

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1390

97TH GENERAL ASSEMBLY

Reported from the Committee on Education, April 28, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5049S.05C

AN ACT

To repeal sections 161.097, 163.191, 173.005, 173.030, 173.1006, 174.450, and 178.638, RSMo, and to enact in lieu thereof eight new sections relating to authorization for funding and administrative processes in higher education.

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

Section A. Sections 161.097, 163.191, 173.005, 173.030, 173.1006, 174.450, and 178.638, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 161.097, 163.191, 173.005, 173.030, 173.1006, 173.1540, 174.450, and 178.638, to read as follows:

161.097. 1. The state board of education **and the coordinating board for higher education** shall **jointly** establish standards and procedures by which [it] **they** will evaluate all teacher training institutions in this state [for the approval of teacher education programs. The state board of education shall not require teacher training institutions to meet national or regional accreditation as a part of its standards and procedures in making those evaluations, but it may accept such accreditations in lieu of such approval if standards and procedures set thereby are at least as stringent as those set by the board. The state board of education's standards and procedures for evaluating teacher training institutions shall equal or exceed those of national or regional accrediting associations] **with the guidance and approval of the Missouri advisory board for educator preparation, established under subsection 3 of this section. Notwithstanding any other provision of law, the state board of education and the coordinating board of higher education shall approve all teacher education programs and any changes to the standards and procedures by which such programs are evaluated.**

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

17 2. With regard to requirements for state educator certification,
18 any assessments of general education, content knowledge, pedagogical
19 knowledge, dispositions, or any other measures required for state
20 educator certification shall be approved by the state board of education
21 and the coordinating board for higher education prior to utilization in
22 any manner. Any assessment used to measure student learning that is
23 used in the evaluation of educator preparation programs shall be
24 approved by the state board of education and the coordinating board
25 for higher education prior to utilization in any manner. All current
26 assessments and those under development, as well as future
27 assessments shall be approved by the state board of education and the
28 coordinating board for higher education prior to utilization in any
29 manner. No quotas on educator preparation programs or limits on
30 program size shall be imposed by the state board of education without
31 consent of the coordinating board for higher education and the
32 institution of higher education providing the program. However,
33 institutions of higher education may establish quotas for specific
34 educator preparation programs as deemed necessary.

35 3. There is hereby established within the department of
36 elementary and secondary education the "Missouri Advisory Board for
37 Educator Preparation", hereinafter referred to as "MABEP". The
38 MABEP shall advise the state board of education and the coordinating
39 board for higher education as provided in this section and foster
40 meaningful and substantial collaboration and transparency among all
41 stakeholders in the interest of improving the quality of teacher
42 preparation in Missouri.

43 4. MABEP shall be comprised of fourteen members, who shall be
44 appointed to serve as follows: five members to be appointed by the
45 state board of education upon the recommendation of the commissioner
46 of education, two members selected by the commissioner of education,
47 five members to be selected by the coordinating board of higher
48 education upon the recommendation of the commissioner of higher
49 education, and two members to be selected by the commissioner of
50 higher education. The commissioner of education and the
51 commissioner of higher education shall serve as ex officio members and
52 thus shall not vote on matters before MABEP.

53 5. The composition of MABEP shall consist of the following:

54 (1) One practicing certificated public school teacher who has
55 served as a cooperating teacher, selected by the state board of
56 education upon the recommendation of the commissioner of education;

57 (2) One practicing certified public school administrator with
58 direct responsibility for the evaluation of educators, selected by the
59 state board of education upon the recommendation of the commissioner
60 of education;

61 (3) One practicing human resource director for a public school
62 district with direct responsibility for hiring, selected by the state board
63 of education upon the recommendation of the commissioner of
64 education;

65 (4) One practicing certificated public school teacher who has
66 served as a teacher mentor, selected by the state board of education
67 upon the recommendation of the commissioner of education;

68 (5) One practicing certified superintendent of a public school,
69 selected by the state board of education upon the recommendation of
70 the commissioner of education;

71 (6) One representative of the public, to be appointed by the
72 commissioner of education. This representative shall not be a member
73 of a local school board or educator preparation governing board, nor
74 shall he or she be, or ever in the past have been, employed as a public
75 school educator, or in a professional position at any post-secondary
76 education program;

77 (7) One employee of the department of elementary and secondary
78 education whose responsibilities include educator preparation or
79 certification, selected by the commissioner of education;

80 (8) One faculty member or administrator within an approved
81 educator preparation program, selected by the coordinating board of
82 higher education upon the recommendation of the commissioner of
83 higher education;

84 (9) One dean or director of a college or program of educator
85 preparation for a public four-year university, selected by the
86 coordinating board of higher education upon the recommendation of
87 the commissioner of higher education;

88 (10) One director of an educator preparation program of a public
89 community college, selected by the coordinating board of higher
90 education upon the recommendation of the commissioner of higher

91 education;

92 (11) One dean of a college of education or director of an educator
93 preparation program of an independent college or university, selected
94 by the coordinating board of higher education upon the
95 recommendation of the commissioner of higher education;

96 (12) One dean or director within an approved educator
97 preparation, selected by the coordinating board of higher education
98 upon the recommendation of the commissioner of higher education;

99 (13) One student enrolled in an approved program of educator
100 preparation of public or independent university, selected by the
101 commissioner of higher education;

102 (14) One employee of the department of higher education with
103 responsibility for the approval of degree programs, selected by the
104 commissioner of higher education.

105 6. The duties and responsibilities of the MABEP shall include,
106 but not be limited to the following:

107 (1) Meet with the commissioners of education and higher
108 education to discuss policy issues and proposed changes to standards
109 and practices related to educator preparation programs;

110 (2) Make recommendations to the commissioners of education
111 and higher education regarding the criteria and procedures for
112 evaluation and approval of educator degree programs and educator
113 preparation programs within the state;

114 (3) Facilitate communication by inviting subject matter and
115 educator preparation experts and constituencies with an interest in
116 developing highly effective educators to meet with the MABEP for the
117 purpose of identifying, reviewing and promoting best practices and
118 standards in educator preparation and professional development;

119 (4) Present annually to the state board of education and
120 coordinating board for higher education to discuss matters of mutual
121 interest in the area of educator preparation as presented by the
122 rotating chairs of MABEP; and

123 (5) Maintain a record of deliberations for the purpose of keeping
124 constituent groups with an interest in the maintenance of quality
125 education preparation programs informed of issues and
126 recommendations.

127 7. MABEP shall meet at least two times annually, but may meet

128 more frequently if requested by either board, the commissioner of
129 education or the commissioner of higher education. MABEP shall be
130 chaired by the commissioner of education, or his or her designee, and
131 the commissioner of higher education, or his or her designee, on
132 alternating years.

133 8. Upon approval by the state board of education of the teacher education
134 program at a particular teacher training institution, any person who graduates
135 from that program, and who meets other requirements which the state board of
136 education shall prescribe by rule, regulation and statute shall be granted a
137 certificate or license to teach in the public schools of this state. **The state board**
138 **of education shall not approve any teacher education program prior to**
139 **receiving a formal recommendation on that approval from the**
140 **coordinating board for higher education.** However, no such rule or
141 regulation shall require that the program from which the person graduates be
142 accredited by any national or regional accreditation association.

143 [3. Notwithstanding any provision in the law to the contrary, the state
144 board of education may accredit a graduate law school and any graduate of such
145 an accredited law school shall be allowed to take the examination for admission
146 to the bar of Missouri.]

163.191. 1. As used in this section, the following terms shall
2 mean:

3 (1) "Community college", an institution of higher education
4 deriving financial resources from local, state, and federal sources, and
5 providing postsecondary education primarily for persons above the
6 twelfth grade age level, including courses in:

7 (a) Liberal arts and sciences, including general education;

8 (b) Occupational, vocational-technical; and

9 (c) A variety of educational community services.

10 Community college course offerings lead to the granting of certificates,
11 diplomas, or associate degrees, but do not include baccalaureate or
12 higher degrees;

13 (2) "Operating costs", all costs attributable to current operations,
14 including all direct costs of instruction, instructors' and counselors'
15 compensation, administrative costs, all normal operating costs and all
16 similar noncapital expenditures during any year, excluding costs of
17 construction of facilities and the purchase of equipment, furniture, and

18 other capital items authorized and funded in accordance with
19 subsection 6 of this section. Operating costs shall be computed in
20 accordance with accounting methods and procedures to be specified by
21 the department of higher education;

22 (3) "Year", from July first to June thirtieth of the following year.

23 2. Each year public community colleges in the aggregate shall be eligible
24 to receive from state funds, if state funds are available and appropriated, an
25 amount up to but not more than fifty percent of the state community colleges'
26 planned operating costs as determined by the department of higher
27 education. [As used in this subsection, the term "year" means from July first to
28 June thirtieth of the following year. As used in this subsection, the term
29 "operating costs" means all costs attributable to current operations, including all
30 direct costs of instruction, instructors' and counselors' compensation,
31 administrative costs, all normal operating costs and all similar noncapital
32 expenditures during any year, excluding costs of construction of facilities and the
33 purchase of equipment, furniture, and other capital items authorized and funded
34 in accordance with subsection 2 of this section. Operating costs shall be
35 computed in accordance with accounting methods and procedures to be specified
36 by the department of higher education.] The department of higher education shall
37 review all institutional budget requests and prepare appropriation
38 recommendations annually for the community colleges under the supervision of
39 the department. The department's budget request shall include a recommended
40 level of funding.

41 3. (1) Except as provided in subdivision (2) of this subsection,
42 distribution of appropriated funds to community college districts shall be in
43 accordance with the community college resource allocation model. This model
44 shall be developed and revised as appropriate cooperatively by the community
45 colleges and the department of higher education. The department of higher
46 education shall recommend the model to the coordinating board for higher
47 education for their approval. The core funding level for each community college
48 shall initially be established at an amount agreed upon by the community colleges
49 and the department of higher education. This amount will be adjusted annually
50 for inflation, limited growth, and program improvements in accordance with the
51 resource allocation model starting with fiscal year 1993. [The department of
52 higher education shall request new and separate state aid funds for any new
53 districts for their first six years of operation. The request for the new districts

54 shall be based upon the same level of funding being provided to the existing
55 districts, and should be sufficient to provide for the growth required to reach a
56 mature enrollment level.]

57 **(2) Unless the general assembly chooses to otherwise appropriate**
58 **state funding, beginning in fiscal year 2016, at least ninety percent of**
59 **any increase in core funding over the appropriated amount for the**
60 **previous fiscal year shall be distributed in accordance with the**
61 **achievement of performance-funding measures under section 173.1006.**

62 4. The department of higher education [will] shall be responsible for
63 evaluating the effectiveness of the resource allocation model and [will] shall
64 submit a report to the **governor, the joint committee on education, the**
65 **speaker of the house of representatives and president pro tem of the senate by**
66 **[November 1997] October 31, 2019, and every four years thereafter.**

67 [2.] 5. **The department of higher education shall request new and**
68 **separate state-aid funds for any new community college district for its**
69 **first six years of operation. The request for the new district shall be**
70 **based upon the same level of funding being provided to the existing**
71 **districts, and should be sufficient to provide for the growth required**
72 **to reach a mature enrollment level.**

73 6. In addition to state funds received for operating purposes, each
74 community college district shall be eligible to receive an annual appropriation,
75 exclusive of any capital appropriations, for the cost of maintenance and repair of
76 facilities and grounds, including surface parking areas, and purchases of
77 equipment and furniture. Such funds shall not exceed in any year an amount
78 equal to ten percent of the state appropriations, exclusive of any capital
79 appropriations, to community college districts for operating purposes during the
80 most recently completed fiscal year. The department of higher education may
81 include in its annual appropriations request the necessary funds to implement
82 the provisions of this subsection and when appropriated shall distribute the funds
83 to each community college district as appropriated. The department of higher
84 education appropriations request shall be for specific maintenance, repair, and
85 equipment projects at specific community college districts, shall be in an amount
86 of fifty percent of the cost of a given project as determined by the coordinating
87 board and shall be only for projects which have been approved by the coordinating
88 board through a process of application, evaluation, and approval as established
89 by the coordinating board. The coordinating board, as part of its process of

90 application, evaluation, and approval, shall require the community college district
91 to provide proof that the fifty-percent share of funding to be defrayed by the
92 district is either on hand or committed for maintenance, repair, and equipment
93 projects. Only salaries or portions of salaries paid which are directly related to
94 approved projects may be used as a part of the fifty-percent share of funding.

95 [3.] 7. School districts offering two-year college courses pursuant to
96 section 178.370 on October 31, 1961, shall receive state aid pursuant to
97 [subsections 1 and 2] **subsection 2, subdivision (1) of subsection 3, and**
98 **subsection 6** of this section if all scholastic standards established pursuant to
99 sections 178.770 to 178.890 are met.

100 [4.] 8. In order to make postsecondary educational opportunities
101 available to Missouri residents who do not reside in an existing community
102 college district, community colleges organized pursuant to section 178.370 or
103 sections 178.770 to 178.890 shall be authorized pursuant to the funding
104 provisions of this section to offer courses and programs outside the community
105 college district with prior approval by the coordinating board for higher
106 education. The classes conducted outside the district shall be self-sustaining
107 except that the coordinating board shall promulgate rules to reimburse selected
108 out-of-district instruction only where prior need has been established in
109 geographical areas designated by the coordinating board for higher education.
110 Funding for such off-campus instruction shall be included in the appropriation
111 recommendations, shall be determined by the general assembly and shall
112 continue, within the amounts appropriated therefor, unless the general assembly
113 disapproves the action by concurrent resolution.

114 [5. A "community college" is an institution of higher education deriving
115 financial resources from local, state, and federal sources, and providing
116 postsecondary education primarily for persons above the twelfth grade age level,
117 including courses in:

- 118 (1) Liberal arts and sciences, including general education;
- 119 (2) Occupational, vocational-technical; and
- 120 (3) A variety of educational community services.

121 Community college course offerings lead to the granting of certificates, diplomas,
122 and/or associate degrees, but do not include baccalaureate or higher degrees.

123 6.] 9. When distributing state aid authorized for community colleges, the
124 state treasurer may, in any year if requested by a community college, disregard
125 the provision in section 30.180 requiring the state treasurer to convert the

126 warrant requesting payment into a check or draft and wire transfer the amount
127 to be distributed to the community college directly to the community college's
128 designated deposit for credit to the community college's account.

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

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

34 **coordinating board for higher education and the state board of**
35 **education shall jointly approve proposed new degree programs offered**
36 **by state institutions of higher education;**

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

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

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

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

66 (6) The coordinating board for higher education shall require all public
67 two-year and four-year higher education institutions to replicate best practices
68 in remediation identified by the coordinating board and institutions from research
69 undertaken by regional educational laboratories, higher education research

70 organizations, and similar organizations with expertise in the subject, and
71 identify and reduce methods that have been found to be ineffective in preparing
72 or retaining students or that delay students from enrollment in college-level
73 courses;

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

76 (8) The coordinating board shall establish guidelines to promote and
77 facilitate the transfer of students between institutions of higher education within
78 the state and, with the assistance of the committee on transfer and articulation,
79 shall require all public two-year and four-year higher education institutions to
80 create by July 1, 2014, a statewide core transfer library of at least twenty-five
81 lower division courses across all institutions that are transferable among all
82 public higher education institutions. The coordinating board shall establish
83 policies and procedures to ensure such courses are accepted in transfer among
84 public institutions and treated as equivalent to similar courses at the receiving
85 institutions. The coordinating board shall develop a policy to foster reverse
86 transfer for any student who has accumulated enough hours in combination with
87 at least one public higher education institution in Missouri that offers an
88 associate degree and one public four-year higher education institution in the
89 prescribed courses sufficient to meet the public higher education institution's
90 requirements to be awarded an associate degree. The department of elementary
91 and secondary education shall maintain the alignment of the assessments found
92 in section 160.518 and successor assessments with the competencies previously
93 established under this subdivision for entry-level collegiate courses in English,
94 mathematics, foreign language, sciences, and social sciences associated with an
95 institution's general education core;

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

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

105 (11) If any institution of higher education in this state, public or private,

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

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

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

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

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

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

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

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

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

147 b. The board's approval process of degree programs and courses offered
148 by any out-of-state public institutions of higher education that, prior to July 1,
149 2008, were approved by the board to operate a school in compliance with the
150 provisions of sections 173.600 to 173.618. The rules shall ensure that, as of July
151 1, 2008, all out-of-state public institutions seeking to offer degrees and courses
152 within the state of Missouri are evaluated in a manner similar to Missouri public
153 higher education institutions. Such out-of-state public institutions shall be held
154 to standards no lower than the standards established by the coordinating board
155 for program approval and the policy guidelines of the coordinating board for data
156 collection, cooperation, and resolution of disputes between Missouri institutions
157 of higher education under this section. Any such out-of-state public institutions
158 of higher education wishing to continue operating within this state must be
159 approved by the board under the rules promulgated under this subdivision. The
160 coordinating board may charge and collect fees from out-of-state public
161 institutions to cover the costs of reviewing and assuring the quality of programs
162 offered by out-of-state public institutions. Any rule or portion of a rule, as that
163 term is defined in section 536.010, that is created under the authority delegated
164 in this section shall become effective only if it complies with and is subject to all
165 of the provisions of chapter 536 and, if applicable, section 536.028. This section
166 and chapter 536 are nonseverable and if any of the powers vested with the
167 general assembly under chapter 536 to review, to delay the effective date, or to
168 disapprove and annul a rule are subsequently held unconstitutional, then the
169 grant of rulemaking authority and any rule proposed or adopted after August 28,
170 2007, shall be invalid and void.

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

175 3. The coordinating board shall meet at least four times annually with an
176 advisory committee who shall be notified in advance of such meetings. The
177 coordinating board shall have exclusive voting privileges. The advisory

178 committee shall consist of thirty-two members, who shall be the president or
179 other chief administrative officer of the University of Missouri; the chancellor of
180 each campus of the University of Missouri; the president of each state-supported
181 four-year college or university, including Harris-Stowe State University, Missouri
182 Southern State University, Missouri Western State University, and Lincoln
183 University; the president of State Technical College of Missouri; the president or
184 chancellor of each public community college district; and representatives of each
185 of five accredited private institutions selected biennially, under the supervision
186 of the coordinating board, by the presidents of all of the state's privately
187 supported institutions; but always to include at least one representative from one
188 privately supported community college, one privately supported four-year college,
189 and one privately supported university. The conferences shall enable the
190 committee to advise the coordinating board of the views of the institutions on
191 matters within the purview of the coordinating board.

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

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

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

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

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

 173.030. The coordinating board, in addition, shall have responsibility,
2 within the provisions of the constitution and the statutes of the state of Missouri,
3 for:

4 (1) Requesting the governing boards of all state-supported institutions of
5 higher education, and of major private institutions to submit to the coordinating
6 board any proposed policy changes which would create additional institutions of
7 higher education, additional residence centers, or major additions in degree and
8 certificate programs, and make pertinent recommendations relating thereto;

9 (2) Recommending to the governing board of any institution of higher
10 education in the state the development, consolidation, or elimination of programs,
11 degree offerings, physical facilities or policy changes where that action is deemed
12 by the coordinating board as in the best interests of the institutions themselves
13 and/or the general requirements of the state. Recommendations shall be
14 submitted to governing boards by twelve months preceding the term in which the
15 action may take effect;

16 (3) Recommending to the governing boards of state-supported institutions
17 of higher education, including public community colleges receiving state support,
18 formulas to be employed in specifying plans for general operations, for
19 development and expansion, and for requests for appropriations from the general
20 assembly. Such recommendations will be submitted to the governing boards by
21 April first of each year preceding a regular session of the general assembly of the
22 state of Missouri;

23 (4) Promulgating rules to include selected off-campus instruction in public
24 college and university appropriation recommendations where prior need has been
25 established in areas designated by the coordinating board for higher
26 education. Funding for such off-campus instruction shall be included in the
27 appropriation recommendations, shall be determined by the general assembly and
28 shall continue, within the amounts appropriated therefor, unless the general
29 assembly disapproves the action by concurrent resolution;

30 (5) Coordinating reciprocal agreements between or among Missouri state
31 institutions of higher education at the request of one or more of the institutions
32 party to the agreement, and between or among Missouri state institutions of
33 higher education and publicly supported higher education institutions located
34 outside the state of Missouri at the request of any Missouri institution party to
35 the agreement;

36 (6) **Entering into agreements for interstate reciprocity regarding**
37 **the delivery of postsecondary distance education, administering such**
38 **agreements, and approving or disapproving applications to participate**
39 **in such agreements from a postsecondary institution that has its**
40 **principal campus in the state of Missouri:**

41 (a) The coordinating board shall establish standards for
42 institutional approval. Those standards shall include, but are not
43 limited to the:

44 a. Definition of physical presence for non-Missouri institutions
45 serving Missouri residents consistent with other states' definitions of
46 physical presence; and

47 b. Establishment of consumer protection policies for distance
48 education addressing recruitment and marketing activities; disclosure
49 of tuition, fees, and other charges; disclosure of admission processes
50 and procedures; and student complaints;

51 (b) The coordinating board shall establish policies for the review
52 and resolution of student complaints arising from distance education
53 programs offered under the agreement;

54 (c) The coordinating board may charge fees to any institution
55 that applies to participate in an interstate postsecondary distance
56 education reciprocity agreement authorized pursuant to this
57 section. Such fees shall not exceed the coordinating board for higher
58 education's cost of reviewing and evaluating the applications; and

59 (d) The coordinating board shall promulgate rules to implement
60 the provisions of this subdivision. Any rule or portion of a rule, as that
61 term is defined in section 536.010, that is created under the authority
62 delegated in this section shall become effective only if it complies with
63 and is subject to all of the provisions of chapter 536 and, if applicable,
64 section 536.028. This section and chapter 536 are nonseverable and if
65 any of the powers vested with the general assembly pursuant to chapter
66 536 to review, to delay the effective date, or to disapprove and annul a

67 rule are subsequently held unconstitutional, then the grant of
68 rulemaking authority and any rule proposed or adopted after August
69 28, 2014, shall be invalid and void;

70 (7) Administering the nurse training incentive fund;

71 [(7)] (8) Conducting, in consultation with each public four-year
72 institution's governing board and the governing board of technical colleges and
73 community colleges, a review every five years of the mission statements of the
74 institutions comprising Missouri's system of public higher education. This review
75 shall be based upon the needs of the citizens of the state as well as the
76 requirements of business, industry, the professions and government. The purpose
77 of this review shall be to ensure that Missouri's system of higher education is
78 responsive to the state's needs and is focused, balanced, cost-effective, and
79 characterized by programs of high quality as demonstrated by student
80 performance and program outcomes. As a component of this review, each
81 institution shall prepare, in a manner prescribed by the coordinating board, a
82 mission implementation plan for the coordinating board's consideration and
83 approval. If the coordinating board determines that an institution has qualified
84 for a mission change or additional targeted resources pursuant to review
85 conducted under this subdivision and subdivision [(8)] (9) of this subsection, the
86 coordinating board shall submit a report to the general assembly that outlines
87 the proposed mission change or targeted state resources. No change of mission
88 for an institution under this subdivision establishing a statewide mission shall
89 become effective until the general assembly approves the proposed mission change
90 by concurrent resolution, except for the institution defined pursuant to
91 subdivision (1) of section 174.010, and has been approved by the coordinating
92 board and the institutions for which the coordinating board has recommended a
93 statewide mission prior to August 28, 1995. The effective date of any mission
94 change under this subdivision shall be the first day of July immediately following
95 the approval of the concurrent resolution by the general assembly as required
96 under this subdivision, and shall be August 28, 1995, for any institution for which
97 the coordinating board has recommended a statewide mission which has not yet
98 been implemented on such date. Nothing in this subdivision shall preclude an
99 institution from initiating a request to the coordinating board for a revision of its
100 mission; and

101 [(8)] (9) Reviewing applications from institutions seeking a statewide
102 mission. Such institutions shall provide evidence to the coordinating board that

103 they have the capacity to discharge successfully such a mission. Such evidence
104 shall consist of the following:

105 (a) That the institution enrolls a representative cross-section of Missouri
106 students. Examples of evidence for meeting this requirement which the
107 institution may present include, but are not limited to, the following: enrolling
108 at least forty percent of its Missouri resident, first-time degree-seeking freshmen
109 from outside its historic statutory service region; enrolling its Missouri
110 undergraduate students from at least eighty percent of all Missouri counties; or
111 enrolling one or more groups of special population students such as minorities,
112 economically disadvantaged, or physically disadvantaged from outside its historic
113 statutory service region at rates exceeding state averages of such populations
114 enrolled in the higher educational institutions of this state;

115 (b) That the institution offers one or more programs of unusual strength
116 which respond to a specific statewide need. Examples of evidence of meeting this
117 requirement which the institution may present include, but are not limited to, the
118 following: receipt of national, discipline-specific accreditation when available;
119 receipt of independent certification for meeting national or state standards or
120 requirements when discipline-specific accreditation is not available; for
121 occupationally specific programs, placement rates significantly higher than
122 average; for programs for which state or national licensure is required or for
123 which state or national licensure or registration is available on a voluntary basis,
124 licensure or registration rates for graduates seeking such recognition significantly
125 higher than average; or quality of program faculty as measured by the percentage
126 holding terminal degrees, the percentage writing publications in professional
127 journals or other appropriate media, and the percentage securing competitively
128 awarded research grants which are higher than average;

129 (c) That the institution has a clearly articulated admission standard
130 consistent with the provisions of subdivision (4) of subsection 2 of section 173.005
131 or section 174.130;

132 (d) That the institution is characterized by a focused academic
133 environment which identifies specific but limited areas of academic emphasis at
134 the undergraduate, and if appropriate, at the graduate and professional school
135 levels, including the identification of programs to be continued, reduced,
136 terminated or targeted for excellence. The institution shall, consistent with its
137 focused academic environment, also have the demonstrable capacity to provide
138 significant public service or research support that address statewide needs for

139 constituencies beyond its historic statutory service region; and

140 (e) That the institution has adopted and maintains a program of
141 continuous quality improvement, or the equivalent of such a program, and reports
142 annually appropriate and verifiable measures of institutional accountability
143 related to such program. Such measures shall include, but not be limited to,
144 indicators of student achievement and institutional mission attainment such as
145 percentage of students meeting institutional admission standards; success of
146 remediation programs, if offered; student retention rate; student graduation rate;
147 objective measures of student, alumni, and employer satisfaction; objective
148 measures of student learning in general education and the major, including
149 written and oral communication skills and critical thinking skills; percentage of
150 students attending graduate or professional schools; student placement, licensure
151 and professional registration rates when appropriate to a program's objectives;
152 objective measures of successful attainment of statewide goals as may be
153 expressed from time to time by the coordinating board or by the general assembly;
154 and objective measures of faculty teaching effectiveness. In the development and
155 evaluation of these institutional accountability reports, the coordinating board
156 and institutions are expected to use multiple measures of success, including
157 nationally developed and verified as well as locally developed and independently
158 verified assessment instruments; however, preference shall be given to nationally
159 developed instruments when they are available and if they are
160 appropriate. Institutions which serve or seek to serve a statewide mission shall
161 be judged to have met the prerequisites for such a mission when they
162 demonstrate to the coordinating board that they have met the criteria described
163 in this subdivision. As a component of this process, each institution shall
164 prepare, in a manner prescribed by the coordinating board, a mission
165 implementation plan for the coordinating board's consideration and approval.

173.1006. 1. [The following performance measures shall be established
2 by July 1, 2008:

3 (1) Two institutional measures as negotiated by each public institution
4 through the department of higher education; and

5 (2) Three statewide measures as developed by the department of higher
6 education in consultation with public institutions of higher education.

7 One such measure may be a sector-specific measure making use of the 2005
8 additional Carnegie categories, if deemed appropriate by the department of higher
9 education.

10 2. The department shall report to the joint committee on education
11 established in section 160.254 on its progress at least twice a year in developing
12 the statewide measures and negotiating the institution-specific measures and
13 shall develop a procedure for reporting the effects of performance measures to the
14 joint committee on education at an appropriate time for consideration during the
15 appropriations process.] **The coordinating board for higher education has**
16 **adopted institutional performance measures for each public four-year**
17 **institution of higher education, each community college, and the state**
18 **technical college in collaboration with the institutions that shall be**
19 **used for performance funding under sections 163.191, 173.1540, and**
20 **178.638. Five institutional performance measures have been adopted**
21 **for each institution. Each institution shall adopt, in collaboration with**
22 **the coordinating board for higher education, an additional institutional**
23 **performance measure to measure student job placement in a field or**
24 **position associated with the student's degree level and pursuit of a**
25 **graduate degree. The institutional performance measure relating to job**
26 **placement may not be used in any year in which the state**
27 **unemployment rate has increased from the previous calendar year's**
28 **state unemployment rate.**

29 2. The coordinating board shall evaluate and, if necessary, revise
30 the institutional performance measures every three years beginning in
31 calendar year 2019 or more frequently at the coordinating board's
32 discretion.

33 3. The department of higher education shall be responsible for
34 evaluating the effectiveness of the performance funding measures,
35 including their effect on statewide postsecondary, higher education,
36 and workforce goals, and shall submit a report to the governor, the
37 joint committee on education, the speaker of the house of
38 representatives and president pro tem of the senate by October 31,
39 2019, and every four years thereafter.

173.1540. 1. Annually each public four-year institution of higher
2 education shall prepare an institutional budget request and submit it
3 to the department of higher education. The department of higher
4 education shall review all institutional budget requests and prepare
5 appropriation recommendations annually for each public four-year
6 institution of higher education.

7 2. Unless the general assembly chooses to otherwise appropriate

8 state funding, the appropriation of core-funding increases in state
9 funding to public four-year institutions of higher education shall be in
10 accordance with the increase allocation model, subject to the
11 parameters set forth in subsection 4 of this section. The increase
12 allocation model shall be developed and revised as appropriate
13 cooperatively by the public four-year institutions of higher education
14 and the department of higher education. The department of higher
15 education shall recommend the model to the coordinating board for
16 higher education for its approval by October 31, 2014.

17 3. The core-funding level for each public four-year institution of
18 higher education shall initially be the appropriated amount for each
19 institution for fiscal year 2015. Increases under subsection 4 of this
20 section shall be incorporated into the core-funding level annually in
21 accordance with the increase allocation model starting with fiscal year
22 2016.

23 4. (1) The increase allocation model shall comply with the
24 parameters of this subsection in allocating annual increases in core
25 appropriations to public four-year institutions of higher education.

26 (2) Unless otherwise provided by the general assembly during
27 the appropriations process, no more than ten percent of any increase
28 in core appropriations shall be distributed to address inequitable state
29 funding through any combination of the following:

30 (a) Determined on a per-student basis, as determined by
31 calculating full-time equivalency or on such other basis as determined
32 by the department and agreed upon by the institutions. To the extent
33 inequities result from an institution's performance on its performance
34 funding measures adopted under section 173.1006, such inequities shall
35 not be eligible for an allocation under this paragraph; and

36 (b) Distributed based on weighted full-time equivalent credit
37 hours so as to provide enrollment, program offering, and mission
38 sensitivity on an on-going basis.

39 (3) Unless otherwise provided by the general assembly during
40 the appropriations process, at least ninety percent of annual increases
41 shall be distributed in accordance with the performance funding model
42 adopted under section 173.1006.

43 5. The department of higher education shall be responsible for
44 evaluating the effectiveness of the increase allocation model and shall

45 **submit a report to the governor, the joint committee on education, the**
46 **speaker of the house of representatives and the president pro tempore**
47 **of the senate by October 31, 2019, and every four years thereafter.**

174.450. 1. Except as provided in subsection 2 and subsection 6 of this
2 section, the governing board of the University of Central Missouri, Missouri State
3 University, Missouri Southern State University, Missouri Western State
4 University, and of each other public institution of higher education which,
5 through the procedures established in subdivision [(7) or] (8) **or (9)** of section
6 173.030, is charged with a statewide mission shall be a board of governors
7 consisting of eight members, composed of seven voting members and one
8 nonvoting member as provided in sections 174.453 and 174.455, who shall be
9 appointed by the governor of Missouri, by and with the advice and consent of the
10 senate. No person shall be appointed a voting member who is not a citizen of the
11 United States and who has not been a resident of the state of Missouri for at
12 least two years immediately prior to such appointment. Not more than four
13 voting members shall belong to any one political party. The appointed members
14 of the board of regents serving on the date of the statutory mission change shall
15 become members of the board of governors on the effective date of the statutory
16 mission change and serve until the expiration of the terms for which they were
17 appointed. The board of regents of any such institution shall be abolished on the
18 effective date of the statutory mission change, as prescribed in subdivision [(7)
19 or] (8) **or (9)** of section 173.030.

20 2. The governing board of Missouri State University, a public institution
21 of higher education charged with a statewide mission in public affairs, shall be
22 a board of governors of ten members, composed of nine voting members and one
23 nonvoting member, who shall be appointed by the governor, by and with the
24 advice and consent of the senate. The nonvoting member shall be a student
25 selected in the same manner as prescribed in section 174.055. At least one but
26 no more than two voting members shall be appointed to the board from each
27 congressional district, and every member of the board shall be a citizen of the
28 United States, and a resident of this state for at least two years prior to his or
29 her appointment. No more than five voting members shall belong to any one
30 political party. The term of office of the governors shall be six years, except as
31 provided in this subsection. The term of office for those appointed hereafter shall
32 end January first in years ending in an odd number. For the six voting members'
33 terms that expired in 2011, the successors shall be appointed in the following

34 manner:

35 (1) Of the five voting members' terms that expired on August 28, 2011,
36 one successor member shall be appointed, or the existing member shall be
37 reappointed, to a term that shall expire on January 1, 2013;

38 (2) Of the five voting members' terms that expired on August 28, 2011,
39 two successor members shall be appointed, or the existing members shall be
40 reappointed, to terms that shall expire on January 1, 2015;

41 (3) Of the five voting members' terms that expired on August 28, 2011,
42 two successor members shall be appointed, or the existing members shall be
43 reappointed, to a term that shall expire on January 1, 2017; and

44 (4) For the voting member's term that expired on January 1, 2011, the
45 successor member shall be appointed, or the existing member shall be
46 reappointed, to a term that shall expire on January 1, 2017.

47 Notwithstanding any provision of law to the contrary, nothing in this section
48 relating to a change in the composition and configuration of congressional
49 districts in this state shall prohibit a member who is serving a term on August
50 28, 2011, from completing his or her term.

51 3. If a voting member of the board of governors of Missouri State
52 University is found by unanimous vote of the other governors to have moved such
53 governor's residence from the district from which such governor was appointed,
54 then the office of such governor shall be forfeited and considered vacant.

55 4. Should the total number of Missouri congressional districts be altered,
56 all members of the board of governors of Missouri State University shall be
57 allowed to serve the remainder of the term for which they were appointed.

58 5. Should the boundaries of any congressional districts be altered in a
59 manner that displaces a member of the board of governors of Missouri State
60 University from the congressional district from which the member was appointed,
61 the member shall be allowed to serve the remainder of the term for which the
62 member was appointed.

63 6. The governing board of Missouri Southern State University shall be a
64 board of governors consisting of nine members, composed of eight voting members
65 and one nonvoting member as provided in sections 174.453 and 174.455, who
66 shall be appointed by the governor of Missouri, by and with the advice and
67 consent of the senate. No person shall be appointed a voting member who is not
68 a citizen of the United States and who has not been a resident of the state of
69 Missouri for at least two years immediately prior to such appointment. Not more

70 than four voting members shall belong to any one political party.

178.638. 1. State Technical College of Missouri shall be under the
2 oversight of the coordinating board for higher education. The institution shall
3 also be subject to oversight by the state board of education to the extent it serves
4 as an area vocational technical school. Beginning in the first full state fiscal year
5 subsequent to the approval of State Technical College of Missouri's plan by the
6 coordinating board submitted pursuant to section 178.637, the state of Missouri
7 shall, subject to appropriation, provide the funds necessary to provide the staff,
8 cost of operation, and payment of all new capital improvements commencing with
9 that fiscal year.

10 2. All funds designated for the institution shall be included in the
11 coordinating board's budget request as provided in chapter 173, except that
12 vocational technical education reimbursements shall continue to be requested
13 through the state board of education.

14 3. Unless the general assembly chooses to otherwise appropriate
15 state funding, beginning with fiscal year 2016, at least ninety percent
16 of any annual increase in core funding over the previous year shall be
17 distributed in accordance with the performance-funding measures
18 under section 173.1006.

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