

SECOND REGULAR SESSION

SENATE BILL NO. 1088

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Read 1st time February 24, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6547S.011

AN ACT

To repeal sections 173.005, 174.225, 174.231, 174.251, and 174.324, RSMo, and to enact in lieu thereof six new sections relating to graduate programs at institutions of higher education, with an existing penalty provision.

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

Section A. Sections 173.005, 174.225, 174.231, 174.251, and 174.324, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 173.005, 174.165, 174.225, 174.231, 174.251, and 174.640, to read as follows:

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

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator with a public or private institution of higher education at the time appointed or during his term. Moreover, no person shall be appointed to the coordinating board who shall not be a citizen of the United States, and who shall not have been a resident of the state of Missouri two years next prior to appointment, and at least one but not more than two persons

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

17 shall be appointed to said board from each congressional district. The term of
18 service of a member of the coordinating board shall be six years and said
19 members, while attending the meetings of the board, shall be reimbursed for their
20 actual expenses. Notwithstanding any provision of law to the contrary, nothing
21 in this section relating to a change in the composition and configuration of
22 congressional districts in this state shall prohibit a member who is serving a term
23 on August 28, 2011, from completing his or her term. The coordinating board
24 may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and
25 8 of this section, employ such professional, clerical and research personnel as may
26 be necessary to assist it in performing those duties, but this staff shall not, in any
27 fiscal year, exceed twenty-five full-time equivalent employees regardless of the
28 source of funding. In addition to all other powers, duties and functions
29 transferred to it, the coordinating board for higher education shall have the
30 following duties and responsibilities:

31 (1) The coordinating board for higher education shall have approval of
32 proposed new degree programs to be offered by the state institutions of higher
33 education;

34 (2) The coordinating board for higher education may promote and
35 encourage, **but shall not require as a condition for approval of a**
36 **proposed new degree program**, the development of cooperative agreements
37 between Missouri public four-year institutions of higher education which do not
38 offer graduate degrees and Missouri public four-year institutions of higher
39 education which do offer graduate degrees for the purpose of offering graduate
40 degree programs on campuses of those public four-year institutions of higher
41 education which do not otherwise offer graduate degrees. Such agreements shall
42 identify the obligations and duties of the parties, including assignment of
43 administrative responsibility. Any diploma awarded for graduate degrees under
44 such a cooperative agreement shall include the names of both institutions
45 inscribed thereon. Any cooperative agreement in place as of August 28, 2003,
46 shall require no further approval from the coordinating board for higher
47 education. Any costs incurred with respect to the administrative provisions of
48 this subdivision may be paid from state funds allocated to the institution
49 assigned the administrative authority for the program. The provisions of this
50 subdivision shall not be construed to invalidate the provisions of subdivision (1)
51 of this subsection;

52 (3) In consultation with the heads of the institutions of higher education

53 affected and against a background of carefully collected data on enrollment,
54 physical facilities, manpower needs, institutional missions, the coordinating board
55 for higher education shall establish guidelines for appropriation requests by those
56 institutions of higher education; however, other provisions of the Reorganization
57 Act of 1974 notwithstanding, all funds shall be appropriated by the general
58 assembly to the governing board of each public four-year institution of higher
59 education which shall prepare expenditure budgets for the institution;

60 (4) No new state-supported senior colleges or residence centers shall be
61 established except as provided by law and with approval of the coordinating board
62 for higher education;

63 (5) The coordinating board for higher education shall establish admission
64 guidelines consistent with institutional missions;

65 (6) The coordinating board for higher education shall require all public
66 two-year and four-year higher education institutions to replicate best practices
67 in remediation identified by the coordinating board and institutions from research
68 undertaken by regional educational laboratories, higher education research
69 organizations, and similar organizations with expertise in the subject, and
70 identify and reduce methods that have been found to be ineffective in preparing
71 or retaining students or that delay students from enrollment in college-level
72 courses;

73 (7) The coordinating board shall establish policies and procedures for
74 institutional decisions relating to the residence status of students;

75 (8) The coordinating board shall establish guidelines to promote and
76 facilitate the transfer of students between institutions of higher education within
77 the state and, with the assistance of the committee on transfer and articulation,
78 shall require all public two-year and four-year higher education institutions to
79 create by July 1, 2014, a statewide core transfer library of at least twenty-five
80 lower division courses across all institutions that are transferable among all
81 public higher education institutions. The coordinating board shall establish
82 policies and procedures to ensure such courses are accepted in transfer among
83 public institutions and treated as equivalent to similar courses at the receiving
84 institutions. The coordinating board shall develop a policy to foster reverse
85 transfer for any student who has accumulated enough hours in combination with
86 at least one public higher education institution in Missouri that offers an
87 associate degree and one public four-year higher education institution in the
88 prescribed courses sufficient to meet the public higher education institution's

89 requirements to be awarded an associate degree. The department of elementary
90 and secondary education shall maintain the alignment of the assessments found
91 in section 160.518 and successor assessments with the competencies previously
92 established under this subdivision for entry-level collegiate courses in English,
93 mathematics, foreign language, sciences, and social sciences associated with an
94 institution's general education core;

95 (9) The coordinating board shall collect the necessary information and
96 develop comparable data for all institutions of higher education in the state. The
97 coordinating board shall use this information to delineate the areas of competence
98 of each of these institutions and for any other purposes deemed appropriate by
99 the coordinating board;

100 (10) Compliance with requests from the coordinating board for
101 institutional information and the other powers, duties and responsibilities, herein
102 assigned to the coordinating board, shall be a prerequisite to the receipt of any
103 funds which the coordinating board is responsible for administering;

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

125 education in this state from presenting additional budget requests or from
126 explaining or further clarifying its budget requests to the governor or the general
127 assembly; and

128 (12) (a) As used in this subdivision, the term "out-of-state public
129 institution of higher education" shall mean an education institution located
130 outside of Missouri that:

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

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

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

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

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

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

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

146 b. The board's approval process of degree programs and courses offered
147 by any out-of-state public institutions of higher education that, prior to July 1,
148 2008, were approved by the board to operate a school in compliance with the
149 provisions of sections 173.600 to 173.618. The rules shall ensure that, as of July
150 1, 2008, all out-of-state public institutions seeking to offer degrees and courses
151 within the state of Missouri are evaluated in a manner similar to Missouri public
152 higher education institutions. Such out-of-state public institutions shall be held
153 to standards no lower than the standards established by the coordinating board
154 for program approval and the policy guidelines of the coordinating board for data
155 collection, cooperation, and resolution of disputes between Missouri institutions
156 of higher education under this section. Any such out-of-state public institutions
157 of higher education wishing to continue operating within this state must be
158 approved by the board under the rules promulgated under this subdivision. The
159 coordinating board may charge and collect fees from out-of-state public
160 institutions to cover the costs of reviewing and assuring the quality of programs

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

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

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

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

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

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

199 7. All the powers, duties and functions vested in the division of public
200 schools and state board of education relating to community college state aid and
201 the supervision, formation of districts and all matters otherwise related to the
202 state's relations with community college districts and matters pertaining to
203 community colleges in public school districts, chapters 163, 178, and others, are
204 transferred to the coordinating board for higher education by type I
205 transfer. Provided, however, that all responsibility for administering the
206 federal-state programs of vocational-technical education, except for the 1202a
207 postsecondary educational amendments of 1972 program, shall remain with the
208 department of elementary and secondary education. The department of
209 elementary and secondary education and the coordinating board for higher
210 education shall cooperate in developing the various plans for vocational-technical
211 education; however, the ultimate responsibility will remain with the state board
212 of education.

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

**174.165. The boards of the state institutions of higher education
2 set forth in subsection 1 of section 174.020 shall be authorized to offer
3 baccalaureate and graduate degree programs, subject to the approval
4 of the coordinating board for higher education as provided in
5 subdivision (1) of subsection 2 of section 173.005.**

174.225. Missouri State University shall not seek the land grant
2 designation held by Lincoln University and the University of Missouri nor shall
3 Missouri State University seek the research designation currently held by the
4 University of Missouri. [Missouri State University shall offer engineering
5 programs and doctoral programs only in cooperation with the University of
6 Missouri; provided that such cooperative agreements are approved by the
7 governing boards of each institution and that in these instances the University
8 of Missouri shall be the degree-granting institution. Should the University of

9 Missouri decline to cooperate in the offering of such programs within one year of
10 the formal approval of the coordinating board, Missouri State University may
11 cooperate with another educational institution, or directly offer the degree. In all
12 cases, the offering of such degree programs shall be subject to the approval of the
13 coordinating board for higher education, or any other higher education governing
14 authority that may replace it. Missouri State University may offer doctoral
15 programs in audiology and physical therapy. Missouri State University shall
16 neither offer nor duplicate the professional programs at the University of
17 Missouri including, without limitation, those that train medical doctors,
18 pharmacists, dentists, veterinarians, optometrists, lawyers, and architects. The
19 alteration of the name of Southwest Missouri State University to Missouri State
20 University shall not entitle Missouri State University to any additional state
21 funding.]

174.231. 1. On and after August 28, 2005, the institution formerly known
2 as Missouri Southern State College located in Joplin, Jasper County, shall be
3 known as "Missouri Southern State University". Missouri Southern State
4 University is hereby designated and shall hereafter be operated as a statewide
5 institution of international or global education. The Missouri Southern State
6 University is hereby designated a moderately selective institution which shall
7 provide associate degree programs except as provided in subsection 2 of this
8 section, baccalaureate degree programs, and graduate degree programs pursuant
9 to subdivisions (1) and (2) of subsection 2 of section 173.005. The institution
10 shall develop such academic support programs and public service activities it
11 deems necessary and appropriate to establish international or global education
12 as a distinctive theme of its mission. [Consistent with the provisions of section
13 174.324, Missouri Southern State University is authorized to offer master's level
14 degree programs in accountancy, subject to the approval of the coordinating board
15 for higher education as provided in subdivision (1) of subsection 2 of section
16 173.005.]

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

174.251. 1. On and after August 28, 2005, the institution formerly known
2 as Missouri Western State College at St. Joseph, Buchanan County, shall
3 hereafter be known as the "Missouri Western State University". Missouri

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

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

**174.640. The board of governors of Truman State University shall
2 be authorized to offer baccalaureate and graduate degree programs,
3 subject to the approval of the coordinating board for higher education
4 as provided in subdivision (1) of subsection 2 of section 173.005.**

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

8 2. Any new master's degree program offered at Missouri
9 Southern State University, Missouri Western State University, or
10 any other public institution of higher education in this state must
11 be approved by the coordinating board for higher education
12 pursuant to the provisions of subdivision (1) or (2) of subsection 2
13 of section 173.005.]