



Rules of
Department of Higher Education
Division 10—Commissioner of Higher Education
Chapter 10—Out-of-State Public Institutions

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**Title 6—DEPARTMENT OF
HIGHER EDUCATION
Division 10—Commissioner
of Higher Education
Chapter 10—Out-of-State Public
Institutions**

**6 CSR 10-10.010 Out-of-State Public
Institutions**

PURPOSE: This rule describes the requirements with which out-of-state public institutions that offer instruction in Missouri must comply.

(1) Definitions.

(A) Board or Coordinating Board or CBHE: The Coordinating Board for Higher Education created by section 173.005.2, RSMo.

(B) Branch campus or branch: A geographically separate and permanent instructional facility that is derived from and controlled by its main campus. A branch campus may provide complete and distinct programs and employ unique or shared instructional and administrative personnel. A branch may produce and maintain its own institutional and student records.

(C) Certificate: Any award, including a diploma that does not have a degree designation.

(D) Course: A defined and unique educational offering with discrete objectives and requirements in support of a program, whether conducted in person, by mail, or through any telecommunication medium.

(E) Degree: Any award, earned or honorary, conferred with the designation of associate, baccalaureate, master, professional or professional development, specialist, or doctorate.

(F) Distance education: Those education opportunities provided for credit by public out-of-state postsecondary institutions through online education services, as well as those opportunities provided for credit that postsecondary institutions provide outside their primary campus in multiple states. General term for any type of educational activity in which the participants are at a distance from each other—in other words, are separated in space. They may or may not be separated in time (asynchronous vs. synchronous).

(G) Main campus: The primary instructional facility of a school, as so designated by the school. For accredited schools, the main campus is the one to which accreditation is directly conferred and from which other campus locations derive their accreditation.

(H) MDHE or the department: The Missouri Department of Higher Education

created by section 173.005.1, RSMo.

(I) Offer: To enroll or seek to enroll anyone residing in the state of Missouri in a course or program beyond the high school level.

(J) Online course: Any course offered over the Internet.

(K) Online course provider: An organization that provides courses that are offered over the Internet.

(L) Online education: A type of learning in which instruction and content are delivered primarily over the Internet. The term does not include printed-based correspondence education, broadcast television or radio, videocassettes, and stand-alone educational software programs that do not have a significant Internet-based instructional component. Used interchangeably with Virtual learning, Cyber learning, e-learning.

(M) Out-of-state public institution of higher education: An educational institution as defined by section 173.005.2(12)(a), RSMo.

(N) Physical presence: Any person or location within the state of Missouri where, from, or through which a school operates for the purpose of conducting an activity relating to postsecondary education, including the granting of certificates or degrees. Location is defined to include any address, physical site, electronic device, or telephone number within or originating from within the boundaries of the state of Missouri. Physical presence shall also mean a formally scheduled instructional interaction organized by or through a school taking place between two (2) or more students and/or instructors within the state of Missouri.

(O) Program or program of instruction: A complete academic or vocational educational offering which fulfills the requirements for the awarding of a certificate or degree. A program may consist of one (1) or multiple courses, and shall, upon satisfactory completion, fulfill an academic, occupational, or other training objective.

(P) Transcript or transcript record: A student's permanent educational record.

(2) No out-of-state public institution shall offer programs or courses in Missouri without receiving prior approval of the CBHE to do so. This includes programs or courses offered face-to-face at locations within Missouri (including secondary schools) and through distance education. Failure to seek and receive approval prior to the delivery of instruction and/or the enrollment of students shall be sufficient cause to deny approval to offer courses or programs. Out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating

board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section.

(3) Approval from the CBHE to offer programs or courses at locations within the state of Missouri shall be valid for a period of no more than three (3) years. During the period in which an institution is approved to offer programs or courses within the state of Missouri, out-of-state public institutions must provide an annual data report concerning their operations in Missouri as specified by the MDHE. Authorization from the CBHE to offer programs or courses through distance education shall be valid for a period of one (1) year. During the period in which an institution is approved to offer distance education in Missouri, out-of-state public institutions must provide an annual data report concerning their operations in Missouri as specified by the MDHE.

(4) Degree Program Approval: As of July 1, 2008, the standards for approving degree programs of out-of-state public institutions will be substantially identical to the standards for Missouri public institutions of higher education, with the exception of the standards relating to program financing. The proposal components will be those required by the MDHE under the "Policies and Procedures for the Review of Academic Program Proposals" adopted by the CBHE on April 17, 1997, and standards for approval will be those specified in that policy.

(5) Course Approval: All courses offered by an out-of-state public institution that are not creditable toward a degree program approved by the MDHE for delivery in Missouri must meet, as determined by the MDHE, the following criteria in order to be approved by the CBHE:

(A) The course must be applicable to a recognized program offered by the delivering institution on its home campus;

(B) The course must be of adequate content and duration so as to be considered consistent with similar coursework offered on the institution's home campus or with coursework in the same subject area offered by other higher education institutions;

(C) The course must be taught by regular institutional faculty with educational and experiential qualifications that, in the judgment of the MDHE, are in excess of the level of the program to which the course is applicable;

(D) Students enrolling in the course must



have access to adequate academic and student support services, including but not limited to advising, library, financial assistance, and technical assistance;

(E) Students enrolling in the course must have access to adequate information regarding the course content and objectives, all costs associated with enrollment, and the applicability of the course to degree programs offered by the delivering institution; and

(F) Courses offered by telecommunication means must have evidence of sufficient support from the home campus to ensure students have the means to achieve the stated objectives in a manner consistent with students enrolled on the home campus and must be aligned with the "Principles of Good Practice for Distance-Learning/Web-Based Courses" adopted by the CBHE on April 13, 2000.

(6) In order to be approved to offer courses or programs at locations within the state of Missouri, the applicant institution must—

(A) Provide documentation that the courses and programs offered by the institution in Missouri are included within the scope of accreditation currently granted by the institution's recognized accrediting body and, as applicable, any applicable programmatic accrediting agency; and

(B) Agree to comply with all CBHE policies relating to data collection, cooperation, and resolution of disputes.

(7) In order to be authorized to offer distance education in the state of Missouri, the applicant institution must—

(A) Provide documentation that the courses and programs offered by the institution in Missouri are included within the scope of accreditation currently granted by the institution's recognized accrediting body and any applicable programmatic accrediting agency; and

(B) Affirm in writing its compliance with the MDHE Principles of Good Practice for Distance Learning and Web-Based Course. (See <http://www.dhe.mo.gov/files/policies/policy-forreview.pdf>)

(8) Fees.

(A) Certification Fee. No certificate of approval to operate shall be issued except upon payment of the prescribed certification fee.

1. The certification fee shall be computed on the basis of \$.0013 per one dollar (\$1) of net tuition and fees income (excluding refunds, books, tools, and supplies) with a maximum of five thousand dollars (\$5,000) and a minimum of five hundred dollars (\$500) per school. Tuition and fees for schools that

operate at two (2) or more locations within Missouri may be reported separately or be combined for all locations for purposes of computing the certification fee. The certification fee shall be computed on the basis of data submitted by the institution, subject to verification by the department.

2. The certification fee for a school upon initial certification to operate shall be computed on the basis of the estimate given in the application of the net tuition income for the first year of operation, except that the fee shall not be less than the minimum of five hundred dollars (\$500). The full initial certification fee shall be assessed whether the initial certification is for an entire or partial certification year.

3. The certification fee requirement for a branch campus operated in Missouri by an out-of-state public institution shall be computed solely on the basis of applicable tuition and fee income at the Missouri branch campus.

4. For a school having a certificate of approval for the sole purpose of recruiting students in Missouri, the net tuition used for the certification fee computation shall be only that paid, or estimated if initial, to the school by students recruited from Missouri and the fee shall be five hundred dollars (\$500) plus \$.0013 per one dollar (\$1) of net tuition and fees income (excluding refunds, books, tools, and supplies) not to exceed five thousand dollars (\$5,000).

(B) Security Deposit. Each institution must file a security deposit with coverage consistent with the statutory requirements of section 173.612, RSMo.

1. The security deposit shall be executed on the prescribed form provided by the department for that purpose. The security deposit shall cover all facilities and locations of the school in the state of Missouri and shall clearly state that it covers the school and agents of the school.

2. Any bonding company must be approved by the Missouri Department of Insurance, Financial Institutions and Professional Registration.

3. The amount of the security deposit shall be ten percent (10%) of the preceding year's gross tuition but, in no event, shall be less than five thousand dollars (\$5,000) nor more than one hundred thousand dollars (\$100,000) except that the school may deposit a greater amount at its own discretion.

4. The school may comply with the security deposit requirement through any of the following three (3) methods at the discretion of the school: performance surety bond, irrevocable letter of credit, or cash bond secured by certificate of deposit.

5. The amount of the security deposit required must be computed and compliance verified with each annual application for certification. Written verification of compliance with the security deposit requirement of the authorizing statute must be presented prior to the issuance of a certificate of approval. Failure of a school to post and maintain the required security deposit may result in denial, suspension, or revocation of certification to operate or the school being placed on probation.

6. Any school that operates two (2) or more main campuses in the state may combine, or report separately, gross tuition for all locations for the purpose of determining the annual security deposit requirement. However, if the combined gross tuition calculates a security deposit requirement in excess of the one hundred thousand dollars (\$100,000) maximum, the gross tuition shall be reported separately, and the requirement calculated separately. The security deposit requirement for a branch campus operated in Missouri by an out-of-state school shall be computed solely on the basis of applicable tuition and fee income at the Missouri branch campus.

(C) Fees should be made payable to the Missouri Department of Higher Education.

(D) All fees are non-refundable.

(E) The following fees shall be paid:

1. Initial Application for Certification (to be credited toward the certification fee)	\$200
2. Initial Application for Exemption	\$ 50
3. Application to Establish a Branch Campus	\$100
4. Application to Establish an Extension Site	\$ 50
5. New Program Review (Certificate)	\$100
6. New Program Review (Associate)	\$200
7. New Program Review (Bachelor and Graduate)	\$500
8. Substantive Change Review (Certificate)	\$ 50
9. Substantive Change Review (Associate)	\$100
10. Substantive Change Review (Bachelor and Graduate)	\$250
11. Change of Ownership, Name, Location	\$100
12. Student Record Verification (per copy)	\$ 10
13. Late Fee (per day)	\$ 10

A. A late fee of ten dollars (\$10) per day, not to exceed a maximum of one thousand five hundred dollars (\$1,500), will be assessed



on certified schools that fail to respond, within a reasonable time frame to be stated in official correspondence, to the department's request for information or documentation related to recertification, grievances, department site visits, or probation.

B. The late fee may be waived in whole or in part at the discretion of the department.

(9) Nothing in this regulation shall be construed or interpreted so that students attending an out-of-state public institution of higher education are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

AUTHORITY: section 173.005, RSMo Supp. 2012. Original rule filed Dec. 17, 2007, effective June 30, 2008. Amended: Filed April 15, 2013, effective Oct. 30, 2013.*

**Original authority: 173.005, RSMo 1973, amended 1983, 1985, 1999, 2003, 2005, 2007, 2010, 2011, 2012.*