20 **(2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL YOUR**
 21 **ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS**
 22 **AFTER ENTERING INTO AN AGENCY CONTRACT OR BEFORE THE NEXT**
 23 **ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST**
 24 **AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE**
 25 **AGENT; AND**

26 **(3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING**
 27 **IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR**
 28 **ELIGIBILITY."**

29 4. **An agency contract shall be accompanied by a separate record signed by the**
 30 **student athlete or, if the student athlete is a minor, the parent or guardian of the athlete,**

31 **acknowledging that signing the contract may result in the loss of the student athlete's**
32 **eligibility to participate in the student athlete's sport.**

33 **5. An agency contract that does not conform to this section is voidable by the student**
34 **athlete or, if the student athlete is a minor, by the parent or guardian of the student athlete.**
35 **If the contract is voided, any consideration received by the student athlete from the athlete**
36 **agent under the contract to induce entering into the contract is not required to be returned.**

37 ~~[5-]~~ **6. The athlete agent shall give a copy of the signed agency contract to the student**
38 **athlete or, if the student athlete is a minor, to the parent or guardian of the student athlete**
39 **at ~~[the time of signing]~~ any time the student athlete or his or her parent or guardian**
40 **requests.**

41 **7. If a student athlete is a minor, an agency contract shall be signed by the parent**
42 **or guardian of the minor and the notice required by subsection 3 shall be revised**
43 **accordingly.**

436.245. 1. **As used in this section, "communicating or attempting to**
2 **communicate" shall mean contacting or attempting to contact by an in-person meeting, a**
3 **record, or any other method that conveys or attempts to convey a message.**

4 **2. Within seventy-two hours after entering into an agency contract or before the next**
5 **scheduled athletic event in which the student athlete may participate, whichever occurs first, the**
6 **athlete agent shall give notice in ~~[writing]~~ a record of the existence of the contract to the athletic**
7 **director of the educational institution at which the student athlete is enrolled or the athlete agent**
8 **has reasonable grounds to believe the student athlete intends to enroll.**

9 **3. If an athlete agent enters into an agency contract with a student athlete and the**
10 **student athlete subsequently enrolls at an educational institution, the athlete agent shall**
11 **notify the athletic director of the educational institution of the existence of the contract**
12 **within seventy-two hours after the agent knew or should have known the student athlete**
13 **enrolled.**

14 **4. If an athlete agent has a relationship with a student athlete before the student**
15 **athlete enrolls in an educational institution and receives an athletic scholarship from the**
16 **educational institution, the athlete agent shall notify the athletic director of the institution**
17 **of the relationship not later than ten days after the enrollment if the athlete agent knows**
18 **or should have known of the enrollment and:**

19 **(1) The relationship with the student athlete was motivated in whole or part by the**
20 **intention of the athlete agent to recruit or solicit the student athlete to enter an agency**
21 **contract in the future; or**

22 **(2) The athlete agent directly or indirectly recruited or solicited the student athlete**
23 **to enter an agency contract before the enrollment.**

24 **5. An athlete agent shall give notice in a record to the athletic director of any**
25 **educational institution at which a student athlete is enrolled before the agent communicates**
26 **or attempts to communicate with:**

27 **(1) The student athlete or, if the student athlete is a minor, a parent or guardian**
28 **of the student athlete, to influence the student athlete or parent or guardian to enter into**
29 **an agency contract; or**

30 **(2) Another person to have that person influence the student athlete or, if the**
31 **student athlete is a minor, the parent or guardian of the student athlete, to enter into an**
32 **agency contract.**

33 **6. If a communication or attempt to communicate with an athlete agent is initiated**
34 **by a student athlete or another person on behalf of the student athlete, the athlete agent**
35 **shall notify in a record the athletic director of any educational institution at which the**
36 **student athlete is enrolled. The notification shall be made not later than ten days after the**
37 **communication or attempt.**

38 **7. An educational institution that becomes aware of a violation of sections 436.215**
39 **to 436.272 by an athlete agent shall notify the director and any professional league or**
40 **players association with which the institution is aware the agent is licensed or registered**
41 **of the violation.**

42 [2-] **8. Within seventy-two hours after entering into an agency contract or before the next**
43 **athletic event in which the student athlete may participate, whichever occurs first, the student**
44 **athlete shall in [writing] a record inform the athletic director of the educational institution at**
45 **which the student athlete is enrolled that he or she has entered into an agency contract and the**
46 **name and contact information of the athlete agent.**

 436.248. 1. A student athlete **or, if the student athlete is a minor, the parent or**
2 **guardian of the student athlete,** may cancel an agency contract by giving notice in writing to
3 the athlete agent of the cancellation within fourteen days after the contract is signed.

4 2. A student athlete **or, if the student athlete is a minor, the parent or guardian of**
5 **the student athlete,** may not waive the right to cancel an agency contract.

6 3. If a student athlete, **parent, or guardian** cancels an agency contract within fourteen
7 days of signing the contract, the student athlete, **parent, or guardian** is not required to pay any
8 consideration under the contract or to return any consideration received from the agent to induce
9 the student athlete **agent** to enter into the contract.

 436.254. 1. An athlete agent ~~may~~ **shall** not do any of the following with the intent to
2 induce a student athlete to enter into an agency contract **or encourage any other person to take**
3 **or assist any other person in taking any of the following actions on behalf of the athlete**
4 **agent:**

5 (1) Give any materially false or misleading information or make a materially false
6 promise or representation;

7 (2) Furnish anything of value to a student athlete before the student athlete enters into
8 the agency contract; or

9 (3) Furnish anything of value to any ~~[individual]~~ **person** other than the student athlete
10 or another registered athlete agent.

11 2. An athlete agent ~~[may]~~ **shall** not intentionally **do any of the following or encourage**
12 **any other person to do any of the following:**

13 (1) Initiate contact, **directly or indirectly**, with a student athlete **or, if the student**
14 **athlete is a minor, a parent or guardian of the student athlete, to recruit or solicit the**
15 **student athlete, parent, or guardian to enter an agency contract** unless registered under
16 sections 436.215 to 436.272;

17 (2) Refuse or ~~[willfully]~~ fail to retain or permit inspection of the records required by
18 section 436.251;

19 (3) Violate section 436.224 by failing to register;

20 (4) Provide materially false or misleading information in an application for registration
21 or renewal of registration;

22 (5) Predate or postdate an agency contract; or

23 (6) Fail to notify a student athlete **or, if the student athlete is a minor, a parent or**
24 **guardian of the student athlete**, prior to the student ~~[athlete's]~~ **athlete, parent, or guardian**
25 signing an agency contract for a particular sport that the signing by the student athlete may make
26 the student athlete ineligible to participate as a student athlete in that sport.

436.263. Any person who violates any ~~[provisions]~~ **provision** of sections 436.215 to
2 ~~[436.269]~~ **436.272** is guilty of a class A misdemeanor **and liable for a civil penalty not to**
3 **exceed fifty thousand dollars.**

436.266. In applying and construing sections 436.215 to 436.272, consideration ~~[must]~~
2 **shall** be given to the need to promote uniformity of the law with respect to the subject matter of
3 sections 436.215 to 436.272 among states that enact it.

~~[174.324. 1. Notwithstanding any law to the contrary, Missouri Western
2 State University and Missouri Southern State University may offer master's
3 degrees in accounting, subject to any terms and conditions of the Missouri state
4 board of accountancy applicable to any other institution of higher education in
5 this state which offers such degrees, and subject to approval of the coordinating
6 board for higher education.~~

~~7 2. Any new master's degree program offered at Missouri Southern State
8 University, Missouri Western State University, or any other public institution of
9 higher education in this state must be approved by the coordinating board for~~

10 higher education pursuant to the provisions of subdivision (1) or (2) of subsection
11 ~~2 of section 173.005.]~~

12

2 ~~[436.257. The commission of any act prohibited by section 436.254 by
an athlete agent is a class B misdemeanor.]~~

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