Title 6 – Department of Higher Education
Division 10 – Commissioner of Higher Education
Chapter 2 – Student Financial Assistance Programs

PROPOSED AMENDMENT

6 CSR 10-2.140 Institutional Eligibility for Student Participation. The commissioner is amending section 1, subsections (3)(B) and (3)(C), and subsection (6)(C).

PURPOSE: These amendments update the definition of approved institution, approved private institution, and approved public institution, and add the definition of approved virtual institution to reflect statutory revisions. The amendments also update institutional eligibility provisions and statutory references to reflect statutory revisions.

(1) Definitions.

(A) Approved institution means any institution located in the state of Missouri that meets the requirements set forth in section subdivisions 173.1102.1(2), (3), or (4), RSMo; that has been approved under 6 CSR 10-2.140; and that has been approved to participate in the federal student financial assistance programs created in Title IV of the Higher Education Act of 1965, as amended.

(B) Approved private institution means an educational institution as defined in section subdivision 173.1102.1(2), RSMo.

(C) Approved public institution means an educational institution as defined in section subdivision 173.1102.1(3), RSMo.

(D) Approved virtual institution means an educational institution as defined in subdivision 173.1102.1(4), RSMo.

(E) CBHE means the Coordinating Board for Higher Education created by section 173.005, RSMo.

(F) Department means the Department of Higher Education created by section 173.005, RSMo.

(G) Expenses shall mean any charges the student owes to the institution that can be paid with state student assistance program funds as defined by each state student assistance program.

(H) Standard admission policies shall mean policies approved and published by the approved institution to admit students to the institution.

(I) State student assistance program shall be any financial aid program created by Missouri statute that charges the CBHE with program administration and that establishes institutional eligibility through criteria consistent with section 173.1102, RSMo, as determined by the CBHE.

(3) Institutional Eligibility.

(B) Public, private, and virtual institutions are eligible to participate in state student assistance programs only if they permit faculty members to select textbooks without influence or pressure from any source in order to be approved institutions. This requirement is in addition to requirements set forth in sections subdivisions 173.1102.1(2), (3), and (4), RSMo, and elsewhere in this rule. Selection of textbooks within individual departments or schools by faculty curriculum committees shall not be considered inconsistent with this requirement.
(C) To be an approved private institution, an institution must be a nonprofit educational institution operating privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision. This requirement is in addition to requirements set forth in [section]/[subdivision] 173.1102.1(2), RSMo, and elsewhere in this rule. For the purposes of this rule, an independent board is one that meets the following minimum criteria:

1. The governing instrument of the institution gives the governing board final decision making authority for the institution;
   2. The governing board is composed of a number of members as fixed or provided for in the governing instrument of the institution, who serve for terms of definite duration;
   3. Each member of the governing board is free to exercise judgment independently in the interest of the institution without being controlled by any person or authority; and
   4. The members of the governing board may not be removed by any authority during their respective terms, except for cause. For purposes of this criterion, “cause” shall not include any reason based upon religious affiliation, including failure to follow the directives of any purported superior authority, religious or otherwise.

(6) Procedures.

(C) During a period in which an institution is certified as an approved institution, if a substantial change occurs in the institution’s governing structure; in the institution’s hiring policies pertaining to administration, faculty, and staff; in the institution’s admissions policies; in the institution’s textbook selection procedures; in the level of programs or degrees offered by the institution; in the institution’s qualification for accreditation by the Higher Learning Commission or other United States Department of Education-recognized accrediting agency; in the institution’s record of compliance with lawfully promulgated CBHE policies and procedures; or in any other matter affecting the criteria set forth in [sections]/[subdivisions] 173.1102.1(2) [or], (3), [or] (4), RSMo, the CBHE may consider whether to terminate the institution’s approved status because of such change. Institutions shall notify the CBHE in writing within thirty (30) days after any such change occurs. Before the CBHE makes a decision regarding the status of an approved institution, the CBHE may, at its own discretion, hold one (1) or more public hearing(s) under the procedures set forth in subsection (6)(G) of this rule.


PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.
NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, P.O. Box 1469, Jefferson City, MO 65102-1469 or kelli.reed@dhe.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.