

FIRST REGULAR SESSION

SENATE BILL NO. 3

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0286S.011

AN ACT

To amend chapter 173, RSMo, by adding thereto four new sections relating to the early high school graduation scholarship program.

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

Section A. Chapter 173, RSMo, is amended by adding thereto four new sections, to be known as sections 173.1300, 173.1303, 173.1306, and 173.1309, to read as follows:

173.1300. 1. There is hereby established the "Early High School Graduation Scholarship Program" to provide assistance to eligible students in Missouri that graduate from high school in accordance with the provisions of sections 173.1300 to 173.1309. The department of higher education shall implement and administer the program. Sections 173.1300 to 173.1309 shall be known and may be cited as the "Early High School Graduation Scholarship Program Act".

2. As used in sections 173.1300 to 173.1309, the following terms shall mean:

(1) "Eligible student", a student who qualifies for a scholarship under sections 173.1300 to 173.1309 and who:

(a) Has received approval from a parent or legal guardian;

(b) Has graduated from a public high school in Missouri in the time frame specified in section 173.1303 or 173.1306;

(c) Has attended one or more public high schools in Missouri for more than half of the time the student attended high school; and

(d) Is a United States citizen, permanent resident, or otherwise lawfully authorized to be present in the United States;

(2) "Private institution of higher education", a nonprofit institution, dedicated to educational purposes, located in Missouri

21 **which:**

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

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

28 **(c) Meets the standards for accreditation as determined by either**
29 **the Higher Learning Commission or by other accrediting bodies**
30 **recognized by the United States Department of Education or by**
31 **utilizing accreditation standards applicable to nondegree-granting**
32 **institutions as established by the coordinating board for higher**
33 **education;**

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

40 **(e) Permits faculty members to select textbooks without**
41 **influence or pressure by any religious or sectarian source;**

42 **(3) "Public institution of higher education", an educational**
43 **institution located in Missouri which:**

44 **(a) Is directly controlled or administered by a public agency or**
45 **political subdivision;**

46 **(b) Receives appropriations directly or indirectly from the**
47 **general assembly for operating expenses;**

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

51 **(d) Meets the standards for accreditation as determined by**
52 **either the Higher Learning Commission, or if a public community**
53 **college created under the provisions of sections 178.370 to 178.400**
54 **meets the standards established by the coordinating board for higher**
55 **education for such public community colleges, or by other accrediting**
56 **bodies recognized by the United States Department of Education or by**
57 **utilizing accreditation standards applicable to the institution as**

58 established by the coordinating board for higher education;

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

64 (f) Permits faculty members to select textbooks without influence
65 or pressure by any religious or sectarian source.

66 3. An eligible student who receives a scholarship under sections
67 173.1300 to 173.1309 shall use the scholarship within one year of
68 graduating from high school except as provided within this subsection
69 or subsection 4 of this section. If he or she is unable to enroll during
70 the first academic year following high school graduation for the
71 purpose of providing service to a nonprofit organization, a state or
72 federal government agency, or any branch of the armed forces of the
73 United States, he or she shall be offered a scholarship upon enrollment
74 in any public or private institution of higher education after the
75 completion of his or her service, if all other requirements and the
76 following criteria are met:

77 (1) For an eligible student who cannot attend a public or private
78 institution of higher education as a result of service to a nonprofit
79 organization or a state or federal government agency, he or she returns
80 to full-time status within twenty-seven months and provides
81 verification to the department of higher education that the service to
82 the nonprofit organization was satisfactorily completed and was not
83 compensated other than for expenses, or that the service to the state or
84 federal government agency was satisfactorily completed; or

85 (2) For an eligible student who cannot attend a public or private
86 institution of higher education as a result of military service in any
87 branch of the armed forces of the United States, he or she returns to
88 full-time status within six months after he or she first ceases service to
89 the armed forces and provides verification to the department of higher
90 education that the military service was satisfactorily completed.

91 4. An eligible student may seek an extension from the
92 requirements of subsection 3 of this section if he or she is able to show
93 hardship or other good cause that prevents him or her from enrolling
94 in a public or private institution of higher education within one year

95 of graduating from high school. Hardship or other good cause shall
96 include a severe illness or other debilitating condition or responsibility
97 for the care of a sick, injured, or needy person. The department of
98 higher education shall determine whether a student qualifies for an
99 extension under this subsection.

173.1303. 1. An eligible student who receives a scholarship under
2 this section may use the scholarship money at a public or private
3 institution of higher education for tuition, mandatory fees, or both.

4 2. If an eligible student completes high school graduation
5 requirements and receives a high school diploma in not more than
6 thirty-six months, he or she shall be offered a scholarship in the
7 amount determined in subsection 4 of this section. For each eligible
8 student, an amount equal to ninety percent of the school district's state
9 aid payments pursuant to the provisions of sections 163.031, 163.043,
10 and 163.044 for the year immediately preceding the eligible student's
11 receipt of the high school diploma, divided by the district's weighted
12 average daily attendance for the year immediately preceding the
13 student's receipt of the high school diploma shall be placed in the fund
14 established in this section. The school district from which the eligible
15 student graduated shall be offered a grant in an amount equal to ten
16 percent of the school district's state aid payments pursuant to the
17 provisions of sections 163.031, 163.043, and 163.044 for the year
18 immediately preceding the eligible student's receipt of the high school
19 diploma, divided by the district's weighted average daily attendance for
20 the year immediately preceding the student's receipt of the high school
21 diploma when the student is offered, and accepts, the scholarship.

22 3. Upon enrollment of an eligible student in a public or private
23 institution of higher education, the institution shall apply to his or her
24 charges for tuition, mandatory fees, or both, as applicable, for the
25 enrollment period an amount equal to the lesser of the:

26 (1) Amount of the scholarship as calculated under this section;

27 or

28 (2) The student's actual tuition, mandatory fees, or both.

29 4. The department of higher education shall use the moneys in
30 the fund created in this section to distribute scholarships to students
31 and grants to school districts under this section. The department of
32 higher education shall distribute the grant moneys to eligible school

33 districts. After such distribution, the scholarship amount awarded to
34 an eligible student shall be determined by dividing the remaining
35 amount of money in the fund by the number of eligible students.

36 5. There is hereby created in the state treasury the "Early High
37 School Graduation Scholarship Program Fund I", which shall consist of
38 money collected under this section. The state treasurer shall be
39 custodian of the fund and may approve disbursements from the fund in
40 accordance with sections 30.170 and 30.180. The fund shall be a
41 dedicated fund and, upon appropriation, money in the fund shall be
42 used solely for the administration of this section. Notwithstanding the
43 provisions of section 33.080 to the contrary, any moneys remaining in
44 the fund at the end of the biennium shall not revert to the credit of the
45 general revenue fund. The state treasurer shall invest moneys in the
46 fund in the same manner as other funds are invested. Any interest and
47 moneys earned on such investments shall be credited to the fund.

173.1306. 1. An eligible student who receives a scholarship under
2 this section may use the scholarship money at a public or private
3 institution of higher education for tuition, mandatory fees, or both.

4 2. If an eligible student completes high school graduation
5 requirements and receives a high school diploma in not more than
6 forty-one months, he or she shall be offered a scholarship in the amount
7 determined in subsection 4 of this section. For each eligible student,
8 an amount equal to ninety percent of the school district's state aid
9 payments pursuant to the provisions of sections 163.031, 163.043, and
10 163.044 for the semester immediately preceding the eligible student's
11 receipt of the high school diploma, divided by the district's weighted
12 average daily attendance for the semester immediately preceding the
13 student's receipt of the high school diploma shall be placed in the fund
14 established in this section. The school district from which the eligible
15 student graduated shall be offered a grant in an amount equal to ten
16 percent of the school district's state aid payments pursuant to the
17 provisions of sections 163.031, 163.043, and 163.044 for the semester
18 immediately preceding the eligible student's receipt of the high school
19 diploma, divided by the district's weighted average daily attendance for
20 the semester immediately preceding the student's receipt of the high
21 school diploma when the student is offered, and accepts, the
22 scholarship.

23 **3. Upon enrollment of an eligible student in a public or private**
24 **institution of higher education, the institution shall apply to his or her**
25 **charges for tuition, mandatory fees, or both, for the enrollment period**
26 **an amount equal to the lesser of the:**

27 **(1) Amount of the scholarship as calculated under this section;**
28 **or**

29 **(2) Student's actual tuition, mandatory fees, or both.**

30 **4. The department of higher education shall use the moneys in**
31 **the fund created in this section to distribute scholarships to students**
32 **and grants to school districts under this section. The department of**
33 **higher education shall distribute the grant moneys to eligible school**
34 **districts. After such distribution, the scholarship amount awarded to**
35 **an eligible student shall be determined by dividing the remaining**
36 **amount of money in the fund by the number of eligible students.**

37 **5. There is hereby created in the state treasury the "Early High**
38 **School Graduation Scholarship Program Fund II", which shall consist**
39 **of money collected under this section. The state treasurer shall be**
40 **custodian of the fund and may approve disbursements from the fund in**
41 **accordance with sections 30.170 and 30.180. The fund shall be a**
42 **dedicated fund, and upon appropriation, money in the fund shall be**
43 **used solely for the administration of this section. Notwithstanding the**
44 **provisions of section 33.080 to the contrary, any moneys remaining in**
45 **the fund at the end of the biennium shall not revert to the credit of the**
46 **general revenue fund. The state treasurer shall invest moneys in the**
47 **fund in the same manner as other funds are invested. Any interest and**
48 **moneys earned on such investments shall be credited to the fund.**

173.1309. 1. The department of higher education shall annually
2 **prepare and submit a report to the commissioner of education by June**
3 **thirtieth that includes the following information:**

4 **(1) The name of each student who qualifies for a scholarship**
5 **under sections 173.1300 to 173.1309;**

6 **(2) The length of time taken for each student who qualifies for**
7 **the scholarship to graduate from high school; and**

8 **(3) The school district from which each student graduated from**
9 **high school.**

10 **2. The department of elementary and secondary education shall**
11 **confirm with the high school from which the eligible student graduated**

12 that he or she has completed all of the eligibility requirements of the
13 program. The department shall also, with the cooperation of the
14 department of higher education, confirm that he or she has enrolled in,
15 and is attending, a public or private institution of higher education.

16 3. Each public high school in Missouri shall provide information
17 about the early high school graduation scholarship program and its
18 requirements to the following individuals:

19 (1) Each student enrolled in the school at the beginning of his or
20 her first year of high school;

21 (2) Each student who enrolls in the school before the student's
22 senior year who did not receive the information under subdivision (1)
23 of this subsection; and

24 (3) A parent, conservator, or legal guardian of the student under
25 subdivisions (1) and (2) of this subsection.

26 4. The information provided under subsection 3 of this section
27 shall include the following:

28 (1) The number and type of high school course credits necessary
29 to satisfy the eligibility requirements for the early high school
30 graduation scholarship program; and

31 (2) The appropriate order in which those high school course
32 credits shall be earned to satisfy eligibility requirements.

33 5. By January 31, 2014, the department of higher education, in
34 cooperation with the department of elementary and secondary
35 education, shall prepare a publication that includes the information
36 required to be provided under this section. The department of higher
37 education shall post that publication on its website in a form that
38 enables a public high school to reproduce the information for
39 distribution to students, parents, and other persons as required by this
40 section.

41 6. The department of higher education shall promulgate rules
42 and regulations necessary to implement sections 173.1300 to
43 173.1309. Any rule or portion of a rule, as that term is defined in
44 section 536.010 that is created under the authority delegated in this
45 section shall become effective only if it complies with and is subject to
46 all of the provisions of chapter 536, and, if applicable, section
47 536.028. This section and chapter 536 are nonseverable and if any of
48 the powers vested with the general assembly pursuant to chapter 536,

49 to review, to delay the effective date, or to disapprove and annul a rule
50 are subsequently held unconstitutional, then the grant of rulemaking
51 authority and any rule proposed or adopted after August 28, 2013, shall
52 be invalid and void.

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Bill

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