

SECOND REGULAR SESSION

# HOUSE BILL NO. 2622

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AUSTIN.

6550H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 173.005, 174.225, 174.231, 174.251, and 174.324, RSMo, and to enact in lieu thereof six new sections relating to baccalaureate and graduate programs of study at state institutions of higher education, with penalty provisions.

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

Section A. Sections 173.005, 174.225, 174.231, 174.251, and 174.324, RSMo, are  
2 repealed and six new sections enacted in lieu thereof, to be known as sections 173.005, 174.167,  
3 174.225, 174.231, 174.251, and 174.645, to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of thirty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state-supported four-year college or university, including Harris-Stowe State University, Missouri Southern State University, Missouri Western State University, and Lincoln University; the president of State Technical College of Missouri; the president or chancellor of each public community college district; and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported community college, one privately supported four-year college, and one privately

159 supported university. The conferences shall enable the committee to advise the coordinating  
160 board of the views of the institutions on matters within the purview of the coordinating board.

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

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

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

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

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

2 **174.167. Notwithstanding any other provision of law, the governing boards of the**  
3 **state institutions of higher education named under subsection 1 of section 174.020 shall**  
4 **have the power to offer baccalaureate and graduate degree programs, subject to the**  
5 **approval of the coordinating board for higher education as provided in subdivision (1) of**  
6 **subsection 2 of section 173.005.**

2 174.225. Missouri State University shall not seek the land grant designation held by  
3 Lincoln University and the University of Missouri nor shall Missouri State University seek the  
4 research designation currently held by the University of Missouri. [Missouri State University  
5 shall offer engineering programs and doctoral programs only in cooperation with the University  
6 of Missouri; provided that such cooperative agreements are approved by the governing boards

6 of each institution and that in these instances the University of Missouri shall be the  
7 degree-granting institution. Should the University of Missouri decline to cooperate in the  
8 offering of such programs within one year of the formal approval of the coordinating board,  
9 Missouri State University may cooperate with another educational institution, or directly offer  
10 the degree. In all cases, the offering of such degree programs shall be subject to the approval of  
11 the coordinating board for higher education, or any other higher education governing authority  
12 that may replace it. Missouri State University may offer doctoral programs in audiology and  
13 physical therapy. Missouri State University shall neither offer nor duplicate the professional  
14 programs at the University of Missouri including, without limitation, those that train medical  
15 doctors, pharmacists, dentists, veterinarians, optometrists, lawyers, and architects. The alteration  
16 of the name of Southwest Missouri State University to Missouri State University shall not entitle  
17 Missouri State University to any additional state funding.]

174.231. 1. On and after August 28, 2005, the institution formerly known as Missouri  
2 Southern State College located in Joplin, Jasper County, shall be known as "Missouri Southern  
3 State University". Missouri Southern State University is hereby designated and shall hereafter  
4 be operated as a statewide institution of international or global education. The Missouri  
5 Southern State University is hereby designated a moderately selective institution which shall  
6 provide associate degree programs except as provided in subsection 2 of this section,  
7 baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and  
8 (2) of subsection 2 of section 173.005. The institution shall develop such academic support  
9 programs and public service activities it deems necessary and appropriate to establish  
10 international or global education as a distinctive theme of its mission. [Consistent with the  
11 provisions of section 174.324, Missouri Southern State University is authorized to offer master's  
12 level degree programs in accountancy, subject to the approval of the coordinating board for  
13 higher education as provided in subdivision (1) of subsection 2 of section 173.005.]

14 2. As of July 1, 2008, Missouri Southern State University shall discontinue any and all  
15 associate degree programs unless the continuation of such associate degree programs is approved  
16 by the coordinating board for higher education pursuant to subdivision (1) of subsection 2 of  
17 section 173.005.

174.251. 1. On and after August 28, 2005, the institution formerly known as Missouri  
2 Western State College at St. Joseph, Buchanan County, shall hereafter be known as the  
3 "Missouri Western State University". Missouri Western State University is hereby designated  
4 and shall hereafter be operated as a statewide institution of applied learning. The Missouri  
5 Western State University is hereby designated an open enrollment institution which shall provide  
6 associate degree programs except as provided in subsection 2 of this section, baccalaureate  
7 degree programs, and graduate degree programs pursuant to subdivisions (1) and (2) of

8 subsection 2 of section 173.005. The institution shall develop such academic support programs  
9 as it deems necessary and appropriate to an open enrollment institution with a statewide mission  
10 of applied learning. [Consistent with the provisions of section 174.324, Missouri Western State  
11 University is authorized to offer master's level degree programs in accountancy, subject to the  
12 approval of the coordinating board for higher education as provided in subdivision (1) of  
13 subsection 2 of section 173.005.]

14 2. As of July 1, 2010, Missouri Western State University shall discontinue any and all  
15 associate degree programs unless the continuation of such associate degree program is approved  
16 by the coordinating board for higher education pursuant to subdivision 2 of section 173.005.

**174.645. Notwithstanding any other provision of law, the board of governors of  
2 Truman State University shall have the power to offer baccalaureate and graduate degree  
3 programs, subject to the approval of the coordinating board for higher education as  
4 provided in subdivision (1) of subsection 2 of section 173.005.**

2 [174.324. 1. Notwithstanding any law to the contrary, Missouri Western  
3 State University and Missouri Southern State University may offer master's  
4 degrees in accounting, subject to any terms and conditions of the Missouri state  
5 board of accountancy applicable to any other institution of higher education in  
6 this state which offers such degrees, and subject to approval of the coordinating  
board for higher education.

2 2. Any new master's degree program offered at Missouri Southern State  
3 University, Missouri Western State University, or any other public institution of  
4 higher education in this state must be approved by the coordinating board for  
5 higher education pursuant to the provisions of subdivision (1) or (2) of subsection  
2 of section 173.005.]

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