

SECOND REGULAR SESSION

# HOUSE BILL NO. 1780

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SWAN (Sponsor), SPENCER, BAHR,  
COOKSON AND LICHTENEGGER (Co-sponsors).

5828L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 167.223 and 173.005, RSMo, and to enact in lieu thereof six new sections relating to the comprehensive learning portal.

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

Section A. Sections 167.223 and 173.005, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 167.223, 167.361, 167.363, 167.365, 167.367, and 173.005, to read as follows:

167.223. 1. Public high schools may, in cooperation with Missouri public community colleges and public or private four-year colleges and universities, offer postsecondary course options to high school students, **including virtual courses**. A postsecondary course option allows eligible students to attend vocational or academic classes on a college or university campus and receive both high school and college credit upon successful completion of the course.

2. For purposes of state aid, the pupil's resident district shall continue to count the pupil in the average daily attendance of such resident district for any time the student is attending a postsecondary course.

3. Any pupil enrolled in a community college under a postsecondary course option shall be considered a resident student for the purposes of calculating state aid to the community college.

4. Community colleges and four-year colleges and universities may charge reasonable fees for pupils enrolled in courses under a postsecondary course option. Such fees may be paid

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.

15 by the district of residence or by the pupil, as determined by the agreement between the district  
16 of residence and the college or university.

17 **5. Beginning with school year 2015-16, each public high school that provides dual**  
18 **enrollment courses under this section shall give preference to any provider that lists the**  
19 **offered course on the transfer bank created under subdivision (8) of subsection 2 of section**  
20 **173.005.**

**167.361. 1. For purposes of sections 167.361 to 167.367, the following terms mean:**

2 **(1) "Comprehensive learning portal", a comprehensive performance-based**  
3 **learning program that meets the learning needs of each student, either directly or through**  
4 **a system of direct and contracted services. The term may include a school district, a**  
5 **related group of charter schools where otherwise permitted by law, or a multidistrict**  
6 **provider certified through section 167.367, or any combination of these;**

7 **(2) "Performance-based learning", establishing the level of student learning**  
8 **through demonstration of knowledge or skill without regard for the time taken in the**  
9 **learning process or the structure of delivery. Students advance upon demonstrated**  
10 **mastery of content. Competencies include explicit, measurable, transferable learning**  
11 **objectives. Students receive timely, differentiated support based on their individual**  
12 **learning needs. The term "performance-based learning" incorporates both**  
13 **proficiency-based credit, which is available to students through districts and charter**  
14 **schools that notify the department of elementary and secondary education that they are**  
15 **using proficiency-based credit and alternative performance-based credit which requires**  
16 **the permission of the department for a system of standards that leads to a diploma;**

17 **(3) "Supplemental program", a program that offers one or more online courses to**  
18 **augment an educational program provided by a school district, charter school, or**  
19 **comprehensive performance-based learning program.**

20 **2. The department of elementary and secondary education shall develop a**  
21 **communication plan, collaboratively with professional education organizations and other**  
22 **interested stakeholders, to communicate the existing options for earning credit no later**  
23 **than August 1, 2015, including a list of high schools whose policies permit early high school**  
24 **graduation as of the 2014-15 school year. The department shall include high school**  
25 **equivalency and teacher continuing education in its communication plan. The department**  
26 **shall complete development of changes to the student information system and development**  
27 **of a statewide standard transcript to accommodate performance-based learning no later**  
28 **than August 1, 2016.**

29 **3. Each student during his or her seventh grade year at a public school, including**  
30 **a charter school, shall develop with help from the school's guidance counselors a personal**

31 plan of study, which shall be reviewed at least annually by school personnel and the  
32 student's parent or guardian and updated based upon the needs of the student. Each plan  
33 shall present a sequence of courses and experiences that conclude with the student reaching  
34 his or her postsecondary goals, with implementation of the plan of study transferring to  
35 the program of postsecondary education or training upon the student's high school  
36 graduation without need for remediation at the postsecondary level. The plan shall  
37 include, but not be limited to:

38 (1) Requirements for graduation from the school district or charter school;

39 (2) Career or postsecondary goals;

40 (3) Course work or program of study related to career and postsecondary goals,  
41 which shall include, where relevant, opportunities that may not be directly offered by the  
42 district or school;

43 (4) Grade-appropriate, career-related experiences, as outlined in the grade level  
44 expectations of the Missouri Comprehensive Guidance Program; and

45 (5) Student assessments, interest inventories, or academic results needed to develop,  
46 review, and revise the personal plan of study, which shall include, where relevant,  
47 assessments, inventories, or academic results that may not be offered by the school district  
48 or charter school.

167.363. 1. To create a more efficient and effective means of providing the  
2 education each student needs from the available resources, there is hereby created the  
3 performance-based learning coordinating council.

4 2. The council shall be composed of twelve members, in addition to its ex officio  
5 members. The commissioners of education and higher education and the director of  
6 economic development in consultation with the director of the workforce development  
7 division of the department of economic development shall serve as ex officio members and  
8 shall collectively appoint one of the council members, who shall be employed in the private  
9 sector, as chairperson annually.

10 3. The council shall consist of the following members:

11 (1) Two members who are business persons who have no personal or professional  
12 affiliation with any online or virtual education provider, one to be appointed by the  
13 speaker of the house of representatives and one to be appointed by the president pro tem  
14 of the senate;

15 (2) Two superintendents of school districts, one of whom shall be a superintendent  
16 of a district with fewer than five hundred students, appointed by the commissioner of  
17 education;

18           (3) A representative of career and technical education appointed by the  
19 commissioner of education;

20           (4) A representative of charter schools appointed by the chair of the charter school  
21 commission;

22           (5) A representative of the four-year sector and a representative of the two-year  
23 sector appointed by the commissioner of higher education;

24           (6) A representative of the proprietary sector appointed by the commissioner of  
25 higher education;

26           (7) A representative of private higher education appointed by the commissioner of  
27 higher education;

28           (8) A representative of a for-profit online learning providers, chosen by the council;  
29 and

30           (9) A representative of an educational consortium that provides services to at least  
31 ten school districts, chosen by the council.

32           4. Each member of the council, with the exception of the commissioners and the  
33 director of workforce development, shall serve for a term of four years. Of the members  
34 initially appointed, four shall serve for four years, three for three years, two for two years,  
35 and two for one year, as decided by lot at the organizational meeting of the council, which  
36 shall occur no later than October 1, 2014. The council shall meet at least two times  
37 annually, in addition to the hearing required under subsection 6 of this section.

38           5. Staff assistance shall be supplied by the department of higher education.

39           6. The council shall submit an annual report that details its progress on the items  
40 referred to in subsection 7 of this section to the governor, the Missouri general assembly,  
41 and the joint committee on education by the first day of November, beginning in 2015, and  
42 shall include detailed information on the structure and operation of the council. The  
43 council shall conduct an annual public hearing to receive comments from interested parties  
44 regarding the report, and notice of the hearing shall be given at least fourteen days prior  
45 to the hearing.

46           7. The council shall:

47           (1) Develop recommendation for a state-coordinated policy for meeting student  
48 needs that addresses all levels of education, including adult learners and the workforce;

49           (2) Identify obstacles that make state support of programs that cross institutional  
50 or jurisdictional boundaries difficult and suggest remedies;

51           (3) Develop recommendations to create programs that:

52           (a) Intervene at known critical transition points, such as middle school to high  
53 school and the freshman year of college, to help ensure student success at the next level;

54           (b) Allow education stakeholders to collaborate with members of business and  
55 industry to foster policy alignment, professional interaction, and information systems  
56 across sectors;

57           (c) Regularly provide feedback to schools, colleges, and employers concerning the  
58 number of students requiring postsecondary remediation, whether in educational  
59 institutions or the workplace;

60           (4) Explore ways to better align academic content, particularly between secondary  
61 school and first-year courses at public colleges and universities, which may include  
62 alignment between:

63           (a) Elementary and secondary assessments and postsecondary training; and

64           (b) Articulation agreements for programs across sectors and educational levels;

65           (5) Certify multidistrict providers of comprehensive performance-based learning,  
66 as provided in section 167.367; and

67           (6) Develop recommendations for district and state funding to be delivered to the  
68 state board of education and to the joint committee on education no later than October 1,  
69 2015.

          167.365. 1. Beginning with school year 2015-16, each public high school with a  
2 combined remediation rate of thirty-five percent or more as reported by the department  
3 of higher education shall implement a process to use its assessment results for proficiency  
4 in reading, writing, and mathematics in conjunction with a postsecondary institution to  
5 provide remediation during the high school course.

6           2. Beginning with school year 2016-17, each community college shall accept an  
7 assessment rating of proficient or above on any Missouri assessment program instrument  
8 in English II or English end-of-high-school or Algebra I or mathematics end-of-high-school  
9 as the equivalent of a passing score on a placement test for freshman composition or  
10 freshman algebra, unless the community college has adopted its own placement test.

          167.367. 1. Beginning with school year 2015-16, the council shall certify  
2 multidistrict comprehensive performance-based learning programs. Providers of  
3 supplemental programs shall not be subject to this section but shall be required to meet the  
4 requirements of section 162.1250 for delivery of courses by contract.

5           2. The council may consider, but is not limited to, the following elements in  
6 certifying programs:

7           (1) Curriculum and instruction;

8           (2) Use of software applications and technology, including student and parent  
9 internet safety instruction;

10          (3) Data gathering, analysis, and reporting;

- 11           **(4) Human resources management;**  
12           **(5) Fiscal management, facilities management, and risk management; and**  
13           **(6) A plan addressing:**  
14           **(a) Program vision, mission, goals;**  
15           **(b) Organizational structure and governance, including governing board and**  
16 **policies and procedures;**  
17           **(c) Equitable access for all students;**  
18           **(d) Guidance counseling that takes the student's learning needs as its first priority;**  
19           **(e) Academic credit policies;**  
20           **(f) Student achievement and attendance policies and course completion policies;**  
21           **(g) Student records policies;**  
22           **(h) Student services;**  
23           **(i) Policies to facilitate communication between and among educational service**  
24 **providers, students and their parents;**  
25           **(j) Regional accreditation;**  
26           **(k) Specify a method for resolving conflicts among the parties;**  
27           **(l) Specify authorized reasons for termination of the contract;**  
28           **(m) Require the approved provider to be responsible for all debts of the virtual**  
29 **instruction program if the contract is not renewed or is terminated.**  
30           **3. The department shall publish the school grade or school improvement rating**  
31 **received by each approved provider on its internet website. The department shall develop**  
32 **an evaluation method for providers of part-time programs.**  
33           **4. A district using a certified provider shall expend the difference in funds provided**  
34 **for a student participating in the school district virtual instruction program under section**  
35 **162.1250 and the price paid for contracted services procured for the district's instructional**  
36 **improvement or for other technological tools that are required to access electronic and**  
37 **digital instructional materials.**

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

5           2. The commission on higher education is abolished and all its powers, duties, personnel  
6 and property are transferred by type I transfer to the "Coordinating Board for Higher Education",  
7 which is hereby created, and the coordinating board shall be the head of the department. The  
8 coordinating board shall consist of nine members appointed by the governor with the advice and  
9 consent of the senate, and not more than five of its members shall be of the same political party.

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

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

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

42 (3) In consultation with the heads of the institutions of higher education affected and  
43 against a background of carefully collected data on enrollment, physical facilities, manpower  
44 needs, institutional missions, the coordinating board for higher education shall establish  
45 guidelines for appropriation requests by those institutions of higher education; however, other

46 provisions of the Reorganization Act of 1974 notwithstanding, all funds shall be appropriated  
47 by the general assembly to the governing board of each public four-year institution of higher  
48 education which shall prepare expenditure budgets for the institution;

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

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

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

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

61 (8) The coordinating board shall establish guidelines to promote and facilitate the  
62 transfer of students between institutions of higher education within the state and, with the  
63 assistance of the committee on transfer and articulation, shall require all public two-year and  
64 four-year higher education institutions to create by July 1, 2014, a statewide core transfer library  
65 of at least twenty-five lower division courses across all institutions that are transferable among  
66 all public higher education institutions. The coordinating board shall establish policies and  
67 procedures to ensure such courses are accepted in transfer among public institutions and treated  
68 as equivalent to similar courses at the receiving institutions. The coordinating board shall  
69 develop a policy to foster reverse transfer for any student who has accumulated enough hours in  
70 combination with at least one public higher education institution in Missouri that offers an  
71 associate degree and one public four-year higher education institution in the prescribed courses  
72 sufficient to meet the public higher education institution's requirements to be awarded an  
73 associate degree. The department of elementary and secondary education shall maintain the  
74 alignment of the assessments found in section 160.518 and successor assessments with the  
75 competencies previously established under this subdivision for entry-level collegiate courses in  
76 English, mathematics, foreign language, sciences, and social sciences associated with an  
77 institution's general education core;

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



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

86 (11) If any institution of higher education in this state, public or private, willfully fails  
87 or refuses to follow any lawful guideline, policy or procedure established or prescribed by the  
88 coordinating board, or knowingly deviates from any such guideline, or knowingly acts without  
89 coordinating board approval where such approval is required, or willfully fails to comply with  
90 any other lawful order of the coordinating board, the coordinating board may, after a public  
91 hearing, withhold or direct to be withheld from that institution any funds the disbursement of  
92 which is subject to the control of the coordinating board, or may remove the approval of the  
93 institution as an approved institution within the meaning of section 173.1102. If any such public  
94 institution willfully disregards board policy, the commissioner of higher education may order  
95 such institution to remit a fine in an amount not to exceed one percent of the institution's current  
96 fiscal year state operating appropriation to the board. The board shall hold such funds until such  
97 time that the institution, as determined by the commissioner of higher education, corrects the  
98 violation, at which time the board shall refund such amount to the institution. If the  
99 commissioner determines that the institution has not redressed the violation within one year, the  
100 fine amount shall be deposited into the general revenue fund, unless the institution appeals such  
101 decision to the full coordinating board, which shall have the authority to make a binding and  
102 final decision, by means of a majority vote, regarding the matter. However, nothing in this  
103 section shall prevent any institution of higher education in this state from presenting additional  
104 budget requests or from explaining or further clarifying its budget requests to the governor or the  
105 general assembly; and

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

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

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

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

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

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

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

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

122 b. The board's approval process of degree programs and courses offered by any  
123 out-of-state public institutions of higher education that, prior to July 1, 2008, were approved by  
124 the board to operate a school in compliance with the provisions of sections 173.600 to 173.618.  
125 The rules shall ensure that, as of July 1, 2008, all out-of-state public institutions seeking to offer  
126 degrees and courses within the state of Missouri are evaluated in a manner similar to Missouri  
127 public higher education institutions. Such out-of-state public institutions shall be held to  
128 standards no lower than the standards established by the coordinating board for program approval  
129 and the policy guidelines of the coordinating board for data collection, cooperation, and  
130 resolution of disputes between Missouri institutions of higher education under this section. Any  
131 such out-of-state public institutions of higher education wishing to continue operating within this  
132 state must be approved by the board under the rules promulgated under this subdivision. The  
133 coordinating board may charge and collect fees from out-of-state public institutions to cover the  
134 costs of reviewing and assuring the quality of programs offered by out-of-state public  
135 institutions. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
136 created under the authority delegated in this section shall become effective only if it complies  
137 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
138 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
139 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a  
140 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
141 proposed or adopted after August 28, 2007, shall be invalid and void.

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

146 3. The coordinating board shall meet at least four times annually with an advisory  
147 committee who shall be notified in advance of such meetings. The coordinating board shall have  
148 exclusive voting privileges. The advisory committee shall consist of thirty-two members, who  
149 shall be the president or other chief administrative officer of the University of Missouri; the  
150 chancellor of each campus of the University of Missouri; the president of each state-supported  
151 four-year college or university, including Harris-Stowe State University, Missouri Southern State  
152 University, Missouri Western State University, and Lincoln University; the president of Linn  
153 State Technical College; the president or chancellor of each public community college district;

154 and representatives of each of five accredited private institutions selected biennially, under the  
155 supervision of the coordinating board, by the presidents of all of the state's privately supported  
156 institutions; but always to include at least one representative from one privately supported  
157 community college, one privately supported four-year college, and one privately supported  
158 university. The conferences shall enable the committee to advise the coordinating board of the  
159 views of the institutions on matters within the purview of the coordinating board.

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

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

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

167 7. All the powers, duties and functions vested in the division of public schools and state  
168 board of education relating to community college state aid and the supervision, formation of  
169 districts and all matters otherwise related to the state's relations with community college districts  
170 and matters pertaining to community colleges in public school districts, chapters 163, 178, and  
171 others, are transferred to the coordinating board for higher education by type I transfer.  
172 Provided, however, that all responsibility for administering the federal-state programs of  
173 vocational-technical education, except for the 1202a postsecondary educational amendments of  
174 1972 program, shall remain with the department of elementary and secondary education. The  
175 department of elementary and secondary education and the coordinating board for higher  
176 education shall cooperate in developing the various plans for vocational-technical education;  
177 however, the ultimate responsibility will remain with the state board of education.

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

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