

SECOND REGULAR SESSION

# HOUSE BILL NO. 2358

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time March 5, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5131L.01I

## AN ACT

To repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to bright flight scholarships.

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

Section A. Section 173.250, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.250, to read as follows:

173.250. 1. **As used in this section, unless the context requires otherwise, the following terms mean:**

(1) **"Academic year", the period from August first of any year through July thirty-first of the following year;**

(2) **"Approved private institution", a nonprofit institution, dedicated to educational purposes, located in Missouri which:**

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

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

(c) **Meets the standards for accreditation as determined by either the North Central Association of Colleges and Secondary Schools or by other accrediting bodies recognized by the United States Office of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

21           (e) Permits faculty members to select textbooks without influence or pressure by  
22 any religious or sectarian source;

23           (3) "Approved public institution", an educational institution located in Missouri  
24 which:

25           (a) Is directly controlled or administered by a public agency or political  
26 subdivision;

27           (b) Receives appropriations directly or indirectly from the general assembly for  
28 operating expenses;

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

31           (d) Meets the standards for accreditation as determined by either the North Central  
32 Association of Colleges and Secondary Schools, or if a public junior college created under  
33 the provisions of sections 178.370 to 178.400, RSMo, meets the standards established by the  
34 coordinating board for higher education for such public junior colleges, or by other  
35 accrediting bodies recognized by the United States Office of Education or by utilizing  
36 accreditation standards applicable to the institution as established by the coordinating  
37 board for higher education;

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

42           (f) Permits faculty members to select textbooks without influence or pressure by  
43 any religious or sectarian source;

44           (4) "Coordinating board", the coordinating board for higher education;

45           (5) "Full-time student", an individual who is enrolled in and is carrying sufficient  
46 number of credit hours or their equivalent at an approved private or public institution to  
47 secure the degree or certificate toward which he or she is working in no more than the  
48 number of semesters or their equivalent normally required by that institution in the  
49 program in which the individual is enrolled.

50           2. There is hereby established a "Higher Education Academic Scholarship Program" and  
51 any moneys appropriated by the general assembly for this program shall be used to provide

52 scholarships for Missouri citizens to attend a Missouri college or university of their choice  
53 pursuant to the provisions of this section.

54 [2. The definitions of terms set forth in section 173.205 shall be applicable to such terms  
55 as used in this section. The term "academic scholarship" means an amount of money paid by the  
56 state of Missouri to a qualified college or university student who has demonstrated superior  
57 academic achievement pursuant to the provisions of this section.]

58 3. The coordinating board for higher education shall be the administrative agency for the  
59 implementation of the program established by this section, and shall:

60 (1) Promulgate reasonable rules and regulations for the exercise of its functions and the  
61 effectuation of the purposes of this section, including regulations for granting scholarship  
62 deferments;

63 (2) Prescribe the form and the time and method of awarding academic scholarships, and  
64 shall supervise the processing thereof; and

65 (3) Select qualified recipients to receive academic scholarships, make such awards of  
66 academic scholarships to qualified recipients and determine the manner and method of payment  
67 to the recipient.

68 4. A student shall be eligible for initial or renewed academic scholarship if he or she [is  
69 in compliance with the eligibility requirements set forth in section 173.215 excluding the  
70 requirement of financial need and undergraduate status, and] :

71 (1) **Is a citizen or permanent resident of the United States;**

72 (2) **Is a resident of the State of Missouri, as determined by reference to standards**  
73 **promulgated by the coordinating board;**

74 (3) **Is enrolled, or has been accepted for enrollment, as a full-time student in an**  
75 **approved private or public institution;**

76 (4) **Has never been convicted in any court of an offense which involved the use of**  
77 **force, disruption, or seizure of property under the control of any institution of higher**  
78 **education to prevent officials or students in such institutions from engaging in their duties**  
79 **or pursuing their studies; and**

80 (5) **Is not enrolled or does not intend to use the award to enroll in a course of study**  
81 **leading to a degree in theology or divinity.**

82 5. In addition [meets] **to the requirements of subsection 4 of this section, to be eligible**  
83 **for initial or renewed academic scholarship the student shall meet** the following  
84 requirements:

85 (1) Initial academic scholarships shall be offered in the academic year immediately  
86 following graduation from high school to Missouri high school seniors [whose] **who have**  
87 **achieved a composite [scores] score** on the American College Testing Program (ACT) **of thirty**

88 **or higher, or a score of one thousand three hundred twenty or higher on the Math and**  
89 **Critical Reading version of the Scholastic Aptitude Test [(SAT)] (SAT I) of the College Board**  
90 **, or a score of one thousand nine hundred eighty or higher on the New Scholastic Aptitude**  
91 **Test (New SAT) of the College Board** [are in the top five percent of all Missouri students  
92 taking those tests during the school year in which the scholarship recipients graduate from high  
93 school] . In the freshman year of college, scholarship recipients are required to maintain status  
94 as a full-time student;

95 (2) Academic scholarships are renewable if the recipient remains in compliance with [the  
96 applicable provisions of] **subsection 4 of this** section [173.215] and the recipient makes  
97 satisfactory academic degree progress as a full-time student.

98 [5.] **6.** A student who is enrolled or has been accepted for enrollment as a postsecondary  
99 student at an approved private or public institution beginning with the fall 1987, term and who  
100 meets the other eligibility requirements for an academic scholarship shall, within the limits of  
101 the funds appropriated and made available, be offered an academic scholarship in the amount of:

102 (1) Two thousand dollars for each eligible student whose composite scores on the  
103 American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College  
104 Board are in the top three percent of all Missouri students taking those tests during the school  
105 year in which the scholarship recipients graduate from high school for each fiscal year prior to  
106 fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011 and  
107 every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year  
108 thereafter for each eligible student whose composite scores on the American College Testing  
109 Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top  
110 five and three percent of all Missouri students taking those tests during the school year in which  
111 the scholarship recipients graduate from high school, for the first academic year of study, which  
112 scholarship shall be renewable in the amount of two thousand dollars for each eligible student  
113 whose composite scores on the American College Testing Program (ACT) or the Scholastic  
114 Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students  
115 taking those tests during the school year in which the scholarship recipients graduate from high  
116 school for each fiscal year prior to fiscal year 2011, and, subject to appropriations, three thousand  
117 dollars for fiscal year 2011 and every fiscal year thereafter, and one thousand dollars  
118 for fiscal year 2011 and every fiscal year thereafter for each eligible student whose composite  
119 scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT)  
120 of the College Board are between the top five and three percent of all Missouri students taking  
121 those tests during the school year in which the scholarship recipients graduate from high school,  
122 annually for the second, third and fourth academic years or as long as the recipient is in  
123 compliance with the applicable eligibility requirements set forth in [section 173.215] **subsections**

**4 and 5 of this section**, provided those years of study are continuous and the student continues to meet eligibility requirements for the scholarship; provided, however, if a recipient ceases all attendance at an approved public or private institution for the purpose of providing service to a nonprofit organization, a state or federal government agency or any branch of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship upon return to any approved public or private institution, provided the recipient:

- (1) Returns to full-time status within twenty-seven months;
- (2) Provides verification in compliance with coordinating board for higher education rules that the service to the nonprofit organization was satisfactorily completed and was not compensated other than for expenses or that the service to the state or federal governmental agency or branch of the armed forces of the United States was satisfactorily completed; and
- (3) Meets all other requirements established for eligibility to receive a renewal scholarship.

[6.] **7.** A recipient of academic scholarship awarded under this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.

[7.] **8.** Other provisions of this section to the contrary notwithstanding, if a recipient has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to use the scholarship during the first academic year because of illness, disability, pregnancy or other medical need or if a recipient ceases all attendance at an approved public or private institution because of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal scholarship upon enrollment in or return to any approved public or private institution, provided the recipient:

- (1) Enrolls in or returns to full-time status within twenty-seven months;
- (2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the initial or renewal scholarship during the time period for which it was originally offered; and
- (3) Meets all other requirements established for eligibility to receive an initial or a renewal scholarship.

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