

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 616 & 90**  
**103RD GENERAL ASSEMBLY**

1473H.02C

JOSEPH ENGLER, Chief Clerk

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**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.

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*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A. Sections 172.280, 173.005, 173.030, 173.040, 173.616, 173.750, 174.160, 174.231, 174.251, and 174.310, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 172.280, 173.005, 173.030, 173.040, 173.616, 173.750, 174.160, 174.231, 174.251, and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 common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university. ~~[The University of Missouri is the state's only public research university and the exclusive grantor of research doctorates. As such, except as provided in section 175.040, the University of Missouri shall be the only state college or university that may offer doctor of philosophy degrees or first professional degrees, including dentistry, law, medicine, optometry, pharmacy, and veterinary medicine.]~~

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

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

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.

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~~ **such member's** term. Moreover, no person  
13 shall be appointed to the coordinating board who shall not be a citizen of the United States,  
14 and who shall not have been a resident of the state of Missouri two years next prior to  
15 appointment, and at least one but not more than two persons shall be appointed to said board  
16 from each congressional district. The term of service of a member of the coordinating board  
17 shall be six years and said members, while attending the meetings of the board, shall be  
18 reimbursed for their actual expenses. Notwithstanding any provision of law to the contrary,  
19 nothing in this section relating to a change in the composition and configuration of  
20 congressional districts in this state shall prohibit a member who is serving a term on August  
21 28, 2011, from completing his or her term. The coordinating board may, in order to carry out  
22 the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such  
23 professional, clerical and research personnel as may be necessary to assist it in performing  
24 those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent  
25 employees regardless of the source of funding. In addition to all other powers, duties and  
26 functions transferred to it, the coordinating board for higher education shall have the  
27 following duties and responsibilities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

113 ~~[(12)]~~ (11) If any institution of higher education in this state, public or private,  
114 willfully fails or refuses to follow any lawful guideline, policy or procedure established or  
115 prescribed by the coordinating board, or knowingly deviates from any such guideline, or  
116 knowingly acts without coordinating board approval where such approval is required, or  
117 willfully fails to comply with any other lawful order of the coordinating board, the  
118 coordinating board may, after a public hearing, withhold or direct to be withheld from that  
119 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;

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

~~[(14)]~~ **(13)** (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

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

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

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

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

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

217         8. All the powers, duties, functions, and properties of the state poultry experiment  
218 station, chapter 262, are transferred by type I transfer to the University of Missouri, and the  
219 state poultry association and state poultry board are abolished. In the event the University of  
220 Missouri shall cease to use the real estate of the poultry experiment station for the purposes of  
221 research or shall declare the same surplus, all real estate shall revert to the governor of the  
222 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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