

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 150, Page 1, Section 172.280,
2 Line 8, by inserting after all of the said section and line the following:
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4 "173.612. 1. The board shall, through the department of higher education and workforce
5 development, administer, supervise, and enforce the provisions and policies of sections 173.600 to 173.618
6 and shall assign the personnel that are necessary to exercise its powers and duties.

7 2. The rules and regulations adopted by the board under sections 173.600 to 173.618, together with
8 any amendments thereto, shall be filed with the office of the secretary of state. The board may:

9 (1) Issue proprietary school certificates of approval or temporary certificates of approval to
10 applicants meeting the requirements of sections 173.600 to 173.618;

11 (2) Suspend or revoke certificates or temporary certificates of approval, or place certified schools on
12 probation;

13 (3) Require each proprietary school to file a security bond with the board, through the state
14 department of higher education and workforce development, covering the school and its agents to indemnify
15 any student, enrollee or parent, guardian, or sponsor of a student or enrollee who suffers loss or damage
16 because of a violation of sections 173.600 to 173.618 by the school, or because a student is unable to
17 complete ~~the~~ a course or program due to the school's ceasing operation or because a student does not
18 receive a refund to which ~~he~~ such student is entitled. In the event a student, enrollee, or parent, guardian, or
19 sponsor of a student or enrollee suffers loss or damage because of a violation of sections 173.600 to 173.618
20 by the school, or a student or enrollee is unable to complete a course or program due to the school ceasing
21 operations, or because a student or enrollee does not receive a refund to which such student or enrollee is
22 entitled, the school shall forfeit the entirety of the security bond to the department and the department shall
23 use proceeds to indemnify students and enrollees and to secure and administer student and enrollee records as
24 appropriate. The bond or other security shall cover all the facilities and locations of a proprietary school and
25 shall not be less than five thousand dollars or ten percent of the preceding year's gross tuition, whichever is
26 greater, but in no case shall it exceed one hundred thousand dollars. The bond shall clearly state that the
27 school and the agents of the school are covered by it. The board may authorize the use of certificates of
28 deposit, letters of credit, or other assets to be posted as security in lieu of this surety bond requirement;

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1 (4) Collect only that data from certified proprietary schools necessary to administer, supervise, and
2 enforce the provisions of sections 173.600 to 173.619. The department shall, subject to appropriations,
3 provide a system to electronically submit all data;

4 (5) Review proposals for new programs within ninety days from the date that a certified school
5 submits a new program for review, and review proposals for revised programs within sixty days from the date
6 that a certified school submits a revised program for review. If the department fails to review a proposal for a
7 new or revised program within the prescribed time frame, the school shall be permitted to offer the program
8 until the department completes its review and identifies a substantive issue or issues that need correction. In
9 such case the department shall notify the school within an additional ninety days and the school shall then
10 have ninety days from the date it is informed that a program offering has a deficiency to correct the
11 deficiency without having to cease offering the program;

12 (6) Administer sections 173.600 to 173.618 and initiate action to enforce it.

13 3. Any school [~~which~~] that closes or whose certificate of approval is suspended, revoked, or not
14 renewed shall, on the approval of the coordinating board, make partial or full refund of tuition and fees to the
15 students enrolled, continue operation under a temporary certificate until students enrolled have completed the
16 program for which they were enrolled, make arrangements for another school or schools to complete the
17 instruction for which the students are enrolled, employ a combination of these methods in order to fulfill its
18 obligations to the students, or implement other plans approved by the coordinating board.

19 4. Any rule or portion of a rule promulgated pursuant to sections 173.600 to 173.618 may be
20 suspended by the joint [~~house-senate~~] committee on administrative rules until such time as the general
21 assembly may by concurrent resolution signed by the governor reinstate such rule.

22 173.616. 1. The following schools, training programs, and courses of instruction shall be exempt
23 from the provisions of sections 173.600 to 173.618:

24 (1) A public institution;

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

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

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

33 (5) Beginning July 1, 2008, all out-of-state public institutions of higher education, as such term is
34 defined in subdivision (14) of subsection 2 of section 173.005.

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

37 (1) A not-for-profit school owned, controlled, and operated by a bona fide religious or
38 denominational organization [~~which~~] that offers no programs or degrees and grants no degrees or certificates
39 other than those specifically designated as theological, bible, divinity, or other religious designation;

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

5 (3) A school ~~[which] that~~ offers instruction only in subject areas ~~[which] that~~ are primarily for
 6 avocational or recreational purposes as distinct from courses to teach employable, marketable knowledge or
 7 skills, ~~[which] that~~ does not advertise occupational objectives, and ~~[which] that~~ does not grant degrees;

8 (4) A course of instruction[;] or study or a training program sponsored by an employer for the
 9 training and preparation of its own employees;

10 (5) A course of instruction or study or a training program offered by a training provider as part of a
 11 registered apprenticeship, as approved by the United States Department of Labor;

12 (6) A course of instruction or study or a training program offered by a training provider as part of a
 13 preapprenticeship approved by the office of workforce development in the state department of higher
 14 education and workforce development as determined by reference to standards promulgated by the
 15 department;

16 (7) A course of study or instruction conducted by a trade, business, or professional organization with
 17 a closed membership where participation in the course is limited to bona fide members of the trade, business,
 18 or professional organization, or a course of instruction for persons in preparation for an examination given by
 19 a state board or commission where the state board or commission approves that course and school;

20 ~~[(6)]~~ (8) A school or person whose clientele are primarily students aged sixteen or under;

21 ~~[(7)]~~ (9) A yoga teacher training course, program, or school.

22 3. A school ~~[which] that~~ is otherwise licensed and approved under ~~[and pursuant to]~~ any other
 23 licensing law of this state shall be exempt from sections 173.600 to 173.618, but a state certificate of
 24 incorporation shall not constitute licensing for the purpose of sections 173.600 to 173.618.

25 4. Any school, training program, or course of instruction exempted herein may elect by majority
 26 action of its governing body or by action of its director to apply for approval of the school, training program,
 27 or course of instruction under the provisions of sections 173.600 to 173.618. Upon application to and
 28 approval by the coordinating board, such school, training program, or course of instruction may become
 29 exempt from the provisions of sections 173.600 to 173.618 at any subsequent time, except the board shall not
 30 approve an application for exemption if the approved school is then in any status of noncompliance with
 31 certification standards and a reversion to exempt status shall not relieve the school of any liability for
 32 indemnification or any penalty for noncompliance with certification standards during the period of the
 33 school's approved status."; and

34 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
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