

FIRST REGULAR SESSION

HOUSE BILL NO. 1189

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

2512H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 172.280, 173.005, 173.030, 173.040, 173.616, 173.750, 174.160, 174.231, 174.251, and 174.310, RSMo, and to enact in lieu thereof ten new sections relating to the authority to confer degrees at public institutions of higher education.

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

Section A. Sections 172.280, 173.005, 173.030, 173.040, 173.616, 173.750, 174.160,
2 174.231, 174.251, and 174.310, RSMo, are repealed and ten new sections enacted in lieu
3 thereof, to be known as sections 172.280, 173.005, 173.030, 173.040, 173.616, 173.750,
4 174.160, 174.231, 174.251, and 174.310, to read as follows:

172.280. The curators shall have the authority to confer, by diploma, under their
2 common seal, on any person whom they may judge worthy thereof, such degrees as are
3 known to and usually granted by any college or university. ~~[The University of Missouri is the
4 state's only public research university and the exclusive grantor of research doctorates. As
5 such, except as provided in section 175.040, the University of Missouri shall be the only state
6 college or university that may offer doctor of philosophy degrees or first professional
7 degrees, including dentistry, law, medicine, optometry, pharmacy, and veterinary medicine.]~~

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

5 2. The commission on higher education is abolished and all its powers, duties,
6 personnel and property are transferred by type I transfer to the "Coordinating Board for
7 Higher Education", which is hereby created, and the coordinating board shall be the head of

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.

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

27 (1) The coordinating board for higher education may approve, not approve, or
28 provisionally approve proposed new degree programs to be offered by the state institutions of
29 higher education. The coordinating board may authorize a degree program outside an
30 institution's coordinating board-approved mission only when the coordinating board has
31 received clear evidence that the institution proposing to offer the program:

32 (a) Made a good-faith effort to explore the feasibility of offering the program in
33 collaboration with an institution the mission of which includes offering the program;

34 (b) Is contributing substantially to the goals in the coordinating board's coordinated
35 plan for higher education;

36 (c) Has the existing capacity to ensure the program is delivered in a high-quality
37 manner;

38 (d) Has demonstrated that the proposed program is needed;

39 (e) Has a clear plan to meet the articulated workforce need; and

40 (f) Such other factors deemed relevant by the coordinating board;

41 (2) ~~[The governing board of each public institution of higher education in the state
42 shall have the power and authority to confer degrees in chiropractic, osteopathic medicine,
43 and podiatry only in collaboration with the University of Missouri, provided that such
44 collaborative agreements are approved by the governing board of each institution and that in~~

45 ~~these instances the University of Missouri will be the degree-granting institution. Should the~~
46 ~~University of Missouri decline to collaborate in the offering of such programs, any of these~~
47 ~~institutions may seek approval of the program through the coordinating board for higher~~
48 ~~education's comprehensive review process when doing so would not unnecessarily duplicate~~
49 ~~an existing program, collaboration is not feasible or a viable means of meeting the needs of~~
50 ~~students and employers, and the institution has the academic and financial capacity to offer~~
51 ~~the program in a high quality manner;~~

52 (3) The coordinating board for higher education may promote and encourage the
53 development of cooperative agreements between Missouri public four-year institutions of
54 higher education which do not offer graduate degrees and Missouri public four-year
55 institutions of higher education which do offer graduate degrees for the purpose of offering
56 graduate degree programs on campuses of those public four-year institutions of higher
57 education which do not otherwise offer graduate degrees. Such agreements shall identify the
58 obligations and duties of the parties, including assignment of administrative responsibility.
59 Any diploma awarded for graduate degrees under such a cooperative agreement shall include
60 the names of both institutions inscribed thereon. Any cooperative agreement in place as of
61 August 28, 2003, shall require no further approval from the coordinating board for higher
62 education. Any costs incurred with respect to the administrative provisions of this
63 subdivision may be paid from state funds allocated to the institution assigned the
64 administrative authority for the program. The provisions of this subdivision shall not be
65 construed to invalidate the provisions of subdivision (1) of this subsection;

66 ~~(4)~~ (3) In consultation with the heads of the institutions of higher education affected
67 and against a background of carefully collected data on enrollment, physical facilities,
68 manpower needs, and institutional missions, the coordinating board for higher education shall
69 establish guidelines for appropriation requests by those institutions of higher education;
70 however, other provisions of the Reorganization Act of 1974 notwithstanding, all funds shall
71 be appropriated by the general assembly to the governing board of each public four-year
72 institution of higher education which shall prepare expenditure budgets for the institution;

73 ~~(5)~~ (4) No new state-supported senior colleges or residence centers shall be
74 established except as provided by law and with approval of the coordinating board for higher
75 education;

76 ~~(6)~~ (5) The coordinating board for higher education shall establish admission
77 guidelines consistent with institutional missions;

78 ~~(7)~~ (6) The coordinating board for higher education shall require all public two-year
79 and four-year higher education institutions to replicate best practices in remediation identified
80 by the coordinating board and institutions from research undertaken by regional educational
81 laboratories, higher education research organizations, and similar organizations with expertise

82 in the subject, and identify and reduce methods that have been found to be ineffective in
83 preparing or retaining students or that delay students from enrollment in college-level
84 courses;

85 ~~[(8)]~~ (7) The coordinating board shall establish policies and procedures for
86 institutional decisions relating to the residence status of students;

87 ~~[(9)]~~ (8) The coordinating board shall establish guidelines to promote and facilitate
88 the transfer of students between institutions of higher education within the state and, with the
89 assistance of the committee on transfer and articulation, shall require all public two-year and
90 four-year higher education institutions to create by July 1, 2014, a statewide core transfer
91 library of at least twenty-five lower division courses across all institutions that are
92 transferable among all public higher education institutions. The coordinating board shall
93 establish policies and procedures to ensure such courses are accepted in transfer among public
94 institutions and treated as equivalent to similar courses at the receiving institutions. The
95 coordinating board shall develop a policy to foster reverse transfer for any student who has
96 accumulated enough hours in combination with at least one public higher education
97 institution in Missouri that offers an associate degree and one public four-year higher
98 education institution in the prescribed courses sufficient to meet the public higher education
99 institution's requirements to be awarded an associate degree. The department of elementary
100 and secondary education shall maintain the alignment of the assessments found in section
101 160.518 and successor assessments with the competencies previously established under this
102 subdivision for entry-level collegiate courses in English, mathematics, foreign language,
103 sciences, and social sciences associated with an institution's general education core;

104 ~~[(10)]~~ (9) The coordinating board shall collect the necessary information and develop
105 comparable data for all institutions of higher education in the state. The coordinating board
106 shall use this information to delineate the areas of competence of each of these institutions
107 and for any other purposes deemed appropriate by the coordinating board;

108 ~~[(11)]~~ (10) Compliance with requests from the coordinating board for institutional
109 information and the other powers, duties and responsibilities, herein assigned to the
110 coordinating board, shall be a prerequisite to the receipt of any funds which the coordinating
111 board is responsible for administering;

112 ~~[(12)]~~ (11) If any institution of higher education in this state, public or private,
113 willfully fails or refuses to follow any lawful guideline, policy or procedure established or
114 prescribed by the coordinating board, or knowingly deviates from any such guideline, or
115 knowingly acts without coordinating board approval where such approval is required, or
116 willfully fails to comply with any other lawful order of the coordinating board, the
117 coordinating board may, after a public hearing, withhold or direct to be withheld from that
118 institution any funds the disbursement of which is subject to the control of the coordinating

119 board, or may remove the approval of the institution as an approved institution within the
120 meaning of section 173.1102. If any such public institution willfully disregards board policy,
121 the commissioner of higher education may order such institution to remit a fine in an amount
122 not to exceed one percent of the institution's current fiscal year state operating appropriation
123 to the board. The board shall hold such funds until such time that the institution, as
124 determined by the commissioner of higher education, corrects the violation, at which time the
125 board shall refund such amount to the institution. If the commissioner determines that the
126 institution has not redressed the violation within one year, the fine amount shall be deposited
127 into the general revenue fund, unless the institution appeals such decision to the full
128 coordinating board, which shall have the authority to make a binding and final decision, by
129 means of a majority vote, regarding the matter. However, nothing in this section shall prevent
130 any institution of higher education in this state from presenting additional budget requests or
131 from explaining or further clarifying its budget requests to the governor or the general
132 assembly;

133 ~~[(13)]~~ (12) In recognition of institutions that meet the requirements of subdivision (2),
134 (3), or (4) of subsection 1 of section 173.616, are established by name as an educational
135 institution in Missouri, and are authorized to operate programs beyond secondary education
136 for purposes of authorization under 34 CFR 600.9, the coordinating board for higher
137 education shall maintain and publish on its website a list of such postsecondary educational
138 institutions; and

139 ~~[(14)]~~ (13) (a) As used in this subdivision, the term "out-of-state public institution of
140 higher education" shall mean an education institution located outside of Missouri that:

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

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

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

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

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

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

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

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

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

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

193 privately supported four-year college, and one privately supported university. The
194 conferences shall enable the committee to advise the coordinating board of the views of
195 the institutions on matters within the purview of the coordinating board.

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

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

202 6. The state anatomical board, chapter 194, is transferred by type II transfer to the
203 department of higher education and workforce development.

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

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

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

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

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

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

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

26 (5) Coordinating reciprocal agreements between or among Missouri state institutions
27 of higher education at the request of one or more of the institutions party to the agreement,
28 and between or among Missouri state institutions of higher education and publicly supported
29 higher education institutions located outside the state of Missouri at the request of any
30 Missouri institution party to the agreement;

31 (6) Entering into agreements for interstate reciprocity regarding the delivery of
32 postsecondary distance education, administering such agreements, and approving or
33 disapproving applications to participate in such agreements from a postsecondary
34 institution that has its principal campus in the state of Missouri:

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

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

39 b. Establishment of consumer protection policies for distance education addressing
40 recruitment and marketing activities; disclosure of tuition, fees, and other charges; disclosure
41 of admission processes and procedures; and student complaints;

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

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

48 (d) The coordinating board shall promulgate rules to implement the provisions of this
49 subdivision. Any rule or portion of a rule, as that term is defined in section 536.010, that is
50 created under the authority delegated in this section shall become effective only if it complies
51 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
52 This section and chapter 536 are nonseverable and if any of the powers vested with the
53 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
54 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
55 rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid
56 and void;

57 (7) Administering the nurse training incentive fund;

58 (8) Conducting, in consultation with each public four-year institution's governing
59 board and the governing board of technical colleges and community colleges, a review every
60 five years of the mission statements of the institutions comprising Missouri's system of public
61 higher education. This review shall be based upon the needs of the citizens of the state as
62 well as the requirements of business, industry, the professions and government. The purpose
63 of this review shall be to ensure that Missouri's system of higher education is responsive to
64 the state's needs and is focused, balanced, cost-effective, and characterized by programs of
65 high quality as demonstrated by student performance and program outcomes. As a
66 component of this review, each institution shall prepare, in a manner prescribed by the
67 coordinating board, a mission implementation plan for the coordinating board's consideration
68 and approval. If the coordinating board determines that an institution has qualified for a
69 mission change or additional targeted resources pursuant to review conducted under this
70 subdivision and subdivision (9) of this subsection, the coordinating board shall submit a
71 report to the general assembly that outlines the proposed mission change or targeted state
72 resources. No change of mission for an institution under this subdivision establishing a
73 statewide mission shall become effective until the general assembly approves the proposed
74 mission change by concurrent resolution, except for the institution defined pursuant to
75 subdivision (1) of section 174.010, and has been approved by the coordinating board and the
76 institutions for which the coordinating board has recommended a statewide mission prior to
77 August 28, 1995. The effective date of any mission change under this subdivision shall be the
78 first day of July immediately following the approval of the concurrent resolution by the
79 general assembly as required under this subdivision, and shall be August 28, 1995, for any
80 institution for which the coordinating board has recommended a statewide mission which has

81 not yet been implemented on such date. Nothing in this subdivision shall preclude an
82 institution from initiating a request to the coordinating board for a revision of its mission; and

83 (9) Reviewing applications from institutions seeking a statewide mission. Such
84 institutions shall provide evidence to the coordinating board that they have the capacity to
85 discharge successfully such a mission. Such evidence shall consist of the following:

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

95 (b) That the institution offers one or more programs of unusual strength which
96 respond to a specific statewide need. Examples of evidence of meeting this requirement
97 which the institution may present include, but are not limited to, the following: receipt of
98 national, discipline-specific accreditation when available; receipt of independent certification
99 for meeting national or state standards or requirements when discipline-specific accreditation
100 is not available; for occupationally specific programs, placement rates significantly higher
101 than average; for programs for which state or national licensure is required or for which state
102 or national licensure or registration is available on a voluntary basis, licensure or registration
103 rates for graduates seeking such recognition significantly higher than average; or quality of
104 program faculty as measured by the percentage holding terminal degrees, the percentage
105 writing publications in professional journals or other appropriate media, and the percentage
106 securing competitively awarded research grants which are higher than average;

107 (c) That the institution has a clearly articulated admission standard consistent with the
108 provisions of subdivision ~~[(6)]~~ (5) of subsection 2 of section 173.005 or section 174.130;

109 (d) That the institution is characterized by a focused academic environment which
110 identifies specific but limited areas of academic emphasis at the undergraduate, and if
111 appropriate, at the graduate and professional school levels, including the identification of
112 programs to be continued, reduced, terminated or targeted for excellence. The institution
113 shall, consistent with its focused academic environment, also have the demonstrable capacity
114 to provide significant public service or research support that address statewide needs for
115 constituencies beyond its historic statutory service region; and

116 (e) That the institution has adopted and maintains a program of continuous quality
117 improvement, or the equivalent of such a program, and reports annually appropriate and

118 verifiable measures of institutional accountability related to such program. Such measures
119 shall include, but not be limited to, indicators of student achievement and institutional
120 mission attainment such as percentage of students meeting institutional admission standards;
121 success of remediation programs, if offered; student retention rate; student graduation rate;
122 objective measures of student, alumni, and employer satisfaction; objective measures of
123 student learning in general education and the major, including written and oral
124 communication skills and critical thinking skills; percentage of students attending graduate
125 or professional schools; student placement, licensure and professional registration rates when
126 appropriate to a program's objectives; objective measures of successful attainment of
127 statewide goals as may be expressed from time to time by the coordinating board or by the
128 general assembly; and objective measures of faculty teaching effectiveness. In the
129 development and evaluation of these institutional accountability reports, the coordinating
130 board and institutions are expected to use multiple measures of success, including nationally
131 developed and verified as well as locally developed and independently verified assessment
132 instruments; however, preference shall be given to nationally developed instruments when
133 they are available and if they are appropriate. Institutions which serve or seek to serve a
134 statewide mission shall be judged to have met the prerequisites for such a mission when they
135 demonstrate to the coordinating board that they have met the criteria described in this
136 subdivision. As a component of this process, each institution shall prepare, in a manner
137 prescribed by the coordinating board, a mission implementation plan for the coordinating
138 board's consideration and approval.

173.040. The coordinating board is directed to submit a written report to the governor
2 or governor-elect at least forty-five days prior to the opening of each regular session of the
3 general assembly and to submit the same report to the general assembly within five days after
4 the opening of each regular session. The report shall include:

5 (1) A statement of the initial coordinated plan for higher education in Missouri,
6 together with subsequent changes and implementations;

7 (2) A review of recent changes in enrollments and programs among institutions of
8 higher education in the state;

9 (3) A review of requests and recommendations made by the coordinating board to
10 institutions of higher education in accordance with section 173.030 and of the college's or
11 university's response to requests and recommendations, including noncompliance therewith;

12 (4) The coordinating board's recommendations for development and coordination in
13 state-supported higher education in the forthcoming biennium, within the context of the long-
14 range coordinated plan;

15 (5) The coordinating board's budget recommendations for each state-supported
16 college or university for the forthcoming biennium; and

17 (6) The campus-level data on student persistence and a description, including the
18 basis of measurement, of progress towards implementing revised remediation, transfer, and
19 retention practices under subdivisions [~~(7) and (9)~~] **(6) and (8)** of subsection 2 of section
20 173.005.

173.616. 1. The following schools, training programs, and courses of instruction
2 shall be exempt from the provisions of sections 173.600 to 173.618:

3 (1) A public institution;

4 (2) Any college or university represented directly or indirectly on the advisory
5 committee of the coordinating board for higher education as provided in subsection 3 of
6 section 173.005;

7 (3) An institution that is certified by the board as an approved private institution
8 under subdivision (2) of subsection 1 of section 173.1102;

9 (4) A not-for-profit religious school that is accredited by the American Association of
10 Bible Colleges, the Association of Theological Schools in the United States and Canada, or a
11 regional accrediting association, such as the North Central Association, which is recognized
12 by the Council on Postsecondary Accreditation and the United States Department of
13 Education; and

14 (5) Beginning July 1, 2008, all out-of-state public institutions of higher education, as
15 such term is defined in subdivision [~~(14)~~] **(13)** of subsection 2 of section 173.005.

16 2. The coordinating board shall exempt the following schools, training programs and
17 courses of instruction from the provisions of sections 173.600 to 173.618:

18 (1) A not-for-profit school owned, controlled and operated by a bona fide religious or
19 denominational organization which offers no programs or degrees and grants no degrees or
20 certificates other than those specifically designated as theological, bible, divinity or other
21 religious designation;

22 (2) A not-for-profit school owned, controlled and operated by a bona fide
23 eleemosynary organization which provides instruction with no financial charge to its students
24 and at which no part of the instructional cost is defrayed by or through programs of
25 governmental student financial aid, including grants and loans, provided directly to or for
26 individual students;

27 (3) A school which offers instruction only in subject areas which are primarily for
28 avocational or recreational purposes as distinct from courses to teach employable, marketable
29 knowledge or skills, which does not advertise occupational objectives and which does not
30 grant degrees;

31 (4) A course of instruction, study or training program sponsored by an employer for
32 the training and preparation of its own employees;

33 (5) A course of study or instruction conducted by a trade, business or professional
34 organization with a closed membership where participation in the course is limited to bona
35 fide members of the trade, business or professional organization, or a course of instruction for
36 persons in preparation for an examination given by a state board or commission where the
37 state board or commission approves that course and school;

38 (6) A school or person whose clientele are primarily students aged sixteen or under;

39 (7) A yoga teacher training course, program, or school.

40 3. A school which is otherwise licensed and approved under and pursuant to any other
41 licensing law of this state shall be exempt from sections 173.600 to 173.618, but a state
42 certificate of incorporation shall not constitute licensing for the purpose of sections 173.600
43 to 173.618.

44 4. Any school, training program or course of instruction exempted herein may elect
45 by majority action of its governing body or by action of its director to apply for approval of
46 the school, training program or course of instruction under the provisions of sections 173.600
47 to 173.618. Upon application to and approval by the coordinating board, such school training
48 program or course of instruction may become exempt from the provisions of sections 173.600
49 to 173.618 at any subsequent time, except the board shall not approve an application for
50 exemption if the approved school is then in any status of noncompliance with certification
51 standards and a reversion to exempt status shall not relieve the school of any liability for
52 indemnification or any penalty for noncompliance with certification standards during the
53 period of the school's approved status.

173.750. 1. By July 1, 1995, the coordinating board for higher education, within
2 existing resources provided to the department of higher education and workforce
3 development and by rule and regulation, shall have established and implemented a
4 procedure for annually reporting the performance of graduates of public high schools in the
5 state during the student's initial year in the public colleges and universities of the state. The
6 purpose of such reports shall be to assist in determining how high schools are preparing
7 students for successful college and university performance. The report produced pursuant to
8 this subsection shall annually be furnished to the state board of education for reporting
9 pursuant to subsection 4 of section 161.610 and shall not be used for any other purpose until
10 such time that a standard process and consistent, specific criteria for determining a student's
11 need for remedial coursework is agreed upon by the coordinating board for higher education,
12 higher education institutions, and the state board of education.

13 2. The procedures shall be designed so that the reporting is made by the name of each
14 high school in the state, with individual student data to be grouped according to the high
15 school from which the students graduated. The data in the reports shall be disaggregated by
16 race and sex. The procedures shall not be designed so that the reporting contains the name of

17 any student. No grade point average shall be disclosed under subsection 3 of this section in
18 any case where three or fewer students from a particular high school attend a particular
19 college or university.

20 3. The data reported shall include grade point averages after the initial college year,
21 calculated on, or adjusted to, a four point grade scale; the percentage of students returning to
22 college after the first and second half of the initial college year, or after each trimester of the
23 initial college year; the percentage of students taking noncollege level classes in basic
24 academic courses during the first college year, or remedial courses in basic academic subjects
25 of English, mathematics, or reading; and other such data as determined by rule and regulation
26 of the coordinating board for higher education.

27 4. The department of elementary and secondary education shall conduct a review of
28 its policies and procedures relating to remedial education in light of the best practices in
29 remediation identified as required by subdivision ~~[(7)]~~ (6) of subsection 2 of section 173.005
30 to ensure that school districts are informed about best practices to reduce the need for
31 remediation. The department shall present its results to the joint committee on education by
32 October 31, 2017.

174.160. The board of regents of each state college and each state teachers college
2 shall have power and authority to confer upon students, by diploma under the common seal,
3 such degrees as are usually granted by such colleges, and additional degrees only when
4 authorized by the coordinating board for higher education in circumstances in which offering
5 such degree would not unnecessarily duplicate an existing program, collaboration is not
6 feasible or a viable means of meeting the needs of students and employers, and the institution
7 has the academic and financial capacity to offer the program in a high-quality manner. In the
8 case of nonresearch doctoral degrees in allied health professions, an institution may be
9 authorized to offer such degree independently if offering it in collaboration with another
10 institution would not increase the quality of the program or allow it to be delivered more
11 efficiently. ~~[Such boards shall have the power and authority to confer degrees in engineering
12 only in collaboration with the University of Missouri, provided that such collaborative
13 agreements are approved by the governing board of each institution and that in these instances
14 the University of Missouri will be the degree-granting institution. Should the University of
15 Missouri decline to collaborate in the offering of such programs, one of these institutions may
16 seek approval of the program through the coordinating board for higher education's
17 comprehensive review process when doing so would not unnecessarily duplicate an existing
18 program, collaboration is not feasible or a viable means of meeting the needs of students and
19 employers, and the institution has the academic and financial capacity to offer the program in
20 a high-quality manner.]~~

174.231. 1. On and after August 28, 2005, the institution formerly known as Missouri Southern State College located in Joplin, Jasper County, shall be known as "Missouri Southern State University". Missouri Southern State University is hereby designated and shall hereafter be operated as a statewide institution of international or global education. The Missouri Southern State University is hereby designated a moderately selective institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and ~~[(3)]~~ (2) of subsection 2 of section 173.005. The institution shall develop such academic support programs and public service activities it deems necessary and appropriate to establish international or global education as a distinctive theme of its mission.

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

174.251. 1. On and after August 28, 2005, the institution formerly known as Missouri Western State College at St. Joseph, Buchanan County, shall hereafter be known as the "Missouri Western State University". Missouri Western State University is hereby designated and shall hereafter be operated as a statewide institution of applied learning. The Missouri Western State University is hereby designated an open enrollment institution which shall provide associate degree programs except as provided in subsection 2 of this section, baccalaureate degree programs, and graduate degree programs pursuant to subdivisions (1) and ~~[(3)]~~ (2) of subsection 2 of section 173.005. The institution shall develop such academic support programs as it deems necessary and appropriate to an open enrollment institution with a statewide mission of applied learning.

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

174.310. 1. There shall be a period of orderly transition which shall begin with the appointment of the board of regents, during which the St. Louis board of education shall convey by gift, the buildings, facilities, equipment, and adjoining eight acres, more or less, of realty located at 3026 Laclede Avenue, St. Louis, Missouri, which currently serves as the campus of Harris-Stowe State College, to the board of regents, and during which time the St. Louis board of education, at its own expense, shall continue to provide necessary supporting services to Harris-Stowe State College. The transition period shall terminate no later than

8 July 1, 1979, at which time the regents shall be responsible for every aspect of the college's
9 operation.

10 2. Notwithstanding any other provisions of this chapter to the contrary, the board of
11 regents of Harris-Stowe State College is authorized to offer baccalaureate degree programs
12 and graduate degree programs that will meet the needs of the St. Louis metropolitan area.
13 Such programs shall be subject to approval by the coordinating board for higher education as
14 provided for in subdivisions (1) and [~~3~~] (2) of subsection 2 of section 173.005.

15 3. The state shall, effective July 1, 1978, provide the necessary funds to fully staff and
16 operate Harris-Stowe State College and to make appropriate capital improvements.

17 4. On and after August 28, 2005, Harris-Stowe State College shall be known as
18 Harris-Stowe State University, and the provisions contained in subsections 1 to 3 of this
19 section shall continue to apply to the institution.

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