

SENATE BILL NO. 749

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

3432S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 172.280, 173.005, 173.030, 173.040, 173.616, 173.750, 174.160, 174.231, 174.251, and 174.310, RSMo, and to enact in lieu thereof ten new sections relating to the authority to confer degrees at public institutions of higher education, with existing penalty provisions.

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

Section A. Sections 172.280, 173.005, 173.030, 173.040,
2 173.616, 173.750, 174.160, 174.231, 174.251, and 174.310, RSMo,
3 are repealed and ten new sections enacted in lieu thereof, to
4 be known as sections 172.280, 173.005, 173.030, 173.040,
5 173.616, 173.750, 174.160, 174.231, 174.251, and 174.310, to
6 read as follows:

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

173.005. 1. There is hereby created a "Department of
2 Higher Education and Workforce Development", and the

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

3 division of higher education of the department of education
4 is abolished and all its powers, duties, functions,
5 personnel and property are transferred as provided by the
6 Reorganization Act of 1974, Appendix B, RSMo.

7 2. The commission on higher education is abolished and
8 all its powers, duties, personnel and property are
9 transferred by type I transfer to the "Coordinating Board
10 for Higher Education", which is hereby created, and the
11 coordinating board shall be the head of the department. The
12 coordinating board shall consist of nine members appointed
13 by the governor with the advice and consent of the senate,
14 and not more than five of its members shall be of the same
15 political party. None of the members shall be engaged
16 professionally as an educator or educational administrator
17 with a public or private institution of higher education at
18 the time appointed or during his term. Moreover, no person
19 shall be appointed to the coordinating board who shall not
20 be a citizen of the United States, and who shall not have
21 been a resident of the state of Missouri two years next
22 prior to appointment, and at least one but not more than two
23 persons shall be appointed to said board from each
24 congressional district. The term of service of a member of
25 the coordinating board shall be six years and said members,
26 while attending the meetings of the board, shall be
27 reimbursed for their actual expenses. Notwithstanding any
28 provision of law to the contrary, nothing in this section
29 relating to a change in the composition and configuration of
30 congressional districts in this state shall prohibit a
31 member who is serving a term on August 28, 2011, from
32 completing his or her term. The coordinating board may, in
33 order to carry out the duties prescribed for it in
34 subsections 1, 2, 3, 7, and 8 of this section, employ such

35 professional, clerical and research personnel as may be
36 necessary to assist it in performing those duties, but this
37 staff shall not, in any fiscal year, exceed twenty-five full-
38 time equivalent employees regardless of the source of
39 funding. In addition to all other powers, duties and
40 functions transferred to it, the coordinating board for
41 higher education shall have the following duties and
42 responsibilities:

43 (1) The coordinating board for higher education may
44 approve, not approve, or provisionally approve proposed new
45 degree programs to be offered by the state institutions of
46 higher education. The coordinating board may authorize a
47 degree program outside an institution's coordinating board-
48 approved mission only when the coordinating board has
49 received clear evidence that the institution proposing to
50 offer the program:

51 (a) Made a good-faith effort to explore the
52 feasibility of offering the program in collaboration with an
53 institution the mission of which includes offering the
54 program;

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

57 (c) Has the existing capacity to ensure the program is
58 delivered in a high-quality manner;

59 (d) Has demonstrated that the proposed program is
60 needed;

61 (e) Has a clear plan to meet the articulated workforce
62 need; and

63 (f) Such other factors deemed relevant by the
64 coordinating board;

65 (2) [The governing board of each public institution of
66 higher education in the state shall have the power and

67 authority to confer degrees in chiropractic, osteopathic
68 medicine, and podiatry only in collaboration with the
69 University of Missouri, provided that such collaborative
70 agreements are approved by the governing board of each
71 institution and that in these instances the University of
72 Missouri will be the degree-granting institution. Should
73 the University of Missouri decline to collaborate in the
74 offering of such programs, any of these institutions may
75 seek approval of the program through the coordinating board
76 for higher education's comprehensive review process when
77 doing so would not unnecessarily duplicate an existing
78 program, collaboration is not feasible or a viable means of
79 meeting the needs of students and employers, and the
80 institution has the academic and financial capacity to offer
81 the program in a high quality manner;

82 (3) The coordinating board for higher education may
83 promote and encourage the development of cooperative
84 agreements between Missouri public four-year institutions of
85 higher education which do not offer graduate degrees and
86 Missouri public four-year institutions of higher education
87 which do offer graduate degrees for the purpose of offering
88 graduate degree programs on campuses of those public four-
89 year institutions of higher education which do not otherwise
90 offer graduate degrees. Such agreements shall identify the
91 obligations and duties of the parties, including assignment
92 of administrative responsibility. Any diploma awarded for
93 graduate degrees under such a cooperative agreement shall
94 include the names of both institutions inscribed thereon.
95 Any cooperative agreement in place as of August 28, 2003,
96 shall require no further approval from the coordinating
97 board for higher education. Any costs incurred with respect
98 to the administrative provisions of this subdivision may be

99 paid from state funds allocated to the institution assigned
100 the administrative authority for the program. The
101 provisions of this subdivision shall not be construed to
102 invalidate the provisions of subdivision (1) of this
103 subsection;

104 **[(4)] (3)** In consultation with the heads of the
105 institutions of higher education affected and against a
106 background of carefully collected data on enrollment,
107 physical facilities, manpower needs, and institutional
108 missions, the coordinating board for higher education shall
109 establish guidelines for appropriation requests by those
110 institutions of higher education; however, other provisions
111 of the Reorganization Act of 1974 notwithstanding, all funds
112 shall be appropriated by the general assembly to the
113 governing board of each public four-year institution of
114 higher education which shall prepare expenditure budgets for
115 the institution;

116 **[(5)] (4)** No new state-supported senior colleges or
117 residence centers shall be established except as provided by
118 law and with approval of the coordinating board for higher
119 education;

120 **[(6)] (5)** The coordinating board for higher education
121 shall establish admission guidelines consistent with
122 institutional missions;

123 **[(7)] (6)** The coordinating board for higher education
124 shall require all public two-year and four-year higher
125 education institutions to replicate best practices in
126 remediation identified by the coordinating board and
127 institutions from research undertaken by regional
128 educational laboratories, higher education research
129 organizations, and similar organizations with expertise in
130 the subject, and identify and reduce methods that have been

131 found to be ineffective in preparing or retaining students
132 or that delay students from enrollment in college-level
133 courses;

134 [(8)] (7) The coordinating board shall establish
135 policies and procedures for institutional decisions relating
136 to the residence status of students;

137 [(9)] (8) The coordinating board shall establish
138 guidelines to promote and facilitate the transfer of
139 students between institutions of higher education within the
140 state and, with the assistance of the committee on transfer
141 and articulation, shall require all public two-year and four-
142 year higher education institutions to create by July 1,
143 2014, a statewide core transfer library of at least twenty-
144 five lower division courses across all institutions that are
145 transferable among all public higher education
146 institutions. The coordinating board shall establish
147 policies and procedures to ensure such courses are accepted
148 in transfer among public institutions and treated as
149 equivalent to similar courses at the receiving
150 institutions. The coordinating board shall develop a policy
151 to foster reverse transfer for any student who has
152 accumulated enough hours in combination with at least one
153 public higher education institution in Missouri that offers
154 an associate degree and one public four-year higher
155 education institution in the prescribed courses sufficient
156 to meet the public higher education institution's
157 requirements to be awarded an associate degree. The
158 department of elementary and secondary education shall
159 maintain the alignment of the assessments found in section
160 160.518 and successor assessments with the competencies
161 previously established under this subdivision for entry-
162 level collegiate courses in English, mathematics, foreign

163 language, sciences, and social sciences associated with an
164 institution's general education core;

165 **[(10)] (9)** The coordinating board shall collect the
166 necessary information and develop comparable data for all
167 institutions of higher education in the state. The
168 coordinating board shall use this information to delineate
169 the areas of competence of each of these institutions and
170 for any other purposes deemed appropriate by the
171 coordinating board;

172 **[(11)] (10)** Compliance with requests from the
173 coordinating board for institutional information and the
174 other powers, duties and responsibilities, herein assigned
175 to the coordinating board, shall be a prerequisite to the
176 receipt of any funds which the coordinating board is
177 responsible for administering;

178 **[(12)] (11)** If any institution of higher education in
179 this state, public or private, willfully fails or refuses to
180 follow any lawful guideline, policy or procedure established
181 or prescribed by the coordinating board, or knowingly
182 deviates from any such guideline, or knowingly acts without
183 coordinating board approval where such approval is required,
184 or willfully fails to comply with any other lawful order of
185 the coordinating board, the coordinating board may, after a
186 public hearing, withhold or direct to be withheld from that
187 institution any funds the disbursement of which is subject
188 to the control of the coordinating board, or may remove the
189 approval of the institution as an approved institution
190 within the meaning of section 173.1102. If any such public
191 institution willfully disregards board policy, the
192 commissioner of higher education may order such institution
193 to remit a fine in an amount not to exceed one percent of
194 the institution's current fiscal year state operating

195 appropriation to the board. The board shall hold such funds
196 until such time that the institution, as determined by the
197 commissioner of higher education, corrects the violation, at
198 which time the board shall refund such amount to the
199 institution. If the commissioner determines that the
200 institution has not redressed the violation within one year,
201 the fine amount shall be deposited into the general revenue
202 fund, unless the institution appeals such decision to the
203 full coordinating board, which shall have the authority to
204 make a binding and final decision, by means of a majority
205 vote, regarding the matter. However, nothing in this
206 section shall prevent any institution of higher education in
207 this state from presenting additional budget requests or
208 from explaining or further clarifying its budget requests to
209 the governor or the general assembly;

210 **[(13)] (12)** In recognition of institutions that meet
211 the requirements of subdivision (2), (3), or (4) of
212 subsection 1 of section 173.616, are established by name as
213 an educational institution in Missouri, and are authorized
214 to operate programs beyond secondary education for purposes
215 of authorization under 34 CFR 600.9, the coordinating board
216 for higher education shall maintain and publish on its
217 website a list of such postsecondary educational
218 institutions; and

219 **[(14)] (13)** (a) As used in this subdivision, the term
220 "out-of-state public institution of higher education" shall
221 mean an education institution located outside of Missouri
222 that:

223 a. Is controlled or administered directly by a public
224 agency or political subdivision or is classified as a public
225 institution by the state;

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

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

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

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

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

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

242 b. The board's approval process of degree programs and
243 courses offered by any out-of-state public institutions of
244 higher education that, prior to July 1, 2008, were approved
245 by the board to operate a school in compliance with the
246 provisions of sections 173.600 to 173.618. The rules shall
247 ensure that, as of July 1, 2008, all out-of-state public
248 institutions seeking to offer degrees and courses within the
249 state of Missouri are evaluated in a manner similar to
250 Missouri public higher education institutions. Such out-of-
251 state public institutions shall be held to standards no
252 lower than the standards established by the coordinating
253 board for program approval and the policy guidelines of the
254 coordinating board for data collection, cooperation, and
255 resolution of disputes between Missouri institutions of
256 higher education under this section. Any such out-of-state
257 public institutions of higher education wishing to continue

258 operating within this state must be approved by the board
259 under the rules promulgated under this subdivision. The
260 coordinating board may charge and collect fees from out-of-
261 state public institutions to cover the costs of reviewing
262 and assuring the quality of programs offered by out-of-state
263 public institutions. Any rule or portion of a rule, as that
264 term is defined in section 536.010, that is created under
265 the authority delegated in this section shall become
266 effective only if it complies with and is subject to all of
267 the provisions of chapter 536 and, if applicable, section
268 536.028. This section and chapter 536 are nonseverable and
269 if any of the powers vested with the general assembly under
270 chapter 536 to review, to delay the effective date, or to
271 disapprove and annul a rule are subsequently held
272 unconstitutional, then the grant of rulemaking authority and
273 any rule proposed or adopted after August 28, 2007, shall be
274 invalid and void.

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

280 3. The coordinating board shall meet at least four
281 times annually with an advisory committee who shall be
282 notified in advance of such meetings. The coordinating
283 board shall have exclusive voting privileges. The advisory
284 committee shall consist of thirty-two members, who shall be
285 the president or other chief administrative officer of the
286 University of Missouri; the chancellor of each campus of the
287 University of Missouri; the president of each state-
288 supported four-year college or university, including Harris-
289 Stowe State University, Missouri Southern State University,

290 Missouri Western State University, and Lincoln University;
291 the president of State Technical College of Missouri; the
292 president or chancellor of each public community college
293 district; and representatives of each of five accredited
294 private institutions selected biennially, under the
295 supervision of the coordinating board, by the presidents of
296 all of the state's privately supported institutions; but
297 always to include at least one representative from one
298 privately supported community college, one privately
299 supported four-year college, and one privately supported
300 university. The conferences shall enable the committee to
301 advise the coordinating board of the views of the
302 institutions on matters within the purview of the
303 coordinating board.

304 4. The University of Missouri, Lincoln University, and
305 all other state-governed colleges and universities, chapters
306 172, 174, 175, and others, are transferred by type III
307 transfers to the department of higher education and
308 workforce development subject to the provisions of
309 subsection 2 of this section.

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

313 6. The state anatomical board, chapter 194, is
314 transferred by type II transfer to the department of higher
315 education and workforce development.

316 7. All the powers, duties and functions vested in the
317 division of public schools and state board of education
318 relating to community college state aid and the supervision,
319 formation of districts and all matters otherwise related to
320 the state's relations with community college districts and
321 matters pertaining to community colleges in public school

322 districts, chapters 163, 178, and others, are transferred to
323 the coordinating board for higher education by type I
324 transfer. Provided, however, that all responsibility for
325 administering the federal-state programs of vocational-
326 technical education, except for the 1202a postsecondary
327 educational amendments of 1972 program, shall remain with
328 the department of elementary and secondary education. The
329 department of elementary and secondary education and the
330 coordinating board for higher education shall cooperate in
331 developing the various plans for vocational-technical
332 education; however, the ultimate responsibility will remain
333 with the state board of education.

334 8. All the powers, duties, functions, and properties
335 of the state poultry experiment station, chapter 262, are
336 transferred by type I transfer to the University of
337 Missouri, and the state poultry association and state
338 poultry board are abolished. In the event the University of
339 Missouri shall cease to use the real estate of the poultry
340 experiment station for the purposes of research or shall
341 declare the same surplus, all real estate shall revert to
342 the governor of the state of Missouri and shall not be
343 disposed of without legislative approval.

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

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

10 programs, and make pertinent recommendations relating
11 thereto;

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

21 (3) Recommending to the governing boards of state-
22 supported institutions of higher education, including public
23 community colleges receiving state support, formulas to be
24 employed in specifying plans for general operations, for
25 development and expansion, and for requests for
26 appropriations from the general assembly. Such
27 recommendations will be submitted to the governing boards by
28 April first of each year preceding a regular session of the
29 general assembly of the state of Missouri;

30 (4) Promulgating rules to include selected off-campus
31 instruction in public college and university appropriation
32 recommendations where prior need has been established in
33 areas designated by the coordinating board for higher
34 education. Funding for such off-campus instruction shall be
35 included in the appropriation recommendations, shall be
36 determined by the general assembly and shall continue,
37 within the amounts appropriated therefor, unless the general
38 assembly disapproves the action by concurrent resolution;

39 (5) Coordinating reciprocal agreements between or
40 among Missouri state institutions of higher education at the
41 request of one or more of the institutions party to the

42 agreement, and between or among Missouri state institutions
43 of higher education and publicly supported higher education
44 institutions located outside the state of Missouri at the
45 request of any Missouri institution party to the agreement;

46 (6) Entering into agreements for interstate
47 reciprocity regarding the delivery of postsecondary distance
48 education, administering such agreements, and approving or
49 disapproving applications to participate in such agreements
50 from a postsecondary institution that has its principal
51 campus in the state of Missouri:

52 (a) The coordinating board shall establish standards
53 for institutional approval. Those standards shall include,
54 but are not limited to the:

55 a. Definition of physical presence for non-Missouri
56 institutions serving Missouri residents consistent with
57 other states' definitions of physical presence; and

58 b. Establishment of consumer protection policies for
59 distance education addressing recruitment and marketing
60 activities; disclosure of tuition, fees, and other charges;
61 disclosure of admission processes and procedures; and
62 student complaints;

63 (b) The coordinating board shall establish policies
64 for the review and resolution of student complaints arising
65 from distance education programs offered under the agreement;

66 (c) The coordinating board may charge fees to any
67 institution that applies to participate in an interstate
68 postsecondary distance education reciprocity agreement
69 authorized pursuant to this section. Such fees shall not
70 exceed the coordinating board for higher education's cost of
71 reviewing and evaluating the applications; and

72 (d) The coordinating board shall promulgate rules to
73 implement the provisions of this subdivision. Any rule or

74 portion of a rule, as that term is defined in section
75 536.010, that is created under the authority delegated in
76 this section shall become effective only if it complies with
77 and is subject to all of the provisions of chapter 536 and,
78 if applicable, section 536.028. This section and chapter
79 536 are nonseverable and if any of the powers vested with
80 the general assembly pursuant to chapter 536 to review, to
81 delay the effective date, or to disapprove and annul a rule
82 are subsequently held unconstitutional, then the grant of
83 rulemaking authority and any rule proposed or adopted after
84 August 28, 2014, shall be invalid and void;

85 (7) Administering the nurse training incentive fund;

86 (8) Conducting, in consultation with each public four-
87 year institution's governing board and the governing board
88 of technical colleges and community colleges, a review every
89 five years of the mission statements of the institutions
90 comprising Missouri's system of public higher education.
91 This review shall be based upon the needs of the citizens of
92 the state as well as the requirements of business, industry,
93 the professions and government. The purpose of this review
94 shall be to ensure that Missouri's system of higher
95 education is responsive to the state's needs and is focused,
96 balanced, cost-effective, and characterized by programs of
97 high quality as demonstrated by student performance and
98 program outcomes. As a component of this review, each
99 institution shall prepare, in a manner prescribed by the
100 coordinating board, a mission implementation plan for the
101 coordinating board's consideration and approval. If the
102 coordinating board determines that an institution has
103 qualified for a mission change or additional targeted
104 resources pursuant to review conducted under this
105 subdivision and subdivision (9) of this subsection, the

106 coordinating board shall submit a report to the general
107 assembly that outlines the proposed mission change or
108 targeted state resources. No change of mission for an
109 institution under this subdivision establishing a statewide
110 mission shall become effective until the general assembly
111 approves the proposed mission change by concurrent
112 resolution, except for the institution defined pursuant to
113 subdivision (1) of section 174.010, and has been approved by
114 the coordinating board and the institutions for which the
115 coordinating board has recommended a statewide mission prior
116 to August 28, 1995. The effective date of any mission
117 change under this subdivision shall be the first day of July
118 immediately following the approval of the concurrent
119 resolution by the general assembly as required under this
120 subdivision, and shall be August 28, 1995, for any
121 institution for which the coordinating board has recommended
122 a statewide mission which has not yet been implemented on
123 such date. Nothing in this subdivision shall preclude an
124 institution from initiating a request to the coordinating
125 board for a revision of its mission; and

126 (9) Reviewing applications from institutions seeking a
127 statewide mission. Such institutions shall provide evidence
128 to the coordinating board that they have the capacity to
129 discharge successfully such a mission. Such evidence shall
130 consist of the following:

131 (a) That the institution enrolls a representative
132 cross-section of Missouri students. Examples of evidence
133 for meeting this requirement which the institution may
134 present include, but are not limited to, the following:
135 enrolling at least forty percent of its Missouri resident,
136 first-time degree-seeking freshmen from outside its historic
137 statutory service region; enrolling its Missouri

138 undergraduate students from at least eighty percent of all
139 Missouri counties; or enrolling one or more groups of
140 special population students such as minorities, economically
141 disadvantaged, or physically disadvantaged from outside its
142 historic statutory service region at rates exceeding state
143 averages of such populations enrolled in the higher
144 educational institutions of this state;

145 (b) That the institution offers one or more programs
146 of unusual strength which respond to a specific statewide
147 need. Examples of evidence of meeting this requirement
148 which the institution may present include, but are not
149 limited to, the following: receipt of national, discipline-
150 specific accreditation when available; receipt of
151 independent certification for meeting national or state
152 standards or requirements when discipline-specific
153 accreditation is not available; for occupationally specific
154 programs, placement rates significantly higher than average;
155 for programs for which state or national licensure is
156 required or for which state or national licensure or
157 registration is available on a voluntary basis, licensure or
158 registration rates for graduates seeking such recognition
159 significantly higher than average; or quality of program
160 faculty as measured by the percentage holding terminal
161 degrees, the percentage writing publications in professional
162 journals or other appropriate media, and the percentage
163 securing competitively awarded research grants which are
164 higher than average;

165 (c) That the institution has a clearly articulated
166 admission standard consistent with the provisions of
167 subdivision [(6)] (5) of subsection 2 of section 173.005 or
168 section 174.130;

169 (d) That the institution is characterized by a focused
170 academic environment which identifies specific but limited
171 areas of academic emphasis at the undergraduate, and if
172 appropriate, at the graduate and professional school levels,
173 including the identification of programs to be continued,
174 reduced, terminated or targeted for excellence. The
175 institution shall, consistent with its focused academic
176 environment, also have the demonstrable capacity to provide
177 significant public service or research support that address
178 statewide needs for constituencies beyond its historic
179 statutory service region; and

180 (e) That the institution has adopted and maintains a
181 program of continuous quality improvement, or the equivalent
182 of such a program, and reports annually appropriate and
183 verifiable measures of institutional accountability related
184 to such program. Such measures shall include, but not be
185 limited to, indicators of student achievement and
186 institutional mission attainment such as percentage of
187 students meeting institutional admission standards; success
188 of remediation programs, if offered; student retention rate;
189 student graduation rate; objective measures of student,
190 alumni, and employer satisfaction; objective measures of
191 student learning in general education and the major,
192 including written and oral communication skills and critical
193 thinking skills; percentage of students attending graduate
194 or professional schools; student placement, licensure and
195 professional registration rates when appropriate to a
196 program's objectives; objective measures of successful
197 attainment of statewide goals as may be expressed from time
198 to time by the coordinating board or by the general
199 assembly; and objective measures of faculty teaching
200 effectiveness. In the development and evaluation of these

201 institutional accountability reports, the coordinating board
202 and institutions are expected to use multiple measures of
203 success, including nationally developed and verified as well
204 as locally developed and independently verified assessment
205 instruments; however, preference shall be given to
206 nationally developed instruments when they are available and
207 if they are appropriate. Institutions which serve or seek
208 to serve a statewide mission shall be judged to have met the
209 prerequisites for such a mission when they demonstrate to
210 the coordinating board that they have met the criteria
211 described in this subdivision. As a component of this
212 process, each institution shall prepare, in a manner
213 prescribed by the coordinating board, a mission
214 implementation plan for the coordinating board's
215 consideration and approval.

173.040. The coordinating board is directed to submit
2 a written report to the governor or governor-elect at least
3 forty-five days prior to the opening of each regular session
4 of the general assembly and to submit the same report to the
5 general assembly within five days after the opening of each
6 regular session. The report shall include:

7 (1) A statement of the initial coordinated plan for
8 higher education in Missouri, together with subsequent
9 changes and implementations;

10 (2) A review of recent changes in enrollments and
11 programs among institutions of higher education in the state;

12 (3) A review of requests and recommendations made by
13 the coordinating board to institutions of higher education
14 in accordance with section 173.030 and of the college's or
15 university's response to requests and recommendations,
16 including noncompliance therewith;

17 (4) The coordinating board's recommendations for
18 development and coordination in state-supported higher
19 education in the forthcoming biennium, within the context of
20 the long-range coordinated plan;

21 (5) The coordinating board's budget recommendations
22 for each state-supported college or university for the
23 forthcoming biennium; and

24 (6) The campus-level data on student persistence and a
25 description, including the basis of measurement, of progress
26 towards implementing revised remediation, transfer, and
27 retention practices under subdivisions [(7) and (9)] **(6) and**
28 **(8)** of subsection 2 of section 173.005.

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

4 (1) A public institution;

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

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

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

19 (5) Beginning July 1, 2008, all out-of-state public
20 institutions of higher education, as such term is defined in
21 subdivision [(14)] (13) of subsection 2 of section 173.005.

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

25 (1) A not-for-profit school owned, controlled and
26 operated by a bona fide religious or denominational
27 organization which offers no programs or degrees and grants
28 no degrees or certificates other than those specifically
29 designated as theological, bible, divinity or other
30 religious designation;

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

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

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

46 (5) A course of study or instruction conducted by a
47 trade, business or professional organization with a closed
48 membership where participation in the course is limited to
49 bona fide members of the trade, business or professional
50 organization, or a course of instruction for persons in

51 preparation for an examination given by a state board or
52 commission where the state board or commission approves that
53 course and school;

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

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

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

62 4. Any school, training program or course of
63 instruction exempted herein may elect by majority action of
64 its governing body or by action of its director to apply for
65 approval of the school, training program or course of
66 instruction under the provisions of sections 173.600 to
67 173.618. Upon application to and approval by the
68 coordinating board, such school training program or course
69 of instruction may become exempt from the provisions of
70 sections 173.600 to 173.618 at any subsequent time, except
71 the board shall not approve an application for exemption if
72 the approved school is then in any status of noncompliance
73 with certification standards and a reversion to exempt
74 status shall not relieve the school of any liability for
75 indemnification or any penalty for noncompliance with
76 certification standards during the period of the school's
77 approved status.

173.750. 1. By July 1, 1995, the coordinating board
2 for higher education, within existing resources provided to
3 the department of higher education and workforce development
4 and by rule and regulation, shall have established and
5 implemented a procedure for annually reporting the

6 performance of graduates of public high schools in the state
7 during the student's initial year in the public colleges and
8 universities of the state. The purpose of such reports
9 shall be to assist in determining how high schools are
10 preparing students for successful college and university
11 performance. The report produced pursuant to this
12 subsection shall annually be furnished to the state board of
13 education for reporting pursuant to subsection 4 of section
14 161.610 and shall not be used for any other purpose until
15 such time that a standard process and consistent, specific
16 criteria for determining a student's need for remedial
17 coursework is agreed upon by the coordinating board for
18 higher education, higher education institutions, and the
19 state board of education.

20 2. The procedures shall be designed so that the
21 reporting is made by the name of each high school in the
22 state, with individual student data to be grouped according
23 to the high school from which the students graduated. The
24 data in the reports shall be disaggregated by race and sex.
25 The procedures shall not be designed so that the reporting
26 contains the name of any student. No grade point average
27 shall be disclosed under subsection 3 of this section in any
28 case where three or fewer students from a particular high
29 school attend a particular college or university.

30 3. The data reported shall include grade point
31 averages after the initial college year, calculated on, or
32 adjusted to, a four point grade scale; the percentage of
33 students returning to college after the first and second
34 half of the initial college year, or after each trimester of
35 the initial college year; the percentage of students taking
36 noncollege level classes in basic academic courses during
37 the first college year, or remedial courses in basic

38 academic subjects of English, mathematics, or reading; and
39 other such data as determined by rule and regulation of the
40 coordinating board for higher education.

41 4. The department of elementary and secondary
42 education shall conduct a review of its policies and
43 procedures relating to remedial education in light of the
44 best practices in remediation identified as required by
45 subdivision [(7)] (6) of subsection 2 of section 173.005 to
46 ensure that school districts are informed about best
47 practices to reduce the need for remediation. The
48 department shall present its results to the joint committee
49 on education by October 31, 2017.

174.160. The board of regents of each state college
2 and each state teachers college shall have power and
3 authority to confer upon students, by diploma under the
4 common seal, such degrees as are usually granted by such
5 colleges, and additional degrees only when authorized by the
6 coordinating board for higher education in circumstances in
7 which offering such degree would not unnecessarily duplicate
8 an existing program, collaboration is not feasible or a
9 viable means of meeting the needs of students and employers,
10 and the institution has the academic and financial capacity
11 to offer the program in a high-quality manner. In the case
12 of nonresearch doctoral degrees in allied health
13 professions, an institution may be authorized to offer such
14 degree independently if offering it in collaboration with
15 another institution would not increase the quality of the
16 program or allow it to be delivered more efficiently. [Such
17 boards shall have the power and authority to confer degrees
18 in engineering only in collaboration with the University of
19 Missouri, provided that such collaborative agreements are
20 approved by the governing board of each institution and that

21 in these instances the University of Missouri will be the
22 degree-granting institution. Should the University of
23 Missouri decline to collaborate in the offering of such
24 programs, one of these institutions may seek approval of the
25 program through the coordinating board for higher
26 education's comprehensive review process when doing so would
27 not unnecessarily duplicate an existing program,
28 collaboration is not feasible or a viable means of meeting
29 the needs of students and employers, and the institution has
30 the academic and financial capacity to offer the program in
31 a high-quality manner.]

174.231. 1. On and after August 28, 2005, the
2 institution formerly known as Missouri Southern State
3 College located in Joplin, Jasper County, shall be known as
4 "Missouri Southern State University". Missouri Southern
5 State University is hereby designated and shall hereafter be
6 operated as a statewide institution of international or
7 global education. The Missouri Southern State University is
8 hereby designated a moderately selective institution which
9 shall provide associate degree programs except as provided
10 in subsection 2 of this section, baccalaureate degree
11 programs, and graduate degree programs pursuant to
12 subdivisions (1) and [(3)] (2) of subsection 2 of section
13 173.005. The institution shall develop such academic
14 support programs and public service activities it deems
15 necessary and appropriate to establish international or
16 global education as a distinctive theme of its mission.

17 2. As of July 1, 2008, Missouri Southern State
18 University shall discontinue any and all associate degree
19 programs unless the continuation of such associate degree
20 programs is approved by the coordinating board for higher

21 education pursuant to subdivision (1) of subsection 2 of
22 section 173.005.

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

16 2. As of July 1, 2010, Missouri Western State
17 University shall discontinue any and all associate degree
18 programs unless the continuation of such associate degree
19 program is approved by the coordinating board for higher
20 education pursuant to subdivision (1) of subsection 2 of
21 section 173.005.

174.310. 1. There shall be a period of orderly
2 transition which shall begin with the appointment of the
3 board of regents, during which the St. Louis board of
4 education shall convey by gift, the buildings, facilities,
5 equipment, and adjoining eight acres, more or less, of
6 realty located at 3026 Laclede Avenue, St. Louis, Missouri,
7 which currently serves as the campus of Harris-Stowe State
8 College, to the board of regents, and during which time the
9 St. Louis board of education, at its own expense, shall

10 continue to provide necessary supporting services to Harris-
11 Stowe State College. The transition period shall terminate
12 no later than July 1, 1979, at which time the regents shall
13 be responsible for every aspect of the college's operation.

14 2. Notwithstanding any other provisions of this
15 chapter to the contrary, the board of regents of Harris-
16 Stowe State College is authorized to offer baccalaureate
17 degree programs and graduate degree programs that will meet
18 the needs of the St. Louis metropolitan area. Such programs
19 shall be subject to approval by the coordinating board for
20 higher education as provided for in subdivisions (1) and
21 ~~[(3)]~~ (2) of subsection 2 of section 173.005.

22 3. The state shall, effective July 1, 1978, provide
23 the necessary funds to fully staff and operate Harris-Stowe
24 State College and to make appropriate capital improvements.

25 4. On and after August 28, 2005, Harris-Stowe State
26 College shall be known as Harris-Stowe State University, and
27 the provisions contained in subsections 1 to 3 of this
28 section shall continue to apply to the institution.

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