

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 873, Page 1, In the Title, Lines 2-3, by
2 deleting the phrase "the science, technology, engineering and mathematics fund" and inserting in
3 lieu thereof the phrase "higher education"; and
4

5 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line
6 the following:
7

8 "173.005. 1. There is hereby created a "Department of Higher Education", and the division
9 of higher education of the department of education is abolished and all its powers, duties, functions,
10 personnel and property are transferred as provided by the Reorganization Act of 1974, Appendix B,
11 RSMo.

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

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

35 (2) The coordinating board for higher education may promote and encourage the
36 development of cooperative agreements between Missouri public four-year institutions of higher

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1 education which do not offer graduate degrees and Missouri public four-year institutions of higher
2 education which do offer graduate degrees for the purpose of offering graduate degree programs on
3 campuses of those public four-year institutions of higher education which do not otherwise offer
4 graduate degrees. Such agreements shall identify the obligations and duties of the parties, including
5 assignment of administrative responsibility. Any diploma awarded for graduate degrees under such
6 a cooperative agreement shall include the names of both institutions inscribed thereon. Any
7 cooperative agreement in place as of August 28, 2003, shall require no further approval from the
8 coordinating board for higher education. Any costs incurred with respect to the administrative
9 provisions of this subdivision may be paid from state funds allocated to the institution assigned the
10 administrative authority for the program. The provisions of this subdivision shall not be construed
11 to invalidate the provisions of subdivision (1) of this subsection;

12 (3) In consultation with the heads of the institutions of higher education affected and against
13 a background of carefully collected data on enrollment, physical facilities, manpower needs,
14 institutional missions, the coordinating board for higher education shall establish guidelines for
15 appropriation requests by those institutions of higher education; however, other provisions of the
16 Reorganization Act of 1974 notwithstanding, all funds shall be appropriated by the general
17 assembly to the governing board of each public four-year institution of higher education which shall
18 prepare expenditure budgets for the institution;

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

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

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

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

31 (8) The coordinating board shall establish guidelines to promote and facilitate the transfer of
32 students between institutions of higher education within the state and, with the assistance of the
33 committee on transfer and articulation, shall require all public two-year and four-year higher
34 education institutions to create by July 1, 2014, a statewide core transfer library of at least twenty-
35 five lower division courses across all institutions that are transferable among all public higher
36 education institutions. The coordinating board shall establish policies and procedures to ensure such
37 courses are accepted in transfer among public institutions and treated as equivalent to similar
38 courses at the receiving institutions. The coordinating board shall develop a policy to foster reverse
39 transfer for any student who has accumulated enough hours in combination with at least one public
40 higher education institution in Missouri that offers an associate degree and one public four-year
41 higher education institution in the prescribed courses sufficient to meet the public higher education
42 institution's requirements to be awarded an associate degree. The department of elementary and
43 secondary education shall maintain the alignment of the assessments found in section 160.518 and
44 successor assessments with the competencies previously established under this subdivision for entry-
45 level collegiate courses in English, mathematics, foreign language, sciences, and social sciences
46 associated with an institution's general education core;

47 (9) The coordinating board shall collect the necessary information and develop comparable
48 data for all institutions of higher education in the state. The coordinating board shall use this

1 information to delineate the areas of competence of each of these institutions and for any other
2 purposes deemed appropriate by the coordinating board;

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

7 (11) If any institution of higher education in this state, public or private, willfully fails or
8 refuses to follow any lawful guideline, policy or procedure established or prescribed by the
9 coordinating board, or knowingly deviates from any such guideline, or knowingly acts without
10 coordinating board approval where such approval is required, or willfully fails to comply with any
11 other lawful order of the coordinating board, the coordinating board may, after a public hearing,
12 withhold or direct to be withheld from that institution any funds the disbursement of which is
13 subject to the control of the coordinating board, or may remove the approval of the institution as an
14 approved institution within the meaning of section 173.1102. If any such public institution willfully
15 disregards board policy, the commissioner of higher education may order such institution to remit a
16 fine in an amount not to exceed one percent of the institution's current fiscal year state operating
17 appropriation to the board. The board shall hold such funds until such time that the institution, as
18 determined by the commissioner of higher education, corrects the violation, at which time the board
19 shall refund such amount to the institution. If the commissioner determines that the institution has
20 not redressed the violation within one year, the fine amount shall be deposited into the general
21 revenue fund, unless the institution appeals such decision to the full coordinating board, which shall
22 have the authority to make a binding and final decision, by means of a majority vote, regarding the
23 matter. However, nothing in this section shall prevent any institution of higher education in this
24 state from presenting additional budget requests or from explaining or further clarifying its budget
25 requests to the governor or the general assembly; [and]

26 (12) In recognition that any institution meeting the requirements of subdivisions (2), (3), or
27 (4) of subsection 1 of section 173.616 is established by name as an educational institution in
28 Missouri and is authorized to operate programs beyond secondary education for purposes of
29 authorization under 34 C.F.R. 600.9, the coordinating board for higher education shall maintain and
30 publish on its website a list of post-secondary educational institutions meeting such requirements;
31 and

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

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

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

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

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

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

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

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

48 b. The board's approval process of degree programs and courses offered by any out-of-state

1 public institutions of higher education that, prior to July 1, 2008, were approved by the board to
2 operate a school in compliance with the provisions of sections 173.600 to 173.618. The rules shall
3 ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer degrees and
4 courses within the state of Missouri are evaluated in a manner similar to Missouri public higher
5 education institutions. Such out-of-state public institutions shall be held to standards no lower than
6 the standards established by the coordinating board for program approval and the policy guidelines
7 of the coordinating board for data collection, cooperation, and resolution of disputes between
8 Missouri institutions of higher education under this section. Any such out-of-state public
9 institutions of higher education wishing to continue operating within this state must be approved by
10 the board under the rules promulgated under this subdivision. The coordinating board may charge
11 and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the
12 quality of programs offered by out-of-state public institutions. Any rule or portion of a rule, as that
13 term is defined in section 536.010, that is created under the authority delegated in this section shall
14 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
15 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
16 vested with the general assembly under chapter 536 to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

22 3. The coordinating board shall meet at least four times annually with an advisory
23 committee who shall be notified in advance of such meetings. The coordinating board shall have
24 exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall
25 be the president or other chief administrative officer of the University of Missouri; the chancellor of
26 each campus of the University of Missouri; the president of each state-supported four-year college
27 or university, including Harris-Stowe State University, Missouri Southern State University, Missouri
28 Western State University, and Lincoln University; the president of State Technical College of
29 Missouri; the president or chancellor of each public community college district; and representatives
30 of each of five accredited private institutions selected biennially, under the supervision of the
31 coordinating board, by the presidents of all of the state's privately supported institutions; but always
32 to include at least one representative from one privately supported community college, one privately
33 supported four-year college, and one privately supported university. The conferences shall enable
34 the committee to advise the coordinating board of the views of the institutions on matters within the
35 purview of the coordinating board.

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

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

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

43 7. All the powers, duties and functions vested in the division of public schools and state
44 board of education relating to community college state aid and the supervision, formation of
45 districts and all matters otherwise related to the state's relations with community college districts
46 and matters pertaining to community colleges in public school districts, chapters 163, 178, and
47 others, are transferred to the coordinating board for higher education by type I transfer. Provided,
48 however, that all responsibility for administering the federal-state programs of vocational-technical

1 education, except for the 1202a postsecondary educational amendments of 1972 program, shall
2 remain with the department of elementary and secondary education. The department of elementary
3 and secondary education and the coordinating board for higher education shall cooperate in
4 developing the various plans for vocational-technical education; however, the ultimate responsibility
5 will remain with the state board of education.

6 8. All the powers, duties, functions, and properties of the state poultry experiment station,
7 chapter 262, are transferred by type I transfer to the University of Missouri, and the state poultry
8 association and state poultry board are abolished. In the event the University of Missouri shall cease
9 to use the real estate of the poultry experiment station for the purposes of research or shall declare
10 the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be
11 disposed of without legislative approval."; and
12

13 Further amend said bill, Page 4, Section 620.3030, Line 53, by inserting after all of said section and
14 line the following:
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16 "Section B. Because of the importance of improving and sustaining the access to federal
17 financial aid for higher education students in Missouri, the repeal and reenactment of section
18 173.005 of section A of this act is deemed necessary for the immediate preservation of the public
19 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning
20 of the constitution, and the repeal and reenactment of section 173.005 of section A of this act shall
21 be in full force and effect upon its passage and approval."; and
22

23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.