

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 51302 Department or Agency ALABAMA COMMISSION ON HIGHER EDUCATION

Rule No. CHAPTER 300-2-1-02

Rule Title: Review and Approval or Disapproval of Proposed Postsecondary Course Offerings in Alabama by Non-Alabama Institutions

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO


Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 15 March 2016

APA-2
11/96

**Alabama Commission on Higher Education
(Institutional Effectiveness and Planning)**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: Chapter 300-2-1-.02, Proposed Amendments to Program Review

INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: This proposed amendment to the Commission's Administrative Code, §300-2-1.02 is intended to provide for the amendment of programmatic review in compliance with the Red Tape Reduction Act (Act 2013-2013-88 (HB101)

TIME, PLACE, MANNER OF PRESENTING VIEWS: Persons wishing to present views on the amendment of this Chapter may contact Elizabeth C. French, D.M.A., Director/Institutional Effectiveness and Planning, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, telephone 334-242-2179 between 8 a.m. and 5 p.m. each work day up to and including May, 2016.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 6, 2016

CONTACT PERSON AT AGENCY: Elizabeth C. French, D.M.A.



Gregory G. Fitch, Ph.D.
Executive Director

ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATIVE CODE

~~PLANNING AND COORDINATION~~
INSTITUTIONAL EFFECTIVENESS AND PLANNING

CHAPTER 300-2-1
PROGRAM REVIEW

300-2-1-.02 Review And Approval Or Disapproval Of Proposed Postsecondary Course Offerings In Alabama By Non-Alabama Institutions Seeking State Authorization.

(1) **Purpose.** It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for the review and approval or disapproval of all proposed postsecondary credit courses or program of instruction offered in the State of Alabama by non-Alabama institutions of higher education. These institutions must also be licensed to do business in Alabama by the ~~Alabama Department of Postsecondary Education~~ Community College System.

(2) **Definitions.** For purposes of this rule, the following definitions apply:

(a) **Programs of Instruction (Courses):** Any course or sequence of courses for which credit toward any postsecondary degree, certificate, or diploma is to be awarded.

(b) ~~Department: The Alabama Department of Postsecondary Education.~~ System: The Alabama Community College System.

(c) **Exempt Institutions:** Those postsecondary institutions that are granted a certificate of exemption from licensure by the ~~Alabama Department of Postsecondary Education~~ Alabama Community College System and for which the ~~Department System~~ has waived formal licensure application and review.

(d) **Faculty:** A faculty member who has a contract for formal teaching responsibilities with the proposing institution.

(e) **Main Campus:** The physical boundaries of the location of an institution's principal administrative offices. In the case of an institution eligible for Title IV funds, the

campus designated by the U.S. Department of Education's Office of Postsecondary Education identification number (OPEID).

(f) **Non-Alabama Institutions:** A postsecondary educational institution, public or private, profit or nonprofit, whose main campus or headquarters is located outside the State of Alabama.

(g) **Unaccredited Institution:** An institution not accredited by an agency recognized by the United States Department of Education or Council on Higher Education Accreditation.

(3) **Procedures for Program Approval of an Unaccredited Institution.** ~~When the Department receives an application for licensure, it will, if it appears that the applying institution will qualify for such license, forward that information to the Commission for its review of the proposed course(s) or program(s) of instruction. The Commission will forward an Application for Review and Approval of a Course or Program of Instruction Proposed by a Non-Alabama Institution of Higher Education to the applying institution. When the completed forms with programmatic review fee are returned, the Commission will undertake its review.~~

As a prerequisite to program approval, an unaccredited institution requesting to offer degree programs in Alabama must undergo an external review of its programs of study by an outside consultant(s) chosen by the Commission. The unaccredited institution will underwrite all costs related to the external review.

(4) **Institutions exempt under the Alabama Private School License Law.** Those non-Alabama institutions that are granted a certificate of exemption from licensure by the ~~Department System~~ and for which the ~~Department System~~ has waived formal licensure application and review shall nonetheless apply for Commission review and approval of courses or programs of instruction. Every application for approval of a course or program of instruction shall be accompanied by a certificate of exemption from formal licensure issued by the ~~Alabama Department of Postsecondary Education~~ Community College System.

(5) **Commission Review Criteria.** The Commission shall establish review criteria designed to evaluate the academic quality of proposed courses or programs of instruction. The review includes, but is not restricted to: The qualifications of

faculty and supporting staff, the quality of academic support resources (library, laboratories, etc.), and the academic validity of the proposed courses. In general, program proposals must meet standards used by the Commission proposals for new off-campus offerings by in-state public institutions and in doing so be in full compliance with the Southern Association of Colleges and Schools/Commission on Colleges (SACS/COC) guidelines. Since the use of state appropriated funds is not involved, the question of unnecessary duplication is not an issue when proposals of non-Alabama institutions are reviewed.

(6) **Site visits.** The Commission reserves the right to conduct a site visit to the proposed location for an evaluation of a course or program of instruction before or subsequent to concluding its review of a pending application. There is no charge for mileage or per diem payments to staff employees of the Commission for such visits. In the event that the Commission appoints other education or external specialists as on-site visit consultants, the appointees will be paid a consulting fee as well as expenses.

(7) **Timeline for Review.** In the absence of unavoidable delays, the Commission will report its approval or disapproval of proposed courses or program(s) of instruction to the ~~Department~~ System and to the applying institution within sixty (60) working days following receipt of the required data and information forms from the applying institution.

(8) **Fees.** Application materials for initial program approval or for renewal shall be accompanied by a programmatic review fee in accord with the programmatic review fee schedule published within the Commission's application(s) for programmatic approval and posted to the Commission's website. The programmatic review fee schedule may be revised from time to time upon reasonable notice at the discretion of the commission. ~~The most current fee schedule is posted on the Commission's website at~~
~~<http://www.ache.alabama.gov/InstEffectiveness/Indes.htm>.~~

(9) **Appeals.** Any person or institution aggrieved by the action of the Commission in its administration of this rule may, by written petition filed with the Commission within thirty (30) days after notice of the aggrieving action, request a rehearing by the Commission. The Commission shall schedule the requested rehearing to be held no less than twenty (20) nor more than thirty (30) days after receipt of the petition. The aggrieved party may present written and oral evidence supporting

its petition and may be represented by counsel, if desired. The decision of the Commission following the rehearing shall be final.

Author: Elizabeth French

Statutory Authority: Code of Ala. 1975, §§16-5-1, et seq.

History: Filed December 10, 1985. Rule 300-2-1-.02 was formerly referenced as Chapter 300-2-1; it has been repealed and reinserted as a rule within this chapter. The rule title remains unchanged from its previous chapter title. The contents are also unchanged except for slight format changes and the addition and deletion of certain definitions: Filed April 10, 1989. **Amended:** Filed August 21, 1996; effective September 25, 1996. **Amended:** Filed January 6, 2003; effective February 10, 2003. **Amended:** Filed May 6, 2004; effective June 10, 2004. **Amended:** Filed February 8, 2010; effective March 15, 2010. **Amended:** Filed November 5, 2013; effective December 10, 2013.