

SENATE BILL NO. 1674

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURGER.

7212S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 173.005, RSMo, and to enact in lieu thereof one new section relating to student representation on the coordinating board for higher education, with penalty provisions.

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

Section A. Section 173.005, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 173.005,
3 to read as follows:

173.005. 1. There is hereby created a "Department of
2 Higher Education and Workforce Development", and the
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. **Beginning January 1, 2027, the coordinating board**
40 **shall also include one nonvoting student representative**
41 **appointed as provided in subsection 9 of this section.** In
42 addition to all other powers, duties and functions
43 transferred to it, the coordinating board for higher
44 education shall have the following duties and
45 responsibilities:

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

52 received clear evidence that the institution proposing to
53 offer the program:

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

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

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

62 (d) Has demonstrated that the proposed program is
63 needed;

64 (e) Has a clear plan to meet the articulated workforce
65 need; and

66 (f) Such other factors deemed relevant by the
67 coordinating board;

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

83 institution has the academic and financial capacity to offer
84 the program in a high quality manner;

85 (3) The coordinating board for higher education may
86 promote and encourage the development of cooperative
87 agreements between Missouri public four-year institutions of
88 higher education which do not offer graduate degrees and
89 Missouri public four-year institutions of higher education
90 which do offer graduate degrees for the purpose of offering
91 graduate degree programs on campuses of those public four-
92 year institutions of higher education which do not otherwise
93 offer graduate degrees. Such agreements shall identify the
94 obligations and duties of the parties, including assignment
95 of administrative responsibility. Any diploma awarded for
96 graduate degrees under such a cooperative agreement shall
97 include the names of both institutions inscribed thereon.
98 Any cooperative agreement in place as of August 28, 2003,
99 shall require no further approval from the coordinating
100 board for higher education. Any costs incurred with respect
101 to the administrative provisions of this subdivision may be
102 paid from state funds allocated to the institution assigned
103 the administrative authority for the program. The
104 provisions of this subdivision shall not be construed to
105 invalidate the provisions of subdivision (1) of this
106 subsection;

107 (4) In consultation with the heads of the institutions
108 of higher education affected and against a background of
109 carefully collected data on enrollment, physical facilities,
110 manpower needs, and institutional missions, the coordinating
111 board for higher education shall establish guidelines for
112 appropriation requests by those institutions of higher
113 education; however, other provisions of the Reorganization
114 Act of 1974 notwithstanding, all funds shall be appropriated

115 by the general assembly to the governing board of each
116 public four-year institution of higher education which shall
117 prepare expenditure budgets for the institution;

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

122 (6) The coordinating board for higher education shall
123 establish admission guidelines consistent with institutional
124 missions;

125 (7) The coordinating board for higher education shall
126 require all public two-year and four-year higher education
127 institutions to replicate best practices in remediation
128 identified by the coordinating board and institutions from
129 research undertaken by regional educational laboratories,
130 higher education research organizations, and similar
131 organizations with expertise in the subject, and identify
132 and reduce methods that have been found to be ineffective in
133 preparing or retaining students or that delay students from
134 enrollment in college-level courses;

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

138 (9) The coordinating board shall establish guidelines
139 to promote and facilitate the transfer of students between
140 institutions of higher education within the state and, with
141 the assistance of the committee on transfer and
142 articulation, shall require all public two-year and four-
143 year higher education institutions to create by July 1,
144 2014, a statewide core transfer library of at least twenty-
145 five lower division courses across all institutions that are
146 transferable among all public higher education

147 institutions. The coordinating board shall establish
148 policies and procedures to ensure such courses are accepted
149 in transfer among public institutions and treated as
150 equivalent to similar courses at the receiving
151 institutions. The coordinating board shall develop a policy
152 to foster reverse transfer for any student who has
153 accumulated enough hours in combination with at least one
154 public higher education institution in Missouri that offers
155 an associate degree and one public four-year higher
156 education institution in the prescribed courses sufficient
157 to meet the public higher education institution's
158 requirements to be awarded an associate degree. The
159 department of elementary and secondary education shall
160 maintain the alignment of the assessments found in section
161 160.518 and successor assessments with the competencies
162 previously established under this subdivision for entry-
163 level collegiate courses in English, mathematics, foreign
164 language, sciences, and social sciences associated with an
165 institution's general education core;

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

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

179 (12) If any institution of higher education in this
180 state, public or private, willfully fails or refuses to
181 follow any lawful guideline, policy or procedure established
182 or prescribed by the coordinating board, or knowingly
183 deviates from any such guideline, or knowingly acts without
184 coordinating board approval where such approval is required,
185 or willfully fails to comply with any other lawful order of
186 the coordinating board, the coordinating board may, after a
187 public hearing, withhold or direct to be withheld from that
188 institution any funds the disbursement of which is subject
189 to the control of the coordinating board, or may remove the
190 approval of the institution as an approved institution
191 within the meaning of section 173.1102. If any such public
192 institution willfully disregards board policy, the
193 commissioner of higher education may order such institution
194 to remit a fine in an amount not to exceed one percent of
195 the institution's current fiscal year state operating
196 appropriation to the board. The board shall hold such funds
197 until such time that the institution, as determined by the
198 commissioner of higher education, corrects the violation, at
199 which time the board shall refund such amount to the
200 institution. If the commissioner determines that the
201 institution has not redressed the violation within one year,
202 the fine amount shall be deposited into the general revenue
203 fund, unless the institution appeals such decision to the
204 full coordinating board, which shall have the authority to
205 make a binding and final decision, by means of a majority
206 vote, regarding the matter. However, nothing in this
207 section shall prevent any institution of higher education in
208 this state from presenting additional budget requests or
209 from explaining or further clarifying its budget requests to
210 the governor or the general assembly;

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

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

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

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

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

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

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

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

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

241 b. The board's approval process of degree programs and
242 courses offered by any out-of-state public institutions of

243 higher education that, prior to July 1, 2008, were approved
244 by the board to operate a school in compliance with the
245 provisions of sections 173.600 to 173.618. The rules shall
246 ensure that, as of July 1, 2008, all out-of-state public
247 institutions seeking to offer degrees and courses within the
248 state of Missouri are evaluated in a manner similar to
249 Missouri public higher education institutions. Such out-of-
250 state public institutions shall be held to standards no
251 lower than the standards established by the coordinating
252 board for program approval and the policy guidelines of the
253 coordinating board for data collection, cooperation, and
254 resolution of disputes between Missouri institutions of
255 higher education under this section. Any such out-of-state
256 public institutions of higher education wishing to continue
257 operating within this state must be approved by the board
258 under the rules promulgated under this subdivision. The
259 coordinating board may charge and collect fees from out-of-
260 state public institutions to cover the costs of reviewing
261 and assuring the quality of programs offered by out-of-state
262 public institutions. Any rule or portion of a rule, as that
263 term is defined in section 536.010, that is created under
264 the authority delegated in this section shall become
265 effective only if it complies with and is subject to all of
266 the provisions of chapter 536 and, if applicable, section
267 536.028. This section and chapter 536 are nonseverable and
268 if any of the powers vested with the general assembly under
269 chapter 536 to review, to delay the effective date, or to
270 disapprove and annul a rule are subsequently held
271 unconstitutional, then the grant of rulemaking authority and
272 any rule proposed or adopted after August 28, 2007, shall be
273 invalid and void.

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

279 3. The coordinating board shall meet at least four
280 times annually with an advisory committee who shall be
281 notified in advance of such meetings. The coordinating
282 board shall have exclusive voting privileges. The advisory
283 committee shall consist of thirty-two members, who shall be
284 the president or other chief administrative officer of the
285 University of Missouri; the chancellor of each campus of the
286 University of Missouri; the president of each state-
287 supported four-year college or university, including Harris-
288 Stowe State University, Missouri Southern State University,
289 Missouri Western State University, and Lincoln University;
290 the president of State Technical College of Missouri; the
291 president or chancellor of each public community college
292 district; and representatives of each of five accredited
293 private institutions selected biennially, under the
294 supervision of the coordinating board, by the presidents of
295 all of the state's privately supported institutions; but
296 always to include at least one representative from one
297 privately supported community college, one privately
298 supported four-year college, and one privately supported
299 university. The conferences shall enable the committee to
300 advise the coordinating board of the views of the
301 institutions on matters within the purview of the
302 coordinating board.

303 4. The University of Missouri, Lincoln University, and
304 all other state-governed colleges and universities, chapters
305 172, 174, 175, and others, are transferred by type III

306 transfers to the department of higher education and
307 workforce development subject to the provisions of
308 subsection 2 of this section.

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

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

315 7. All the powers, duties and functions vested in the
316 division of public schools and state board of education
317 relating to community college state aid and the supervision,
318 formation of districts and all matters otherwise related to
319 the state's relations with community college districts and
320 matters pertaining to community colleges in public school
321 districts, chapters 163, 178, and others, are transferred to
322 the coordinating board for higher education by type I
323 transfer. Provided, however, that all responsibility for
324 administering the federal-state programs of vocational-
325 technical education, except for the 1202a postsecondary
326 educational amendments of 1972 program, shall remain with
327 the department of elementary and secondary education. The
328 department of elementary and secondary education and the
329 coordinating board for higher education shall cooperate in
330 developing the various plans for vocational-technical
331 education; however, the ultimate responsibility will remain
332 with the state board of education.

333 8. All the powers, duties, functions, and properties
334 of the state poultry experiment station, chapter 262, are
335 transferred by type I transfer to the University of
336 Missouri, and the state poultry association and state
337 poultry board are abolished. In the event the University of

338 Missouri shall cease to use the real estate of the poultry
339 experiment station for the purposes of research or shall
340 declare the same surplus, all real estate shall revert to
341 the governor of the state of Missouri and shall not be
342 disposed of without legislative approval.

343 9. (1) Beginning January 1, 2027, the governor shall,
344 by and with the advice and consent of the senate, appoint a
345 student representative to the coordinating board for higher
346 education, who shall attend all meetings and participate in
347 all deliberations of the board. Such student representative
348 shall not have the right to vote on any matter before the
349 board.

350 (2) The term of the student representative shall be
351 two years. If a vacancy occurs for any reason in the
352 position of student representative, the governor shall
353 appoint a replacement who meets the qualifications set forth
354 in this subsection and who shall serve until the student
355 representative's successor is appointed and qualified.

356 (3) The student representative shall be selected from
357 a panel of names of eligible candidates submitted to the
358 governor from each approved public institution, as the term
359 "approved public institution" is defined in section
360 173.1102. The student representative shall be a citizen of
361 the United States and a resident of the state of Missouri.
362 At the time of appointment, the student representative shall
363 be enrolled as a full-time student and shall be a current or
364 former student body president or a current or former student
365 representative to the board of regents, governors, or other
366 governing body of the approved public institution attended
367 by such student representative.

368 (4) Insofar as qualified candidates are submitted to
369 the governor, appointments under this subsection shall be

370 made in rotation from among the state's approved public
371 institutions; provided that, after a student representative
372 has been appointed from one institution, no individual from
373 the same institution shall be eligible to serve as student
374 representative until at least three subsequent appointments
375 have been made and three years have passed.

376 (5) A student representative who graduates after
377 completing the first year of the term of office may continue
378 to serve until the end of the term. If the student
379 representative ceases to be a full-time student at the
380 approved public institution that nominated such student for
381 any reason other than graduation after serving at least one
382 year of the term of office, or ceases to be a resident of
383 the state of Missouri, or fails to follow the coordinating
384 board's attendance policy, the student representative's
385 position shall at once become vacant, unless the student
386 representative's absence is caused by sickness or some
387 accident preventing the student representative's arrival at
388 the time and place appointed for the meeting.

389 (6) While attending the meetings of the coordinating
390 board, the student representative shall be reimbursed for
391 actual expenses.

392 (7) Unless alternative arrangements for payment have
393 been made and agreed to by the student representative and
394 the approved public institution, the student representative
395 shall have paid all student and tuition fees due prior to
396 appointment and shall pay all future student and tuition
397 fees during the term of office when such fees are due.

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