



Category:  
Community Colleges

Responsible Office:  
[Community Colleges](#)

**Procedure Title:**  
Community Colleges Service Area

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Community Colleges

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## Summary

This procedure outlines the steps to be taken by community colleges to request authorization to provide educational services beyond their sponsorship area, pursuant to NYS Education Law § 6302 (1) (authorization to establish community colleges) and §6305 (2) (non-resident and out-of-state students) and Community College Regulations § 601.5 (community college service areas). In addition, once a community college enters into an agreement with a contracting local entity to provide such services, this procedure outlines conditions for payment.

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## Process

### Request for Authorization to Provide Service

This procedure outlines the steps to be taken by community colleges to request authorization to provide educational services beyond their sponsorship area. Pursuant to NYS Education Law § 6302(1) (authorization to establish community colleges) and §6305(2) (non-resident and out-of-state students), Community College Regulations § 601.5 (community college service areas) authorizes community colleges to conduct operations outside of their sponsorship area subject to the following conditions:

1. Educational services furnished pursuant to §601.5 are limited to counties that neither sponsor a community college nor have located within their boundaries a University College of Technology, except where cooperative and joint agreements have been developed.
2. All agreements are subject to approval by the University Trustees, the University chancellor, or the University vice chancellor for community colleges, depending on the extent and nature of the educational service to be provided for the new service area and whether an amendment to the University master plan is appropriate.
3. The community college requesting authorization to provide educational services beyond its sponsorship area shall submit to the office of the University vice chancellor for community colleges a request to proceed with negotiations concerning the proposed service area. Such request shall contain:
  - a. a detailed description of the proposed service area to be served and a description of the services to be offered;

- b. a synopsis of the discussions which have taken place regarding the proposed service;
  - c. indication that the intent to offer proposed services has been shared with all University campuses in the coordinating area in which the services will be offered, and that they have had an opportunity to make written comments to the community college making the request and University system administration staff.
4. Upon receipt of the request, the University vice chancellor for community colleges will solicit review and comment on the request from the University offices of the provost, finance, and counsel.
  5. The University vice chancellor for community colleges will consider the comments and recommendations from these offices before authorizing the requesting community college to enter into final negotiations with the qualified local sponsor in the proposed service area. Any subsequent agreement is subject to review and approval in accordance with the regulations of the University Board of Trustees.
  6. Once such agreement is negotiated and duly authorized by the qualified local sponsor, the Board of Trustees of the community college and the local sponsor of the community college, it shall be forwarded to the office of the University counsel for review and then to the office of the University vice chancellor for community colleges for final review and approval.
  7. This procedure applies to credit and non-credit programs.

#### Payment for Credit Programs

Once a community college's agreement with a contracting local entity to provide educational services beyond their sponsorship area is approved:

1. the contracting local entity shall pay an appropriate share of the expense involved in the local sponsor's community college program where students who attend the program reside within the jurisdiction of the contracting local entity;
2. the appropriate share with respect to operating costs shall be determined by the operating chargeback rate on an FTE student basis established for the community college;
3. this chargeback share is applicable to all approved credit courses taken by students approved by the college, regardless of age or current educational status;
4. the appropriate share with respect to capital costs shall be determined by the capital chargeback rate established for the community college (capital costs shall be paid by the contracting local entity only in the event that capital costs are generated solely because of the program provided by the community college); and
5. when students reside outside of the areas of both the sponsor and the contracting local entity, the allocable portion to be paid by the county of residence for operating and capital costs shall be the amount established for the residents of the contracting local entity and paid to the college.

In support of this procedure, the following definitions are included:

**Service area** – a designated area served by the programs of a community college.

**Sponsorship area** – the specific geographic area, such as a county, represented by a college's legal sponsor.

**Qualified contracting entity** – any county, city, intermediate school district, or school district in a service area.

**Contracting local entity** – a county that does not sponsor a community college or have located within its geographic boundary a University College of Technology or any city, intermediate school district or school district within such a county.

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## Forms

There are no forms relevant to this procedure.

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### **Related Procedures**

There are no related procedures relevant to this procedure.

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### **Other Related Information**

There is no other information relevant to this procedure.

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### **Authority**

The following links to FindLaw's [New York State Laws](#) are provided for users' convenience; it is not the official site for the State of New York laws.

[NYS Education Law § 6302 \(1\)](#) (Authorization to establish community colleges.)

[NYS Education Law § 6305 \(2\)](#) (Non-resident and out-of-state students.)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of [New York State Consolidated](#).

[Community College Rules - Initial Organization \(8 NYCRR Part 601\)](#)

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### **History**

Memorandum to presidents from office of the associate chancellor for community colleges dated November 13, 1978 supersedes memo to presidents dated March 29, 1974 and clarifies or revises certain procedures for implementing the policy, which authorized community colleges, subject to University approval, to offer educational services beyond their existing sponsorship areas.

Memorandum to Presidents from the office of the chancellor dated March 29, 1974 regarding new Community College Service Area Policy.

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### **Appendices**

There are no appendices relevant to this procedure.