

FIRST REGULAR SESSION

SENATE BILL NO. 620

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

1972S.03I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 160.405, 160.518, 160.526, 161.092, 161.1085, and 173.005, RSMo, and to enact in lieu thereof six new sections relating to the statewide assessment system, with existing penalty provisions.

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

Section A. Sections 160.405, 160.518, 160.526, 161.092,
2 161.1085, and 173.005, RSMo, are repealed and six new sections
3 enacted in lieu thereof, to be known as sections 160.405,
4 160.518, 160.526, 161.092, 161.1085, and 173.005, to read as
5 follows:

160.405. 1. A person, group or organization seeking
2 to establish a charter school shall submit the proposed
3 charter, as provided in this section, to a sponsor. If the
4 sponsor is not a school board, the applicant shall give a
5 copy of its application to the school board of the district
6 in which the charter school is to be located and to the
7 state board of education, within five business days of the
8 date the application is filed with the proposed sponsor.
9 The school board may file objections with the proposed
10 sponsor, and, if a charter is granted, the school board may
11 file objections with the state board of education. The
12 charter shall include a legally binding performance contract
13 that describes the obligations and responsibilities of the
14 school and the sponsor as outlined in sections 160.400 to
15 160.425 and section 167.349 and shall address the following:

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 (1) A mission and vision statement for the charter
17 school;

18 (2) A description of the charter school's
19 organizational structure and bylaws of the governing body,
20 which will be responsible for the policy, financial
21 management, and operational decisions of the charter school,
22 including the nature and extent of parental, professional
23 educator, and community involvement in the governance and
24 operation of the charter school;

25 (3) A financial plan for the first three years of
26 operation of the charter school including provisions for
27 annual audits;

28 (4) A description of the charter school's policy for
29 securing personnel services, its personnel policies,
30 personnel qualifications, and professional development plan;

31 (5) A description of the grades or ages of students
32 being served;

33 (6) The school's calendar of operation, which shall
34 include at least the equivalent of a full school term as
35 defined in section 160.011;

36 (7) A description of the charter school's pupil
37 performance standards and academic program performance
38 standards, which shall meet the requirements of subdivision
39 (6) of subsection 4 of this section. The charter school
40 program shall be designed to enable each pupil to achieve
41 such standards and shall contain a complete set of
42 indicators, measures, metrics, and targets for academic
43 program performance, including specific goals on graduation
44 rates and standardized test performance and academic growth;

45 (8) A description of the charter school's educational
46 program and curriculum;

47 (9) The term of the charter, which shall be five years
48 and may be renewed;

49 (10) Procedures, consistent with the Missouri
50 financial accounting manual, for monitoring the financial
51 accountability of the charter, which shall meet the
52 requirements of subdivision (4) of subsection 4 of this
53 section;

54 (11) Preopening requirements for applications that
55 require that charter schools meet all health, safety, and
56 other legal requirements prior to opening;

57 (12) A description of the charter school's policies on
58 student discipline and student admission, which shall
59 include a statement, where applicable, of the validity of
60 attendance of students who do not reside in the district but
61 who may be eligible to attend under the terms of judicial
62 settlements and procedures that ensure admission of students
63 with disabilities in a nondiscriminatory manner;

64 (13) A description of the charter school's grievance
65 procedure for parents or guardians;

66 (14) A description of the agreement and time frame for
67 implementation between the charter school and the sponsor as
68 to when a sponsor shall intervene in a charter school, when
69 a sponsor shall revoke a charter for failure to comply with
70 subsection 8 of this section, and when a sponsor will not
71 renew a charter under subsection 9 of this section;

72 (15) Procedures to be implemented if the charter
73 school should close, as provided in subdivision (6) of
74 subsection 16 of section 160.400 including:

75 (a) Orderly transition of student records to new
76 schools and archival of student records;

77 (b) Archival of business operation and transfer or
78 repository of personnel records;

79 (c) Submission of final financial reports;
80 (d) Resolution of any remaining financial obligations;
81 (e) Disposition of the charter school's assets upon
82 closure; and

83 (f) A notification plan to inform parents or guardians
84 of students, the local school district, the retirement
85 system in which the charter school's employees participate,
86 and the state board of education within thirty days of the
87 decision to close;

88 (16) A description of the special education and
89 related services that shall be available to meet the needs
90 of students with disabilities; and

91 (17) For all new or revised charters, procedures to be
92 used upon closure of the charter school requiring that
93 unobligated assets of the charter school be returned to the
94 department of elementary and secondary education for their
95 disposition, which upon receipt of such assets shall return
96 them to the local school district in which the school was
97 located, the state, or any other entity to which they would
98 belong.

99 Charter schools operating on August 27, 2012, shall have
100 until August 28, 2015, to meet the requirements of this
101 subsection.

102 2. Proposed charters shall be subject to the following
103 requirements:

104 (1) A charter shall be submitted to the sponsor, and
105 follow the sponsor's policies and procedures for review and
106 granting of a charter approval, and be approved by the state
107 board of education by January thirty-first prior to the
108 school year of the proposed opening date of the charter
109 school;

110 (2) A charter may be approved when the sponsor
111 determines that the requirements of this section are met,
112 determines that the applicant is sufficiently qualified to
113 operate a charter school, and that the proposed charter is
114 consistent with the sponsor's charter sponsorship goals and
115 capacity. The sponsor's decision of approval or denial
116 shall be made within ninety days of the filing of the
117 proposed charter;

118 (3) If the charter is denied, the proposed sponsor
119 shall notify the applicant in writing as to the reasons for
120 its denial and forward a copy to the state board of
121 education within five business days following the denial;

122 (4) If a proposed charter is denied by a sponsor, the
123 proposed charter may be submitted to the state board of
124 education, along with the sponsor's written reasons for its
125 denial. If the state board determines that the applicant
126 meets the requirements of this section, that the applicant
127 is sufficiently qualified to operate the charter school, and
128 that granting a charter to the applicant would be likely to
129 provide educational benefit to the children of the district,
130 the state board may grant a charter and act as sponsor of
131 the charter school. The state board shall review the
132 proposed charter and make a determination of whether to deny
133 or grant the proposed charter within sixty days of receipt
134 of the proposed charter, provided that any charter to be
135 considered by the state board of education under this
136 subdivision shall be submitted no later than March first
137 prior to the school year in which the charter school intends
138 to begin operations. The state board of education shall
139 notify the applicant in writing as the reasons for its
140 denial, if applicable; and

141 (5) The sponsor of a charter school shall give
142 priority to charter school applicants that propose a school
143 oriented to high-risk students and to the reentry of
144 dropouts into the school system. If a sponsor grants three
145 or more charters, at least one-third of the charters granted
146 by the sponsor shall be to schools that actively recruit
147 dropouts or high-risk students as their student body and
148 address the needs of dropouts or high-risk students through
149 their proposed mission, curriculum, teaching methods, and
150 services. For purposes of this subsection, a "high-risk"
151 student is one who is at least one year behind in
152 satisfactory completion of course work or obtaining high
153 school credits for graduation, has dropped out of school, is
154 at risk of dropping out of school, needs drug and alcohol
155 treatment, has severe behavioral problems, has been
156 suspended from school three or more times, has a history of
157 severe truancy, is a pregnant or parenting teen, has been
158 referred for enrollment by the judicial system, is exiting
159 incarceration, is a refugee, is homeless or has been
160 homeless sometime within the preceding six months, has been
161 referred by an area school district for enrollment in an
162 alternative program, or qualifies as high risk under
163 department of elementary and secondary education
164 guidelines. Dropout shall be defined through the guidelines
165 of the school core data report. The provisions of this
166 subsection do not apply to charters sponsored by the state
167 board of education.

168 3. If a charter is approved by a sponsor, the charter
169 application shall be submitted to the state board of
170 education, along with a statement of finding by the sponsor
171 that the application meets the requirements of sections
172 160.400 to 160.425 and section 167.349 and a monitoring plan

173 under which the charter sponsor shall evaluate the academic
174 performance, including annual performance reports, of
175 students enrolled in the charter school. The state board of
176 education shall approve or deny a charter application within
177 sixty days of receipt of the application. The state board
178 of education may deny a charter on grounds that the
179 application fails to meet the requirements of sections
180 160.400 to 160.425 and section 167.349 or that a charter
181 sponsor previously failed to meet the statutory
182 responsibilities of a charter sponsor. Any denial of a
183 charter application made by the state board of education
184 shall be in writing and shall identify the specific failures
185 of the application to meet the requirements of sections
186 160.400 to 160.425 and section 167.349, and the written
187 denial shall be provided within ten business days to the
188 sponsor.

189 4. A charter school shall, as provided in its charter:

- 190 (1) Be nonsectarian in its programs, admission
191 policies, employment practices, and all other operations;
- 192 (2) Comply with laws and regulations of the state,
193 county, or city relating to health, safety, and state
194 minimum educational standards, as specified by the state
195 board of education, including the requirements relating to
196 student discipline under sections 160.261, 167.161, 167.164,
197 and 167.171, notification of criminal conduct to law
198 enforcement authorities under sections 167.115 to 167.117,
199 academic assessment under section 160.518, transmittal of
200 school records under section 167.020, the minimum amount of
201 school time required under section 171.031, and the employee
202 criminal history background check and the family care safety
203 registry check under section 168.133;

204 (3) Except as provided in sections 160.400 to 160.425
205 and as specifically provided in other sections, be exempt
206 from all laws and rules relating to schools, governing
207 boards and school districts;

208 (4) Be financially accountable, use practices
209 consistent with the Missouri financial accounting manual,
210 provide for an annual audit by a certified public
211 accountant, publish audit reports and annual financial
212 reports as provided in chapter 165, provided that the annual
213 financial report may be published on the department of
214 elementary and secondary education's internet website in
215 addition to other publishing requirements, and provide
216 liability insurance to indemnify the school, its board,
217 staff and teachers against tort claims. A charter school
218 that receives local educational agency status under
219 subsection 6 of this section shall meet the requirements
220 imposed by the Elementary and Secondary Education Act for
221 audits of such agencies and comply with all federal audit
222 requirements for charters with local educational agency
223 status. For purposes of an audit by petition under section
224 29.230, a charter school shall be treated as a political
225 subdivision on the same terms and conditions as the school
226 district in which it is located. For the purposes of
227 securing such insurance, a charter school shall be eligible
228 for the Missouri public entity risk management fund pursuant
229 to section 537.700. A charter school that incurs debt shall
230 include a repayment plan in its financial plan;

231 (5) Provide a comprehensive program of instruction for
232 at least one grade or age group from early childhood through
233 grade twelve, as specified in its charter;

234 (6) (a) Design a method to measure pupil progress
235 toward the pupil academic standards adopted by the state

236 board of education pursuant to section 160.514, establish
237 baseline student performance in accordance with the
238 performance contract during the first year of operation,
239 collect student performance data as defined by the annual
240 performance report throughout the duration of the charter to
241 annually monitor student academic performance, and to the
242 extent applicable based upon grade levels offered by the
243 charter school, participate in the statewide system of
244 assessments[, comprised of the essential skills tests and
245 the nationally standardized norm-referenced achievement
246 tests, as designated by the state board] pursuant to section
247 160.518, complete and distribute an annual report card as
248 prescribed in section 160.522, which shall also include a
249 statement that background checks have been completed on the
250 charter school's board members, and report to its sponsor,
251 the local school district, and the state board of education
252 as to its teaching methods and any educational innovations
253 and the results thereof. No charter school shall be
254 considered in the Missouri school improvement program review
255 of the district in which it is located for the resource or
256 process standards of the program.

257 (b) For proposed high-risk or alternative charter
258 schools, sponsors shall approve performance measures based
259 on mission, curriculum, teaching methods, and services.
260 Sponsors shall also approve comprehensive academic and
261 behavioral measures to determine whether students are
262 meeting performance standards on a different time frame as
263 specified in that school's charter. Student performance
264 shall be assessed comprehensively to determine whether a
265 high-risk or alternative charter school has documented
266 adequate student progress. Student performance shall be
267 based on sponsor-approved comprehensive measures as well as

268 standardized public school measures. Annual presentation of
269 charter school report card data to the department of
270 elementary and secondary education, the state board, and the
271 public shall include comprehensive measures of student
272 progress.

273 (c) Nothing in this subdivision shall be construed as
274 permitting a charter school to be held to lower performance
275 standards than other public schools within a district;
276 however, the charter of a charter school may permit students
277 to meet performance standards on a different time frame as
278 specified in its charter. The performance standards for
279 alternative and special purpose charter schools that target
280 high-risk students as defined in subdivision (5) of
281 subsection 2 of this section shall be based on measures
282 defined in the school's performance contract with its
283 sponsors;

284 (7) Comply with all applicable federal and state laws
285 and regulations regarding students with disabilities,
286 including sections 162.670 to 162.710, the Individuals with
287 Disabilities Education Act (20 U.S.C. Section 1400) and
288 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.
289 Section 794) or successor legislation;

290 (8) Provide along with any request for review by the
291 state board of education the following:

292 (a) Documentation that the applicant has provided a
293 copy of the application to the school board of the district
294 in which the charter school is to be located, except in
295 those circumstances where the school district is the sponsor
296 of the charter school; and

297 (b) A statement outlining the reasons for approval or
298 denial by the sponsor, specifically addressing the
299 requirements of sections 160.400 to 160.425 and 167.349.

300 5. (1) Proposed or existing high-risk or alternative
301 charter schools may include alternative arrangements for
302 students to obtain credit for satisfying graduation
303 requirements in the school's charter application and
304 charter. Alternative arrangements may include, but not be
305 limited to, credit for off-campus instruction, embedded
306 credit, work experience through an internship arranged
307 through the school, and independent studies. When the state
308 board of education approves the charter, any such
309 alternative arrangements shall be approved at such time.

310 (2) The department of elementary and secondary
311 education shall conduct a study of any charter school
312 granted alternative arrangements for students to obtain
313 credit under this subsection after three years of operation
314 to assess student performance, graduation rates, educational
315 outcomes, and entry into the workforce or higher education.

316 6. The charter of a charter school may be amended at
317 the request of the governing body of the charter school and
318 on the approval of the sponsor. The sponsor and the
319 governing board and staff of the charter school shall
320 jointly review the school's performance, management and
321 operations during the first year of operation and then every
322 other year after the most recent review or at any point
323 where the operation or management of the charter school is
324 changed or transferred to another entity, either public or
325 private. The governing board of a charter school may amend
326 the charter, if the sponsor approves such amendment, or the
327 sponsor and the governing board may reach an agreement in
328 writing to reflect the charter school's decision to become a
329 local educational agency. In such case the sponsor shall
330 give the department of elementary and secondary education
331 written notice no later than March first of any year, with

332 the agreement to become effective July first. The
333 department may waive the March first notice date in its
334 discretion. The department shall identify and furnish a
335 list of its regulations that pertain to local educational
336 agencies to such schools within thirty days of receiving
337 such notice.

338 7. Sponsors shall annually review the charter school's
339 compliance with statutory standards including:

340 (1) Participation in the statewide system of
341 assessments, as designated by the state board of education
342 under section 160.518;

343 (2) Assurances for the completion and distribution of
344 an annual report card as prescribed in section 160.522;

345 (3) The collection of baseline data during the first
346 three years of operation to determine the longitudinal
347 success of the charter school;

348 (4) A method to measure pupil progress toward the
349 pupil academic standards adopted by the state board of
350 education under section 160.514; and

351 (5) Publication of each charter school's annual
352 performance report.

353 8. (1) (a) A sponsor's policies shall give schools
354 clear, adequate, evidence-based, and timely notice of
355 contract violations or performance deficiencies and mandate
356 intervention based upon findings of the state board of
357 education of the following:

358 a. The charter school provides a high school program
359 which fails to maintain a graduation rate of at least
360 seventy percent in three of the last four school years
361 unless the school has dropout recovery as its mission;

362 b. The charter school's annual performance report
363 results are below the district's annual performance report

364 results based on the performance standards that are
365 applicable to the grade level configuration of both the
366 charter school and the district in which the charter school
367 is located in three of the last four school years; and

368 c. The charter school is identified as a persistently
369 lowest achieving school by the department of elementary and
370 secondary education.

371 (b) A sponsor shall have a policy to revoke a charter
372 during the charter term if there is:

373 a. Clear evidence of underperformance as demonstrated
374 in the charter school's annual performance report in three
375 of the last four school years; or

376 b. A violation of the law or the public trust that
377 imperils students or public funds.

378 (c) A sponsor shall revoke a charter or take other
379 appropriate remedial action, which may include placing the
380 charter school on probationary status for no more than
381 twenty-four months, provided that no more than one
382 designation of probationary status shall be allowed for the
383 duration of the charter contract, at any time if the charter
384 school commits a serious breach of one or more provisions of
385 its charter or on any of the following grounds: failure to
386 meet the performance contract as set forth in its charter,
387 failure to meet generally accepted standards of fiscal
388 management, failure to provide information necessary to
389 confirm compliance with all provisions of the charter and
390 sections 160.400 to 160.425 and 167.349 within forty-five
391 days following receipt of written notice requesting such
392 information, or violation of law.

393 (2) The sponsor may place the charter school on
394 probationary status to allow the implementation of a
395 remedial plan, which may require a change of methodology, a

396 change in leadership, or both, after which, if such plan is
397 unsuccessful, the charter may be revoked.

398 (3) At least sixty days before acting to revoke a
399 charter, the sponsor shall notify the governing board of the
400 charter school of the proposed action in writing. The
401 notice shall state the grounds for the proposed action. The
402 school's governing board may request in writing a hearing
403 before the sponsor within two weeks of receiving the notice.

404 (4) The sponsor of a charter school shall establish
405 procedures to conduct administrative hearings upon
406 determination by the sponsor that grounds exist to revoke a
407 charter. Final decisions of a sponsor from hearings
408 conducted pursuant to this subsection are subject to an
409 appeal to the state board of education, which shall
410 determine whether the charter shall be revoked.

411 (5) A termination shall be effective only at the
412 conclusion of the school year, unless the sponsor determines
413 that continued operation of the school presents a clear and
414 immediate threat to the health and safety of the children.

415 (6) A charter sponsor shall make available the school
416 accountability report card information as provided under
417 section 160.522 and the results of the academic monitoring
418 required under subsection 3 of this section.

419 9. (1) A sponsor shall take all reasonable steps
420 necessary to confirm that each charter school sponsored by
421 such sponsor is in material compliance and remains in
422 material compliance with all material provisions of the
423 charter and sections 160.400 to 160.425 and 167.349. Every
424 charter school shall provide all information necessary to
425 confirm ongoing compliance with all provisions of its
426 charter and sections 160.400 to 160.425 and 167.349 in a
427 timely manner to its sponsor.

428 (2) The sponsor's renewal process of the charter
429 school shall be based on the thorough analysis of a
430 comprehensive body of objective evidence and consider if:

431 (a) The charter school has maintained results on its
432 annual performance report that meet or exceed the district
433 in which the charter school is located based on the
434 performance standards that are applicable to the grade-level
435 configuration of both the charter school and the district in
436 which the charter school is located in three of the last
437 four school years;

438 (b) The charter school is organizationally and
439 fiscally viable determining at a minimum that the school
440 does not have:

441 a. A negative balance in its operating funds;

442 b. A combined balance of less than three percent of
443 the amount expended for such funds during the previous
444 fiscal year; or

445 c. Expenditures that exceed receipts for the most
446 recently completed fiscal year;

447 (c) The charter is in compliance with its legally
448 binding performance contract and sections 160.400 to 160.425
449 and section 167.349; and

450 (d) The charter school has an annual performance
451 report consistent with a classification of accredited for
452 three of the last four years and is fiscally viable as
453 described in paragraph (b) of this subdivision. If such is
454 the case, the charter school may have an expedited renewal
455 process as defined by rule of the department of elementary
456 and secondary education.

457 (3) (a) Beginning August first during the year in
458 which a charter is considered for renewal, a charter school
459 sponsor shall demonstrate to the state board of education

460 that the charter school is in compliance with federal and
461 state law as provided in sections 160.400 to 160.425 and
462 section 167.349 and the school's performance contract
463 including but not limited to those requirements specific to
464 academic performance.

465 (b) Along with data reflecting the academic
466 performance standards indicated in paragraph (a) of this
467 subdivision, the sponsor shall submit a revised charter
468 application to the state board of education for review.

469 (c) Using the data requested and the revised charter
470 application under paragraphs (a) and (b) of this
471 subdivision, the state board of education shall determine if
472 compliance with all standards enumerated in this subdivision
473 has been achieved. The state board of education at its next
474 regularly scheduled meeting shall vote on the revised
475 charter application.

476 (d) If a charter school sponsor demonstrates the
477 objectives identified in this subdivision, the state board
478 of education shall renew the school's charter.

479 10. A school district may enter into a lease with a
480 charter school for physical facilities.

481 11. A governing board or a school district employee
482 who has control over personnel actions shall not take
483 unlawful reprisal against another employee at the school
484 district because the employee is directly or indirectly
485 involved in an application to establish a charter school. A
486 governing board or a school district employee shall not take
487 unlawful reprisal against an educational program of the
488 school or the school district because an application to
489 establish a charter school proposes the conversion of all or
490 a portion of the educational program to a charter school.
491 As used in this subsection, "unlawful reprisal" means an

492 action that is taken by a governing board or a school
493 district employee as a direct result of a lawful application
494 to establish a charter school and that is adverse to another
495 employee or an educational program.

496 12. Charter school board members shall be subject to
497 the same liability for acts while in office as if they were
498 regularly and duly elected members of school boards in any
499 other public school district in this state. The governing
500 board of a charter school may participate, to the same
501 extent as a school board, in the Missouri public entity risk
502 management fund in the manner provided under sections
503 537.700 to 537.756.

504 13. Any entity, either public or private, operating,
505 administering, or otherwise managing a charter school shall
506 be considered a quasi-public governmental body and subject
507 to the provisions of sections 610.010 to 610.035.

508 14. The chief financial officer of a charter school
509 shall maintain:

510 (1) A surety bond in an amount determined by the
511 sponsor to be adequate based on the cash flow of the school;
512 or

513 (2) An insurance policy issued by an insurance company
514 licensed to do business in Missouri on all employees in the
515 amount of five hundred thousand dollars or more that
516 provides coverage in the event of employee theft.

517 15. The department of elementary and secondary
518 education shall calculate an annual performance report for
519 each charter school and shall publish it in the same manner
520 as annual performance reports are calculated and published
521 for districts and attendance centers.

522 16. The joint committee on education shall create a
523 committee to investigate facility access and affordability

524 for charter schools. The committee shall be comprised of
525 equal numbers of the charter school sector and the public
526 school sector and shall report its findings to the general
527 assembly by December 31, 2016.

160.518. 1. Consistent with the provisions contained
2 in section 160.526, the state board of education shall
3 **[develop, modify, and revise,] support schools and school**
4 **districts in developing, modifying, and revising,** as
5 necessary, a statewide assessment system that provides
6 maximum flexibility for local school districts to determine
7 the degree to which students in the public schools of the
8 state are proficient in the knowledge, skills, and
9 competencies adopted by such board pursuant to section
10 160.514. The statewide assessment system shall **consist of**
11 **locally developed assessments created by schools and school**
12 **districts that meet the requirements of this section.**
13 **Schools and school districts may develop and implement a**
14 **district assessment plan consisting of a combination of**
15 **nonproprietary objective, norm-referenced standardized**
16 **assessments of academic subject areas aligned to the**
17 **district's subject area curriculum and may include any**
18 **combination of locally developed nonproprietary**
19 **assessments. Schools and school districts shall not be**
20 **advised or incentivized by the department to purchase,**
21 **adopt, or implement curriculum resources, software programs,**
22 **or assessments purchased from commercial vendors. No**
23 **assessment items shall be developed from materials provided**
24 **to the district or teachers by nonprofit entities that have**
25 **not been formally reviewed and adopted by the district's**
26 **board of education. School districts may form a consortium**
27 **for the purpose of developing, reporting, or purchasing**
28 **assessments in their district assessment plans. The locally**

29 **developed assessments shall** assess problem solving,
30 analytical ability, evaluation, creativity, and application
31 ability in the different content areas and shall be
32 performance-based to identify what students know, as well as
33 what they are able to do, and shall enable teachers to
34 evaluate actual academic performance. The statewide
35 assessment system shall neither promote nor prohibit rote
36 memorization and shall not include existing versions of
37 tests approved for use pursuant to the provisions of section
38 160.257, nor enhanced versions of such tests. After the
39 state board of education adopts and implements academic
40 performance standards as required under section 161.855, the
41 state board of education shall develop and adopt a
42 standardized assessment instrument under this section based
43 on the academic performance standards adopted under section
44 161.855. The statewide assessment system shall measure,
45 where appropriate by grade level, a student's knowledge of
46 academic subjects including, but not limited to, reading
47 skills, writing skills, mathematics skills, world and
48 American history, forms of government, geography and science.

49 2. The statewide assessment system shall only permit
50 the academic performance of students in each school in the
51 state to be tracked against prior academic performance in
52 the same school.

53 3. [The state board of education shall suggest, but
54 not mandate, criteria for a school to demonstrate that its
55 students learn the knowledge, skills and competencies at
56 exemplary levels worthy of imitation by students in other
57 schools in the state and nation. Exemplary levels shall be
58 measured by the statewide assessment system developed
59 pursuant to subsection 1 of this section, or until said
60 statewide assessment system is available, by indicators

61 approved for such use by the state board of education. The
62 provisions of other law to the contrary notwithstanding, the
63 commissioner of education may, upon request of the school
64 district, present a plan for the waiver of rules and
65 regulations to any such school, to be known as "Outstanding
66 Schools Waivers", consistent with the provisions of
67 subsection 4 of this section.

68 4. For any school that meets the criteria established
69 by the state board of education for three successive school
70 years pursuant to the provisions of subsection 3 of this
71 section, by August first following the third such school
72 year, the commissioner of education shall present a plan to
73 the superintendent of the school district in which such
74 school is located for the waiver of rules and regulations to
75 promote flexibility in the operations of the school and to
76 enhance and encourage efficiency in the delivery of
77 instructional services. The provisions of other law to the
78 contrary notwithstanding, the plan presented to the
79 superintendent shall provide a summary waiver, with no
80 conditions, for the pupil testing requirements pursuant to
81 section 160.257, in the school. Further, the provisions of
82 other law to the contrary notwithstanding, the plan shall
83 detail a means for the waiver of requirements otherwise
84 imposed on the school related to the authority of the state
85 board of education to classify school districts pursuant to
86 subdivision (9) of section 161.092 and such other rules and
87 regulations as determined by the commissioner of education,
88 excepting such waivers shall be confined to the school and
89 not other schools in the district unless such other schools
90 meet the criteria established by the state board of
91 education consistent with subsection 3 of this section and
92 the waivers shall not include the requirements contained in

93 this section and section 160.514. Any waiver provided to
94 any school as outlined in this subsection shall be void on
95 June thirtieth of any school year in which the school fails
96 to meet the criteria established by the state board of
97 education consistent with subsection 3 of this section.

98 5.] The score on any assessment test developed
99 pursuant to this section or this chapter of any student for
100 whom English is a second language shall not be counted until
101 such time as such student has been educated for three full
102 school years in a school in this state, or in any other
103 state, in which English is the primary language.

104 [6.] 4. The state board of education shall [identify]
105 **support schools and school districts in identifying** or, if
106 necessary, [establish] **establishing** one or more
107 developmentally appropriate alternate assessments for
108 students who receive special educational services, as that
109 term is defined pursuant to section 162.675. [In] **To**
110 **support** the development of such alternate assessments, the
111 state board shall establish an advisory panel consisting of
112 a majority of active special education teachers residing in
113 Missouri and other education professionals as appropriate to
114 research available assessment options. The advisory panel
115 shall attempt to identify preexisting developmentally
116 appropriate alternate assessments but shall, if necessary,
117 develop alternate assessments and recommend one or more
118 alternate assessments for adoption by [the state board. The
119 state board] **schools and school districts. Schools and**
120 **school districts** shall consider the recommendations of the
121 advisory council in establishing such alternate assessment
122 or assessments. Any student who receives special
123 educational services, as that term is defined pursuant to
124 section 162.675, shall be assessed by an alternate

125 assessment established pursuant to this subsection upon a
126 determination by the student's individualized education
127 program team that such alternate assessment is more
128 appropriate to assess the student's knowledge, skills and
129 competencies than the assessment developed pursuant to
130 subsection 1 of this section. The alternate assessment
131 shall evaluate the student's independent living skills,
132 which include how effectively the student addresses common
133 life demands and how well the student meets standards for
134 personal independence expected for someone in the student's
135 age group, sociocultural background, and community setting.

136 [7.] 5. The state board of education shall also
137 develop recommendations **for schools and school districts**
138 regarding alternate assessments for any military dependent
139 who relocates to Missouri after the commencement of a school
140 term, in order to accommodate such student while ensuring
141 that he or she is proficient in the knowledge, skills, and
142 competencies adopted under section 160.514.

160.526. 1. In establishing, evaluating, modifying,
2 and revising the academic performance standards and learning
3 standards authorized by section 160.514 [and the statewide
4 assessment system authorized by subsection 1 of section
5 160.518], the state board of education shall consider the
6 work that has been done by other states, recognized regional
7 and national experts, professional education discipline-
8 based associations, other professional education
9 associations, the work product from the department of higher
10 education and workforce development's curriculum alignment
11 initiative, or any other work in the public domain.

12 2. The state board of education shall by contract
13 enlist the assistance of such national experts to receive
14 reports, advice and counsel on a regular basis pertaining to

15 the validity and reliability of the statewide assessment
16 system. The reports from such experts shall be received by
17 the state board of education. Within six months prior to
18 implementation of or modification or revision to the
19 statewide assessment system, the commissioner of education
20 shall inform the president pro tempore of the senate and the
21 speaker of the house of representatives about the procedures
22 to implement, modify, or revise the statewide assessment
23 system, including a report related to the reliability and
24 validity of the assessment instruments, and the general
25 assembly may, within the next sixty legislative days, veto
26 such implementation, modification, or revision by concurrent
27 resolution adopted by majority vote of both the senate and
28 the house of representatives.

29 3. The commissioner of education shall establish a
30 procedure for the state board of education to regularly
31 receive advice and counsel from professional educators at
32 all levels in the state, district boards of education,
33 parents, representatives from business and industry, the
34 general assembly, and labor and community leaders pertaining
35 to the implementation of [sections] **section** 160.514 [and
36 160.518]. By December 31, 2014, the commissioner of
37 education shall revise this procedure to allow the state
38 board of education to regularly receive advice and counsel
39 from professional educators at all levels in the state,
40 district boards of education, parents, representatives from
41 business and industry, the general assembly, and labor and
42 community leaders whenever the state board develops,
43 evaluates, modifies, or revises academic performance
44 standards, **or** learning standards[, or the statewide
45 assessment system] under [sections] **section** 160.514 [and

46 160.518]. The procedure shall include, at a minimum, the
47 appointment of ad hoc committees.

161.092. The state board of education shall:

2 (1) Adopt rules governing its own proceedings and
3 formulate policies for the guidance of the commissioner of
4 education and the department of elementary and secondary
5 education;

6 (2) Carry out the educational policies of the state
7 relating to public schools that are provided by law and
8 supervise instruction in the public schools;

9 (3) Direct the investment of all moneys received by
10 the state to be applied to the capital of any permanent fund
11 established for the support of public education within the
12 jurisdiction of the department of elementary and secondary
13 education and see that the funds are applied to the branches
14 of educational interest of the state that by grant, gift,
15 devise or law they were originally intended, and if
16 necessary institute suit for and collect the funds and
17 return them to their legitimate channels;

18 (4) Cause to be assembled information which will
19 reflect continuously the condition and management of the
20 public schools of the state;

21 (5) Require of county clerks or treasurers, boards of
22 education or other school officers, recorders and treasurers
23 of cities, towns and villages, copies of all records
24 required to be made by them and all other information in
25 relation to the funds and condition of schools and the
26 management thereof that is deemed necessary;

27 (6) Provide blanks suitable for use by officials in
28 reporting the information required by the board;

29 (7) When conditions demand, cause the laws relating to
30 schools to be published in a separate volume, with pertinent

31 notes and comments, for the guidance of those charged with
32 the execution of the laws;

33 (8) Grant, without fee except as provided in section
34 168.021, certificates of qualification and licenses to teach
35 in any of the public schools of the state, establish
36 requirements therefor, formulate regulations governing the
37 issuance thereof, and cause the certificates to be revoked
38 for the reasons and in the manner provided in section
39 168.071;

40 (9) Classify the public schools of the state, subject
41 to limitations provided by law and subdivision (14) of this
42 section, establish requirements for the schools of each
43 class, and formulate rules governing the inspection and
44 accreditation of schools preparatory to classification, with
45 such requirements taking effect not less than two years from
46 the date of adoption of the proposed rule by the state board
47 of education, provided that this condition shall not apply
48 to any requirement for which a time line for adoption is
49 mandated in either federal or state law. Such rules shall
50 [include a process to allow any district that is accredited
51 without provision that does not meet the state board's
52 promulgated criteria for a classification designation of
53 accredited with distinction to propose alternative criteria
54 to the state board to be classified as accredited with
55 distinction] **also identify and recognize a minimum of two
56 national school accreditation agencies from which any
57 district may seek to obtain accreditation and specify that
58 any district with current accreditation from at least one of
59 the identified national school accreditation agencies shall
60 be considered to have full accreditation status without
61 provision for all purposes of law and rule;**

62 (10) Make an annual report on or before the first
63 Wednesday after the first day of January to the general
64 assembly or, when it is not in session, to the governor for
65 publication and transmission to the general assembly. The
66 report shall be for the last preceding school year, and
67 shall include:

68 (a) A statement of the number of public schools in the
69 state, the number of pupils attending the schools, their
70 sex, and the branches taught;

71 (b) A statement of the number of teachers employed,
72 their sex, their professional training, and their average
73 salary;

74 (c) A statement of the receipts and disbursements of
75 public school funds of every description, their sources, and
76 the purposes for which they were disbursed;

77 (d) Suggestions for the improvement of public schools;
78 and

79 (e) Any other information relative to the educational
80 interests of the state that the law requires or the board
81 deems important;

82 (11) Make an annual report to the general assembly and
83 the governor concerning coordination with other agencies and
84 departments of government that support family literacy
85 programs and other services which influence educational
86 attainment of children of all ages;

87 (12) Require from the chief officer of each division
88 of the department of elementary and secondary education, on
89 or before the thirty-first day of August of each year,
90 reports containing information the board deems important and
91 desires for publication;

92 (13) Cause fifty copies of its annual report to be
93 reserved for the use of each division of the state

94 department of elementary and secondary education, and ten
95 copies for preservation in the state library;

96 (14) Promulgate rules under which the board shall
97 classify the public schools of the state; provided that the
98 appropriate scoring guides, instruments, and procedures used
99 in determining the accreditation status of a district shall
100 be subject to a public meeting upon notice in a newspaper of
101 general circulation in each of the three most populous
102 cities in the state and also a newspaper that is a certified
103 minority business enterprise or woman-owned business
104 enterprise in each of the two most populous cities in the
105 state, and notice to each district board of education, each
106 superintendent of a school district, and to the speaker of
107 the house of representatives, the president pro tem of the
108 senate, and the members of the joint committee on education,
109 at least fourteen days in advance of the meeting, which
110 shall be conducted by the department of elementary and
111 secondary education not less than ninety days prior to their
112 application in accreditation, with all comments received to
113 be reported to the state board of education; **and further**
114 **provided, that any district with current accreditation from**
115 **at least one of the national school accreditation agencies**
116 **identified by the state board of education under subdivision**
117 **(9) of this subsection shall be considered to have full**
118 **accreditation status without provision for all purposes of**
119 **law and rule; and**

120 (15) Have other powers and duties prescribed by law.
161.1085. For purposes of sections 161.1080 to
2 161.1130, the following terms mean:

3 (1) "Department", the department of elementary and
4 secondary education;

5 (2) "Governing board", the board of education of a
6 district or the governing board of a charter school that has
7 declared itself a local educational agency;

8 (3) "Initial remedial year", the year in which a
9 district school or charter school is designated as a school
10 in need of intervention under section 161.1090;

11 (4) "Local educational agency", any school district
12 and any charter school that has declared itself a local
13 educational agency;

14 (5) "School", a public school under the control of a
15 local educational agency;

16 (6) "School in need of intervention", a school that
17 has been designated as in need of intervention by the
18 department according to an outcome-based measure as
19 determined by the department under section 161.1090, which
20 may include, but shall not be required to include, schools
21 identified for intervention under the state's every student
22 succeeds act plan;

23 (7) "Statewide assessment", any test of student
24 achievement in English language arts, mathematics, or
25 science, including any such test administered in a computer-
26 adaptive format, that is administered [statewide] under
27 section 160.518.

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

7 2. The commission on higher education is abolished and
8 all its powers, duties, personnel and property are
9 transferred by type I transfer to the "Coordinating Board

10 for Higher Education", which is hereby created, and the
11 coordinating board shall be the head of the department. The
12 coordinating board shall consist of nine members appointed
13 by the governor with the advice and consent of the senate,
14 and not more than five of its members shall be of the same
15 political party. None of the members shall be engaged
16 professionally as an educator or educational administrator
17 with a public or private institution of higher education at
18 the time appointed or during his term. Moreover, no person
19 shall be appointed to the coordinating board who shall not
20 be a citizen of the United States, and who shall not have
21 been a resident of the state of Missouri two years next
22 prior to appointment, and at least one but not more than two
23 persons shall be appointed to said board from each
24 congressional district. The term of service of a member of
25 the coordinating board shall be six years and said members,
26 while attending the meetings of the board, shall be
27 reimbursed for their actual expenses. Notwithstanding any
28 provision of law to the contrary, nothing in this section
29 relating to a change in the composition and configuration of
30 congressional districts in this state shall prohibit a
31 member who is serving a term on August 28, 2011, from
32 completing his or her term. The coordinating board may, in
33 order to carry out the duties prescribed for it in
34 subsections 1, 2, 3, 7, and 8 of this section, employ such
35 professional, clerical and research personnel as may be
36 necessary to assist it in performing those duties, but this
37 staff shall not, in any fiscal year, exceed twenty-five full-
38 time equivalent employees regardless of the source of
39 funding. In addition to all other powers, duties and
40 functions transferred to it, the coordinating board for

41 higher education shall have the following duties and
42 responsibilities:

43 (1) The coordinating board for higher education may
44 approve, not approve, or provisionally approve proposed new
45 degree programs to be offered by the state institutions of
46 higher education. The coordinating board may authorize a
47 degree program outside an institution's coordinating board-
48 approved mission only when the coordinating board has
49 received clear evidence that the institution proposing to
50 offer the program:

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

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

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

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

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

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

65 (2) The governing board of each public institution of
66 higher education in the state shall have the power and
67 authority to confer degrees in chiropractic, osteopathic
68 medicine, and podiatry only in collaboration with the
69 University of Missouri, provided that such collaborative
70 agreements are approved by the governing board of each
71 institution and that in these instances the University of
72 Missouri will be the degree-granting institution. Should

73 the University of Missouri decline to collaborate in the
74 offering of such programs, any of these institutions may
75 seek approval of the program through the coordinating board
76 for higher education's comprehensive review process when
77 doing so would not unnecessarily duplicate an existing
78 program, collaboration is not feasible or a viable means of
79 meeting the needs of students and employers, and the
80 institution has the academic and financial capacity to offer
81 the program in a high quality manner;

82 (3) The coordinating board for higher education may
83 promote and encourage the development of cooperative
84 agreements between Missouri public four-year institutions of
85 higher education which do not offer graduate degrees and
86 Missouri public four-year institutions of higher education
87 which do offer graduate degrees for the purpose of offering
88 graduate degree programs on campuses of those public four-
89 year institutions of higher education which do not otherwise
90 offer graduate degrees. Such agreements shall identify the
91 obligations and duties of the parties, including assignment
92 of administrative responsibility. Any diploma awarded for
93 graduate degrees under such a cooperative agreement shall
94 include the names of both institutions inscribed thereon.
95 Any cooperative agreement in place as of August 28, 2003,
96 shall require no further approval from the coordinating
97 board for higher education. Any costs incurred with respect
98 to the administrative provisions of this subdivision may be
99 paid from state funds allocated to the institution assigned
100 the administrative authority for the program. The
101 provisions of this subdivision shall not be construed to
102 invalidate the provisions of subdivision (1) of this
103 subsection;

104 (4) In consultation with the heads of the institutions
105 of higher education affected and against a background of
106 carefully collected data on enrollment, physical facilities,
107 manpower needs, and institutional missions, the coordinating
108 board for higher education shall establish guidelines for
109 appropriation requests by those institutions of higher
110 education; however, other provisions of the Reorganization
111 Act of 1974 notwithstanding, all funds shall be appropriated
112 by the general assembly to the governing board of each
113 public four-year institution of higher education which shall
114 prepare expenditure budgets for the institution;

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

119 (6) The coordinating board for higher education shall
120 establish admission guidelines consistent with institutional
121 missions;

122 (7) The coordinating board for higher education shall
123 require all public two-year and four-year higher education
124 institutions to replicate best practices in remediation
125 identified by the coordinating board and institutions from
126 research undertaken by regional educational laboratories,
127 higher education research organizations, and similar
128 organizations with expertise in the subject, and identify
129 and reduce methods that have been found to be ineffective in
130 preparing or retaining students or that delay students from
131 enrollment in college-level courses;

132 (8) The coordinating board shall establish policies
133 and procedures for institutional decisions relating to the
134 residence status of students;

135 (9) The coordinating board shall establish guidelines
136 to promote and facilitate the transfer of students between
137 institutions of higher education within the state and, with
138 the assistance of the committee on transfer and
139 articulation, shall require all public two-year and four-
140 year higher education institutions to create by July 1,
141 2014, a statewide core transfer library of at least twenty-
142 five lower division courses across all institutions that are
143 transferable among all public higher education
144 institutions. The coordinating board shall establish
145 policies and procedures to ensure such courses are accepted
146 in transfer among public institutions and treated as
147 equivalent to similar courses at the receiving
148 institutions. The coordinating board shall develop a policy
149 to foster reverse transfer for any student who has
150 accumulated enough hours in combination with at least one
151 public higher education institution in Missouri that offers
152 an associate degree and one public four-year higher
153 education institution in the prescribed courses sufficient
154 to meet the public higher education institution's
155 requirements to be awarded an associate degree[. The
156 department of elementary and secondary education shall
157 maintain the alignment of the assessments found in section
158 160.518 and successor assessments with the competencies
159 previously established under this subdivision for entry-
160 level collegiate courses in English, mathematics, foreign
161 language, sciences, and social sciences associated with an
162 institution's general education core];

163 (10) The coordinating board shall collect the
164 necessary information and develop comparable data for all
165 institutions of higher education in the state. The
166 coordinating board shall use this information to delineate

167 the areas of competence of each of these institutions and
168 for any other purposes deemed appropriate by the
169 coordinating board;

170 (11) Compliance with requests from the coordinating
171 board for institutional information and the other powers,
172 duties and responsibilities, herein assigned to the
173 coordinating board, shall be a prerequisite to the receipt
174 of any funds which the coordinating board is responsible for
175 administering;

176 (12) If any institution of higher education in this
177 state, public or private, willfully fails or refuses to
178 follow any lawful guideline, policy or procedure established
179 or prescribed by the coordinating board, or knowingly
180 deviates from any such guideline, or knowingly acts without
181 coordinating board approval where such approval is required,
182 or willfully fails to comply with any other lawful order of
183 the coordinating board, the coordinating board may, after a
184 public hearing, withhold or direct to be withheld from that
185 institution any funds the disbursement of which is subject
186 to the control of the coordinating board, or may remove the
187 approval of the institution as an approved institution
188 within the meaning of section 173.1102. If any such public
189 institution willfully disregards board policy, the
190 commissioner of higher education may order such institution
191 to remit a fine in an amount not to exceed one percent of
192 the institution's current fiscal year state operating
193 appropriation to the board. The board shall hold such funds
194 until such time that the institution, as determined by the
195 commissioner of higher education, corrects the violation, at
196 which time the board shall refund such amount to the
197 institution. If the commissioner determines that the
198 institution has not redressed the violation within one year,

199 the fine amount shall be deposited into the general revenue
200 fund, unless the institution appeals such decision to the
201 full coordinating board, which shall have the authority to
202 make a binding and final decision, by means of a majority
203 vote, regarding the matter. However, nothing in this
204 section shall prevent any institution of higher education in
205 this state from presenting additional budget requests or
206 from explaining or further clarifying its budget requests to
207 the governor or the general assembly;

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

216 (14) (a) As used in this subdivision, the term "out-
217 of-state public institution of higher education" shall mean
218 an education institution located outside of Missouri that:

219 a. Is controlled or administered directly by a public
220 agency or political subdivision or is classified as a public
221 institution by the state;

222 b. Receives appropriations for operating expenses
223 directly or indirectly from a state other than Missouri;

224 c. Provides a postsecondary course of instruction at
225 least six months in length leading to or directly creditable
226 toward a degree or certificate;

227 d. Meets the standards for accreditation by an
228 accrediting body recognized by the United States Department
229 of Education or any successor agency; and

230 e. Permits faculty members to select textbooks without
231 influence or pressure by any religious or sectarian source.

232 (b) No later than July 1, 2008, the coordinating board
233 shall promulgate rules regarding:

234 a. The board's approval process of proposed new degree
235 programs and course offerings by any out-of-state public
236 institution of higher education seeking to offer degree
237 programs or course work within the state of Missouri; and

238 b. The board's approval process of degree programs and
239 courses offered by any out-of-state public institutions of
240 higher education that, prior to July 1, 2008, were approved
241 by the board to operate a school in compliance with the
242 provisions of sections 173.600 to 173.618. The rules shall
243 ensure that, as of July 1, 2008, all out-of-state public
244 institutions seeking to offer degrees and courses within the
245 state of Missouri are evaluated in a manner similar to
246 Missouri public higher education institutions. Such out-of-
247 state public institutions shall be held to standards no
248 lower than the standards established by the coordinating
249 board for program approval and the policy guidelines of the
250 coordinating board for data collection, cooperation, and
251 resolution of disputes between Missouri institutions of
252 higher education under this section. Any such out-of-state
253 public institutions of higher education wishing to continue
254 operating within this state must be approved by the board
255 under the rules promulgated under this subdivision. The
256 coordinating board may charge and collect fees from out-of-
257 state public institutions to cover the costs of reviewing
258 and assuring the quality of programs offered by out-of-state
259 public institutions. Any rule or portion of a rule, as that
260 term is defined in section 536.010, that is created under
261 the authority delegated in this section shall become

262 effective only if it complies with and is subject to all of
263 the provisions of chapter 536 and, if applicable, section
264 536.028. This section and chapter 536 are nonseverable and
265 if any of the powers vested with the general assembly under
266 chapter 536 to review, to delay the effective date, or to
267 disapprove and annul a rule are subsequently held
268 unconstitutional, then the grant of rulemaking authority and
269 any rule proposed or adopted after August 28, 2007, shall be
270 invalid and void.

271 (c) Nothing in this subdivision or in section 173.616
272 shall be construed or interpreted so that students attending
273 an out-of-state public institution are considered to be
274 attending a Missouri public institution of higher education
275 for purposes of obtaining student financial assistance.

276 3. The coordinating board shall meet at least four
277 times annually with an advisory committee who shall be
278 notified in advance of such meetings. The coordinating
279 board shall have exclusive voting privileges. The advisory
280 committee shall consist of thirty-two members, who shall be
281 the president or other chief administrative officer of the
282 University of Missouri; the chancellor of each campus of the
283 University of Missouri; the president of each state-
284 supported four-year college or university, including Harris-
285 Stowe State University, Missouri Southern State University,
286 Missouri Western State University, and Lincoln University;
287 the president of State Technical College of Missouri; the
288 president or chancellor of each public community college
289 district; and representatives of each of five accredited
290 private institutions selected biennially, under the
291 supervision of the coordinating board, by the presidents of
292 all of the state's privately supported institutions; but
293 always to include at least one representative from one

294 privately supported community college, one privately
295 supported four-year college, and one privately supported
296 university. The conferences shall enable the committee to
297 advise the coordinating board of the views of the
298 institutions on matters within the purview of the
299 coordinating board.

300 4. The University of Missouri, Lincoln University, and
301 all other state-governed colleges and universities, chapters
302 172, 174, 175, and others, are transferred by type III
303 transfers to the department of higher education and
304 workforce development subject to the provisions of
305 subsection 2 of this section.

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

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

312 7. All the powers, duties and functions vested in the
313 division of public schools and state board of education
314 relating to community college state aid and the supervision,
315 formation of districts and all matters otherwise related to
316 the state's relations with community college districts and
317 matters pertaining to community colleges in public school
318 districts, chapters 163, 178, and others, are transferred to
319 the coordinating board for higher education by type I
320 transfer. Provided, however, that all responsibility for
321 administering the federal-state programs of vocational-
322 technical education, except for the 1202a postsecondary
323 educational amendments of 1972 program, shall remain with
324 the department of elementary and secondary education. The
325 department of elementary and secondary education and the

326 coordinating board for higher education shall cooperate in
327 developing the various plans for vocational-technical
328 education; however, the ultimate responsibility will remain
329 with the state board of education.

330 8. All the powers, duties, functions, and properties
331 of the state poultry experiment station, chapter 262, are
332 transferred by type I transfer to the University of
333 Missouri, and the state poultry association and state
334 poultry board are abolished. In the event the University of
335 Missouri shall cease to use the real estate of the poultry
336 experiment station for the purposes of research or shall
337 declare the same surplus, all real estate shall revert to
338 the governor of the state of Missouri and shall not be
339 disposed of without legislative approval.

✓