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<th>Control:</th>
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<tr>
<td>Department or Agency:</td>
<td>Alabama Commission on Higher Education Planning and Coordination</td>
</tr>
<tr>
<td>Rule No.:</td>
<td>300-2-1-.10</td>
</tr>
<tr>
<td>Rule Title:</td>
<td>Distance Education</td>
</tr>
<tr>
<td>Intended Action</td>
<td>Amend</td>
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| 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? | No |
| To what degree?: | N/A                                                                  |
| Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? | NA |
| Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? | Yes |
| Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? | No |

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 Services Agency.

Signature of certifying officer: Jim Purcell/ren

Date: Wednesday, September 20, 2023
AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: 300-2-1-.10 Distance Education

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
The proposed amendments to Administrative Procedures §300-2-1-.10 do not change the substance of the rule but are intended to provide clarity through the addition of sections on purpose, Commission responsibility, and scope, as well as expanded definitions.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
Interested persons may present views on these amended rules by contacting Dr. Robin McGill, Deputy Director for Academic Affairs, Alabama Commission on Higher Education, PO Box 302000, Montgomery, Alabama 36130-2000 (robin.mcgill@ache.edu, 334-242-2104) between 8:30am and 5:00pm CT each business day up to and including Thursday, November 9, 2023.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Thursday, November 9, 2023

CONTACT PERSON AT AGENCY:
Dr. Robin McGill, Deputy Director for Academic Affairs, Alabama Commission on Higher Education
PO Box 302000
Montgomery, Alabama 36130-2000
robin.mcgill@ache.edu
334-242-2104

Jim Purcell/rem

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
300-2-1-.10 Distance Education.

(1) **Purpose.** This section is intended to ensure consistency around implementation of distance education programs.

(2) **Commission Responsibility.** Programs of instruction offered by Alabama public institutions, including distance education offerings, are subject to Commission approval per the Code of Ala. 1975, Section 16-5-8.

(3) **Scope.** This policy applies to programs of instruction offered by public colleges and universities headquartered in Alabama. It does not apply to programs of instruction offered by private institutions or by institutions with no physical presence in Alabama.

(4) **Definitions.** The following definitions pertain to this rule:

   (a) **Delivery Modality:** Technology or method used to deliver instruction within courses required for program completion, such as in-person/face-to-face instruction, distance education, or a combination thereof. In addition, an academic program may be offered in multiple modalities.

   (b) **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 may employ audio, video, or computer technologies. Distance education, distance learning, and e-learning are recognized by the Commission as being synonymous terms.

   (c) **Distance Education Program:** An academic program for which required instructional activities can be completed entirely through distance education modalities. A distance education program may have in-person requirements that are non-instructional (e.g., orientation, practicum). Academic courses or programs are considered to be distance education entities when over fifty percent of the content is delivered through distance education modes. [Based on

   (d) **State Authorization Reciprocity Agreements (SARA):** An interstate distance education compact coordinated through the National Council for State Authorization Reciprocity Agreements (NC-SARA). Institutional membership in SARA establishes recognition of comparable standards in the interstate delivery of postsecondary distance education.
courses and programs and streamlines authorization to enroll non-Alabama residents. The Council on Occupational

(5) **Tuition for Distance Education Programs**—Education (COE) and the Southern Association of Colleges and Schools/Commission on Colleges (SACS/COC) definitions.

(3) Institutions are to set tuition for distance education offerings, ensuring that they meet statutory requirements under Code of Ala. 1975, §16-64-1 et seq.

(6) **Expectations for Compliance.**

(a) Institutions providing distance education courses or programs are expected to be in full compliance with the standards and/or requirements of any appropriate governing, authorization, or accreditation authorities.

(4)(b) Academic degree programs offered through distance education by Alabama public institutions must have been approved by the Commission on Higher Education and must be listed in the Commission’s Academic Program Inventory with no restriction to a military base.

(5)(7) **Configuration of Programs for Distance Education**—Programs approved by.

(a) Programs of instruction listed in the Commission's Academic Program Inventory—the Commission on Higher Education do not require additional Commission approval to be configured and offered as distance education programs. However, institutions preparing to offer existing programs as distance education offerings must report this intent to the Commission prior to implementation.

(6)(b) Institutions intending to deliver a new program of instruction as a distance education program are to note this on the program proposal so that no further notification is needed prior to implementation.

(c) The Commission on Higher Education does not require prior notification of distance education in the following
cases: The Commission on Higher Education does not require approval

1. Configuration of individual courses for distance education.

2. Programs of instruction where less than 100% of the coursework is delivered through distance education modalities purposes.

Author: Leonard Lock; Robin McGill
Statutory Authority: Code of Ala. 1975, §§16-5-1 et seq.
Amended: Filed ----, 2023; effective ----.