

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 Gregory S. [Signature]

Date 13 Sept 2013

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


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 establishment and implementation of programmatic review fees for non-resident institutions seeking to enroll Alabama residents in courses and programs.

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 November 5, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: November 5, 2013

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



Gregory G. Fitch, Ph.D.
Executive Director

Proposed Amendment - NRI Administrative Code

September 13, 2013

ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATIVE CODE

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.

(1) **Purpose.** It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for reviewing and approving or disapproving all proposed postsecondary credit courses offered in the State of Alabama by any non-Alabama institution of education. These institutions must also be licensed to do business in Alabama by the Alabama Department of Postsecondary Education.

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

(a) Units or 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.

(c) Exempt Institutions: Those postsecondary institutions that are granted a certificate of exemption from licensure by the Alabama Department of Postsecondary Education and for which the Department 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: Those postsecondary educational institutions, public or private, profit and 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.** 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 proposed course offerings. The Commission will forward an Application for Review and Approval of Proposed Offering of Academic Degree Credit Courses in Alabama by Non-Alabama Institutions 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 for licensure by the Department and for which the Department has waived formal licensure application and review shall nonetheless apply for Commission review and approval of courses or units of instruction. Their application for course approval shall be accompanied by a certificate of exemption from formal licensure issued by the Alabama Department of Postsecondary Education.

(5) **Commission Review Criteria.** The Commission shall establish review criteria designed to evaluate the academic quality of the proposed offerings. 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 Associate of Colleges and Schools/Commission on Colleges (SACS/COS) guidelines. Since the use of state appropriated funds is not involved, the question of unnecessary duplication will not be an issue when proposals from these non-Alabama institutions are being reviewed.

(6) **Site visits.** In some instances it may be necessary for the Commission to conduct a site visit to the proposed location for an evaluation of course offerings before 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 to the Department and to the applying institution within sixty (60) working days following receipt of the required data application, programmatic review fee, 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>. No fee is charged for receiving and processing the application for course approval. The only charge is that described in

~~paragraph (6) of this rule concerning the occasional use of special educational consultants for site visits.~~

(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) or 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 December 14, 2009; effective February 4, 2010.
Amended: