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# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education at its meeting on September 25, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted a Certification Program for Teachers in English as a Second Language.

The presence of non-English speakers in our Louisiana schools is emerging as a major problem for our school officials. The New Orleans area continues to receive Spanish-speakers from Latin America, and the Indochinese refugee enrollment in Louisiana has grown to over 10,000 (third largest population in the country). Although these are also concentrated in the New Orleans area, refugee children are enrolled in schools across the state.

The problem of educating the non-English speakers has grown to such proportions that special programs have been designed both in English as a second language and in bilingual education. For the 1979-80 school year, Orleans Parish has hired seventeen full-time English teachers to teach English as a second language. Other parishes are utilizing part-time ESL teachers and have set up special tutorial programs. Teachers at all levels who work with the non-English speakers share common challenges and unique difficulties in their attempt to provide academic instruction. For these students, a working command of English is an educational essential. This command must be acquired through methods which differ from those customarily employed by the teacher of English to native speakers of the language. This constitutes the case for a special pattern of preparation for teachers of English as a second language.

### Certification Program in English as a Second Language

English as a Second Language would be added to the certificate of any teacher who a) holds certification in foreign languages, English, or elementary education; and b) successfully completes the following courses:

A. Methods for Teaching ESL - the theories and practical approaches and techniques for teaching ESL to elementary, secondary, and adult education students. (three semester hours).

B. An introduction to Language and Culture - the relationship of language acquisition to social and cognitive development. (three semester hours).

C. The Structure of the English Language - a study of the distinctive sound patterns and grammatical systems of American English. (three semester hours).

D. Curriculum Design for the Multicultural Classroom - adapting curricula for the multi-ethnic classroom, as well as a review of existing ESL materials (elementary, secondary, and adult education levels. (three semester hours).

Effective date of this program will be September, 1982.

James V. Soileau  
Executive Director

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Security

In accordance with the provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security has implemented the following policy regarding Title XIX Medicaid) payment for abortions.

Effective September 19, 1980, the Louisiana Medical Assistance Program will enforce Medicaid regulations which restrict payments for abortions except when one of the two criteria outlined below is met:

1) A physician has found, and so certified in writing, that on the basis of his/her professional judgment, the life of the pregnant woman would be endangered if the fetus were carried to term.

2) A physician has obtained signed documentation from a law enforcement agency or public health service stating: (a) that the pregnant woman was reported to have been the victim of an incident of rape or incest; (b) the date of which the incident occurred; (c) the date on which the report was made, which, in the case of rape, must have been within seventy-two hours (three days) of the date on which the incident occurred; (d) the name and address of the person making the report (if different from the victim); and (e) that the report included the signature of the person who reported the incident.

This action will allow the Medical Assistance Program to be in compliance with the United States Supreme Court rulings of June 30, 1980 and September 17, 1980. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

George A. Fischer, Secretary  
Department of Health and Human Resources

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, will implement effective November 3, 1980, a program of state medical assistance for state and local retirees who become ineligible for Supplemental Security Income and Medicaid benefits due to cost of living increases in state or local government retirement benefits occurring on or after August 31, 1979. The medical benefits to be provided are the same as those provided through Title XIX, Medicaid, but will be funded by all state monies.

The expansion of the State Medical Assistance Program is mandated by Act 481 of the 1980 session of the Louisiana Legislature.

In determining eligibility of potential recipients, all percentage increases in state, local, and parish retirement benefits beginning in August, 1979, will be disregarded from the individual's current income. Need will be determined in accordance with Supplemental Security Income (SSI) standards. SSI resource criteria shall also be used.

For those determined eligible, medical cards will be issued for any appropriate retroactive months and for current and subsequent months.

The declaration method shall be used in redetermining eligibility annually. If the individual becomes ineligible for any reason other than the cost of living increase from state and local retirement, the case shall be closed.

George A. Fischer, Secretary  
Department of Health and Human Resources

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Security

In accordance with provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has implemented the following policy regarding assignment of health insurance benefits effective September 12, 1980.

By operation of law (Act 255 of the 1980 Legislature) the applicant or recipient of Medical Assistance shall be deemed to

have made an assignment to the Department of Health and Human Resources of his right to any hospitalization, medical, accident, or health benefits owed to applicant or recipient by any third party (i.e., insurance company, etc.), as well as rights to such benefits or medical support payments owed by any third party to applicant's or recipient's children or any other person for whom applicant or recipient has legal authority to execute such an assignment.

This action will allow the Medical Assistance Program to be in compliance with Act 255 of the 1980 Legislature and federal regulations 42 CFR 433.135. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

George A. Fischer, Secretary  
Department of Health and Human Resources

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Human Development

As provided for in the Appropriations Act of the 1980 Louisiana Legislature, effective July, 1980, the Department of Health and Human Resources, Office of Human Development, has adopted revisions which increase the fees or rates paid for the Foster Care services listed below. The emergency rulemaking procedure has been adopted to enable foster parents and foster children to benefit from these increased rates in the month of August, 1980.

1. Monthly board rate for a foster child in Foster Family Care under age six - \$160.00 (\$5.24 per day).
2. Monthly board rate for a foster child in Foster Family Care between the ages of six years and twelve years - \$185.00 (\$6.11 per day).
3. Monthly board rate for a foster child in Foster Family Care ages thirteen or older - \$212.00 (\$6.98 per day).
4. Foster Family Home Retainer Fee - \$15.00.
5. Initial Replacement Clothing Allowance - \$175.00.
6. Physician's fee for required annual physical examination of Foster Parent - \$25.00.
7. Monthly subsidy payment for specialized foster homes - \$700.00.
8. Special recreational expenses of foster child - \$200.00 per school year — \$200.00 per summer.

Additional copies of this material may be secured from the office of Human Development, Division of Evaluation and Services, Planning Section, Box 3318, Baton Rouge, Louisiana 70821.

Interested persons may submit written comments on the proposed policy changes through November 5, 1980 to: Mr. Arthur J. Dixon, Assistant Secretary, Office of Human Development, Box 44731, Baton Rouge, Louisiana 70821.

George A. Fischer, Secretary  
Department of Health and Human Resources

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Human Development

With funds provided in the Appropriations Act of the 1980 Louisiana Legislature, the Department of Health and Human Resources has adopted the following increased rate schedule for the provision of Day Care services provided through vendor payments to licensed day care centers and approved family day care homes:

#### Licensed Day Care Centers    Approved Family Day Care Homes

	Old Rate	New Rate	Old Rate	New Rate
Monthly	\$112.42	\$123.20	\$73.92	\$81.62
Daily	5.11	5.60	3.36	3.71
Hourly	.73	.80	.48	.53

The amount paid by the Office of Human Development for a child's full-time care shall be the center's regular fee for day care and transportation but shall not exceed \$123.20 per month.

In no case shall the amount of payment exceed the amount charged by a day care center to private paying clients.

George A. Fischer, Secretary  
Department of Health and Human Resources

### DECLARATION OF EMERGENCY

#### Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective with October 1980 payments, the following increases in the monthly maintenance subsidy rates in the Subsidized Adoption Program:

	Old Rate	New Rate
Special Needs Adoptive Child under age six	\$116.80	\$128.00
Special Needs Adoptive Child between six and twelve	\$136.00	\$148.00
Special Needs Adoptive Child ages thirteen or older	\$154.82	\$169.60

Additionally, the following revised income eligibility standard for the Adoption Subsidy Program is being adopted to reflect adjustments in the Louisiana median annual income as computed by the U.S. Bureau of the Census. The table lists, by family size, 115 percent of the Louisiana median annual income. Persons adopting special needs children in the custody of the Department of Health and Human Resources whose family income is below that listed on the table may apply for a maintenance subsidy.

Family Size	Gross Annual Income	Family Size	Gross Annual Income
2 Persons	\$14,616	9 Persons	\$30,300
3 Persons	\$18,048	10 Persons	\$30,948
4 Persons	\$21,492	11 Persons	\$31,956
5 Persons	\$24,936	12 Persons	\$32,244
6 Persons	\$28,368	13 Persons	\$32,880
7 Persons	\$29,016	14 Persons	\$33,528
8 Persons	\$29,664		

For each additional family member above fourteen, add \$648.00 to the figure shown for a fourteen member family.

George A. Fischer, Secretary  
Department of Health and Human Resources

### DECLARATION OF EMERGENCY

#### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Louisiana Wildlife and Fisheries Commission has adopted emergency rules in accordance with R.S. 49.953B of the Administrative Procedures Act. Said rules will become effective as stated.

1. Iatt Lake in Grant Parish has been closed to commercial netting during the draw down of water beginning August 15, 1980, until the closing of the control gates on February 1, 1981. This

would allow for the authorization of Department enforcement agents to enforce the closure. Fish population samples taken by Department biologists indicate the poundage of commercial fish in Iatt Lake is generally low and nets can jeopardize the game fish population. This action is being taken at the request of the Iatt Lake Water Conservation Committee Board which adopted a similar resolution on August 14, 1980.

2. The oyster season in Calcasieu Lake has been set to extend from one-half hour before sunrise on Saturday, November 1, 1980, through one-half hour after sunset on Tuesday, March 31, 1981, with the right being reserved to extend said season or close it sooner if biologically justifiable. Fishing will be limited to the use of tongs and to daylight hours. The open areas shall be confined to the area of Calcasieu Lake, with the exception of Calcasieu River and Ship Channel, East Fork, West Fork and Oyster Bayou which shall be closed. The three inch culling law shall be observed by all fishermen fishing the area and the culls shall be returned to the fishing area reefs to provide for future harvesting. All oysters shall be put into sacks before leaving the oyster fishing area in Calcasieu Lake. Oysters not in sacks leaving the fishing area in Calcasieu Lake shall be confiscated and violator subject to penalty set forth in Title 56, Section 115. The taking of oysters for commercial purposes shall be limited to fifteen sacks per boat per day. The taking of oysters for home consumption shall be limited to three bushels (two sacks) per boat per day, which need not be tagged. All commercial fishing of oysters shall be done only with proper licenses, and the sacks of oysters be properly tagged before leaving fishing vessel. All sacks entering into commerce shall be tagged. The Secretary is hereby authorized and empowered to extend or close said season, and increase or decrease the limit, when biologically justified.

The State Department of Health will examine the growing oysters of this aforementioned area and approve the waters for fishing oysters if the health standards are met.

3. WHEREAS, R.S. 56:437 has by excluding the use of undersize dredge on public oyster grounds created an injustice for a segment of the oyster fisheries, and

WHEREAS, Act 197 of the 1980 legislative session has attempted to rectify the problem in R.S. 56:437 but made the designation of the areas upon which these small dredges may be used the responsibility of the Commission, and

WHEREAS, R.S. 56:462 designates areas to be included in the "Oyster Seed Grounds," and

WHEREAS, R.S. 56:457 designates certain areas as public grounds incorporated into "Oyster Seed Reservations"; Sister Lake, Hackberry Bay, Bay Junope, Bay Gardene.

THEREFORE, BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission now designates those areas pre-designated in sections R.S. 56:462 and 457 as those areas upon which undersize dredges can be used with a special permit from the Secretary. Section 437 also requires a special permit for an undersized dredge when used on private leases and by lessee's designee.

BE IT FURTHER RESOLVED that the use on public grounds be used only as specified in Act 197 during open season.

BE IT FURTHER RESOLVED that this be an emergency action due to the season opening September 3, 1980, and the law becoming effective September 13, 1980.

Joseph V. Colson  
Secretary

#### **Fiscal and Economic Impact Statement For Administrative Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)  
There will be no implementation costs or cost savings to the agency.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Department estimates that there will be no effect on revenue collections.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

The commercial and recreational activities will be curtailed during closing but yields should be significantly higher after the control gates are closed.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is very little commercial fishing in Iatt Lake due to the low poundage of commercial fish in this lake. Commercial fishing will be curtailed on the lake for a period of six months. However, yields are expected to increase by ten percent after the drawdown.

Mary Mitchell  
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen  
Legislative Fiscal Officer

#### **Fiscal and Economic Impact Statement For Administrative Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no costs to the Department of Wildlife and Fisheries to implement the oyster season in Calcasieu Lake. Enforcement of the laws pertaining to this season fall within regular work days of Wildlife and Fisheries agents.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

The Department estimates that there will be no effect on revenue collections.

- III. ESTIMATED COST AND BENEFITS TO AFFECTED GROUPS - (Summary)

The commercial and recreational activities will be curtailed during closing but yields should be significantly higher after the control gates are closed.

- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is very little commercial fishing in Iatt Lake due to the low poundage of commercial fish in this lake. Commercial fishing will be curtailed on the lake for a period of six months. However, yields are expected to increase by ten percent after the drawdown.

Mary Mitchell  
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen  
Legislative Fiscal Officer

#### **Fiscal and Economic Impact Statement For Administrative Rules**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO AGENCY - (Summary)

There will be no cost to this Department.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS - (Summary)

There will be no effect on the Revenue Collections of this Department.

- III. ESTIMATED COSTS AND BENEFITS TO AFFECTED GROUPS - (Summary)

There will be no estimated cost to affected groups. There have been 19 permits issued by the Department for small dredges.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There have been 19 permits issued for small dredges. We have no historical data on which to base competition and employment.

Mary Mitchell  
Fiscal Officer, Wildlife and Fisheries

Mark C. Drennen  
Legislative Fiscal Officer

# Rules

## RULE

### Department of Education Board of Regents

The Louisiana Board of Regents at its meeting of September 25, 1980, amended and/or revised policies 2.2 - Letters of Intent; 3.10 - State Appropriation Formula, Revised: 1981; and 4.2 Mandatory Guidelines for the Conduct of Off-Campus Activities as follows.

#### Section II

#### Academic Affairs 2.02.01 2.2 (Rev.) Letters of Intent

The purpose of Letters of Intent is to strengthen the planning and coordination of academic programs by allowing the Board of Regents to review summaries of projected programs while they are still in the formative stage. Accordingly, institutions of higher education shall transmit Letters of Intent to the Commissioner of Higher Education for all academic programs to be proposed. A Letter of Intent must be filed separately for each program to be submitted. Each Letter of Intent should be limited to three pages or less. It should provide the title, a brief description, and purpose of the projected programs, and demonstrate that the program would:

- (1) Be within the role and scope of the institution.
- (2) Complement and strengthen existing programs at the institution.
- (3) Avoid unnecessary duplication of programs at other State-supported institutions.
- (4) Supply present and future manpower needs.
- (5) Be within the institution's anticipated resources.
  - (a) Letters of Intent have no binding qualities. Institutions may later decide to alter or cancel plans for projected programs. Letters of Intent will not affect the authority of management boards to dispense with proposed programs as they deem appropriate. Communications and deliberations pursuant to a Letter of Intent will imply neither approval nor disapproval of the subsequent program by the Board of Regents.
  - (b) Letters of Intent must be filed at least twelve months in advance for the submittal of baccalaureate, master's, specialist, and doctoral programs; and ninety days in advance for the submittal of certificate and associate programs. Under unusual circumstances, institutions may at any time request the Board of Regents to waive these requirements.
  - (c) The staff will submit periodic reports to the Board of Regents summarizing both the Letters of Intent on file and deliberations with institutions pertaining to them.
  - (d) This policy shall not be interpreted to restrict actions which the Board of Regents may take during the reviews of existing academic programs.
  - (e) A Letter of Intent is invalid three years after the date of its submittal to the Board of Regents.

## 3.10 - State Appropriation Formula

Revised: 1981

### Section I - Authority

This formula is submitted in accordance with Article VIII, Section 5-(D)(5) of the Louisiana Constitution of 1974 which mandates the Board of Regents "to formulate and make timely revision of a master plan for higher education. As a minimum, the plan shall include a formula for equitable distribution of funds to the institutions of higher education." Additionally, there have been repeated requests in the past from the Executive and Legislative branches of state government and the institutions themselves for the development of an equitable method for determining funding levels for each institution.

### Section II - Introduction

The complex character of educational institutions, combined with increasing enrollments and operational costs in the last decade, exerted a demand for a more uniform method to distribute tax-generated funds to state institutions of higher learning. These pressures resulted in the development of numerous higher education formulae in numerous states using various factors of measurements as input for calculations to derive state appropriations for public colleges and universities. The number of states adopting this approach of "formula funding" has continually increased since the early 1960's; one survey indicated that twenty-five states utilized this method in 1973, and indications are that the trend is continuing. In computing the required amount of state funding, these formulae range in complexity from those using a few factors to those using many factors.

There are inherent advantages in using the formula approach to determine state appropriations. The formula method results in the accumulation of measurable data from institutions; it permits the use of mathematical calculations that remove the necessity for subjective evaluation; and it is objective in nature and identifies the needs of all institutions in comparable terms. Primarily, the formula concept is equitable. This formula uniformly places financing on a per student credit hour basis for each institution. Equity, and not necessarily equality, is the basic objective of the formula.

The intention of this formula does not extend to the internal allocation of funds for any functional category, specific discipline, or program. The internal allocation necessary for the development of an effective program of higher education on each campus remains the prerogative of that campus administration and its governing board.

### Section III

#### 1981-82 Basic Factor Chart Value Per Student Credit Hour

#### Basic Factor Chart

#### Instruction, Research, Academic Support and all Other Support

Student Level	Lower Cost	Higher Cost
	Areas	Areas
Lower Level Undergraduate	51.12	65.02
Upper Level Undergraduate	67.11	86.64
Nursing - LLU	—	128.84
Nursing - ULU	—	162.54
Nursing - Masters	—	265.82
Masters	207.74	260.40
Specialist Professional	232.11	—
Doctorate	562.12	700.40
Law	—	139.56

Higher Cost areas are listed below. All remaining HEGIS taxonomy codes are valued at the lower cost rate.

Agriculture	0101-0199
Allied Health & Pharmacy	1208; 1211-1215; 1220, 1223-1225
Engineering	0901-0999
Fine Arts & Architecture	0201-0299; 1001-1099
Law	1401-1499
Nursing	1203
Sciences	0401-0499; 0700-0799; 1901-1999
Technology	5100-5499

### Definitions and Interpretations

1. Values—The values in the chart are based upon average Southern Regional Education Board (SREB) academic year (nine-month) salaries, pupil/teacher ratios, definitions of full-time equivalent students in Student Credit Hours (SCH) per academic year, and historical expenditure patterns by function. The veterinary medicine formula shall be considered by the Board of Regents prior to the 1981-82 budget hearings. If approved, the budget of the School of Veterinary Medicine prepared for 1981-82 on a non-formula basis may be amended.

2. Level—The assignments in the chart were stratified by level of offering and by program area. In the reporting of SCH productivity, the level of offering for a given SCH will be determined by the classification of the student pursuing the course.

3. Student Classification Structure—

Classification Structure	Earned Credits
Lower Level Undergraduate	0-59 semester hours
Upper Level Undergraduate	60 semester hours - graduation
Masters	Accepted for Graduate Study; Masters and Masters plus thirty
Specialist/Professional	Specialist/Professional refers only to students formally enrolled in an Education Specialist Program. The higher value assigned to this level of instruction reflects the Board of Regents' dedication to the improvement of teachers in Louisiana
Doctorate	Formally admitted to study toward the Doctorate

### 4. Additional Student Classification Definitions

(a) A post-baccalaureate student enrolled in a state institution of higher learning, but not officially admitted to graduate school, is to be counted as "upper level undergraduate."

(b) The categories presently recognized as "professional" are Law (only those courses taught in a professional school of law), Veterinary Medicine, Dentistry, and Medicine. Of these, only Law is currently included in this formula. Veterinary Medicine may be included prior to the 1981-82 consolidated budget.

(c) "Deferred credit" is defined as credit earned by students when credit is granted at a later date, such as graduation from high school. These "deferred credits" may be counted in an institution's SCH production during the period in which the student is officially registered in the class.

(d) SCH credit earned in courses taught out of state is to be counted for student classification purposes and also is to be included in a separate section on the SCH production report for formula purposes. Records must be kept by course and location and are to indicate the number of students enrolled and the SCHs produced for each such course. Such records must be submitted to the Board of Regents no later than thirty days following the completion of the course.

(e) An institution shall not count audits in its SCH production report.

(f) Credit by examination, transfer credit, or correspondence study credit taken at another institution may be used only in

the classification of the student and not in an institution's SCH production report. An institution may accept a provisional student's classification on the basis of the best knowledge available during the first semester of enrollment at the institution.

(g) Credit earned in a cooperative institution (hospital, etc.) by a student enrolled in Medical Technology (or any curriculum requiring such arrangement) may not be counted in an institution's SCH production report.

(h) Student classification must be updated each semester.

(i) Student credit hours in nursing pursued in an associate degree nursing program are to be considered as upper level hours.

5. HEGIS Taxonomy—Taxonomy codes used in the Basic Factor Chart have not been expanded for this revision. The areas used are specific ones extracted from the taxonomy developed by the Western Interstate Commission for Higher Education (WICHE) for the United States Office of Education. These taxonomy codes have been statistically assigned into higher or lower cost areas.

### Section IV - Formula Methodology

Student credit hours (SCHs) that remain scheduled on the fourteenth class day are separated into higher cost or lower cost program areas and levels, using the HEGIS Taxonomy and student classification respectively. At the time legislative budget requests are prepared, summer and fall productivity data are complete. The approaching spring session production estimate should be based on the experience of the previous spring. Actual spring data will be available prior to the regular legislative session, and all institutions must submit adjusted reports by February 23, 1981 (Louisiana Tech - April 6, 1981). The SCHs shall be net, reflecting all transactions (drops, adds, resignations, etc.) occurring prior to the cutoff date. The resulting net SCHs are multiplied by the appropriate values on the Basic Factor Chart (Section III), and the sum of these products establishes 100 percent of the funding generated by SCH production. The values contained in the Basic Factor Chart are based on state support of 75 percent of E and G expenditures. Also, the values on the chart recognize fixed costs by providing a base support for all institutions. Funds for research are also included in the formula in accordance with the following provisions:

"Generally Mandated Research" shall be defined as that research which is (1) initiated internally by the institution or its management board, or (2) assigned as an institutional mission by *The Master Plan for Higher Education in Louisiana*, or (3) assigned as a general institutional mission by the executive or legislative branch of state government. The funds which will support this type of research shall be generated by values in the Basic Factor Chart of the higher education formula.

"Specifically Mandated Research" shall be defined as those research projects/programs which are initiated by executive order or by state statute. Funds for this type of research shall be requested as a formula exclusion.

The burden of proof is upon the institution that a particular research project is specifically mandated. Line item expenditures that are a direct result of a state legislative or executive mandate must be submitted to the Board of Regents' Finance Committee for review before such research will be allowed as a formula exclusion.

All institutions are to receive a base appropriation of \$1,267,952. This appropriation is intended to recognize fixed costs and diseconomies of scale.

An inflation factor for partial allocation of any new funds for higher education is included to promote an equitable distribution of inflationary support. The inflation factor amount for every institution funded on SCH production will be calculated by the Regents' staff. This computation will be based upon information institutionally supplied on budget "Form A's" for the 1980-81 operating budgets. All schools are to receive the inflation factor regardless of their level of implementation.

The combination of funds generated by SCH production, funds from the base appropriation, and funds generated by the inflation factor constitute full formula funding.

Procedures:

**Inflation Factor Calculation**

Current Year 1980-81 Budgeted Operating Other Support Expenditures	
Institutional Support	\$ _____
Student Services	_____
Scholarships & Fellowships	_____
Operation & Maintenance of Physical Plant	_____
Total Other Support	_____
State Appropriation Share	_____ x .75
Inflation Percentage*	_____ x .13
Inflation Factor	\$ _____

\*The inflation percentage may be changed annually.

**Section V - Functional Category Distribution**

Allocations to Educational and General Expense—Dr. John Dale Russell\* has recommended allocations of expenditures to eight functional categories of the Educational and General function. These categories, in use until recently, were: (1) Resident Instruction; (2) Organized Activities Related to Instruction; (3) Organized Research; (4) Extension and Public Service; (5) Libraries; (6) General Administration; (7) General Expense; and (8) Maintenance and Operation of Physical Plant. If the first four of Russell's categories are grouped under one heading, his recommendations are reduced to four groups as follows.

Resident Instruction & Related Activities	At least 63 percent
Libraries	5 percent to 6 percent
General Administration	15 percent or less
Operation & Maintenance of Physical Plant	16 percent or less

Further analysis in conjunction with Dr. Russell's research has led to the selection of the following suggested allocations of total educational and general expenditures:

Resident Instruction & Related Activities	68 percent
Libraries	5 percent
General Administration & General Expense	15 percent
Operation & Maintenance of Physical Plant	12 percent
	100 percent

Recent developments will have a definite impact on these allocations.

\*Russell, John Dale, "Budgetary Analysis," *College Self-Study*, Richard Axt and Hall T. Sprague, Eds. (Boulder, Colorado: Western Interstate Commission for Higher Education, 1959), p. 106. Two such developments are: (1) the establishment of new functional categories within the Education and General Function by National Association of College and University Business Officers (N.A.C.U.B.O.); and (2) the energy crisis which has sent utility costs soaring, and therefore, may change the physical plant allocation. Since there are not sufficient data to support new recommended allocations, the old percentages shall be retained as broad guidelines.

The new functional categories as established by N.A.C.U.B.O., and how they should be converted for percentage allocation purposes, are as follows.

**N.A.C.U.B.O. New Categories**

**Conversion to Russell's Percentage Allocation**

(1) Instruction	R.I.R.A.
(2) Research	R.I.R.A.
(3) Public Service	R.I.R.A.
(4) Academic Support (Libraries)*	R.I.R.A. Libraries
(5) Student Services	G.A.G.E.
(6) Institutional Support	G.A.G.E.
(7) Scholarships and Fellowships	G.A.G.E.
(8) Operation and Maintenance of Plant	O.M.P.P.

It should be noted that Staff Benefits (Related Benefits) costs are to be reported as a cost in the department (category) in which an individual is employed. This has been recommended by N.A.C.U.B.O. in the most recent publication of the handbook, *College and University Business Administration*, 1974.

\*For comparative purposes, Libraries are to be extracted from Academic Support.

**Section VI - Funding Requests**

A. Because the budgetary process requires considerable planning and effort, it is necessary that the requests be both reasonable and adequate to meet institutional needs and also be within the state's funding capabilities. Therefore, these requests must be prepared in the manner set forth in this formula document. The Regents have the prerogative to make the final recommendation for funding levels of all segments of higher education. Such recommendations will be based upon (a) complete evaluation of all requests, (b) projected state revenues, and (c) the development of a consolidated budget to be presented to the Executive and Legislative branches of state government.

B.1. The 1981-82 budget requests for all institutions subject to the formula are to be based on an implementation rate of one hundred percent. However, no institution need request less than the 1980-81 amount of state appropriations received for formula purposes.  
2. Funding requests for areas excluded from the formula shall be determined on an individual basis as set forth in Section IX - Exclusions.

C. Funding requests for management boards and their staffs, i.e., the Louisiana State University System, the Southern University System, and the Board of Trustees System, will be as set forth in Section IX - Exclusions. The funds for the operations of these management boards are an actual cost allocable to each segment of the respective boards. Therefore, an institution's pro rata share of system costs plus that individual institution's state appropriation shall be used in determining the attainment of the one hundred percent level of implementation.

D. All state appropriations not conforming to the Formula allocation process shall not be considered in the continuing base appropriations, nor will these funds be considered in the application of the Inflation Factor computation. For comparative purposes in all Formula schedules, analyses, etc., such funds will be included for determining implementation level; funds appropriated that do not conform to the Formula process shall be footnoted to indicate their amount, source, and purpose. The aim of this section is to encourage equitable allocation of all funds for higher education through the Formula.

**Section VII - Special Requests**

Justification for extraordinary expenditures, for a limited predetermined period, shall be based on this section. The purpose of this section is to provide a means of requesting funds over and above those funds generated by SCH production. Such funds may be requested to support projects particular and peculiar to a specific situation; e.g., a land purchase, large equipment purchase to meet accreditation requirements, etc. Each request is to be supported by a separate, concise report giving the purpose, the necessity, the expected results, the minimum amount needed, and

the method of determining this amount. In addition, if the possibility exists that special funding will be required for more than one year, the expected duration shall be given along with a complete explanation. Requests for ongoing continuous functions, merely to avoid inclusion in formula funding, will not be granted.

#### **Section VIII - Other Means of Financing**

All annually recurring revenues, regardless of source, shall be budgeted by each institution. There are several reasons for these requirements: (1) the 1974 Constitution requires the annual appropriation of all funds for budgetary purposes; (2) budgeting provides responsible fiscal control over funds; and (3) budgeting requires planning in advance which, if properly done, normally results in more efficient and economical use of available resources. Institutions are the recipients of revenues from varied sources. Some examples of what should be included in the annual budgets, both the request and operating, are as follows: tuition and student fees; parking fees and fines; library fines; income from publications; income from sales and services; recurring federal funds such as George Barden, Vocational Education, McIntire-Stennis, etc.; user fees in continuing education, correspondence study, and extension courses; and auxiliary income.

#### **Section IX - Exclusions**

A. The primary reasons for this section providing funding outside formula-generated appropriations are:

1. A method of measurement has not been devised for those institutions or operations that do not utilize student credit hours (SCHs) as a determinant of productivity. These institutions and operations are the Louisiana State University Medical Center and the Louisiana State University Center for Agricultural Sciences and Rural Development. A modified program budget approach supported by substantiating statistical and narrative data shall be used by the Medical Center in requesting funds for 1981-82.

2. Other exclusions consist of specific items which do not fall within the normal scope of operations of all institutions. For this reason these items are separated from formula consideration in order to provide a sound basis of comparison between institutions. Within this category are bond service and special funds for capital outlay (for those institutions that include these funds in the operating budget); Louisiana State University Fireman Training Program Dedicated Funds; Specifically Mandated Research; the annual Livestock Show at Southern University-Baton Rouge; Laboratory Schools at Louisiana State University-Baton Rouge and Southern University-Baton Rouge.

B. Method of Determining Recommended Funding Level

1. Funding of these exclusions that are not otherwise provided for will be based upon fully documented and justified need as required so as to fulfill their duties and responsibilities as set forth in the role, scope, and mission charge of the respective units. The units for this year are:

- a. Southern University Board and System Staff;
- b. Board of Trustees and System Staff;
- c. Louisiana State University Board and System Staff;
- d. Louisiana State University Medical Center;
- e. Center for Agricultural Sciences and Rural Development; and
- f. Specifically Mandated Research.

2. The School of Veterinary Medicine is to prepare a budget request consistent with the actual needs for establishing the program.

3. Louisiana State University has received dedicated revenues for a number of years which could be bonded and expended for capital facilities. Capital outlay in the Board of Trustees and Southern University Systems has been handled outside of operating budgets, whereas the Louisiana State University System has used a combination approach. Because provisions already require the expenditures of annual appropriation funds to service these commitments, it is recommended that these funds be received by Louisiana State University above the formula amounts

until these commitments are retired. In compliance with the Constitution and laws of this state, additional commitments cannot be made without approval of the Board of Regents.

4. It is recommended that each public college or university operating a public laboratory school receive the proper allocation of funds based on the Minimum Foundation Formula of the State Department of Education. For Louisiana State University-Baton Rouge and Southern University-Baton Rouge, these funds should be specifically appropriated to the institutions.

5. The Louisiana State University-Baton Rouge Fireman Training Program receives funds dedicated from fire insurance premiums by Act 32 of 1970. This Act provides that one-fourth of one percent of premiums received annually by insurers for fire coverage within Louisiana be used solely for this program. Since this amount is subject to fluctuation, the requested budget amount should be based on the previous year's receipts adjusted for any anticipated changes. These funds are to be received in addition to formula funds.

6. The Southern University-Baton Rouge annual Livestock Show is to be separately funded outside of the formula appropriation.

7. The allocation to Southern University-Baton Rouge for the Scotlandville Fire District is an annual fixed amount charged the campus for the provision of fire department protection. This is necessary since the campus is not located within the jurisdiction of a municipal fire department. These funds are to be exclusive of formula funding.

#### **Section X - Audit Procedures**

The use of a state appropriation formula results in Student Credit Hours (SCHs) becoming dollars through the conversion using the Basic Factor Chart. The audit procedure previously established will continue to be used for this revision. This will insure correct and consistent interpretation and application of the procedure for recording and receiving credit for SCH production and will facilitate the use of the State Appropriation Formula. Every affected institution shall be visited each year and shall provide any required assistance needed to validate the methods and procedures used and the resultant data. The auditors shall use a predetermined audit outline including statistically proven record search patterns for those record areas requiring comparisons. Records to be examined shall include but not be limited to: class rolls; final grade reports; drop/add records; transcripts; student schedules; withdrawals and resignations; and any other relevant data sources.

Discrepancies shall be noted and reconciled, and the necessary corrective action shall be taken. Should a particular situation warrant it, the audit will be expanded so that the extent of the problem can be determined and the SCH production reports amended to indicate the correct production figures. Official notification of the adjustment shall be given to all concerned parties.

The audit process will also include a review of off-campus SCH production to verify compliance with Board of Regents' Policy 4.2 - Guidelines for the Conduct of Off-Campus Activities. Non-compliance will be noted in the audit report.

#### **APPENDIX A**

##### **Standardized Reporting Forms**

The student credit hour audit procedure as it presently exists takes fourteenth class day data (department, course, section, credit hours, number enrolled, student identification, and SCHs produced) and compares them to final grade reports. Any exceptions must be substantiated with support documentation; i.e., properly prepared drop, add, or resignation forms. This provides a uniform reporting system to put all institutions of higher education in the state on a common base, primarily utilizing four standardized report formats. These reports, the (1) Class Roster, (2) Final Grade Report, (3) Detailed Formula Level Report, and (4) Summary Formula Area Report, are to be prepared by all institutions.

The reports should be prepared as of the close of the fourteenth class day during the regular semesters and the seventh class day during the summer session (Louisiana Tech - Ninth class day). One copy of the Summary Formula Area Report should be sent to the Board of Regents by the twenty-fourth class day of each regular semester and the seventh class day of the summer session (Louisiana Tech - Nineteenth class day). For new classes beginning after the 14th (seventh, ninth) class day, each institution will be required to file a supplementary report of SCHs produced. These classes are to be reported in the session in which they are completed or in the following session if they are conducted totally in an interim period. The SCH production is to be reported in keeping with the two preceding requirements, with SCH production being counted on a date that is equivalent to the fourteenth or seventh class day (Louisiana Tech - ninth) of courses offered during a regular semester. These supplemental reports will be due upon issuance of final grades in the reporting session and should include beginning and ending dates and equivalent cut-off dates for each class. A class day is defined as a regular class schedule day; Saturday, Sunday and state legal holidays are to be excluded as class days.

A common sequence arrangement of the various reports is to be used by all institutions; this method will simplify the audit procedure and provide for a uniform communication basis. The Class Roster, Detail Formula Level Report, and Final Grade Report are all to be arranged in the same sequence, alpha by course name or title/or alpha by course name or title within college.

All exceptions between the fourteenth class day (ninth class day for Louisiana Tech) and the Final Grade Report must be supported by properly prepared and authorized drop, add, or resignation forms which are to be maintained for all courses by semester, filed in alphabetical order by student's last name. The Summary Formula Area Report should be arranged in alph order by course number within each formula area breakdown.

Each institution will be required to identify all off-campus SCH production either on the above required reports or on a special supplementary report. Each course offered off campus and the parish(es) in which it is taught must be reported. Parish codes are provided in Appendix C.

## APPENDIX B

### Reporting of Final SCH Production

To facilitate further research and study for the possible formula revisions, it will be necessary for each institution to furnish end-of-year reports on an annual basis. Information of this nature is necessary in the evaluation of measurement factors to determine effectiveness of programs. It will also point out areas where special formula consideration may be required. These reports, at a minimum, are to consist of recalculated BRC-1 and BRC-1A budget forms reflecting SCH production based on the final grade report.

## APPENDIX C

### Parish Codes

Acadia	01	Claiborne	14
Allen	02	Concordia	15
Ascension	03	DeSoto	16
Assumption	04	E. Baton Rouge	17
Avoyelles	05	E. Carroll	18
Beauregard	06	E. Feliciana	19
Bienville	07	Evangeline	20
Bossier	08	Franklin	21
Caddo	09	Grant	22
Calcasieu	10	Iberia	23
Caldwell	11	Iberville	24
Cameron	12	Jackson	25
Catahoula	13	Jefferson	26

Jefferson Davis	27	St. Helena	46
Lafayette	28	St. James	47
Lafourche	29	St. John	48
LaSalle	30	St. Landry	49
Lincoln	31	St. Martin	50
Livingston	32	St. Mary	51
Madison	33	St. Tammany	52
Morehouse	34	Tangipahoa	53
Natchitoches	35	Tensas	54
Orleans	36	Terrebonne	55
Ouachita	37	Union	56
Plaquemines	38	Vermilion	57
Point Coupee	39	Vernon	58
Rapides	40	Washington	59
Red River	41	Webster	60
Richland	42	W. Baton Rouge	61
Sabine	43	W. Carroll	62
St. Bernard	44	W. Feliciana	63
St. Charles	45	Winn	64

## 4.2 Mandatory Guidelines for the Conduct of Off-Campus Activities

Part A. Narrative Statement—The Board of Regents, in accordance with its constitutional mandate to coordinate, plan, and have budgetary responsibility for all public higher education in Louisiana, sets forth the attached guidelines for the conduct of off-campus instructional activity. For purposes of these guidelines, off-campus instructional activity is defined as any instruction, credit or noncredit, conducted outside the parish of domicile of the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.

Conversely, on-campus instruction is defined as instruction offered for credit or noncredit by those institutions named above in the parish of domicile of the main campus of that institution.

These guidelines are issued following extensive public hearings and consideration of recommendations offered by the Ad Hoc Advisory Committee on Off-Campus Activity. The sole purpose of the guidelines is to achieve greater efficiency and quality in the off-campus educational opportunities offered to the citizens of Louisiana, while, at the same time, assuring that the citizens' educational needs are met.

Continuing education, both credit and noncredit, is a most important facet of higher education today. The importance of this activity will undoubtedly increase in the future as the role of institutions of higher education changes to meet changing societal needs. The Board of Regents recognizes that it would be remiss to leave to chance the quality and efficiency of so extensive and important an aspect of public higher education in Louisiana.

Part B. Advisory Committee on Off-Campus Activity—There shall be established an Advisory Committee on Off-Campus Activity to be charged initially with the following responsibilities: (a) to aid and advise the Board of Regents in matters pertaining to the coordination of off-campus noncredit instructional activity and off-campus credit-producing instructional activity; (b) to advise the Board of Regents in the implementation and necessary timely revision of guidelines for the conduct of all off-campus activities; (c) to develop and maintain an adequate data-gathering format to assure the availability of timely, comparable information pertinent to the coordination of all off-campus instructional activities; (d) to

assess the needs of the citizens of Louisiana for off-campus educational opportunities; (e) to perform the functions assigned to the Advisory Council in the following guidelines; and (f) to perform other duties as assigned by the Board of Regents.

The Advisory Committee on Off-Campus Activity will be appointed by the Board of Regents no later than October 1, 1976, and will consist of a representative(s) from each of the three systems of higher education under the jurisdiction of the Board, from the private sector, and from consumers of off-campus instruction. These representatives will be nominated by the Commissioner of Higher Education and approved by the Board of Regents.

**Part C. Noncredit Off-Campus Activity—Self-supporting noncredit off-campus activities may be conducted by any institution in any location in the state. The term self-supporting in this instance is meant to require that faculty salary, travel expenses, and supplies for each activity be supported entirely by fees charged to participants in the activity.**

I. Noncredit off-campus activity is defined as instructional activity which does not result in the awarding of student credit hours.

II. Noncredit off-campus activity must be self-supporting. State appropriated funds may not be used in direct support of noncredit off-campus activity, except where provided by law prior to the date of adoption of this policy.

**Part D. Credit-Producing Off-Campus Activity—Credit-producing off-campus activity, defined as instructional activity for which student credit hours are awarded and/or formula funding is provided, may be conducted by public institutions of higher education in accordance with the guidelines below. The guidelines apply to all credit-producing off-campus activity except for student teaching and other clinical, practicum, or internship experiences.**

I. Guidelines for the Conduct of Credit-Producing Off-Campus Activities by Level of Instruction.

A. Lower level undergraduate, i.e., freshman and sophomore level, courses may be offered in accordance with the guidelines contained herein by the following public institutions of higher education: Delgado Junior College, Grambling State University, Louisiana State University at Alexandria, Louisiana State University at Baton Rouge, Louisiana State University at Eunice, Louisiana State University at Shreveport, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University at Baton Rouge, Southern University at New Orleans, Southern University at Shreveport, University of New Orleans, and University of Southwestern Louisiana.

B. Upper level undergraduate, i.e., junior and senior level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University-Baton Rouge, University of New Orleans, Louisiana State University-Shreveport, Southern University at Baton Rouge, Southern University-New Orleans, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, and Northeast Louisiana University.

C. Graduate level, i.e., masters, specialist, and doctoral level, courses may be offered in accordance with the guidelines contained herein by the following public institutions: Louisiana State University-Baton Rouge, University of New Orleans, Southern University-Baton Rouge, Louisiana Tech University, McNeese State University, Nicholls State University, Northwestern State University, Southeastern Louisiana University, University of Southwestern Louisiana, Grambling State University, Northeast Louisiana University, and Louisiana State University-Shreveport.

II. General Prerequisites for Offering Off-Campus Credit-Producing Instruction

A. The sponsoring institution shall assure that any off-campus offering is related to the educational goals and objectives in effect on the main campus.

B. Only those courses offered on-campus on a regular basis may be offered off-campus.

C. Admission and state residence requirements for off-campus offerings shall be the same as those for on-campus offerings. This regulation applies to all off-campus offerings including those conducted outside the state of Louisiana and outside the continental limits of the United States. Prior approval from the Board of Regents must be obtained to change rules applying to offerings conducted outside the state of Louisiana and outside the continental limits of the United States.

D. A minimum of fifteen students must be enrolled in any undergraduate course offered off-campus, and a minimum of ten students must be enrolled in any graduate course offered off-campus. However, when a new off-campus location (population center) is established within the institution's geographic area as defined by the Guidelines, the offering institution may, for one calendar year, offer courses with less than the minimum required enrollment. The new location will be certified as such by the institution to the Board of Regents. No site may be certified as a new location more than one time.

E. Institutions may enter into contracts to provide instruction for local business, industry, or governmental units within the institution's defined area. (See Attachment A.) The nature of the contract or the clientele may require enrollments below the minimum levels as outlined in II.D. above. A contract between an institution and an agency is exempt from the minimum enrollment stipulations (II.D. above) if: (1) the contractor reimburses the institution for all direct costs incurred pursuant to the contract, (2) the instruction is provided within the institution's defined area, and (3) a copy of the contract is on file in the Board of Regents' office prior to the initiation of the instruction.

III. Guidelines for Choosing Faculty in Off-Campus Instruction

A. Faculty assigned off-campus instruction must be fully competent to undertake the level of instruction offered, and must be selected and evaluated in the same manner as that used for selection and evaluation of faculty who teach in the same discipline on-campus.

B. Faculty members regularly assigned off-campus instruction must teach from time to time on the main campus.

C. When necessary, qualified faculty members regularly employed by other public and private institutions of higher education may be employed by an institution to offer a course off-campus. Individuals in this category are exempted from III.B. above.

IV. Guidelines for Supporting Services for Off-Campus Instruction

A. The sponsoring institution must demonstrate that ongoing provision has been made for guidance and counseling service for students and for continual monitoring of the progress of students toward their educational goals.

B. Satisfactory support in the form of library resources, laboratory and clinical experiences, instructional supplies, and classroom facilities must be conveniently available to sustain the off-campus instruction program.

V. Accreditation Requirements for Off-Campus Offerings

A. Only those public institutions which are regionally accredited or have been accepted to candidacy status for regional accreditation may offer courses off-campus.

B. Where professional accreditation is available through a member agency of the Council on Postsecondary Accreditation (COPA), such accreditation or candidacy to accreditation where applicable, must have been granted to a program prior to its being offered off-campus.\* If there is demand for a program in the defined area of an institution not professionally accredited for that