

SECOND REGULAR SESSION

HOUSE BILL NO. 1979

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (14) (Sponsor), RUESTMAN, BROWN (30), KRAUS,
MEADOWS, MOORE, McGHEE AND SCHIEFFER (Co-sponsors).

Read 1st time February 4, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4662L.01I

AN ACT

To amend chapter 173, RSMo, by adding thereto one new section relating to the Missouri national guard family education grant.

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

Section A. Chapter 173, RSMo, is amended by adding thereto one new section, to be
2 known as section 173.245, to read as follows:

**173.245. 1. As used in this section, unless the context clearly requires otherwise, the
2 following terms mean:**

3 **(1) "Approved institution of higher education", an educational institution located
4 in Missouri which:**

5 **(a) Is directly controlled or administered by a public agency or political
6 subdivision;**

7 **(b) Receives appropriations directly or indirectly from the general assembly for
8 operating expenses;**

9 **(c) Provides a postsecondary course of instruction at least six months in length
10 leading to or directly creditable toward a degree or certificate;**

11 **(d) Meets the standards for accreditation as determined by either the North Central
12 Association of Colleges and Secondary Schools, or if a public junior college created under
13 the provisions of sections 178.370 to 178.400, RSMo, meets the standards established 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.

14 coordinating board for higher education for such public junior colleges, or by other
15 accrediting bodies recognized by the United States Office of Education or by utilizing
16 accreditation standards applicable to the institution as established by the coordinating
17 board for higher education;

18 (e) Does not discriminate in the hiring of administrators, faculty and staff or in the
19 admission of students on the basis of race, color, religion, sex, or national origin and is
20 otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive
21 orders issued pursuant thereto;

22 (f) Permits faculty members to select textbooks without influence or pressure by
23 any religious or sectarian source;

24 (2) "Board", the coordinating board for higher education;

25 (3) "Books", any books required for any course for which tuition was paid by a
26 grant awarded under this section;

27 (4) "Grant", the Missouri national guard and Missouri reservists family education
28 grant as established in this section;

29 (5) "Institution of postsecondary education", any approved Missouri public
30 institution of higher education, as defined in subdivision (1) of this subsection;

31 (6) "Tuition", any tuition or incidental fee or both charged by an institution of
32 postsecondary education, as defined in this section, for attendance at the institution by a
33 student as a resident of this state.

34 2. Within the limits of the amounts appropriated therefor, the coordinating board
35 for higher education shall annually award grants to:

36 (1) Children of members of the Missouri national guard or Missouri reservists with
37 the United States reserves, if the parent is deployed in support of the global war on
38 terrorism and the child meets specific financial guidelines established by the board; and

39 (2) Spouses of members of the Missouri national guard or Missouri reservists with
40 the United States reserves, if the member or reservist was injured while deployed in
41 support of the global war on terrorism and the extent of the injury and its effect on the
42 member's or reservist's ability to return to his or her profession after discharge from the
43 national guard meets specific guidelines established by the board.

44 3. A child or spouse may receive a grant under this section only so long as the child
45 or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate
46 degree. In no event shall a child or spouse receive a grant beyond the completion of the
47 first baccalaureate degree, regardless of age. No child or spouse shall receive more than
48 one hundred percent of tuition and books when combined with similar funds made
49 available to such child or spouse.

50 **4. The coordinating board for higher education shall:**

51 **(1) Promulgate all necessary rules and regulations for the implementation of this**
52 **section;**

53 **(2) Determine minimum standards of performance in order for a child or spouse**
54 **to remain eligible to receive a grant under this program;**

55 **(3) Make available on behalf of a child or spouse an amount toward the child's or**
56 **spouse's tuition, room and board, and books which is equal to the grant to which the child**
57 **or spouse is entitled under the provisions of this section;**

58 **(4) Provide the forms and determine the procedures necessary for a child or spouse**
59 **to apply for and receive a grant under this program.**

60 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
61 **that is created under the authority delegated in this section shall become effective only if**
62 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
63 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
64 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
65 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
66 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
67 **adopted after August 28, 2008, shall be invalid and void.**

68 **6. In order to be eligible to receive a grant under this section, a child or spouse shall**
69 **be certified as eligible by a Missouri national guard officer or an appropriate designee of**
70 **the Missouri veterans commission.**

71 **7. A child or spouse who is enrolled or has been accepted for enrollment as an**
72 **undergraduate postsecondary student at an approved institution of postsecondary**
73 **education shall receive a grant in an amount not to exceed the actual tuition, as defined in**
74 **this section, an allowance of up to two thousand dollars per semester for room and board,**
75 **and the actual cost of books, as defined in this section, up to a maximum of five hundred**
76 **dollars per semester, charged at an approved institution of postsecondary education where**
77 **the child or spouse is enrolled or accepted for enrollment.**

78 **8. A child or spouse who is a recipient of a grant may transfer from one approved**
79 **public institution of postsecondary education to another without losing his or her**
80 **entitlement under this section. The board shall make necessary adjustments in the amount**
81 **of the grant. If a grant recipient at any time withdraws from the institution of**
82 **postsecondary education so that under the rules and regulations of that institution he or**
83 **she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the**
84 **institution shall pay the portion of the refund to which he or she is entitled attributable to**
85 **the grant for that semester or similar grading period to the board.**

86 **9. If a child or spouse is granted financial assistance under any other student aid**
87 **program, public or private, the full amount of such aid shall be reported to the board by**
88 **the institution and the eligible child or spouse.**

89 **10. Nothing in this section shall be construed as a promise or guarantee that a**
90 **person will be admitted to an institution of postsecondary education or to a particular**
91 **institution of postsecondary education, will be allowed to continue to attend an institution**
92 **of postsecondary education after having been admitted, or will be graduated from an**
93 **institution of postsecondary education.**

94 **11. The benefits conferred by this section shall be available to any academically**
95 **qualified child or spouse of a member of the Missouri national guard or a Missouri**
96 **resident who is a member of the United States military reserves. Children who are eligible**
97 **shall be permitted to apply for full benefits conferred by this section until they reach**
98 **twenty-five years of age.**

99 **12. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

100 **(1) The provisions of the new program authorized under this section shall**
101 **automatically sunset six years after the effective date of this section unless reauthorized by**
102 **an act of the general assembly; and**

103 **(2) If such program is reauthorized, the program authorized under this section**
104 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
105 **section; and**

106 **(3) This section, shall terminate on September first of the calendar year**
107 **immediately following the calendar year in which the program authorized under this**
108 **section is sunset.**

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