CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Friday, September 8, 2023, and filed with the agency secretary on Tuesday, September 19, 2023.

AGENCY NAME: Alabama Commission on Higher Education Planning and Coordination

INTENDED ACTION: Amend

RULE NO.: 300-2-1-.04

(Rule amended, give specific paragraph, subparagraphs, etc., being amended) Final paragraph (8)(b) -- change phrase "deletion from" to "deletion within"

RULE TITLE: Operational Policy On The Approval, Disapproval, Deferral, And Withdrawal Of New Programs Of Instruction

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME UNDEFINED, ISSUE NO. UNDEFINED, AAM, DATED MONDAY, JULY 31, 2023.

STATUTORY RULEMAKING AUTHORITY: Code of Alabama 1975, 16-5-8

Robin E. McGill
Certifying Officer or his or her Deputy
APA-3

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)
Operational Policy On The Approval Of New Programs Of Instruction and Requirements for Post-Implementation Monitoring.

(1) Purpose. The purpose of the operational policy on the approval, disapproval, deferral, and withdrawal of new programs of instruction is to ensure that all proposals for new degree programs are subject to a fair and consistent evaluation and determination.

(2) Commission Responsibility. It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for approving, disapproving, deferring, and withdrawing new programs of instruction. It is also the Commission's responsibility to ensure that approved programs meet standards for viability and quality following implementation.

(3) Scope. This section shall apply to proposals for new academic degree programs as specified above in §300-2-1-.03(3).

(4) Commission Actions on Proposed New programs of Instruction: The Commission shall take no longer than ten months to review a proposal for a new program of instruction before taking one of the following actions on the proposal:

(a) Approval: The approval of a new program of instruction shall require the concurrence of a majority (7) of all the members of the Commission.

(b) Disapproval: A program that receives a negative recommendation by a majority vote of Commission members present may be reconsidered after one year at the request of the institution, provided substantive changes indicate the need for reconsideration.

(c) Deferral: Should the Commission (by majority vote of members present) defer action on a proposed program, it will specify the future meeting at which the program will be reconsidered, being mindful of the ten-month deadline for program action. If the ten-month limitation has been reached or will be reached before the next scheduled meeting of the Commission, action will not be deferred; however, if the Commission decides that special consideration is warranted, such a program may be disapproved by a majority of members present with the provision that the program can be reconsidered at a specified meeting scheduled prior to the one-year restriction on resubmission of disapproved
programs. Deferral is a Commission, not an institutional prerogative.

(5) **Withdrawal of a New Program Proposal.** Should an institution withdraw a proposed program from Commission consideration, it may be resubmitted at any time; however, the time which has expired prior to the withdrawal will not count toward the ten-month deadline on Commission program action. The Commission will have ten months beginning at the time the program is resubmitted to take action on the program.

(6) **Post-implementation Requirements for Approved Programs of Study.** Any new degree program approved by the Commission shall have a seven-year post-implementation monitoring period, during which it must meet conditions set forth at the time of approval as follows:

(a) **Condition on Graduates:** An approved degree program must meet the minimum viability standard for average number of graduates for its degree level, established by Code of Ala. 1975, §16-5-8(a)(2) as follows:

1. Baccalaureate degrees (IPEDS Level 5), associate degrees (IPEDS Level 3), and long certificates (IPEDS Level 2) must produce an average of at least 7.5 graduates per year. In vocational and technical programs, a student who leaves the program for purposes of gainful employment, in the same field of study as the program, having obtained the skills in said program, shall count as a graduate. For two-year technical and vocational college programs, a student who completes 26 semester hours or equivalent programs shall be deemed and counted as a graduate for the proposes of viability standards.

2. Master's degrees (IPEDS Level 7) must produce an average of at least 3.75 graduates per year.

3. Education Specialist (IPEDS Level 8) or terminal sub-doctoral degrees must produce an average of at least 3.0 graduates per year.

4. Doctorate degrees (IPEDS Levels 17, 18, and 19) must produce an average of at least 2.25 graduates per year.

(b) **Condition on New Enrollments:** Approved degree programs must attract a sufficient number of new students each year ("new enrollments") to ensure that the program will continue to meet minimum viability requirements for program graduates. In order to account for attrition or enrollment
fluctuations over the post-implementation period, the condition for new enrollments shall be set at 25% higher than the minimum viability standard for graduates as follows:

1. Baccalaureate degrees, associate degrees, and long certificates must enroll an average of at least 9.4 students per year following program implementation.

2. Master's degrees must enroll an average of at least 4.7 students per year following program implementation.

3. Education Specialist or terminal sub-doctoral degrees must enroll an average of at least 3.75 students per year following program implementation.

4. Doctorate degrees (must enroll an average of at least 2.8 students per year following program implementation, though an institution may request that the Commission reduce this number under certain circumstances.

(c) Condition on Reporting: Institutions must provide a report evaluating whether the program has met its post-implementation conditions and whether it has fulfilled the objectives stated in the proposal, specifically pertaining to employment outcomes for graduates.

(d) Additional Conditions: As appropriate to the specific program of study, the Commission may require additional post-implementation conditions, such as the following:

1. Programs with discipline-specific accreditation may be required to show progress toward specialized accreditation as a post-implementation condition of approval.

2. Programs leading to professional licensure will be required to report steps to be taken to optimize exam pass rates and the licensure pass rate as a post-implementation condition of approval.

3. In the case that the proposed program of study is likely to reduce new enrollments or graduates from an existing program of study, such as when an option within an existing program becomes a standalone program, the Commission may require that the existing program continue to maintain viability in terms of average annual number of graduates.
(7) **Implementation Window.** The window will be 24 months (2 years) from the time of Commission approval to implementation, before Commission approval will expire. An institution may request that a longer implementation window be approved under certain circumstances.

(8) **Post-Implementation Review.** At the end of the seven-year post-implementation period, ACHE staff will review the post-implementation report submitted in fulfillment of the condition on reporting, as noted above, and will notify the Commission as to whether the program has met its post-implementation requirements.

(a) Programs determined to have met all post-implementation conditions will no longer be subject to post-implementation monitoring.

(b) Any program determined not to have met one or more of its post-implementation conditions will be recommended for deletion from within the Commission's Academic Program Inventory, unless the Commission approves an amendment to the post-implementation conditions for the program.

**Author:** William O. Blow; Robin E. McGill  
**Statutory Authority:** Code of Ala. 1975, §§16-5-1, et seq.  
**History:** Filed April 10, 1989. **Amended:** Filed March 12, 1996; effective April 16, 1996. **Amended:** Filed March 13, 2018; effective April 27, 2018. **Amended:** Filed September 19, 2023; effective November 13, 2023.