

**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, March 8, 2024, and filed with the agency secretary on Monday, March 11, 2024.

AGENCY NAME: Alabama Commission on Higher Education Planning and Coordination

INTENDED ACTION: Repeal and Replace

RULE NO.: 300-2-1-.06
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

RULE TITLE: Reasonable Extensions and Alterations of Existing 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 without changes. No comments were received.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 3, AAM, DATED FRIDAY, DECEMBER 29, 2023.

STATUTORY RULEMAKING AUTHORITY: Code of Ala. 1975, §§16-5-1, et seq., specifically §§16-5-7 and 16-5-8

(Date Filed)
(For LRS Use Only)
REC'D & FILED
MAR 11, 2024
LEGISLATIVE SVC AGENCY

Stephanie C. Dolan
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Certifying Officer or his or her Deputy

(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.)

**Reasonable Extensions and Alterations of
Existing Programs of Instruction.**

(1) **Purpose.** The purpose of reviewing extensions and alterations to existing programs of instruction is to ensure that public postsecondary institutions can make reasonable changes to their program offerings without creating new programs of instruction.

(2) **Commission Responsibility.** The Commission is responsible for reviewing changes to programs of instruction for academic credit at the state's public postsecondary institutions in order to determine whether a proposed change can be considered a reasonable extension or alteration of an existing program of instruction or whether it constitutes a new program of instruction. In addition, the Commission's responsibilities for data collection and research necessitate that it maintains an accurate and comprehensive record of for-credit program offerings in its Academic Program Inventory.

(3) **Scope.** This rule shall apply to all programs of instruction offered for academic credit by public colleges and universities in Alabama. It does not apply to non-credit programs or other offerings that do not culminate in a postsecondary award.

(4) **Definitions.** The following definitions shall apply:

(a) **Academic Program Inventory ("Inventory"):** List maintained by the Commission's staff of programs of instruction offered by public postsecondary institutions in Alabama, with a record for each degree and certificate program.

(b) **Alteration:** A type of program change that modifies an existing academic offering within its previously defined scope. Such changes include modifications to program coursework, modifications to program requirements, including total number of hours, and updates to program titles or CIP codes.

(c) **Credit Hour:** A unit of measure representing the equivalent of an hour (50 minutes) of instruction per week over the entire term. It is applied toward the total number of credit hours needed for completing the requirements of a degree, diploma, certificate, or other recognized postsecondary credential. Alabama's public postsecondary institutions typically use the semester credit hour, rather than quarter credit hour or other equivalent unit.

(d) **CIP Code:** A six-digit code in the form of xx.xxxx that identifies an instructional program specialty using the taxonomic coding scheme known as Classification of Instructional Programs (CIP), maintained by the Institute of Education Sciences (IES) within the US Department of Education. A program's CIP

code should accurately reflect the content of instruction and allow for comparison of programs both within and between institutions.

(e) Curriculum: Body of coursework, assessments, or other requirements necessary to complete a program of instruction.

(f) Existing Program: An academic degree or certificate program listed in the Academic Program Inventory.

(g) Extension: A type of program change that expands an existing academic offering beyond its previously defined scope. Such changes include the addition of program options within a degree program, as well as the development of for-credit, non-degree certificate programs that are related to an existing program or unit of instruction.

(h) IPEDS: The Integrated Postsecondary Education Data System is the postsecondary education data collection program for the National Center for Education Statistics (NCES), a division of the Institute of Education Sciences within the US Department of Education. IPEDS is designed to collect standardized data from postsecondary institutions and educational organizations operating within the United States.

(i) Method of Delivery: Synonymous with "delivery modality," refers to the means of delivering instruction within an academic program or assessing student progress toward program completion. There are three distinct types, though a single program may employ a combination thereof:

1. Competency-Based Education: An educational program wherein student progress toward completion is measured through the attainment of competencies, whether within course-based units or through direct assessment of learning.
2. Distance Education: A formal educational process using technological delivery in which instruction occurs where students and instructors are not in the same place. Instruction may be synchronous or asynchronous. Distance education, distance learning, and e-learning are recognized by the Commission as being synonymous terms.
3. Face-to-Face Instruction: Also referred to as "in-person" instruction, occurs where students and instructors are in the same place at the same time.

(j) Nomenclature: Also referred to as "degree nomenclature" or "award name," a designation for the specific type of award within a given level (e.g., Bachelor of Science, Master of Business Administration, or Doctor of Philosophy). In its official record of an award, an institution will identify the nomenclature followed by the program title using the following format: [Nomenclature] in [Program Title] (e.g., Bachelor of Science in Biology).

(k) Option: An extension of an offering that is closely related to the existing program and shares a common set of program coursework ("program core") with all other options of the same program. Options can be referred to as concentrations, tracks, or specializations.

(l) Program Length: A measure of the amount of time required for a student to progress to program completion, typically represented in semester credit hours.

(m) Program of Instruction: A postsecondary course of study offered for academic credit that leads to one of the following types of postsecondary awards:

1. Degree: An academic program approved by the Commission under the rules set forth in §300-2-1-.03.

2. For-Credit Non-Degree Certificate: An academic program that leads to one of the following award designations as defined within the Integrated Postsecondary Education Data System (IPEDS Level):

(i) Level 1a, Mini-Certificate (MINI): A for-credit certificate program consisting of at least six (6) but less than nine (9) semester credit hours of undergraduate coursework or the equivalent.

(ii) Level 1b, Short-Term Certificate (STC): A for-credit certificate program consisting of at least nine (9) but no more than twenty-nine (29) semester credit hours of undergraduate coursework, or the equivalent.

(iii) Level 6, Post-Baccalaureate Certificate: A for-credit program consisting of at least six (6) semester credit hours of graduate coursework, or the equivalent. Most graduate

certificates fall into the post-baccalaureate classification.

(iv) Level 8, Post-Master's Certificate: Apart from the Education Specialist degree defined above, a post-master's certificate is a for-credit program consisting of at least six (6) semester credit hours of graduate coursework designed specifically for those already holding master's degrees. Post-master's certificates are typically offered in nursing or other fields where it is common for master's degree holders to seek additional specialized training.

(n) Program Status: An indication of whether a program of instruction is actively enrolling new students. Each program will have one of the following status types:

1. Active: Active status indicates that the program may enroll new students.

2. Deleted: Deleted status indicates that the institution intends to terminate the program. Once a program has been marked as deleted within the Academic Program Inventory, no new students may be admitted, though current enrollees may be taught out. Note that programs with deleted status remain in the Academic Program Inventory for archival purposes.

3. Inactive: Inactive status indicates that the institution intends to reinstate the program to active status within five years. While a program is on inactive status, no students will be admitted, though current enrollees may be taught out.

4. Moved: Moved status is assigned by ACHE staff for archival reasons to keep track of programs that have changed CIP code or IPEDS level. The program at the new code or level retains active status. New students are enrolled in the active program, though existing students may be taught out from the moved program.

(o) Program Title: A name given by an institution to describe a program's specific field of study and which is used alongside nomenclature in official records of the award, such as in student transcripts. The program title should accurately reflect the content of instruction and therefore should closely correspond to

the standardized name within the Classification of Instructional Programs (CIP) Code list.

(p) Programs that Lead to Professional Educator Certification: Academic degree programs at the baccalaureate, master's, or education specialist level, that receive authorization from the Alabama State Board of Education and are considered "Approved Programs," as defined under Alabama Administrative Code §290-3-3-.01.

(q) "Reasonable": A reasonable extension or alteration of an existing program of instruction is a modification which does not change the essential character, integrity, or objectives of the program.

(5) Reasonable Extensions and Alterations of Existing Degree Programs. Reasonable extensions and alterations of existing degree programs may be considered substantive-requiring approval, substantive-requiring notification, or non-substantive. It is recommended that institutions consult ACHE staff prior to submitting documentation if there is a question regarding whether the proposed extension or alteration requires Commission approval or notification.

(a) Substantive Changes to Degrees Requiring Approval: Certain extensions or alterations must be approved by the Commission prior to implementation because the change to the Academic Program Inventory is similar in scope to the approval of new programs of instruction, described above at §300-2-1-.03. Unlike new programs of instruction, however, these substantive modifications will not require post-implementation monitoring:

1. Consolidating Programs: Merging two or more degree programs into one consolidated program will result in the deletion of the existing program(s) within the Academic Program Inventory and may result in a new entry in the Inventory to better reflect the content of the consolidated program. For a substantive modification to be considered, the following conditions must be met:

(i) The proposed modification does not require any additional resources to implement.

(ii) The existing program(s) and the consolidated program must have at least 50% of their courses in common.

(iii) If the consolidated program is configured to have options corresponding to the previous degree programs, the options must share a common set of program courses in

keeping with the option requirements listed in this rule below under 5(b)(1).

2. Separating a Program: Splitting an existing program into two distinct degree programs will result in one or more new entries in the Academic Program Inventory, which is typically done by proposing a new academic degree program in keeping with §300-2-1-.03 above. For a substantive modification to be considered instead of a new program proposal, both of the following conditions must be met:

(i) The proposed modification does not require any additional resources to implement.

(ii) Each of the existing options or tracks to be separated can show that over the most recent four years it would exceed the minimum program viability standard for graduates as defined above in §300-2-1-.04.

3. Curricular Changes over 50%: Modifications to existing programs that will affect more than 50% of the curriculum may be considered for approval by the Commission only if the program exceeds its minimum viability standard for graduates as defined above in §300-2-1-.04. If less than one-third of the curriculum of the proposed extension/alteration is in common with the curriculum of the existing program(s), the change automatically will be considered a new program. Institutions are responsible for determining the percentage change and submitting documentation comparing the proposed modified curriculum to the existing curriculum.

4. Certain Changes to Program Length: Commission approval is required when the total credit hours (or equivalent progress measure) increase or decrease by 25% or more, resulting in significant change in students' time to degree.

5. Certain Modifications to Doctoral Programs: Changes in award nomenclature or IPEDS level for doctoral programs will require Commission approval, particularly for programs seeking recognition as "research-focused doctorates," such as the Doctor of Philosophy.

6. Development of Joint Degree Programs: A joint degree program, whereby students study at two or more institutions and are awarded a single program completion credential bearing the names, seals and signatures of each of the participating institutions, is considered unique and distinguishable from any program offered independently at any one of the contributing institutions. Institutions should consult with ACHE staff to determine whether the proposed joint degree program should be treated as a new program or as a substantive modification requiring approval.

7. Change of Program Status from Deleted to Active: An institution may re-activate a previously deleted program with Commission approval under the following circumstances:

- (i) The request to re-activate the program occurs within five years of deletion.
- (ii) No additional resources are required to re-activate the program.
- (iii) The program can meet the viability standard for its degree level.

(b) Substantive Changes to Degrees Requiring Notification: Before any of the following changes may be implemented, they must be presented to the Commission as information items. If supporting documentation verifies that any conditions and requirements are met, the changes will be recognized by the Commission by information item. The Commission staff may request additional information if necessary:

1. Addition of Options: Each new option must be reviewed by the Commission prior to implementation. An institution may request to add an option or options to an existing degree program under the following circumstances:

- (i) The option must be in a field closely related to the existing program.
- (ii) Generally, the option comprises less than half of the total credits required for the existing program.
- (iii) Generally, the resulting program has a common set of coursework ("program core") that constitutes at least 50% of the required program credit hours, aside from any general

education coursework that may be in common. Exceptions may be considered if the institution can present a convincing rationale that the 50% shared coursework requirement should be reduced.

2. Updates to Academic Program Inventory: An institution may request the following changes to how an existing degree program is listed in the Academic Program Inventory:

(i) Changes in award nomenclature at the same IPEDS level for existing programs listed in the Commission's Academic Program Inventory, provided that no changes in program requirements, content, or objectives are made, except for doctoral awards as noted above. Prior to implementation, the institution must present an information item which provides sufficient evidence that the proposed nomenclature is more appropriate than the current designation.

(ii) Changes to program titles or CIP codes, provided that no changes are made in program requirements, content, or objectives, and provided that the new title or CIP code replaces an earlier designation. Program title changes or CIP code changes should only be made when the proposed title or code more adequately reflects the nature and content of the program. The burden of demonstrating this is upon the institution.

(iii) Changes in program status, including placing programs on inactive or deleted status. Only viable programs, as determined by the Alabama Commission on Higher Education, may be placed on inactive status. A program placed on inactive status may be reinstated to active status within five years after the status change, after which time it will be marked as deleted within the Academic Program Inventory.

3. Changes to Curriculum between 25% and 49%: Modifications to existing programs that will affect between 25% and 49% of the

curriculum, except for changes to program length noted above, may be implemented after notification to the Commission at a regular meeting. Institutions are responsible for determining the percentage change and submitting documentation showing the percentage of the program to be modified.

4. Certain Changes to Method of Delivery: Changes to delivery modality that affect 100% of the program's curriculum, especially in relation to adding a fully distance education program, as described below in rule §300-2-1-.10.

5. Addition of Long Certificate to Existing Associate Pathway: An institution may add a long certificate (IPEDS Level 2) with prior notification (rather than program approval) in the following circumstances:

- (i) The institution offers an associate degree at the same CIP Code, where all of the coursework for the long certificate also meets requirements for the associate degree.
- (ii) No new resources are required to implement the long certificate.

(c) Non-Substantive Changes to Degrees: The following degree program changes are considered non-substantive, and institutions do not need to notify the Commission or ACHE Staff prior to implementation. It is the responsibility of the institution to determine whether they must register the change with their accreditor or other entity.

1. Changes to Curriculum under 25%: Modifications to existing programs that will affect less than 25% of the curriculum, including changes to program length, may be implemented without notifying the Commission. Institutions are responsible for determining the percentage of the program's curriculum to be modified.

2. Changes to Existing Options: Once an option has been reviewed by the Commission and added to an existing degree, changes to the option's title or curriculum do not need to be reviewed by the Commission, with the following exceptions:

- (i) If an institution seeks to change an option in such a manner that affects more than 25% of the program's curriculum, the change will be

considered substantive—requiring notification.

(ii) If an institution seeks to change the CIP code of an option apart from the existing degree program, the change will be considered substantive—requiring approval as noted above under “separating a program.”

3. **Most Changes to Method of Delivery:** Changes to delivery modality that affect less than 100% of the program’s curriculum are considered non-substantive. These include changes to the delivery modality of individual courses or groups of courses (e.g., options).

4. **Addition or Modification of Combination Degrees:** When a single institution creates an overlapping course of study that results in awarding more than one degree, it is considered non-substantive so long as the programs to be combined are already listed in the Academic Program Inventory. Examples include dual majors, accelerated bachelor’s-master’s programs, and other arrangements that allow for shorter time to completion of multiple awards.

5. **Addition or Modification of Dual Degrees:** Adding or modifying dual degree programs sponsored by two different institutions leading to the award of two separate degrees is considered non-substantive so long as the constituent degree programs are listed in the Academic Program Inventory.

6. **Addition or Modification of Academic Minors:** Minor courses of study are not considered standalone awards and as such are not listed in the Academic Program Inventory. Institutions do not need to notify the Commission when developing or updating requirements for academic minors.

(d) **Changes to Degree Programs that Lead to Professional Educator Certification:** Institutions seeking to modify a degree program leading to professional educator certification should consult with appropriate staff at the Alabama State Department of Education (ALSDE). Depending on the nature of the program change and ALSDE guidance, institutions may request that the Commission waive requirements for prior approval or notification.

(6) Reasonable Extensions and Alterations of For-Credit Non-Degree Certificates. For-credit non-degree programs fall under

the Commission's responsibility to consider reasonable extensions and alterations of existing programs of study, since it is assumed that institutions will develop and deliver new for-credit non-degree programs using existing personnel, equipment, facilities, and other resources. Changes to for-credit non-degree certificates may be considered substantive-requiring notification or non-substantive:

(a) Substantive Changes to For-Credit Non-Degree Certificates Requiring Notification: Before any of the following changes may be implemented, they must be presented to the Commission as information items. If supporting documentation verifies that any conditions and requirements are met, the changes will be recognized by the Commission by information item. The Commission staff may request additional information if necessary:

1. Addition of New For-Credit Non-Degree Certificates: Review of new for-credit non-degree program offerings is necessary to ensure that the Commission maintains an accurate and comprehensive list of program offerings in its Academic Program Inventory. Institutions may advertise new non-degree programs once notification is received by ACHE staff, but institutions should not begin delivering the new non-degree programs until after formal notification has been made to the Commission.
2. Changes in CIP Codes: CIP code changes should be made when the proposed code more accurately reflects the nature and content of the program. Notification is required to ensure that the Academic Program Inventory remains up-to-date.
3. Change in IPEDS Level: If a change is made to the curriculum of a for-credit non-degree certificate such that the institution seeks to reclassify it to a higher or lower IPEDS level (from Level 1a to Level 1b, for instance), documentation must be provided to support the request.
4. Changes in Program Status: Placing certificate programs on inactive or deleted status requires prior notification to ensure that the Academic Program Inventory remains up-to-date.
5. Certain Changes to Method of Delivery: Changes to delivery modality that affect 100% of the program's curriculum, especially in relation to adding a fully distance education program, as described below in rule §300-2-1-.10.

(b) Non-Substantive Changes to For-Credit Non-Degree Certificates: The following changes to for-credit non-degree certificates are considered non-substantive, and institutions do not need to notify the Commission or ACHE staff prior to implementation. It is the responsibility of the institution to determine whether they must register the change with any other entity.

1. Changes to Courses and Requirements:

Updates to individual courses or other requirements for certificate completion do not need to be reported to the Commission, provided that the content and objectives remain consistent with the existing program.

2. Changes to Certificate Title: Updates to the title of the certificate are considered non-substantive, provided that the new title accurately describes the content of the program.

3. Most Changes to Method of Delivery: Changes to delivery modality that affect less than 100% of the certificate's curriculum are considered non-substantive. These include changes to the delivery modality of individual courses or groups of courses.

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Statutory Authority: Code of Ala. 1975, §§16-5-1, et seq., specifically §§16-5-7 and 16-5-8.

History: Filed April 10, 1989. **Amended:** Filed July 27, 1990; September 4, 1991; August 4, 1992. **Amended:** Filed March 12, 1996; effective April 16, 1996. **Amended:** Filed August 4, 1997; effective September 8, 1997. **Amended:** Filed December 12, 2017; effective January 26, 2018. **Repealed and New Rule:** Published March 29, 2024; effective May 13, 2024.