

Rules of
Department of Higher Education
Division 10—Commissioner of Higher Education
Chapter 6—Establishment of New Institutions
and Instructional Sites

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**Title 6—DEPARTMENT OF
HIGHER EDUCATION**
**Division 10—Commissioner of Higher
Education**
**Chapter 6—Establishment of New
Institutions and Instructional Sites**

**6 CSR 10-6.010 Standards for Establishing
Community Junior College Districts**

PURPOSE: This rule sets forth the standards and procedures of the Coordinating Board for Higher Education, under which community junior college districts may be established.

(1) Standards.

(A) Standard 1. Initiative to establish a district must come from the area to be served. Local initiative to establish a community junior college district is demonstrated by submitting a petition to the coordinating board in accordance with the provisions of section 178.800.1., RSMo. The petition and the response to Standard 1 should include the official name of the proposed district. The official name of the district must adhere to the following format: "The Junior College District of _____, Missouri."

(B) Standard 2. Need must be clearly established in terms of the total area to be served, including educational interest of citizens, manpower needs of local industry, business, government and other consumers, and compatibility with the statewide policy goals established by the Coordinating Board for Higher Education (CBHE). Clear and convincing evidence of need for the proposed district shall be demonstrated by providing information which will be generated by a survey, the form and method for administration of the survey to be determined by the CBHE. The cost of the administration of the survey shall be borne by the organizing body for the proposed district. The information provided by the survey will include, but not be limited to, the specific educational services needed by employers, high school students and representatives of the general public which can be provided by a community junior college. So that the respondents to the survey can make an informed judgment relating to the establishment of a community junior college, information will be provided to each respondent regarding the probable tax levy for the first five (5) years of operation of the community junior college, probable capital expenditures required during the first ten (10) years of operation and probable location of the initial site.

1. Supplemental to the results of the survey, additional demographic information will be provided to the coordinating board to fur-

ther substantiate the need for a community junior college. The format and method for providing this information will be determined by the coordinating board.

2. If the board determines a bona fide need exists after examining the information regarding the establishment of a community junior college, the board will conduct a review to ascertain if alternative agencies within or outside the proposed district can provide the identified services. If the review establishes that the need can be met by these alternative agencies, approval for the establishment of a community junior college will be denied.

(C) Standard 3. Proposed districts must be composed of one (1) or more public school districts. In the case of a proposal encompassing two (2) or more public school districts, those districts must be contiguous. Variations in traffic arteries, population density, tax base valuations and public school district boundaries require flexibility in geographic size. As a general guideline, student commuting time should not exceed forty-five (45) minutes each way. The proposed district should be described in terms of the public school districts it will encompass. A map detailing boundaries of the proposed district, the population centers and the boundaries of the public school districts shall be provided.

(D) Standard 4. There shall be substantive evidence to project an enrollment of at least one thousand two hundred fifty (1250) full-time-equivalent (FTG) students within five (5) years of the initial operation of the new district. Enrollment may be projected for an FTE greater than one thousand two hundred fifty (1250) and the basis for projecting enrollment is as follows:

1. FTE enrollment, after five (5) years of operation, shall be estimated on the basis of—

A. 1.5% of the proposed district population, with a minimum of 1250 FTE, up to and including 100,000 population;

B. 1% of the proposed district population, but not less than 1500 FTE from 100,001 population to 200,000;

C. .9%, but not less than 2000 FTE, from 200,001–300,000;

D. .8%, but not less than 2700 FTE, from 300,001–400,000;

E. .7%, but not less than 3200 FTE, from 400,001–500,000;

F. .6%, but not less than 3500 FTE, from 500,001–600,000; and

G. .5%, but not less than 3600 FTE, for populations over 600,000;

2. The proposed district population shall be determined as follows:

A. The populations of the component public school districts as determined from the School District Population Summary Tables prepared after the most recently completed decennial census will be the base population;

B. The school district base populations will be incremented by the estimated growth rates for the counties in which the districts are headquartered through the most recent year for which county population estimates are available from the State Census Data Center; and

C. The district populations derived in subparagraph (1)(D)2.B. will be projected for future years using the average annual growth between the latest decennial census and the latest county population estimates for the counties in which the districts are headquartered; and

3. In addition to the enrollment projection method previously described, the average daily attendance of students in grades ten through twelve (10–12) in the high schools within the proposed district must be at least sixteen hundred (1600).

(E) Standard 5. The financial viability of the proposed district is dependent on several interrelated factors involving the estimation of both revenue and operating costs. The basis for computing operating costs is given in this subsection. The relevant revenue factors are assessed valuation of the proposed district, local tax levy and local tax income generated from the assessed valuation; student fee level and student fee income; state aid income; and other income. The local portion of revenue consists of the income generated by the tax levy on the assessed valuation of taxable, tangible property in the proposed district. The assessed valuation of the proposed district is a critical factor. The assessed valuation of the proposed district shall provide adequate financial support to the proposed district as determined by the coordinating board. The revenue derived from student fees is dependent upon the FTE enrollment and the fee amount charged to each student. Methods for computing these factors as well as state aid income and other income are given as follows:

1. Operating costs. Estimations of operating costs are for education and general, and do not include capital expenditures or costs for auxiliary purposes. The estimated operating costs shall be based upon a student faculty ratio of twenty to one (20:1) and faculty compensation which is sufficient to attract and retain qualified and competent faculty;

2. Student fee income. This factor is determined by computing the average percent of total income, less auxiliary and restricted,



provided by student fees at existing community junior college districts, established under the provisions of sections 178.770–178.890, RSMo for the most recent fiscal year for which data are available preceding the new district proposal. If the proposed district has a population of two hundred thousand (200,000) or fewer, the average for existing districts with populations of two hundred thousand (200,000) or fewer shall be used. If the proposed district has a population of over two hundred thousand (200,000), the average for all existing districts shall be used. This factor shall be computed by the coordinating board staff;

3. State aid income. This factor is determined by applying the current method of determining state aid to the five (5)-year projected size and program diversity of the proposed community junior college. This factor shall be computed by the coordinating board staff;

4. Other income. An amount equal to two percent (2%) of the estimated cost of operations shall be allowed as estimation of other income for districts with populations of two hundred thousand (200,000) or less and an allowance of one-half percent (.5%) for proposed districts of over two hundred thousand (200,000) population. If the proposed new district feasibility study categorically demonstrates, in the judgment of the coordinating board, other reliable sources of income, the actual dollars so demonstrated may be added to the two percent (2%) or one-half percent (.5%) allowance;

5. Local tax levy. The tax levy per one hundred dollars (\$100) assessed valuation, for purposes of computing the adequacy of the assessed valuation to support the proposed district, shall be the maximum levy allowed, without voter approval, by section 178.870, RSMo, as follows:

LEVY	ASSESSED VALUATION
\$.10	\$1,000,000,000 plus
.20	\$500 Million but less than \$1 Billion
.30	\$250 Million but less than \$500 Million
.40	Less than \$250,000,000; and

6. Local tax income generated from assessed valuation. The purpose of establishing an assessed valuation requirement for a proposed new district is to assure that the valuation is sufficient to generate adequate funds to provide a viable college fiscal operation and education of acceptable quality. That adequacy is assessed by formulae which produce either an assessed valuation from a known amount of needed revenue or the amount of revenue generated from a known assessed valuation. The steps and formulae of the computation are—

A. Estimated operating costs less estimated student fee income, less estimated state aid, less estimation of other income produces a balance which is the estimated operating cost to be provided through local tax revenue;

B. The amount of assessed valuation required to generate the needed tax revenue is computed with the following formula:

$$(a)(\times/100) = y$$

in which: a = the amount of the tax levy per \$100 of assessed valuation;
 × = the assessed valuation required to generate needed tax revenue; and
 y = the tax revenue to be generated.

In this formula, × is the unknown. If the computation reveals the value of × to be equal to or less than the actual assessed valuation of proposed district, then the assessed valuation shall be judged to be adequate; and

C. The amount of tax revenue which would be generated by the assessed valuation of the proposed district is computed as follows:

$$(a)(\times/100) = y$$

in which: a = the amount of the tax levy per \$100 of assessed valuation;
 × = the actual assessed valuation of the proposed district; and
 y = the tax revenue generated.

In this formula, y is the unknown. If the computation reveals the value of y to be as great or greater than the balance of income to be provided through local tax revenue, then the assessed valuation of the proposed district shall be judged to be adequate.

(F) Standard 6. A study of the feasibility of a proposed district shall be prepared and submitted to the coordinating board. In addition to comprehensively addressing all other standards and requirements specified in this rule, the feasibility study shall include detailed plans both for meeting the initial physical facility needs of the proposed new district and for meeting the additional start-up instructional and support costs of operation until revenue from local taxes, state aid and student fees become available, above and beyond state appropriations for existing districts.

(2) Election. If the coordinating board determines that the proposed district meets the standards established by the board, the board shall order an election in accordance with the provisions of sections 178.800 and 178.820, RSMo.

(3) Instructional Programs. In the event the proposal to organize the district receives a majority of the votes cast, programs of

instruction shall be submitted for the approval of the coordinating board.

AUTHORITY: sections 178.770–178.820, RSMo 1986. Original rule filed March 13, 1985, effective July 1, 1985. Rescinded and readopted: Filed July 15, 1987, effective Oct. 12, 1987.*

**Original authority: see the Missouri Revised Statutes*

6 CSR 10-6.020 Standards for Establishing Residence Centers

PURPOSE: This rule sets forth the criteria and standards of the Coordinating Board for Higher Education, under which residence centers may be established.

(1) Definition of Residence Center.

(A) A residence center is defined as a site separate from the established existing campus of a four (4)-year institution or outside the district boundaries of a two (2)-year institution and as having the following characteristics:

1. There is a continuing administrative presence, as evidenced by at least one (1) full- or part-time administrative position based at the location. Part-time administration refers to the presence of one (1) or more persons based at the site to assume responsibilities on a continuing, day-to-day basis. Part-time administration in this instance does not refer to those administrative services rendered from the main campus related to establishing the courses of instruction to be offered, such as registration;
2. Courses are to be offered in every semester at the location;
3. There may or may not be a complete academic program offered at the location; and
4. There may or may not be a physical facility owned by the parent institution but acquisition of an instructional facility qualifies the location as a residence center regardless of the other criteria.

(2) Submission of Proposals for Residence Centers.

(A) At such time as the governing board of a public college or university adopts a plan to establish a residence center as previously defined in section (1) or is asked by representatives of a community to establish such a center, the institution may submit a proposal to the Coordinating Board for Higher Education (CBHE) for approval.

(B) Proposals for the establishment of residence centers shall be submitted in a format

specified by the commissioner of higher education.

(3) Criteria and Standards for Approval of Residence Centers.

(A) Proposals for the establishment of residence centers shall address the following criteria and standards:

1. An assessment of the residence's specific services academic programs or both of the residence center as they relate to the role and scope of the parent institution.

A. The proposal must demonstrate that the programs and services to be offered at a residence center are consonant with the role and scope of the main campus. Academic programs to be offered at a residence center shall be programs which are offered on the parent campus, though degree programs to be offered at a residence center must be separately approved. The proposal also must identify changes in program structure, instructional methods and support services which will be necessary to accommodate the clientele of the residence center and demonstrate that these needs will be appropriately addressed.

B. Coordinating board approval of a residence center is for specific purposes in consonance with the role and scope of the parent institution. Any subsequent change in plans for a residence center will require coordinating board review and approval;

2. An assessment of the need for the center.

A. Need must be clearly established in terms of the total area to be served, including educational interests of citizens, manpower needs of local industry, business, government and other consumers, and compatibility with the statewide policy goals established by the CBHE. Clear and convincing evidence of need for the proposed center shall be demonstrated by providing information which will be generated by a survey, the form and method for administration to be determined by the CBHE. The cost of the administration of the survey shall be borne by the sponsors of the proposed center, that is, by requesting the parent institution, community organization(s) requesting such a center or both. So that respondents to the survey can make an informed judgment, information will be provided regarding any probable local cost, including, but not limited to, student fees and any local tax or other funding necessary to support a center.

B. Supplemental to the results of the survey, additional demographic information shall be provided to the coordinating board to further substantiate the need for a center. The format and method for providing this infor-

mation will be determined by the coordinating board.

C. Proposals also must include evidence that the proposed center has the support of the local business, industrial and governmental organizations which are expected to benefit from the center. This supporting evidence shall demonstrate an understanding of the plans and expectations for the center and may be provided in the form of letters of support which indicate a knowledge of the plans for the center.

D. If the coordinating board determines that a bona fide need exists after examining the proposal, the coordinating board will examine whether other alternatives for delivering the services would provide quality educational services more efficiently and effectively. If the review establishes that the need can be met by such alternative agencies, approval for the establishment of a residence center will be denied;

3. An evaluation of the programs and courses to be offered at the center.

A. Proposals shall address the relationship between the planned programs and courses and the needs assessment, the potential for duplication of the offerings of other institutions in the area, and the planned staffing and academic administration of courses. The parent institution shall indicate the planned ratio of regular faculty and adjunct faculty by discipline and whether regular faculty will teach courses at the center as a part of their regular load or as an overload. Also, the parent institution shall indicate whether programs offered at the proposed center will be under the direction and control of the same academic units which administer the programs on campus. Where there are significant differences between the staffing and administration of on-campus programs and those to be offered at the proposed center, the institution shall provide an explanation of the means by which consistency in the quality of outcomes will be ensured. Approval of this plan does not negate the need for coordinating board review and approval of individual programs proposed for a center;

4. An evaluation of the five (5)-year expenditure and revenue plan for the center.

A. The coordinating board will specify a format for presenting the following financial information for the proposed center: anticipated revenues by source, including student fees, local support and allocation from the parent institution; planned operating expenditures by standard program classification categories; and planned expenditures for physical facilities acquisition, maintenance and operation. Proposals shall specifically

address the availability of facilities, adequacy of such facilities to support planned programming and the location of facilities in relation to the population to be served.

B. There shall be clear evidence of sufficient local support to ensure financial access and quality of programming. Residence center proposals also shall include displays of financial information indicating the extent of fixed costs and anticipated constant revenues and variable costs and revenues; and

5. An assessment of the procedures to be used for periodic evaluation of the center.

A. A proposal for a new residence center shall include objectives to be used in evaluating the center after three (3) years of operation. These objectives shall be phrased in measurable terms and shall state the minimum and the most desirable levels of performance in terms of the following variables: student enrollment, student retention rates in degree programs, revenues by source, physical facilities and support services offered.

B. The evaluation plan also shall designate positions within the parent institution having responsibility for carrying out the evaluation and the time frame in which the evaluation will be completed.

(B) The coordinating board may request that the parent institution submit a general plan for phasing out the residence center in the event that performance objectives are not met.

AUTHORITY: section 173.005.2(3) RSMo 1986. Original rule filed Nov. 2, 1987, effective Jan. 29, 1988.*

**Original authority: 173.005.2(3), RSMo 1973, amended 1983, 1985, 1999.*

6 CSR 10-6.030 Funding of Off-Campus and Out-of-District Instructional Sites

PURPOSE: This rule sets forth the criteria and requirements for the inclusion of selected off-campus and out-of-district instruction in the Coordinating Board for Higher Education's appropriation recommendations and for the reimbursement of selected out-of-district instruction as authorized in sections 163.191 and 173.030, RSMo.

(1) Definitions.

(A) Coordinating board—the Coordinating Board for Higher Education created by the Omnibus State Reorganization Act, Law, 1974 p. 530.

(B) Course—Any regularly approved and scheduled instructional activity—

1. For which, upon successful completion, enrolled students are given credit that

can be applied to meet the requirements for achieving a degree, certificate or similar academic award;

2. Which is derivative from programs traditionally offered at the certificate or degree level, which is designed to meet career needs of employed persons or persons who intend to enter or reenter employment, and which involves the assessment of student fees;

3. Designed to assist the student in gaining degree or certificate curriculum entry proficiencies in, and only in, the areas of writing skills, speech skills, reading, mathematics and study skills related to the preparation for collegiate-level work. In addition, nontraditional developmental remedial activity may be included if—

A. Students are tested and assigned to a remedial program;

B. Students are tested for a minimum proficiency standard to exit from the program;

C. Students pay a fee for the service;

D. A record of the activity is entered on the transcript; and

E. The activity is not supplemental student tutoring; or

4. Which allows, if offered to one (1) company for employees of that company, enrollment of students not employed by that company. Student fees may be paid by either the student or a company, but under no circumstances may student fees be waived by the institution.

(C) Off-campus instruction—instructional activities conducted by a public four (4)-year college or university that are delivered anywhere other than in the facilities or on the grounds of the institution's main campus, excluding those activities which are an integral part of—

1. The on-campus instructional programs but which require students to travel from the main campus for special learning experiences as in student teaching, field work and internships; or

2. A coordinating board approved cooperative degree program between two (2) or more four (4)-year colleges or universities which is offered on the campus of one (1) of the participating institutions.

(D) Out-of-district instruction—instructional activities of a community junior college as defined in section 163.191(4), RSMo which are delivered at a location beyond the legal boundary of the college's district.

(E) State education institution—an educational institution as defined in section 176.010(5), RSMo.

(2) Designation of Areas of Prior Need.

(A) The coordinating board, under the provisions of sections 163.191.3. and 173.030(4), RSMo, is authorized to include selected off-campus and out-of-district instruction in its appropriation recommendations and to reimburse selected out-of-district instruction in areas where prior need has been established by the coordinating board.

(B) Geographic areas of prior need shall be designated by the coordinating board based on documented and specific needs assessments, the format and methodology of which shall be determined by the coordinating board. As a part of the geographic need designation process, specific educational sites may be designated for the purpose of providing needed educational services. Only under exceptional circumstances will specific educational sites for the delivery of lower division course work be designated within public school districts which are contiguous with an existing public community junior college district.

(C) The coordinating board also may designate programmatic areas of prior need which shall be based on documented and specific needs assessments, the format and methodology of which shall be determined by the coordinating board. These programmatic designations are intended to serve specialized training needs of the state which cannot be addressed through a site specific designation.

(D) The criteria used by the coordinating board for determining geographic and/or programmatic areas of prior need will include, but are not limited to:

1. Relationship to the coordinating board's statewide policy goals;

2. Access, including programmatic, geographic, financial and special populations; and

3. Identified manpower, instructional needs or both of the state, region or community or all of them.

(3) Provision of Educational Services.

(A) The determination of both institutional and instructional activity eligibility for inclusion in the coordinating board's appropriation recommendation, to receive reimbursement or both under the provisions of this rule shall be made by the coordinating board after prior need has been established under section (2) of this rule.

(B) The designation as an eligible institution, off-campus or out-of-district instructional activity or any of these shall be based on a formal proposal submitted to and in a form determined appropriate by the coordinating board. The proposal may be initiated by an interested community organization, an educational institution, a state agency or the

coordinating board; however, no proposal shall be accepted which does not show evidence of consultation and cooperation among all of these groups, as appropriate. The proposal should be responsive to the decision criteria listed in subsection (3)(D) of this rule, shall outline specific proposed instructional activities, or courses or both, shall include a letter of agreement as described in subsection (3)(E) of this rule, if applicable, and shall include an initial educational action plan as described in subsection (5)(A) of this rule.

(C) Instructional activities must be both a course, as defined in subsection (1)(B) of this rule, and be determined by the coordinating board as satisfying the applicable criteria in subsection (3)(D) of this rule to be eligible under the provisions of this section.

(D) The determination of eligibility of an institution or instructional activity shall be based on the following criteria:

1. The institution's mission statement and strategic plan;

2. Relationship of instructional services to be offered off-campus or out-of-district and those currently offered on the parent campus;

3. Responsiveness of the proposal to identified needs of the area;

4. Distance, commuting time or both between the authorized educational site and the institution's home campus;

5. Availability of alternative means of delivering the needed service, including, but not limited to, telecommunications;

6. Availability of alternative funding for the instructional service from other sources;

7. Availability and adequacy of existing physical and support service facilities, including libraries, counseling and others as needed or the adequacy of alternative provisions;

8. Commitment that instructional staff shall meet customary institutional hiring, orientation, evaluation and development standards and expectations for instructional personnel. If an instructional activity will involve more than fifty percent (50%) adjunct faculty, the rationale for the use of adjunct faculty shall be documented and approved by the coordinating board;

9. Evidence of an appropriate student assessment plan for the proposed instructional offerings; and

10. Any other criteria previously adopted by the coordinating board pertaining to off-campus or out-of-district instructional delivery, including, but not limited to, new program approval policies and policies on instructional delivery through telecommunications.

(E) Letter of Agreement.

1. All institutions engaged in educational activities under the provisions of this rule, at a particular approved educational site, must sign a letter of agreement and the letter of agreement must be approved by the coordinating board in order for those services to be included in appropriation recommendations, funded or both. The letter of agreement shall include:

A. A statement of the purposes of the agreement to offer services at the site;

B. A listing of the participating institutions; and

C. A description of the governance structure of the site and of the delegation of educational and operational responsibilities at the site.

2. Subsequent changes in the letter of agreement concerning institutional participation, administrative structure or both are subject to the approval of the coordinating board.

3. Institutions that have received program-based authorization or those that are the sole educational providers at a specific site are not required to submit a letter of agreement; however, they are required to submit the off-campus or out-of-district proposal as required in subsection (3)(B) of this rule.

(4) Reporting Requirements.

(A) Appropriation Recommendations for State Educational Institutions.

1. Fiscal resources allocated during the most recently completed fiscal year to the provision of the instructional services authorized under section (3) of this rule shall be reported to the coordinating board as a part of the planned instructional expenditures portion of the institution's operating budget request and shall be submitted in a form prescribed by the coordinating board.

2. Separate budgetary data as deemed appropriate by the coordinating board shall be submitted by each institution for each instructional activity authorized under section (3) of this rule.

(B) Community Junior College Reimbursement. Reimbursement for out-of-district instruction shall be limited to the amount appropriated by the general assembly for each institution.

(C) All appropriation recommendations and reimbursements made under the provisions of this rule and sections 163.191.3. and 173.030(4), are subject to the appropriation of funds by the general assembly, termination by concurrent resolution of the general assembly or both.

(D) The coordinating board will establish and promulgate specific information and data reporting procedures for authorized off-campus and out-of-district instructional activity.

All information submissions made by state educational institutions to the coordinating board shall include separate information on authorized off-campus and out-of-district instructional activities in which the responding institution is active, unless specifically exempted.

(5) Evaluation.

(A) An educational action plan shall be submitted for all instructional activities authorized under this rule in a format prescribed by the coordinating board. The plan should be cooperatively developed by the institutions offering instructional services at a site and a local citizen advisory group, when appropriate, and shall be approved by all participating institutional governing bodies. In order for instructional activities to be eligible for inclusion in the coordinating board's appropriation recommendation, reimbursement or both, the coordinating board must have previously approved an educational action plan for those services.

(B) The educational action plan shall be evaluated annually by the participating institutions with involvement of a local citizen advisory group and a report on that evaluation shall be submitted to the coordinating board for its approval. Coordinating board approval of the annual evaluation of the action plan is necessary for a site to maintain eligibility under the provisions of this rule.

(C) An assessment of the needs which an instructional activity is intended to serve shall be accomplished at least every three (3) years utilizing a method approved by the coordinating board. Continuation of appropriation requests and funding will be predicated on the results of this needs assessment.

AUTHORITY: sections 163.191.3. and 173.030(4), RSMo Supp. 1988. Original rule filed July 18, 1989, effective Oct. 15, 1989.*

**Original authority: 163.191.3, RSMo 1963, amended 1965, 1967, 1972, 1975, 1981, 1983, 1985, 1987, 1988, 1989, 1990, 1991, 1992, 2000 and 173.030(4), RSMo 1963, amended 1988, 1990, 1995.*