

FIRST REGULAR SESSION

HOUSE BILL NO. 903

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KINGERY (Sponsor), SCHOEMEHL, HOSKINS (121), BIVINS, THOMSON, DIXON, McNEIL, SCHUPP, STORCH, KRAUS, DENISON, KUESSNER AND RUESTMAN (Co-sponsors).

1968L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 160.545, RSMo, and to enact in lieu thereof two new sections relating to the Missouri promise program.

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

Section A. Section 160.545, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 160.545 and 173.268, to read as follows:

160.545. 1. There is hereby established within the department of elementary and secondary education the "A+ Schools Program" to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

(1) All students be graduated from school;

(2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and

(3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

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 (2) Specify the knowledge, skills and competencies, in measurable terms, that students
15 must demonstrate to successfully complete any individual course offered by the school, and any
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic
20 subjects for students pursuing vocational and technical education as prescribed by rule and
21 regulation of the state board of education; and

22 (5) Have a partnership plan developed in cooperation and with the advice of local
23 business persons, labor leaders, parents, and representatives of college and postsecondary
24 vocational and technical school representatives, with the plan then approved by the local board
25 of education. The plan shall specify a mechanism to receive information on an annual basis from
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
28 section. Further, the plan shall detail the procedures used in the school to identify students that
29 may drop out of school and the intervention services to be used to meet the needs of such
30 students. The plan shall outline counseling and mentoring services provided to students who will
31 enter the work force upon graduation from high school, address apprenticeship and intern
32 programs, and shall contain procedures for the recruitment of volunteers from the community
33 of the school to serve in schools receiving program grants.

34 3. A school district may participate in the program irrespective of its accreditation
35 classification by the state board of education, provided it meets all other requirements.

36 4. By rule and regulation, the state board of education may determine a local school
37 district variable fund match requirement in order for a school or schools in the district to receive
38 a grant under the program. However, no school in any district shall receive a grant under the
39 program unless the district designates a salaried employee to serve as the program coordinator,
40 with the district assuming a minimum of one-half the cost of the salary and other benefits
41 provided to the coordinator. Further, no school in any district shall receive a grant under the
42 program unless the district makes available facilities and services for adult literacy training as
43 specified by rule of the state board of education.

44 5. For any school that meets the requirements for the approval of the grants authorized
45 by this section and specified in subsection 2 of this section for three successive school years, by
46 August first following the third such school year, the commissioner of education shall present
47 a plan to the superintendent of the school district in which such school is located for the waiver
48 of rules and regulations to promote flexibility in the operations of the school and to enhance and
49 encourage efficiency in the delivery of instructional services in the school. The provisions of

50 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide
51 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section
52 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the
53 plan shall detail a means for the waiver of requirements otherwise imposed on the school related
54 to the authority of the state board of education to classify school districts pursuant to subdivision
55 (9) of section 161.092, RSMo, and such other rules and regulations as determined by the
56 commissioner of education, except such waivers shall be confined to the school and not other
57 schools in the school district unless such other schools meet the requirements of this subsection.
58 However, any waiver provided to any school as outlined in this subsection shall be void on June
59 thirtieth of any school year in which the school fails to meet the requirements for the approval
60 of the grants authorized by this section as specified in subsection 2 of this section.

61 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be
62 funded with the amount appropriated for this program[, less those funds necessary to reimburse
63 eligible students pursuant to subsection 7 of this section.

64 7. The commissioner of education shall, by rule and regulation of the state board of
65 education and with the advice of the coordinating board for higher education, establish a
66 procedure for the reimbursement of the cost of tuition, books and fees to any public community
67 college or within the limits established in subsection 9 of this section any two-year public or
68 private vocational or technical school for any student:

69 (1) Who has attended a public high school in the state for at least three years immediately
70 prior to graduation that meets the requirements of subsection 2 of this section, except that
71 students who are active duty military dependents who, in the school year immediately preceding
72 graduation, meet all other requirements of this subsection and are attending a school that meets
73 the requirements of subsection 2 of this section shall be exempt from the three-year attendance
74 requirement of this subdivision; and

75 (2) Who has made a good faith effort to first secure all available federal sources of
76 funding that could be applied to the reimbursement described in this subsection; and

77 (3) Who has earned a minimal grade average while in high school as determined by rule
78 of the state board of education, and other requirements for the reimbursement authorized by this
79 subsection as determined by rule and regulation of said board.

80 8. The commissioner of education shall develop a procedure for evaluating the
81 effectiveness of the program described in this section. Such evaluation shall be conducted
82 annually with the results of the evaluation provided to the governor, speaker of the house, and
83 president pro tempore of the senate.

84 9. For a two-year public or private vocational or technical school to obtain
85 reimbursements under subsection 7 of this section, except for those schools that are receiving
86 reimbursements on August 28, 2008, the following requirements shall be satisfied:

87 (1) Such two-year public or private vocational or technical school shall be a member of
88 the North Central Association and be accredited by the Higher Learning Commission as of July
89 1, 2008, and maintain such accreditation;

90 (2) Such two-year public or private vocational or technical school shall be designated
91 as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

92 (3) No two-year public or private vocational or technical school shall receive tuition
93 reimbursements in excess of the tuition rate charged by a public community college for course
94 work offered by the private vocational or technical school within the service area of such college;
95 and

96 (4) The reimbursements provided to any two-year private vocational or technical school
97 shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri
98 Constitution or the first amendment of the United States Constitution].

**173.268. 1. There is hereby established within the department of higher education
2 the "Missouri Promise Program" to be administered by the commissioner of higher
3 education. The scholarship created in subsection 2 of this section shall be considered as
4 the successor program to the A+ reimbursement program that was created in subsection
5 7 of section 160.545, RSMo.**

6 **2. For the academic year 2009-2010 and subsequent years the commissioner of
7 higher education shall, by rule and regulation of the coordinating board for higher
8 education, establish scholarships, based on the cost of tuition and fees at any public
9 community college or vocational or technical school, for use at any public community
10 college or vocational or technical school or within the limits established in subsection 7 of
11 this section at any two-year private vocational or technical school for any student who:**

12 **(1) Has attended a public high school in the state for at least three years
13 immediately prior to graduation, except that students who are active duty military
14 dependents who, in the school year immediately preceding graduation, meet all other
15 requirements of this subsection shall be exempt from the three-year attendance
16 requirement of this subdivision;**

17 **(2) Has made a good faith effort to first secure all available federal and state
18 sources of nonrepayable financial assistance that could be applied to the student's tuition
19 and fees;**

20 **(3) Has earned a grade point average of two and one half points or higher on a
21 four-point scale, or the equivalent on another scale while in high school as determined by**

22 rule of the coordinating board for higher education, and other requirements for the
23 scholarship authorized by this subsection as determined by rule and regulation of the
24 board;

25 (4) Enrolls as a full-time student at any public community college or vocational or
26 technical school or within the limits established in subsection 7 of this section at any
27 two-year private vocational or technical school within nine months of graduating from high
28 school;

29 (5) Maintains full-time enrollment; and

30 (6) Maintains a grade point average of two and five-tenths points or higher on a
31 four-point scale or the equivalent on another scale, during the student's enrollment while
32 receiving a scholarship under the provisions of this subsection.

33 3. For the purposes of subsection 4 of this section:

34 (1) "Average tuition" shall be the sum of the tuition amounts for the academic year
35 in which the scholarships will be granted for any approved public institution that meets
36 the conditions set forth in subdivision (3) of section 173.1102 and in addition offers
37 baccalaureate degrees;

38 (2) "Tuition" shall have the definition ascribed to under subsection 7 of section
39 173.1003.

40 4. For the academic year 2009-2010 and subsequent years, in addition, the
41 commissioner of higher education shall, by rule and regulation of the coordinating board
42 for higher education, establish a procedure for the provision of scholarships, the amount
43 of which shall not exceed the lesser of either the tuition for the relevant student or the
44 average tuition to any approved public institution that meets the conditions set forth in
45 subdivision (3) of section 173.1102, and in addition offers baccalaureate degrees. The
46 amount of each scholarship shall be reduced by the amount of a student's award under the
47 federal Pell Grant program and any award received under section 173.1105.

48 5. Scholarships shall be awarded to any student who has:

49 (1) (a) For the 2009-2010 academic year, received a reimbursement under
50 subsection 7 of section 160.545, RSMo, during the 2008-2009 academic year;

51 (b) For the 2010-2011 academic year and subsequent years, received a scholarship
52 under subsection 2 of this section;

53 (2) Completed an associate of arts degree, an associate's degree that contains the
54 forty-two-hour general education block, or an associate's degree in a program that is part
55 of an articulation agreement recognized by the coordinating board for higher education
56 and enrolls in an approved public institution under subsection 4 of this section within nine
57 months of completing the associate's degree described in this subdivision;

58 (3) Received a scholarship under subsection 4 of this section for no more than six
59 semesters;

60 (4) Made a good faith effort to first secure all available federal and state source of
61 nonrepayable financial assistance that could be applied to the student's tuition and fees;

62 (5) Maintained full-time enrollment; and

63 (6) Maintained a grade point average of three points or higher on a four-point scale
64 or the equivalent on another scale, during the student's enrollment while receiving a
65 scholarship under the provisions of subsection 4 of this section.

66 6. In the event a student receiving a scholarship under subsection 4 of this section
67 has a cumulative grade point average that falls below three points on a four-point scale or
68 the equivalent on another scale at the end of a semester, the student shall be granted a
69 one-semester grace period from the grade point requirement of subdivision (6) of
70 subsection 5 of this section. If the student's grades in the subsequent semester are
71 insufficient to raise the student's cumulative average to three points or more on a
72 four-point scale or the equivalent on another scale, the student shall lose eligibility for the
73 program established under subsection 4 of this section.

74 7. For a two-year private vocational or technical school to accept scholarships
75 under subsection 2 of this section, the following requirements shall be satisfied:

76 (1) Such two-year public or private vocational or technical school shall be a
77 member of the North Central Association and be accredited by the Higher Learning
78 Commission as of July 1, 2008, and maintain such accreditation;

79 (2) Such two-year private vocational or technical school shall be designated as a
80 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

81 (3) No two-year private vocational or technical school shall receive scholarships in
82 excess of the tuition rate charged by a public community college for course work offered
83 by the private vocational or technical school within the service area of such college; and

84 (4) The scholarships provided to any two-year private vocational or technical
85 school shall not violate the provisions of article IX, section 8, or article I, section 7, of the
86 Missouri Constitution or the first amendment of the United States Constitution.

87 8. If appropriated funds are insufficient to fund all eligible students, the
88 department shall adjust scholarship amounts, in the following order of priority:

89 (1) Students eligible for scholarships under subsection 2 of this section. If
90 appropriated funds are insufficient to fund all students eligible under subsection 2 of this
91 section, scholarship amounts shall be reduced equally for all such students;

92 **(2) Students eligible for scholarships under subsection 4 of this section. If**
93 **appropriated funds are insufficient to fund all students eligible under subsection 4 of this**
94 **section, scholarship amounts shall be reduced equally for all such students.**

95 **9. The commissioner of higher education shall develop a procedure for evaluating**
96 **the effectiveness of the program described in this section. Such evaluation shall be**
97 **conducted biannually with the results of the evaluation provided to the governor, speaker**
98 **of the house, and president pro tempore of the senate.**

99 **10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
100 **that is created under the authority delegated in this section shall become effective only if**
101 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
102 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
103 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
104 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
105 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
106 **adopted after August 28, 2009, shall be invalid and void.**

✓