

SECOND REGULAR SESSION

SENATE BILL NO. 857

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Read 1st time January 11, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4126S.011

AN ACT

To repeal section 173.005, RSMo, and to enact in lieu thereof two new sections relating to the powers of the coordinating board of higher education.

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

Section A. Section 173.005, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 173.005 and 173.125, to read as
3 follows:

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

5 2. The commission on higher education is abolished and all its powers,
6 duties, personnel and property are transferred by type I transfer to the
7 "Coordinating Board for Higher Education", which is hereby created, and the
8 coordinating board shall be the head of the department. The coordinating board
9 shall consist of nine members appointed by the governor with the advice and
10 consent of the senate, and not more than five of its members shall be of the same
11 political party. None of the members shall be engaged professionally as an
12 educator or educational administrator with a public or private institution of
13 higher education at the time appointed or during his term. The other
14 qualifications, terms and compensation of the coordinating board shall be the
15 same as provided by law for the curators of the University of Missouri. The
16 coordinating board may, in order to carry out the duties prescribed for it in
17 subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and
18 research personnel as may be necessary to assist it in performing those duties,
19 but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent

20 employees regardless of the source of funding. In addition to all other powers,
21 duties and functions transferred to it, the coordinating board for higher education
22 shall have the following duties and responsibilities:

23 (1) The coordinating board for higher education shall have approval of
24 proposed new degree programs to be offered by the state institutions of higher
25 education;

26 (2) The coordinating board for higher education may promote and
27 encourage the development of cooperative agreements between Missouri public
28 four-year institutions of higher education which do not offer graduate degrees and
29 Missouri public four-year institutions of higher education which do offer graduate
30 degrees for the purpose of offering graduate degree programs on campuses of
31 those public four-year institutions of higher education which do not otherwise
32 offer graduate degrees. Such agreements shall identify the obligations and duties
33 of the parties, including assignment of administrative responsibility. Any
34 diploma awarded for graduate degrees under such a cooperative agreement shall
35 include the names of both institutions inscribed thereon. Any cooperative
36 agreement in place as of August 28, 2003, shall require no further approval from
37 the coordinating board for higher education. Any costs incurred with respect to
38 the administrative provisions of this subdivision may be paid from state funds
39 allocated to the institution assigned the administrative authority for the
40 program. The provisions of this subdivision shall not be construed to invalidate
41 the provisions of subdivision (1) of this subsection;

42 (3) In consultation with the heads of the institutions of higher education
43 affected and against a background of carefully collected data on enrollment,
44 physical facilities, manpower needs, institutional missions, the coordinating board
45 for higher education shall establish guidelines for appropriation requests by those
46 institutions of higher education; however, other provisions of the Reorganization
47 Act of 1974 notwithstanding, all funds shall be appropriated by the general
48 assembly to the governing board of each public four-year institution of higher
49 education which shall prepare expenditure budgets for the institution;

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

53 (5) The coordinating board for higher education shall establish admission
54 guidelines consistent with institutional missions;

55 (6) The coordinating board shall establish policies and procedures for

56 institutional decisions relating to the residence status of students;

57 (7) The coordinating board shall establish guidelines to promote and
58 facilitate the transfer of students between institutions of higher education within
59 the state;

60 (8) The coordinating board shall collect the necessary information and
61 develop comparable data for all institutions of higher education in the state. The
62 coordinating board shall use this information to delineate the areas of competence
63 of each of these institutions and for any other purposes deemed appropriate by
64 the coordinating board;

65 (9) Compliance with requests from the coordinating board for institutional
66 information and the other powers, duties and responsibilities, herein assigned to
67 the coordinating board, shall be a prerequisite to the receipt of any funds for
68 which the coordinating board is responsible for administering; and

69 (10) If any institution of higher education in this state, public or private,
70 willfully fails or refuses to follow any lawful guideline, policy or procedure
71 established or prescribed by the coordinating board, or knowingly deviates from
72 any such guideline, or knowingly acts without coordinating board approval where
73 such approval is required, or willfully fails to comply with any other lawful order
74 of the coordinating board, the coordinating board may, after a public hearing,
75 withhold or direct to be withheld from that institution any funds the
76 disbursement of which is subject to the control of the coordinating board, or may
77 remove the approval of the institution as an "approved institution" within the
78 meaning of section 173.205, **or, if an institution willfully disregards board**
79 **policy, the board may order an institution to remit a fine in an amount**
80 **not to exceed one percent of the institution's current fiscal year state**
81 **appropriation to the board, which shall hold such funds until such time**
82 **that the institution, as determined by the board, corrects the violation,**
83 **at which time the board shall refund such amount to the institution, or**
84 **should the board determine that the institution has not redressed said**
85 **violation within one year, the fine amount shall be deposited into the**
86 **general revenue fund**, but nothing in this section shall prevent any institution
87 of higher education in this state from presenting additional budget requests or
88 from explaining or further clarifying its budget requests to the governor or the
89 general assembly.

90 3. The coordinating board shall meet at least four times annually with an
91 advisory committee who shall be notified in advance of such meetings. The

92 coordinating board shall have exclusive voting privileges. The advisory
93 committee shall consist of thirty-two members, who shall be the president or
94 other chief administrative officer of the University of Missouri; the chancellor of
95 each campus of the University of Missouri; the president of each state-supported
96 four-year college or university, including Harris-Stowe State University, Missouri
97 Southern State University, Missouri Western State University, and Lincoln
98 University; the president of Linn State Technical College; the president or
99 chancellor of each public community college district; and representatives of each
100 of five accredited private institutions selected biennially, under the supervision
101 of the coordinating board, by the presidents of all of the state's privately
102 supported institutions; but always to include at least one representative from one
103 privately supported junior college, one privately supported four-year college, and
104 one privately supported university. The conferences shall enable the committee
105 to advise the coordinating board of the views of the institutions on matters within
106 the purview of the coordinating board.

107 4. The University of Missouri, Lincoln University, and all other
108 state-governed colleges and universities, chapters 172, 174 and 175, RSMo, and
109 others, are transferred by type III transfers to the department of higher education
110 subject to the provisions of subsection 2 of this section.

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

113 6. The state anatomical board, chapter 194, RSMo, is transferred by type
114 II transfer to the department of higher education.

115 7. All the powers, duties and functions vested in the division of public
116 schools and state board of education relating to community college state aid and
117 the supervision, formation of districts and all matters otherwise related to the
118 state's relations with community college districts and matters pertaining to
119 community colleges in public school districts, chapters 163 and 178, RSMo, and
120 others, are transferred to the coordinating board for higher education by type I
121 transfer. Provided, however, that all responsibility for administering the
122 federal-state programs of vocational-technical education, except for the 1202a
123 post-secondary educational amendments of 1972 program, shall remain with the
124 department of elementary and secondary education. The department of
125 elementary and secondary education and the coordinating board for higher
126 education shall cooperate in developing the various plans for vocational-technical
127 education; however, the ultimate responsibility will remain with the state board

128 of education.

129 8. The administration of sections 163.171 and 163.181, RSMo, relating to
130 teacher-training schools in cities, is transferred by type I transfer to the
131 coordinating board for higher education.

132 9. All the powers, duties, functions, personnel and property of the state
133 library and state library commission, chapter 181, RSMo, and others, are
134 transferred by type I transfer to the coordinating board for higher education, and
135 the state library commission is abolished. The coordinating board shall appoint
136 a state librarian who shall administer the affairs of the state library under the
137 supervision of the board.

138 10. All the powers, duties, functions, and properties of the state poultry
139 experiment station, chapter 262, RSMo, are transferred by type I transfer to the
140 University of Missouri, and the state poultry association and state poultry board
141 are abolished. In the event the University of Missouri shall cease to use the real
142 estate of the poultry experiment station for the purposes of research or shall
143 declare the same surplus, all real estate shall revert to the governor of the state
144 of Missouri and shall not be disposed of without legislative approval.

**173.125. As a condition of receiving state funds, every institution
2 of higher education shall agree to submit to binding dispute resolution
3 with regard to disputes among institutions of higher education that
4 involve jurisdictional boundaries or the use or expenditure of any state
5 resources whatsoever, as determined by the coordinating board. In all
6 cases, the arbitrator shall be the commissioner of higher education or
7 his or her designee, whose decision shall be final and binding on all
8 parties. In other respects, such arbitration shall be governed by the
9 provisions of chapter 435, RSMo. Any institution aggrieved by a
10 decision of the commissioner of higher education or his or her designee
11 under this section may request that the coordinating board for higher
12 education review the commissioner's or designee's decision.**

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