

FIRST REGULAR SESSION

SENATE BILL NO. 446

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

Read 1st time February 26, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1449S.011

AN ACT

To repeal section 173.616, RSMo, and to enact in lieu thereof one new section relating to proprietary school exemptions.

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

Section A. Section 173.616, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.616, to read as follows:

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

(1) A public institution;

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

(3) An institution that is certified by the board as an approved private institution under subdivision (2) of subsection 1 of section 173.1102;

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

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

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

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

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

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

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

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

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

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

43 (7) A yoga teacher training course, program, or school.

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

48 4. Any school, training program or course of instruction exempted herein
49 may elect by majority action of its governing body or by action of its director to
50 apply for approval of the school, training program or course of instruction under
51 the provisions of sections 173.600 to 173.618. Upon application to and approval
52 by the coordinating board, such school training program or course of instruction
53 may become exempt from the provisions of sections 173.600 to 173.618 at any
54 subsequent time, except the board shall not approve an application for exemption
55 if the approved school is then in any status of noncompliance with certification
56 standards and a reversion to exempt status shall not relieve the school of any

57 liability for indemnification or any penalty for noncompliance with certification
58 standards during the period of the school's approved status.

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