

**ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATIVE CODE**

**CHAPTER 300-1-1
ORGANIZATION**

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300-1-1-.01 Goals And Responsibilities.

(1) The Alabama Commission on Higher Education was created by Alabama law, Act No. 14, Special Session, 1969, and reenacted by Act 461, Regular Session, 1979, to ensure that the state's system of higher education would provide the citizens of Alabama with the highest possible quality of collegiate and university education.

(2) As the statewide coordinating board for postsecondary education, the Commission works with all public institutions. The powers and duties of the Commission shall apply equally to all postsecondary institutions regardless of any authority that may be, or has been, conferred upon them by the Constitution or by statutes.

(3) The Commission is vested with the authority to carry out and enforce the provisions of Code of Ala 1975, §§16-5-1 through 16-5-15 and to promulgate policies and procedures consistent with carrying out the required statutory functions.

(4) Major functions of the Commission include:

(a) Planning. The Commission shall be responsible for statewide long-range planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them (Refer to Chapter 300-2-2).

(b) Establishing and Maintaining a State University and College Information System. The Commission, after affording a full opportunity to the public institutions of higher

education to be heard, shall design and establish a state university and college information system to provide comprehensive, meaningful and timely information pertinent to the formulation of decisions and recommendations by the Commission (Refer to Chapter 300-2-3).

(c) Reviewing Units or Programs of Instruction, Research or Public Service. The Commission on Higher Education is authorized to review periodically all new and existing programs and units of instruction, research and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institutions, and state legislature, its recommendations (Refer to Chapter 300-2-1).

(d) The Commission shall have the authority to authorize and regulate off-campus offerings, new or existing (Refer to Rule 300-2-1-.05).

(e) Reviewing Budget Proposals and Making Recommendations. The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety days prior to each legislative session, its budget proposals for the operation and capital needs of the institutions under its governance or supervision (Refer to Chapter 300-2-3).

(f) Coordinating and Administering State and Federal Student Financial Aid Programs (Refer to Chapter 300-4-1, et seq.).

(g) Additional Powers and Duties of the Commission. The Commission shall also exercise the following powers and duties:

1. To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

2. To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to ensure the highest quality of higher education in this state taking into consideration the orderly development and maintenance of the state system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

3. To advise and counsel the governor, at his or her request, regarding any area of, or matter pertaining to, postsecondary education.

4. To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; provided that nothing herein shall be construed as authorizing the Commission to establish or create any university system, nor to alter any university system presently existing.

5. To develop and publish criteria which may be used by the legislature as a basis for:

(i) changing the classification of any public institution of higher education.

(ii) determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction or by the standing Committee considering same to the Commission for its opinion as to the need for the state therefore, and the Commission shall report its findings to the governor and the legislature.

6. To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution.

7. To hear applications from the institutions for changes in classification or role and scope and to recommend to the legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

8. To make continuing studies, on its own initiative or upon the request of the governor or the legislature, of the financial needs of public higher education and issue such reports to the governor and the legislature as may result from its studies.

9. To submit to the governor and the legislature on or before the first day in January of each year a written report covering the activities of the Commission and the state of higher education in Alabama. The report shall include:

10. To make rules and regulations for its meetings, procedures, and execution of the powers and duties delegated to it by this Act.

11. To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in this state.

12. To conduct a program of public information in order to inform citizens of the matters of importance to higher education in Alabama.

13. To serve as the state agency for the administration of those Titles of the Higher Education Act of 1965 (P.L. 89-329) as amended for those programs requiring a single state agency for which the Commission qualifies unless otherwise designated by executive order.

14. To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the state of Alabama.

15. To serve as the state agency responsible for the administration of those functions under the Southern Regional Compact for Education (Act 227, HJR 42, 1949; Act 40 HJR 21, 1955) and those functions in Section 16-3-32 through 16-3-35, Code of Ala. 1975, heretofore, assigned to the State Board of Education with funds that may be appropriated to it by the legislature for that purpose (Refer to Chapter 300-2-4).

16. To analyze and evaluate on a continuing basis the present and future needs for instruction, research, and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. In order to facilitate such analysis and evaluation, the Commission will consult with the agencies and institutions concerned with higher education in this state and may use advisory groups and consultants, as deemed desirable.

Author: William O. Blow; Timothy W. Vick

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

History: Filed September 30, 1982. **Amended:** Filed December 12, 1989. **Amended:** Filed September 19, 2018; effective November 3, 2018.

Ed. Note: Previous Rule No. 300-1-1-.07 entitled "Commission Evaluation" incorporated into this rule by this amendment.

300-1-1-.02 Commission Membership And Tenure.

(1) The Commission consists of 12 members, 10 appointed by the governor, one by the lieutenant governor, and one by the speaker of the house of representatives. All proposed members must be confirmed by the senate.

(a) One person shall be appointed from each United States Congressional District in Alabama, and shall reside or maintain an office or place of business within the congressional district from which he or she is appointed.

(b) The remaining members shall be appointed from the state at large with no more than two of the total twelve members being from the same congressional district.

(c) Each commissioner shall be a citizen of the state.

(d) Commissioners shall be appointed, as far as may be practicable, based on their interest in higher education.

(e) Appointees shall be selected without regard to political affiliation and shall be of a nature as to aid the work of the Commission and to inspire the highest degree of cooperation and confidence.

(f) No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the state, the State Department of Education, or any county or other local board of education.

(g) No member of the Commission shall act as the representative of any particular region or of any particular institution of higher learning. All members of the Commission are deemed members at large charged with the responsibility of serving the best interests of the entire system of higher education in the state.

(h) New appointments to the Commission are made so that the total membership of the Commission is broadly representative of the total population of the state of Alabama.

(2) Tenure

(a) Members of the Commission shall be selected for nine-year terms expiring on August 31 of the respective year.

(b) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed.

(c) In the event that the number of congressional districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. The membership would remain at twelve with the number of at-large memberships being adjusted, if necessary, so that each congressional district is represented.

(d) If the senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent senate approval of the appointment.

(e) Vacancies and new appointments on the Commission are filled by appointment of the ex officio officer responsible for the initial appointment. If the senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent approval of the appointment.

(f) Any person who serves five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

(g) If any member of the Commission does not attend three consecutive regular meetings for reasons other than personal illness or family illness, that member may be requested by the chairman to submit his or her resignation to the governor.

(h) Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

Author: William O. Blow; Timothy W. Vick

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

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300-1-1-.03 Commission Organization.

(1) Election of Officers

(a) The Commission shall annually elect from its membership a chairman and a vice chairman.

(b) Such election will be held at the first regular meeting of the Commission after August 1.

(c) Elections shall be presided over by the chairman, or in his or her absence, the vice chairman.

(d) The election of officers shall require the concurrence of a majority of the members of the Commission.

(e) Terms of office shall begin on October 1, following the election.

(f) In the event of a vacancy in one of the offices, written notice shall be given to all members and a special election shall be held at the next regular meeting following the occurrence of the vacancy.

(g) Should a vacancy occur in the office of the chairman, the vice chairman shall become interim chairman and shall preside over the special election to elect a chairman.

(h) Officers elected in a special election shall take office immediately upon election and shall serve for the remainder of the unexpired term and one full term thereafter unless such member elects to give up such office, or is elected to another office on the Commission, or a vacancy occurs in the appointment occupied by the officer.

(i) No officer shall be elected to the same office more than two consecutive full terms.

(j) The vote for the election of officers shall be taken by secret ballot.

(k) The presiding officer shall count the votes.

(2) The chairman of the Commission shall appoint as many committees as deemed necessary by the Commission. These committees shall meet as needed to review all matters before the Commission, but no action is to be considered final until and unless adopted by the full Commission in a public meeting.

(3) The executive committee shall consist of the chairman, the vice chairman, and two other commissioners as appointed by the chairman. The executive committee is empowered to act on behalf of the Commission between regularly scheduled meetings of the Commission with said action being subject to ratification by the full Commission at a regular or special meeting held in accordance with all laws requiring open and public meetings.

(4) The executive director shall be the secretary of the Commission.

Author: William O. Blow; Timothy W. Vick

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

History: Filed September 30, 1982. **Amended:** Filed December 12, 1989. **Amended:** Filed September 19, 2018; effective November 3, 2018.

300-1-1-.04 **Commission Meetings.**

(1) Meetings

(a) The Commission shall hold regular meetings as provided by the annual adoption of a calendar of regular meeting dates.

(b) Special meetings may be held at any time by call of the chairman or by call of two-thirds of the membership or upon call by the governor.

1. For special meetings, notice of at least three days is required, except in cases of extreme emergency.

(c) The Commission shall meet at least once every three months.

(d) The chairman shall preside over all meetings of the Commission. In absence of the chairman, the vice chairman shall preside.

(e) In the absence of both the chairman and the vice chairman, the chairman shall designate a member to preside.

(f) The executive director as the secretary of the Commission shall present the minutes of the last previous meeting to the Commission at least ten days prior to the next regularly scheduled meeting.

(g) The chairman or other presiding member shall witness Commission approval of minutes by appropriate notarized signature.

(h) The Commission may invite or designate representatives of the various postsecondary education segments or institutions to sit with the Commission during regular meetings for the purpose of ensuring that perspectives and concerns of the educational community might be made known to the Commission.

1. Such advisory representatives shall be free to participate in deliberations but shall have no vote on formal Commission business.

(2) Agenda

(a) An agenda which lists those items on which action is expected at the meeting shall be published in advance of the

meeting date as required by law and shall be distributed to the Commission members, the president of each postsecondary education institution, the chairman of the governing board of each such institution and the public upon request.

(b) Any public institution of postsecondary education or the State Board of Education may place an item for discussion on the agenda of the next Commission meeting by informing the executive officer of the Commission, in writing, of such request at least three weeks prior to the meeting.

(3) Location

(a) At least half of the regular meetings each year, inasfar as possible, shall be held on the campuses of institutions of higher education in the state.

(4) Procedure

(a) A majority of the members of the Commission shall constitute a quorum for the purpose of conducting official business. No vote may be taken on any matter which requires Commission action unless a quorum is present.

(b) The positive recommendation of a new unit of instruction, research, or public service or a new public institution of higher education shall require the concurrence of a majority of all the members of the Commission.

(c) To ensure that all programs receive fair and consistent evaluation and determination, the Commission has established operational policies on the approval, disapproval, deferral, and withdrawal of new programs of instruction, as described in Rule 300-2-1-.06.

(d) Roberts' Rules of Order, where not in conflict with the commission's bylaws, will be used as a procedural guide for conducting all business.

Author: William O. Blow

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

History: Filed September 30, 1982. **Amended:** Filed December 12, 1989.

300-1-1-.05 Executive Director.

(1) Appointment of the Executive Director. The Commission is authorized to appoint a highly qualified person as its Executive Director who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him or her by the

Commission, within the amounts made available for the Commission's operation.

(a) The appointment of the Executive Officer shall be subject to a one-time confirmation by the Senate.

(b) Failure of the Senate to confirm the Executive Director shall result in his or her dismissal within 90 days thereafter.

(2) Duties and Powers of the Executive Director.

(a) The Executive Director shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants, upon a full-or part-time basis as are necessary to assist the Commission and the Executive Director in performing the duties assigned by this Act.

Author: William O. Blow

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

History: Filed September 30, 1982. **Amended:** Filed December 12, 1989. **Amended:** Filed June 4, 1997; effective July 9, 1997.

300-1-1-.06 **Staff.**

(1) The number of employees, their compensation, and the other expenditures of the Commission shall be within the limits and in compliance with the appropriations made therefor by the legislature and within budgets that shall be approved from time to time by the Commission.

(a) The Commission shall annually approve its budget prior to the fiscal year, for which it is effective.

(2) The Commission establishes such policies regarding staff personnel as deemed necessary. Such policies may be established by resolution at any regular meeting or at any special meeting.

Author: William O. Blow; Timothy W. Vick

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

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ALABAMA COMMISSION ON HIGHER EDUCATION
 PLANNING AND COORDINATION
 ADMINISTRATIVE CODE

CHAPTER 300-2-1
 PROGRAM REVIEW

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| 300-2-1-.01 | <u>Definitions Recognized By The Commission.</u> |

Unless the context clearly indicates otherwise, the definitions recognized by the Commission are as follows throughout these rules:

(a) Commission: The Alabama Commission on Higher Education created by Alabama Code Sections 16-5-1, et. seq.

(b) Unit of Instruction: An organizational structure which offers instructional courses or other activities for academic

credit. This definition pertains to institutions, branches, and campuses as well as colleges, schools, divisions, departments, institutes, and centers within institutions which offer courses or other activities for academic credit.

1. Existing Unit of Instruction: A unit of instruction in place prior to August 19, 1994. Official documentation must be available to support the existence of a unit of instruction.

2. Proposed New Unit of Instruction: A unit of instruction not in place prior to August 19, 1994. Several new units which offer academic credit are subject to Commission approval, including a new institution (including one formed by consolidation), branch, campus, school, college, division, or institute.

(c) Unit of Research: An organizational structure for those activities intended to produce one or more research outcomes, including the creation of new knowledge, the organization of knowledge, and the application of knowledge. Might include such entities as research divisions, bureaus, institutes, centers, and experiment stations.

(d) Unit of Public Service: An organizational structure established to make available to the public the various unique resources and capabilities of an institution for the specific purpose of responding to local, regional, or statewide needs or problems. (From Operational Definitions adopted by the Commission on 5/20/88 and 8/19/94; and revisions adopted by the Commission on 6/21/91 and 8/19/94; Code of Ala. 1975, Chapter 5, Paragraphs 16-5-1; 16-5-8).

(e) Higher Education/Postsecondary Education Institutions: Institutions which provide formal programs of instruction with curricula designed primarily for students who have completed the requirements for a high school diploma or its equivalent. This includes academic, occupational, professional, and continuing professional education programs. (From Operational Definitions adopted by the Commission on 8/19/94.)

(f) Public Institutions of Higher Education: Those public educational institutions in Alabama which have been authorized by the Legislature or by the Constitution to provide formal education including vocational, technical, collegiate, professional, or any other form of education, above the secondary school level (Code of Ala. 1975, 16-5-1). These institutions are controlled and operated by publicly elected or appointed officials and derive their primary support from public funds. (From Operational Definitions adopted by the Commission on 8/19/94.)

(g) **Private Institutions of Higher Education:** An institution of higher education which is controlled by an individual or agency other than the state, a subdivision of the state, or the federal government and is usually supported primarily by other than public funds and operated by other than publicly elected or appointed officials. (From Operational Definitions adopted by the Commission on 8/19/94.)

1. **Private Nonprofit Institution:** A private institution in which the individual(s) or agency of control receives no compensation other than wages, rent, or other expenses for the assumption of risk. These include both independent not-for-profit institutions and those affiliated with a religious organization. (From Operational Definitions adopted by the Commission on 8/19/94.)

2. **Private For-Profit (Profit-Making) Institution:** A private institution in which the individual(s) or agency of control receives compensation other than wages, rent, or other expenses for the assumption of risk. (From Operational Definitions adopted by the Commission on 8/19/94.)

(h) **College or University System:** Two or more separately accredited colleges or universities under the governance of a single board and under the control or supervision of a single executive head. (From Operational Definitions adopted by the Commission on 8/19/94.)

(i) **Multicampus Institution:** A single institution which operates on two or more administratively equal campuses. (From Operational Definitions adopted by the Commission on 8/19/94.)

(j) **University:** An institution of higher education usually composed of several schools and colleges. The institution normally confers undergraduate degrees, primarily the baccalaureate. It also may confer graduate degrees, such as masters, doctorates, and specialist in education, as well as one or more first professional degrees in fields such as law and medicine. (From Operational Definitions adopted by the Commission on 8/19/94.)

(k) **Upper Division College or University:** An institution of higher education which does not enroll freshmen or sophomores and offers courses and programs only at the junior, senior, and possibly graduate level. The institution normally confers the baccalaureate degree and, in some instances, graduate degrees. Students matriculated in formal programs of study transfer the lower division (freshman-sophomore) component from other institutions. (From Operational Definitions adopted by the Commission on 8/19/94.)

(l) Community College: A lower division institution which offers university parallel transfer programs which culminate in the award of Associate in Arts or Associate in Science degrees as well as "career" or "applied" programs to prepare students for occupational, technical, or paraprofessional employment. The applied programs, varying in length, culminate in certificates, diplomas, or Associate in Applied Science degrees. Considerable emphasis is placed on developmental/remedial studies and continuing education. (From Operational Definitions adopted by the Commission on 8/19/94.)

(m) Junior College: A lower division institution similar in role and mission to the Community College. The main distinction is in the scope of the curriculum, i.e. the junior college is generally less comprehensive than the community college in its "applied" programs and is primarily a transfer institution designed to offer the first two years of a baccalaureate degree. (From Operational Definitions adopted by the Commission on 8/19/94.)

(n) Technical College: A lower division institution which offers occupational programs in trade and industrial, technical and applied science fields. These programs culminate in certificates, diplomas, and associate degrees. Technical Colleges accredited by the Commission on Occupational Education Institutions (COEI) may grant the Associate in Applied Technology degree (AAT), while those accredited by the Commission on Colleges (COC) may grant the Associate in Applied Science (AAS) degree. The technical college may not offer the transfer AA and AS degrees. (From Operational Definitions adopted by the Commission 8/19/94.)

(o) Branch: A degree-granting division of an institution located in a geographical setting separate from the sponsoring institution's main campus or central administration and authorized for a stated purpose in relation to the sponsoring institution and the area served. The branch offers all requirements for completing degree programs in two or more fields of study as classified by the CIP taxonomy at the six-digit level. A branch provides the necessary administrative services, student services, financial resources, library, and physical facilities to provide adequate support for degree programs offered. (Definition was adopted by the Commission on 8/24/79; revision adopted 8/19/94.)

(p) Campus: The grounds and buildings of an institution of higher education. (From Operation Definitions adopted by the Commission on 8/19/94.)

1. Main Campus: The physical boundaries of the campus where the institution's principal administrative offices are located. (From Operational Definitions adopted by the Commission on 8/19/94.)

2. Branch Campus: The physical boundaries of the location of an institution branch. (From Operational Definitions adopts by the Commission on 8/19/94.)

(q) Off-campus Site: The specific location where one or more courses are offered for academic credit away from the sponsoring institution's main campus. (From Operational Definitions adopted by the Commission on 8/19/94.)

(r) Off-campus Facility: The actual physical plant in which instruction is conducted at an off-campus site. (From Operational Definitions adopted by the Commission on 8/19/94.)

(s) College: An instructional unit within a university which usually includes several academic divisions and/or departments and is usually administered by a dean. Often, though not always, a college is a more prominent or inclusive unit than a school. As used here, the term "college" does not pertain to separate institutions known as colleges, such as junior college, community college, technical college, or Athens State College. (From Operational Definitions adopted by the Commission on 8/19/94.)

(t) School: An instructional unit within an institution of higher education which usually encompasses a professional discipline such as medicine, engineering, education, etc. and which often includes several academic divisions and/or departments. A school is usually under the administration of a dean or director. Often, though not always, a school is less inclusive than a college. (From Operational Definitions adopted by the Commission on 8/19/94.)

(u) Division: An instructional unit which usually includes two or more academic departments representing allied fields of study. (For example, a Division of Natural Sciences might include departments of biology, chemistry, physics and geology). Usually, but not always, a division is a more prominent entity than a department. (Some institutions identify the department as the more inclusive unit. In such cases, the department might include several divisions.) (From Operational Definitions adopted by the Commission on 8/19/94.)

(v) Department: An instructional unit encompassing a discrete branch of study; usually located within a division and/or a school or college. The department is usually a less inclusive unit than a division, although this is not always the case. (From Operational Definitions adopted by the Commission on 8/19/94.)

(w) Center: A place, area, or concentration of resources marked significantly by an indicated activity, pursuit or interest. A center may involve instruction, research or service or some combination of the three. It may or may not

offer courses or other activities for academic credit. (From Operational Definitions adopted by the Commission on 8/19/94.)

(x) Institute: An association of persons or organizations that collectively constitute a technical or professional authority in a field of work, study, research, or service. An institute may or may not offer courses or other activities for academic credit. Sometimes the term is used interchangeably with a center or an entire special purpose institution. (From Operational Definitions adopted by the Commission on 8/19/94.)

(y) Bureau: A specialized administrative unit of an institution that usually serves as a clearing house or intermediary for exchanging information, making contacts or coordinating related activities. (From Operational Definitions adopted by the Commission on 8/19/94.)

(z) Program of Instruction: An organized set of courses and related activities for which, upon satisfactory completion, some degree, diploma, or certificate is awarded. This does not include areas of specialization or concentration within a program. If an institution wishes to give such options discrete program identify, they must first be reviewed and approved by the Commission. Options within programs will not be separately identified in the Commission's Academic Program Inventory, and the institution may not identify such options as degree programs in its catalog or other publications.

1. Existing Program of Instructions: A program which is currently identified in the Commission's Academic Program Inventory.

2. New Program of Instruction: A program which has not been approved by the Commission and added to its Academic Program Inventory. (From Operational Definitions adopted by the Commission on 5/20/88 and 8/19/94; and revisions adopted by the Commission on 6/21/91; Code of Ala. 1975, Chapter 5, Paragraphs 16-5-1; 16-5-8).

(aa) Cooperative Program of Instruction: A program which is under the sponsorship of a single institution (identified as the primary institution) but which contains elements of resource sharing agreed upon by one or more other institutions (the secondary institution(s)). The administrative control of such a program and commitment for maintaining the resources necessary to support it are the responsibility of the primary institution. The degree is granted under the seal of the primary institution and the program will be identified in the Commission's Academic Program Inventory for that institution only. The program is so structured that should the elements contributed by the secondary institution(s) be discontinued, the basic strength of the program will not be damaged seriously and the institution administering the program will

be able to continue to do so with few or no additional resources. (From Operational Definitions adopted by the Commission on 5/20/88 and revised on 6/21/91 and 8/19/94.)

(bb) Joint Program: A program which is mutually sponsored by two or more institutions leading to a single degree which is conferred by both or all participating institutions. A joint degree program is unique and distinguishable from any program offered independently at any one of the institutions. A joint degree program exhibits the following specific characteristics:

1. The program is planned, implemented, and monitored by a joint committee comprised of representatives from all participating institutions and is managed by an academic administrator or by co-academic administrators jointly appointed by and responsible to both or all participating institutions.
2. The program has a common faculty who hold joint appointments at all participating institutions.
3. The program has common entrance requirements, curriculum, and degree requirements agreed upon by all participating institutions.
4. For joint graduate programs, common qualifying examinations should be given and jointly graded by the participating institutions.
5. The program is based on carefully prescribed and explicitly stated procedures for sharing resources at participating institutions.
6. The program leads to a single degree granted under the seals of all participating institutions. If a joint program is to be offered by two or more institutions which are within the same system but are under a single executive head, explicit procedures must be developed and stated that will assure equal administrative oversight of the program.
7. The joint program is so designed that its viability is dependent upon the shared resources of the participating institutions. In the event one or more of the participating institutions cannot meet its commitments and responsibilities, the program would be terminated. (From Operational Definitions adopted by the Commission on 5/20/88 and revised on 8/19/94.)

(cc) Shared Program: A program of instruction that is mutually sponsored by two or more institutions and leads to a single degree or other award of completion which is jointly conferred

by all participating institutions. A shared program is very similar to a joint program. However, the withdrawal of one of more participating institutions from a shared program does not automatically preclude the continuation of the program by the remaining participants or the reversion to independent program status by institutions which offered independent programs prior to entering the shared program agreement. The purpose of a shared program is to allow institutions to pool their resources in order to offer a collaborative program of greater depth, breadth, academic quality, productivity, and economy than would generally be possible through independent single programs. It is also expected that shared programs will help reduce program duplication. Guidelines for shared programs are listed below.

1. An institution may participate in a shared program only at a degree level currently recognized within its Commission approved Instructional Role Matrix.
2. At least one of the participating institutions must have an independent program in the same area and at the same level in operation at the time the shared program is proposed.
3. No institution may offer a separate independent program in the same area and at the same level while participating in a shared program.
4. Should one or more participating institutions withdraw from the shared program, it may be continued if at least two institutions remain. This would constitute an alteration of an existing program and would require Commission approval as such.
5. Should the shared program be discontinued, participating institutions which previously had independent programs may revert back to independent program status subject to program alteration approval by the Commission.
6. The shared program is treated as a single program for viability purposes.
7. Proposals for shared programs must include documentation that necessary approval has been received from all relevant accrediting agencies. Similar documentation must be presented if the program is altered in any way or when an institution wishes to revert to independent program status.
8. The program is planned, implemented, and monitored by a joint committee comprised of representatives from all participating institutions and is managed by an academic

administrator or by co-academic administrators jointly appointed by and responsible to all participating institutions.

9. The program has a common faculty who hold joint appointments at all participating institutions.

10. The program has common entrance requirements, curriculum, and degree requirements agreed upon by all participating institutions.

11. For shared graduate programs, common qualifying examinations should be given and jointly graded by the participating institutions.

12. The program is based on carefully prescribed and explicitly stated procedures for sharing resources at participating institutions.

13. The program leads to a single degree granted under the seals of all participating institutions. If a shared program is to be offered by two or more institutions which are within the same system but are under a single executive head, explicit procedures must be developed and stated that will assure equal administrative oversight of the program. (From Operational Definitions adopted by the Commission on April 24, 1998.)

(dd) Reasonable Extension or Alteration of a Unit or Program of Instruction: Modification of an existing unit or program of instruction which does not change its essential character, integrity, or objectives. Such modifications do not create new units or programs of instruction. Program changes may include reasonable extensions such as the addition of a new area of specialization (concentration, option, emphasis, focus, track), or reasonable alterations such as a change in degree nomenclature at the same degree level (except doctoral), or a change in program title or CIP code, provided these modifications are within the Commission guidelines. Provisions for reasonable extensions or alterations of units or programs of instruction do not relate to the addition of off-campus sites or adding any new unit or program. (From Operational Definitions adopted by the Commission on 8/19/94. See 300-2-1-.01(d)1 for the Commission's requirements.)

(ee) Major: That part of a degree program which consists of a specified group of courses in a particular discipline or field. While practices vary among institutions, a baccalaureate program major usually consists of 28 semester hours (42 quarter hours) or more. (From Operational Definitions adopted by the Commission on 8/19/94.)

(ff) Minor: That part of a degree program which consists of a specified group of courses in a particular discipline or field usually constituting a minimum of 18 semester hours (27 quarter hours). (From Operational Definitions adopted by the Commission on 8/19/94).

(gg) Specialization, Concentration, Option, Focus, Track, Emphasis: Synonymous terms that represent a specified group of courses within a program of instruction. (From Operational Definitions adopted by the Commission on 8/19/94.)

(hh) Degree: An award conferred by a college, university or other higher/postsecondary education institution as official recognition for the successful completion of a prescribed program of studies. (From Operational Definitions adopted by the Commission on 8/19/94.)

1. Associate's Degree: An undergraduate award granted on completion of an educational program that is lower than the baccalaureate and that requires at least two but less than four academic years of full-time equivalent college work. (From Operational Definitions adopted by the Commission on 8/19/94.)

2. Bachelor's Degree: An undergraduate award that normally requires the completion of at least four but not more than five academic years of full-time equivalent college work. Also includes accelerated bachelor's degrees which are completed in three calendar years. (From Operational Definitions adopted by the Commission on 8/19/94.)

3. Master's Degree: A graduate level award that requires the completion of a program of study at least the full-time equivalent of one but usually not more than two academic years of work beyond the bachelor's degree. In professional fields, it is sometimes an advanced professional degree earned after the first-professional degree. (From Operational Definitions adopted by the Commission on 8/19/94.)

4. Educational Specialist's Degree (Ed.S): A graduate level award that requires completion of an organized program of study consisting of the full-time equivalent of one academic year of work beyond the master's degree, but does not meet the requirements of academic degrees at the doctoral level. (From Operational Definitions adopted by the Commission on 8/19/94.)

5. First-Professional Degree: An award that requires completion of a program that meets all the following criteria: completion of the academic requirements to begin practice in the profession; at least two years of

college work prior to entering the program; and a total of at least six academic years of college work to complete the degree program, including prior required college work plus the length of the professional program itself. Among the degrees included are the following: Dentistry (D.D.S. or D.M.D.), Law (J.D.), Medicine (M.D.), Optometry (O.D.) and Veterinary Medicine (D.V.M.). (From Operational Definitions adopted by the Commission on 8/19/94.)

6. Doctoral Degree: An earned graduate level academic award carrying the title of doctor, such as the Doctor of Philosophy (Ph.D.), Doctor of Education (Ed.D.), Doctor of Science (Sc.D.) and Doctor of Public Health (D.P.H.). Does not include first-professional degrees such as M.D., D.M.D., or J.D. or "honorary" degrees such as the LL.D., D.H.L., D.D., or Litt.D. (From Operational Definitions adopted by the Commission on 8/19/94.)

(ii) Diploma: A formal award certifying the successful completion of a prescribed postsecondary education program. In Alabama, the diploma, which ranges from 48 to 90 quarter hours, is only awarded by the community and technical colleges. (From Operational Definitions adopted by the Commission on 8/19/94.)

(jj) Certificate: A formal award certifying the satisfactory completion of a prescribed program of study. The certificate is less than a degree, and its curriculum in many instances is related to the student's employment or professional advancement. In the two-year college system of Alabama, a Certificate requires a minimum of 15-quarter hours and a maximum of 90-quarter hours. (From Operational Definitions adopted by the Commission on 8/19/94.)

(kk) Credit: Recognition of attendance and performance in an instructional activity (course or program) that can be applied by a recipient toward the requirements for a degree, diploma, certificate, or other formal award. (From Operational Definitions adopted by the Commission on 8/19/94.)

(ll) Credit Hour: A unit of measure representing the time and activity required for one hour of credit. Usually, this involves the equivalent of 50 minutes of instruction each week for a semester, trimester, or quarter. (From Operational Definitions adopted by the Commission on 8/19/94.)

(mm) Contact Hour: A unit of measure that represents a minimum of 50 minutes of scheduled instruction given to students. Also referred to as clock hour. (From Operational Definitions adopted by the Commission on 8/19/94.)

(nn) **Academic Year:** The period of an institution's regular session, generally extending from September to June, usually divided as semesters, trimesters, quarters or the 4-1-4 plan. These designations are sometimes referred to as "terms." (From Operational Definitions adopted by the Commission on 8/19/94.)

1. **Quarter:** The quarter calendar consists of three quarters of about 10-12 weeks each. There may be an additional summer quarter. (From Operational Definitions adopted by the Commission on 8/19/94.)

2. **Semester:** The semester calendar consists of two semesters of about 16-18 weeks each. There may be an additional summer session. (From Operational Definitions adopted by the Commission on 8/19/94.)

3. **Trimester:** The trimester calendar is composed of three terms of about 15 weeks each. (From Operational Definitions adopted by the Commission on 8/19/94.)

4. **4-1-4 Plan:** The 4-1-4 calendar is composed of four courses taken for four months, one course taken for one month, and four courses taken for four months. There may be an additional summer session. (From Operational Definitions adopted by the Commission on 8/19/94.)

(oo) **Faculty:** Persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities), and who hold academic rank titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any of these academic ranks. If their principal activity is instructional, faculty may include deans, directors, or the equivalent, as well as associate or assistant deans and departmental or division heads. (From Operational Definitions adopted by the Commission on 8/19/94.)

1. **Full-time Faculty:** Faculty employed full-time by a single institution (as defined by the institution). (From Operational Definitions adopted by the Commission on 8/19/94.)

2. **Part-time Faculty:** Faculty employed less than full-time (as defined by the institution). (From Operational Definitions adopted by the Commission on 8/19/94.)

3. **Adjunct Faculty:** A faculty position where one has an occasional or temporary affiliation with an institution in performing a duty or service in an auxiliary capacity (as defined by the institution). (From Operational Definitions adopted by the Commission on 8/19/94.)

(pp) Merger: One institution relinquishes its assets and degree granting authority and is dissolved into another with the second institution remaining as the sole surviving entity. Might involve the closure of a campus or one institution becoming a branch of the other. (From Operational Definitions adopted by the Commission on 8/19/94.)

(qq) Administrative Consolidation: Two or more institutions are placed under a single executive head without program interchange. All involved institutions maintain separate functional identities. This does not constitute a multicampus institution, but rather two or more separate institutions operating under a single executive head. (From Operational Definitions adopted by the Commission on 8/19/94.)

(rr) Institutional Consolidation: Two or more institutions join to form a distinctly new unit, often with a new name. This results in a single multicampus institution operating under one chief executive officer and under one regional accreditation designation. Often involves program relocation or exchange. (From Operational Definitions adopted by the Commission on 8/19/94.)

(ss) Consortium: A formal federation or association of two or more separate institutions for one or more specific purposes, usually involving a statement of mutual obligations and resource-sharing. (From Operational Definitions adopted by the Commission on 8/19/94.)

(tt) Alphabetical index of definitions recognized by the Commission with reference to location in Chapter 300-2-1.

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Author: William O. Blow

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

History: New Rule: Filed June 12, 1995; effective July 17, 1995.
 (This rule is based on definitions included in the Alabama Code,
 Section 16-5-1, and operational definitions adopted by the
 Commission on 8/24/79, 5/20/88, and 8/19/94; and revised on
 3/30/90, 6/21/91, 6/19/92, and 8/19/94.) **Amended:** Filed March
 12, 1996; effective April 16, 1996. **Amended:** Filed August 4,
 1998; effective September 8, 1998.

300-2-1-.02

Review Or Exemption From Review Of Proposed Postsecondary Course Offerings In Alabama By Non- Alabama Institutions Seeking State Authorization.

(1) **Purpose and Commission Responsibility.** Per the Code of Ala. 1975, §16-5-10(14), 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 programs of instruction offered in the State of Alabama by non-Alabama institutions of higher education. The Code of Ala. 1975, §16-5-10(10) authorizes the Commission to make rules and regulations for its meetings, procedures, and execution of the powers and duties delegated to it by this article. These institutions must also be licensed to do business or be exempt from licensing in Alabama by the Private School Licensure Division of the Alabama Community College System (ACCS).

(2) **Scope.** This section shall apply only to Non-Resident Institutions seeking to offer postsecondary programs of instruction to Alabama residents. It does not apply to Alabama-based institutions.

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

(a) **Accreditation:** A formal process conducted by a non-governmental, independent accrediting agency recognized by the US Department of Education or by the Council for Higher Education Accreditation to ensure the delivery of sound educational programs.

(b) **ACCS-Exempted Institutions:** Those postsecondary institutions that are granted a Certificate of Exemption from Licensure by the ACCS Private School Licensure Division and for which the System has waived formal licensure application and review.

(c) **ACHE-Exempted Institutions:** Non-Resident Institutions that are determined to meet one of the criteria for exemption from Commission review and are named in an official letter of exemption from the Commission.

(d) **Approved Programs:** Programs of study that have been reviewed and found to meet the criteria for approval by the Commission.

(e) **Authorization:** Formal approval to offer postsecondary programs of instruction to Alabama residents. Authorization is generally secured through one of the following processes:

1. **Private School Licensure:** A formal process conducted by the ACCS Private School Licensure Division to certify viability and legal authority to offer postsecondary programs of instruction, resulting in a Private School License.

2. **Formal Exemption from Licensure:** A formal process conducted by the ACCS Private School Licensure Division to verify that a private postsecondary institution has

met the criteria for exemption from licensure, resulting in a Certificate of Exemption.

3. Membership in the National Council for State Authorization Reciprocity Agreements (NC-SARA) (applies only to Non-Resident Institutions without a physical presence in Alabama): A streamlined, reciprocity-based process for participating postsecondary institutions to become authorized to offer interstate distance education programs in other NC-SARA member states without individually applying to each state for such authorization, subject to certain limitations. Institutions are approved for NC-SARA membership by their states of domicile, and as a condition of membership, they are required to maintain certain academic and financial standards designed to protect students.

(f) Commission: The Alabama Commission on Higher Education (ACHE).

(g) Distance Education Program: A for-credit postsecondary program for which all instructional requirements can be completed via distance education courses. A distance education program may have in-person requirements that are non-instructional (e.g., orientation, practicum).

(h) 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).

(i) NC-SARA: The National Council for State Authorization Reciprocity Agreements (NC-SARA) is a national association of member institutions and states organized to provide a streamlined, reciprocity-based process for participating postsecondary institutions to become authorized to offer interstate distance education in other NC-SARA member states without individually applying to each state for such authorization, subject to certain limitations.

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

(k) Non-Resident Institution: Synonymous term for Non-Alabama Institution.

(l) Physical Presence: Having a geographical site with an address and location within the physical boundaries of the State of Alabama.

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

(n) **SARA (State Authorization Reciprocity Agreements):** An interstate distance education compact coordinated through NC-SARA.

(o) **System:** The Alabama Community College System (ACCS).

(p) **Unaccredited Institution:** An institution not accredited by an agency recognized by the US Department of Education or Council on Higher Education Accreditation or by an entity determined to be comparable.

(4) State Authorization for Non-Resident Institutions. The Commission's review or exemption from review of postsecondary programs of instruction offered by Non-Resident Institutions is a component of the state authorization process conducted by the ACCS Private School Licensure Division under the authority granted to it under Code of Ala. 1975, §§16-46-1, et seq.

(a) All Non-Resident Institutions seeking authorization by obtaining a Private School License must complete the Commission's program review or exemption process.

(b) If the ACCS Private School Licensure Division grants a Certification of Exemption to a Non-Resident Institution, the institution does not need to apply to the Commission for program review or formal exemption from review.

(c) Non-Resident Institutions who are NC-SARA members and do not maintain a physical presence in Alabama are not required to obtain a Private School License or Certificate of Exemption and are therefore not required to seek program review or exemption by the Commission.

(5) Requests for Formal Exemption from Program Review.

(a) As a component of its Private School Licensure application, a Non-Resident Institution may request a letter of exemption from the Commission's program review process, if the institution meets any of the following criteria:

1. It is accredited by a regional, national, or specialized/programmatic accrediting body that is recognized by the US Department of Education or by the Council for Higher Education Accreditation. Documentation concerning accreditation is required.

2. It offers only non-degree programs or non-credit courses.

3. It was originally incorporated in Alabama and is now owned by an entity headquartered in another state. These institutions must have been in continuous operation in Alabama since their inception, with no more than a one-year interruption of operations due to a change in ownership. Legal documentation of Alabama origin must be submitted to the Commission.

(b) An institution seeking formal exemption from Commission program review must submit an application and proper documentation to the Commission. The Commission will then determine if the institution meets any of the criteria for exemption from review and will inform the Alabama Community College System concerning the disposition of the application.

(c) Formal exemption from program review by the Commission does not exempt Non-Resident Institutions from the ACCS Private School Licensure requirements as established in the Code of Ala. 1975, §§16-46-1, et seq.

(6) Program Review and Approval Required for Non-Exempt Institutions.

(a) Any Non-Resident Institution seeking Private School Licensure that is not exempt from Commission review must undergo a review of its programs of instruction and receive approval from the Executive Director on behalf of the Commission.

(b) As a prerequisite to program approval, an unaccredited Non-Resident Institution seeking a Private School License must undergo an external review of its programs of study by one or more outside consultants chosen by the Commission.

1. The unaccredited institution shall underwrite all costs related to the external review.

2. The program review process for unaccredited institutions shall not exceed six months following receipt of data and information required by the Commission.

(c) The following considerations will be made as to whether programs of instruction can be approved:

1. In general, program proposals must meet academic 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 (SACSCOC) guidelines or those of other regional, national, or specialized/ programmatic accrediting bodies

recognized by the US Department of Education or the Council for Higher Education Accreditation.

2. Since the use of state appropriated funding is not involved, the question of unnecessary duplication is not an issue when proposals of non-Alabama institutions are reviewed.

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

(e) By statute, the Commission is authorized to promulgate a schedule of fees commensurate with the cost of Commission activities related to the programmatic review, not to exceed fifteen thousand dollars (\$15,000) and may exercise this authority as the Commission determines necessary with six (6) months' advance notice.

(f) 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 to the institution for mileage or per diem payments to Commission staff for such visits. However, in the event that the Commission appoints other education or external specialists as on-site visit consultants, the institution will pay the consultants a consulting fee determined by the Commission, as well as expenses.

(7) Changes to Approved Program Offerings by Licensed Non-Resident Institutions. If a currently licensed Non-Resident Institution seeks to change its approved program offerings, whether by adding new programs or by relocating or modifying previously approved programs, the Commission will review these changes in a cycle to coincide with the license renewal process established by the ACCS Private School Licensure Division.

(8) Period of Approval or Exemption. In keeping with the review cycle for ACCS Private School Licensure, program approval or formal exemption from program review is valid for two years, after which the institution may seek renewal.

(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: Robin E. McGill

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. **Amended:** Filed May 9, 2016; effective June 23, 2016. **Amended:** Filed December 11, 2018; effective January 25, 2019. **Repealed and New Rule:** Published December 29, 2023; effective February 12, 2024.

300-2-1-.03

Evaluation And Review Of New Instructional Program Proposals Of Public Postsecondary Institutions.

(1) **Purpose:** The purpose of reviewing new program proposals of public postsecondary institutions is to insure that such proposals meet the criteria established by the Alabama Commission on Higher Education.

(2) **Commission Responsibility:** It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for reviewing and taking action on all new instructional program proposals for Alabama's public postsecondary institutions.

(3) **Scope and Definitions.** This section shall apply to academic programs leading toward one of the following degree designations as defined within the Integrated Postsecondary Education Data System (IPEDS):

(a) Level 2, Long certificate (CER): an award granted on completion of a program consisting of at least 30 but no more than 59 semester hours of undergraduate coursework. Typically, CERs consist of technical coursework and are offered by community and technical colleges.

(b) Level 3, Associate degree: an award granted on completion of an educational program that requires at least 60 semester hours of undergraduate coursework or the equivalent, with a

general education component consisting of at least 15 semester hours or the equivalent.

(c) Level 5, Baccalaureate degree: an undergraduate award granted on completion of an educational program that requires at least 120 semester hours of undergraduate coursework or the equivalent, with a general education component consisting of at least 30 semester hours or the equivalent.

(d) Level 7, Master' degree: a graduate award granted on completion of an educational program that requires at least 30 semester hours of post-baccalaureate, graduate, or professional coursework.

(e) Level 8, Education Specialist (EdS): Within the field of education, a degree that requires completion of an organized program beyond the master's degree but does not meet the requirements of an academic degree at the doctorate level.

(f) Level 17, Research Doctorate: A Doctor of Philosophy (PhD) or other doctor's degree that requires advanced work beyond the master's level, including the preparation and defense of a dissertation based on original research, or the planning and execution of an original project demonstrating substantial artistic or scholarly achievement. ACHE includes Doctor of Education (EdD) in this level.

(g) Level 18, Professional Doctorate: A doctor's degree that is conferred upon completion of a program providing the knowledge and skills for the recognition, credential, or license required for professional practice.

(h) Level 19, Doctorate Other: A doctor's degree that does not meet the definition of a doctor's degree - research/scholarship or a doctor's degree - professional practice.

(4) **Preparation and Submission of Proposals:** Program proposals will be prepared by the institutions in keeping with procedures set forth below and with guidelines published by Commission staff. Program proposals may be submitted electronically to the Commission at any time. Receipt of a proposal for review by the Commission does not imply approval of the program.

(5) **Procedures for the Evaluation and Review of New Two-Year College Programs of Instruction:** In the case of proposals from community, junior, and technical colleges, evaluation and review of new program proposals will occur in conjunction with the Alabama Community College System (ACCS).

(a) Review of Program Applications: ACCS will conduct a review of the program application. This review will determine whether the program is denied, whether additional information is required, or whether the program is eligible for further

consideration. If approved, ACCS will send the program application to the Commission staff for review, which shall include consideration of program design, state and regional needs, and stewardship of resources. Should additional information or program modifications be deemed necessary, ACCS will provide such for consideration.

(b) **Completion of Staff Recommendation and Commission Action on the Program:** Completion of the Commission staff recommendation and Commission action on the program will occur within ninety days after receipt of the formal request, unless a longer time frame is recommended for the institution to address deficiencies within the proposal. Commission staff recommendations will encompass expected program outcomes that will be monitored over the post-implementation period, as described below in §300-2-1-.04. Commission approval of a program is based upon agreement of ACCS to discontinue the program if the expected outcomes are not reached within the established time frame.

(c) **Review of Programs Designed to Meet the Needs of Business and Industry:** The purpose of these procedures is to expedite the review of new programs designed to meet the immediate needs of business and industry.

1. For such programs, the proposing college will submit a program application to ACCS, providing evidence of the immediate need of a specific business or industry which can be met only through the development and implementation of the proposed instructional program.

2. Completion of the Commission staff recommendation and Commission action on the program will occur within sixty days after receipt of the program proposal, unless another time frame is agreed upon. Commission staff recommendations will encompass expected program outcomes that will be monitored over the post-implementation period, as described below in §300-2-1-.04. Commission approval of a program is based upon agreement of ACCS to discontinue the program if the expected outcomes are not reached within the established time frame.

(d) **Provision for Reconsideration of Programs Disapproved by the Commission:** Upon the request of the institution, ACCS may request a second review of the program six months after the program has been disapproved by the Commission on the basis of substantial additional information bearing on previous concerns and issues.

(6) Procedures for the Evaluation and Review of New Baccalaureate Programs of Instruction: The evaluation and review of new baccalaureate programs shall be conducted with the participation of the University Chief Academic Officers.

(a) Submission and Peer Review of the Program Proposal: The program proposal may be submitted electronically to the Commission at any time. In preparation for each Commission meeting, Commission staff will contact the chair of the University Chief Academic Officers to request feedback on baccalaureate proposals from institutional representatives. As appropriate, Commission staff may request responses from the proposing institution to issues raised in the peer review and may recommend changes to improve the program proposals.

(b) Review of the Program by Commission Staff: Commission staff will consider the following factors in its review, along with other factors as appropriate:

1. The objectives of the proposed program in relation to student demand and the workforce needs of the state;
2. The fit of the program within the institution's mission and role;
3. Resources required and the capacity of the institution to deliver the program as proposed;
4. Potential for unnecessary duplication of offerings beyond core academic programs; and
5. Opportunities for collaboration with other institutions that offer similar or related programs.

(c) Staff recommendation and Commission Action on the Proposed Program: Completion of the staff recommendation and action by the Commission will occur within ninety days after receipt of the program proposal, unless a longer time frame is recommended for the institution to address deficiencies within the proposal. The staff recommendation will encompass expected program outcomes that will be monitored over the post-implementation period, as described below in §300-2-1-.04. Commission approval of a program requires agreement by the institution to discontinue the program if expected outcomes are not reached within the established time frame.

(7) Procedures for the Evaluation and Review of New Graduate Programs of Instruction: The evaluation and review of new master's, education specialist, and doctorate programs shall be conducted with the participation of the Alabama Council of Graduate Deans (ACGD).

(a) Submission and Peer Review of the Program Proposal: The program proposal may be submitted electronically to the Commission at any time. In preparation for each Commission meeting, Commission staff will contact the ACGD chair to request members' feedback on graduate proposals, especially around academic quality of the proposed program, potential

student demand for the proposed program, and additional capacity within similar programs offered by the responding institution. ACGD shall establish the format and procedures for peer review. As appropriate, Commission staff may request responses from the proposing institution to issues raised in the peer review and may recommend changes to improve the proposal.

(b) Review of the Program by Commission Staff: A higher level of scrutiny shall be given to graduate program proposals due to increased resources and capacity that such programs require. Commission staff shall consider the following factors in its review, along with other factors as appropriate:

1. The objectives of the proposed program in relation to student demand and the workforce needs of the state;
2. The fit of the program within the institution's mission and role;
3. Resources required and the capacity of the institution to deliver the program as proposed;
4. Potential for unnecessary duplication of offerings;
and
5. Opportunities for collaboration with other institutions that offer similar or related programs.

(c) Staff Recommendation and Commission Action on the Proposed Program: Completion of the staff recommendation and action by the Commission will occur within ninety days after receipt of the program proposal, unless a longer time frame is recommended for the institution to address deficiencies within the proposal. The staff recommendation will encompass expected program outcomes that will be monitored over the post-implementation period, as described below in §300-2-1-.04. Commission approval of a program requires agreement by the institution to discontinue the program if expected outcomes are not reached within the established time frame.

(8) Consideration of Program Proposals above the Instructional Role Level Recognized by the Commission.

(a) Statutory Description: The Commission may review program proposals in a single discipline at a level higher than an institution's Commission-recognized instructional degree level, so long as the proposed program accords with the institution's description in state statute. Proposals for programs that are outside the statutory description of the institution will be considered incomplete and returned to the proposing institution.

(b) Provisions for Proposing a Program above Instructional Role: An institution may seek approval for a new degree program above its recognized instructional role under one of the following provisions:

1. Strategic Benefit: Beyond standard criteria for program review stated above, the proposed program must demonstrate that it contributes a "strategic benefit" to the configuration of current public institution offerings in the State of Alabama. "Strategic benefit" is defined as significant and meaningful overall benefit for the state of Alabama, and includes:

(i) Alabama's need for graduates in the field;

(ii) The program's academic quality and articulation with the institution's academic mission;

(iii) Demonstration that the proposed program will not result in unnecessary duplication of offerings (Code of Ala. 1975 §16-5-8[4][b]) with other Alabama public universities;

(iv) Justification of having no anticipated or projected adverse influence on enrollments at public institution(s) already having that program, particularly those within 50 miles of the proposing institution or within that service area;

(v) Priority consideration being accorded to institution(s) with seniority in that service area (Code of Ala. 1975, §16-5-10);

(vi) Demonstration that the proposed program will serve a strong distinct, and well-documented societal, educational, and economic need for Alabama.

2. Specialized Accreditation Requirement: The Commission will review program proposals in a single discipline at a level higher than an institution's Commission-recognized instructional degree level if an elevation in degree level for an existing program is required by the recognized accrediting agency for that single discipline program and must be attained to continue the program's accreditation.

(c) Staff Recommendation: During the review process, if staff determines that higher degree-level program proposal does not meet one of the provisions above (strategic benefit or specialized accreditation), the staff recommendation will be to "not approve" the proposal.

(d) **Peer Review:** An institution submitting a higher degree-level program in a single discipline will be evaluated and voted upon by the Alabama Council of Graduate Deans or College and University Chief Academic Officers, as appropriate.

(e) **Resubmission of Disapproved Programs:** If a single discipline elevation does not receive an approve vote, the institution may not resubmit that program's revised single discipline proposal until at least one year has elapsed from date of refusal.

(f) **Commission Approval:** Receipt of a higher degree-level proposal for review by the Commission does not imply approval of the program. The proposal will still be subject to the academic program review process, vote by the Commission, and post-implementation procedures and conditions.

(g) **Successive Proposals for Higher Degree-Level Programs:** An institution may be approved for up to three higher degree-level programs before seeking an expansion of instructional role. Successive single discipline program implementation requests shall be evaluated sequentially in that demonstration of prior success is a substantive factor in subsequent review process(es). An institution is not "automatically" granted three single discipline program request opportunities.

(9) **Possible Commission Actions on New Program Proposals:** The Commission may take one of three actions on proposed programs: disapproval, approval, or deferral.

(10) **Program Implementation:** Once program approval is given by the Commission, the institution must implement the program within two years of the proposed implementation date, unless another implementation time frame is granted.

Author: William O. Blow; Robin E. McGill

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

History: Filed December 10, 1985. **Amended:** Filed April 10, 1989; August 18, 1989; December 5, 1990. **Amended:** Filed March 12, 1996; effective April 16, 1996. **Repealed and New Rule:** Filed November 5, 1999; effective December 10, 1999. **Amended:** Published September 29, 2023; effective November 13, 2023.

300-2-1-.04

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 purposes 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 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:** Published September 29, 2023; effective November 13, 2023.

300-2-1-.05 **Review Of Off-Campus Instruction Offered By Public Postsecondary Institutions.**

(1) **Purpose:** The purpose of reviewing and approving or disapproving off-campus offerings of public postsecondary institutions is to insure that such offerings meet the criteria and standards established by the Alabama Commission on Higher Education.

(2) **Commission Responsibility:** It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for reviewing new or existing off-campus sites of public postsecondary institutions in Alabama, except for exempt sites delineated by the Commission's statute. (See the definition for Exempt Sites listed below at 4.)

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

(a) **Off-Campus Site:** the specific location where one or more courses are offered for academic credit geographically distant from the sponsoring institution's main campus.

(b) **Off-Campus Facility:** the actual physical plant in which instruction is conducted at an off-campus site.

(c) **Branch:** a degree-granting division of an institution located in a geographical setting separate from the sponsoring institution's main campus or central administration and authorized for a stated purpose in relation to the sponsoring institution and the area served. The branch offers all requirements for completing degree programs in two or more fields of study as classified by the CIP taxonomy at the 6 digit level. A branch provides the necessary administrative services, student services, financial resources, library, and physical facilities to provide adequate support for degree programs offered.

(d) **Branch Campus:** the physical boundaries of the location of an institution branch.

(e) **Off-Campus Instruction:** a course or program taken by a student or students at a location other than a Commission-recognized main or branch campus of the sponsoring institution. The Commission's policy on off-campus instruction applies to traditional instructional settings, i.e. face-to-

face classroom instruction that occurs at a location away from the Commission-recognized main or branch campus of the institution. (Adapted from a Georgia Board of Regents definition; approved by the Commission on March 2, 2007.)

(f) Off-Campus Course: a course provided to any group of students for academic credit at a particular off-campus site in an organized classroom setting.

(g) Off-Campus Program: a program of instruction offered in its entirety at an off-campus site. A program of instruction is defined by the Commission as an organized set of courses and related activities for which, upon satisfactory completion, some degree, diploma or certificate is awarded.

(h) Service Areas: (See attached service area tables.) For the purposes of off-campus instruction, service areas for the two-year colleges are those determined by the State Board of Education. Service areas for senior institutions are determined by the Commission, using the following considerations:

1. Proximity of the off-campus site to the sponsoring institution
2. Relationship of the off-campus site to the sponsoring institution based on student source reports that are produced using data from the Alabama Statewide Student Database; and
3. The mission of the institution.

(4) Exempt Sites: The following sites are exempt from Commission approval.

(a) Statutory Exemptions (Code of Ala.1975, 16-5-8 as amended):

1. Sites at which the Fall 1978 registrations exceeded 500 class enrollments.
2. University sites which were operated prior to 1960.
3. Sites located on military reservations.
4. Business and industry sites where only their employees are enrolled in the off-campus courses.

(b) Additional exemptions approved by the Commission:

1. Off-campus prison sites where courses are taught exclusively for inmates and prison employees.

2. Courses offered on an individual study basis.
3. Study abroad.
4. High school sites where courses are taught exclusively to high school students enrolled in early admission, accelerated, or dual enrollment/dual credit programs.
5. Two-year college sites located within their respective State Board of Education approved service areas.
6. University sites located within their respective service areas.

(c) The following stipulations apply to exemptions 4, 5, and 6 above.

1. Information items will be provided to the Commission for any new sites, i.e. sites which previously have not been recognized by the Commission either by formal approval or by information item.
2. Since there are instances in which two-year colleges and universities are located within overlapping areas, care must be taken to avoid the unnecessary duplication of lower division courses. For this reason, a university shall not offer lower division courses in the home county of a two-year institution main campus which offers similar courses without the written consent of the two-year institution, while a two-year institution shall not offer courses in the home county of a university main campus which offers similar courses without the written consent of the university. This stipulation does not apply to situations in which a university and a two-year college are located in the same county. In these situations, each institution may offer courses within the shared area, but they should work together to avoid the unnecessary duplication of course offering.
3. A university shall not offer courses in the service area of another university which offers similar courses without the written consent of the resident university.
4. All universities which are located in the same county or which share service areas may offer courses within the shared area, but they should work together and in conjunction with the Commission to avoid the unnecessary duplication of course offerings.
5. It is desirable in most instances to have the closest qualified institution respond to off-campus credit course needs. [Based on a Georgia Board of Regents policy]

(5) Sites Subject to Regular Review: All sites which are not covered by one or more of the exemption categories above are subject to regular review and approval by the Commission. For these sites, the following regulations apply.

(a) New off-campus site proposals must be received by the Commission at least eight weeks in advance of the Commission meeting in which they will be considered.

(b) A list of courses from which each term's schedule will be developed will be submitted with each new site proposal.

(c) No off-campus site may be located nearer than 25 miles to a main campus of another institution which offers similar courses without the written consent of that institution. (d) Once an off-campus site is approved it does not require approval in subsequent years, but annual reports are required.

(6) Compliance with Accreditation Guidelines and Criteria: All sites, exempt and non-exempt, must be in full compliance with the Southern Association of Colleges and Schools/Commission on Colleges (SACS/COC) guidelines and criteria pertaining to curriculum, faculty, administration, equipment, learning resources and student services. Council on Occupational Education (COE) guidelines will apply to institutions accredited by that agency.

(7) Annual Follow-up Report Requirement: Regardless of exemption status, institutions will submit an annual follow-up report for each off-campus site by July 1 each year. The Department of Postsecondary Education may submit a comprehensive follow-up report for the entire system. The Commission must be notified if a site is discontinued so that annual reports will not be expected.

(8) Limitation on Course Lists: Extensive course lists of upper division and graduate level courses that may constitute a program in any discipline will not be accepted. Should an institution desire to offer an extensive course list in a discipline, a proposal for an off-campus program should be submitted for Commission review and approval.

(9) Public Review of Off-Campus Course Proposals: All proposals for off-campus courses will be subject to a twenty-day public comment period prior to action or acceptance by the Commission. Proposals must be submitted electronically by the institutions and will be posted to the Commission website for public review and comment. At the end of the twenty-day period, the Commission staff will compile the comments and send them to the applicant institution for response.

(10) Compliance Monitoring Authority: The Commission retains the authority to monitor compliance with the guidelines. If infractions are found, they will be referred to the appropriate governing board for corrective action.

(11) **Funding of Off-Campus Instruction:** Off-campus instruction should be self-supporting; i.e. costs should be covered by tuition, fees, and extramural support. The Commission will not include credit hours and enrollment generated by off-campus instruction in its formula calculations in developing institutional budget recommendations.

(12) **Review and Approval of Off-Campus Programs:** In addition to all criteria stated for the approval of off-campus courses, the following additional criteria shall apply to the approval of off-campus instructional programs (approved by the Commission on March 2, 2007):

(a) **Location of Programs:** Complete degree programs may only be offered at Commission approved sites. Distance from the offering institution to the proposed off-campus sites will be a primary consideration in the delivery of off-campus programs, unless it can be demonstrated that the proposed program is the only one of its kind.

(b) **Relationship to the Commission's Academic Program Inventory:** All programs to be offered off-campus must be listed in the Commission's Academic Program Inventory for the proposing institution.

(c) **Strength of the Existing On-Campus Program:** Only programs which are academically strong and productive on the main campus should be offered off-campus. Information related to the main campus program must be provided. This includes:

1. Headcount enrollment data for the preceding five academic years,
2. Completion rates for the preceding five academic years as reported to the National Center for Educational Statistics through the Integrated Postsecondary Education Data System (IPEDS), and
3. Current accreditation status, if programmatic accreditation is available.
4. If graduates of the program are required to pass a certification or licensure examination, the institution must provide documentation related to the performance of its graduates on such an examination.
5. The institution must also include data related to the placement rates of graduates of the program.
6. Exceptions to this rule may be considered, based on (d), (e), and (f) following.

(d) **Adequate Student Demand:** The institution must provide documentation of strong student demand, along with graduation projections for the first five years of operation at the proposed site. Post-implementation conditions on enrollment, graduation rates and job placement similar to those placed on the approval of new academic programs will be placed on the approval of off-campus programs. If a program is to be offered on a limited one-time basis, this must be stated. In such cases, student demand, enrollment projections, and graduation projections will be applied accordingly.

(e) **Need for the Program:** The institution must provide documentation that there is significant unmet need (employer demand) which cannot be met by the campus-based program or by other similar programs in the State.

(f) **Effect on the Existing On-Campus Program:** In supporting documentation, the institution must explain potential effects of the proposed off-campus program on the resources available to and the quality of the program on the main campus. The institution must also provide documentation that the Southern Association of Colleges and Schools and any professional accreditation agencies, if applicable, have been notified of the institution's intent to offer the proposed program off-campus. Documentation must be provided that required clearances have been received from the appropriate accreditation agencies.

(g) **Clinical Sites:** If the proposed program requires a clinical component (example: allied health programs), signed clinical agreements with appropriate agencies sufficient in number to accommodate the projected enrollment in the program must be provided. These agreements must indicate the total number of clinical slots that will be available at each clinical site.

(h) **Admission and Program Completion Requirements:** Admission and program completion requirements for a proposed off-campus program must be the same as the requirements on the main campus.

(i) **Public Review of Off-Campus Program Proposals:** All proposals for off-campus programs will be subject to a twenty-day public comment period prior to action or acceptance by the Commission. Proposals must be submitted electronically by the institutions and will be posted to the Commission website for public review and comment. At the end of the twenty-day period, the Commission staff will compile the comments and send them to the applicant institution for response.

(j) **Compliance Monitoring of Off-Campus Programs:** If an institution is found to be offering an off-campus program without the approval of the Commission, the Commission staff

will notify the institution in writing regarding the violation and may conduct an on-site visit to confirm the non-compliance with Commission policy, if necessary. Following this review, the Commission will take appropriate action concerning the violation.

Author: William O. Blow

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

History: New Rule. Filed on 7/11/95 to replace a repealed rule, "Review of Off-Campus Offerings of Postsecondary Institutions," which had the same rule number. Effective: August 31, 1995. This rule is based on policy adopted by the Commission on 6/22/79 and revised on 6/19/92 and 2/11/94. Extensive addition and revision adopted by the Commission on 6/30/95 necessitated the repeal of the former rule and the adoption of the current rule. **Amended:** Filed June 4, 1997; effective July 9, 1997. **Amended:** Filed April 6, 1998; effective May 11, 1998. **Repealed and New Rule:** Filed December 5, 2000; effective January 9, 2001. **Amended:** Filed May 7, 2007; effective June 11, 2007.

300-2-1-.06

Reasonable Extensions And Alterations Of Existing Units And Programs Of Instructions.

(1) A reasonable extension or alteration of an existing unit or program of instruction is a modification which does not change the essential character, integrity, or objectives of the unit or program. Such modifications do not create new units or programs of instruction. Reasonable extensions and alterations of existing programs are defined as substantive or non-substantive. Substantive changes that are determined by the staff not to be "reasonable" extensions or alterations will be submitted to the Commission for action, either as an extension or alteration or as a new program of instruction. Those considered to be "reasonable" require notification to the Commission by information item prior to implementation. (From Operational Definitions adopted by the Commission on 8/19/94.)

(2) Non-Substantive Extensions/Alterations of Existing Units or Programs of Instruction: The following extensions and alterations of existing units and programs of instruction are considered non-substantive and do not require Commission approval. However, before any of these 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. It is recommended that institutions consult the Commission staff prior to submitting the proposal if there is a question regarding whether the proposed extension or alteration is substantive or non-substantive.

(a) Changes in award nomenclature at the same level for programs listed in the Commission's Academic Program Inventory, with the exceptions listed below, provided that no changes in program requirements, content, and objectives are made, and provided the new nomenclature replaces the current designation. 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.

1. For purposes of this policy, the Certificate and Diploma (45-90 qh) in the two-year colleges are considered to be at the same level, but the AAT and AAS are not considered to be the same level, because the Commission on Colleges of the Southern Association Colleges and Schools does not recognize the AAT degree. Since the Commission reviews only "long-term" certificates or diplomas in the two-year colleges, any reference to certificates and diplomas is limited to awards of 45-90 qh unless otherwise specified.

(b) Upgrades from Diploma and Certificate to Associate in Applied Technology (AAT) in technical colleges, if documentation is provided that:

1. The AAT is limited to the technology and service programs requiring the highest levels of skills as jointly determined by the staffs of the Commission and the Alabama Community College System (ACCS).
2. The total credit hours in general education requirements are no less than that required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges' standards for associate degrees.
3. The programs are no more than eight quarters in length.
4. All courses are on regular collegiate credit hour basis. (Commission policy adopted 8/8/86.)

(c) Upgrades from AAT to AAS in technical colleges, if documentation is provided that:

1. The technical college achieves Commission on College (COC) accreditation from SACS; or the technical college achieves candidacy status for COC accreditation. In the case of candidacy status, if accreditation is not achieved within four years of the date of candidacy status, the award of completion reverts back to the AAT unless documentation can be provided that the COC has granted additional time to the institution to receive accreditation.

2. Written documentation of the following is submitted to the Commission staff from the Alabama Community College System:

(i) Date of achievement of candidacy status with COC or COC accreditation.

(ii) Documentation that the technical college faculty teaching the basic core of general education courses in communication, social sciences, science and math, and fine arts meet the COC requirement of holding at least a master's degree and having completed at least 18 graduate semester hours in the field taught. (Commission policy adopted 6/19/92.)

(d) Upgrades from Diploma and Certificate to AAS in community colleges, if documentation is provided that the following conditions are met:

1. The institution must have a Diploma or Certificate listed in the Commission's Academic Program Inventory at the proposed CIP Code with the proposed program title.

2. The CIP Code and title of the upgraded program must remain the same as for the Diploma or Certificate.

3. The total credit hours in general education requirements must be no less than that required by SACS for associate degrees.

4. The program must be no more than 114 quarter hours in length.

5. The two-year institution must have achieved COC accreditation or candidacy status from SACS (copy of letter from SACS must be provided.) Note: In the case of institutional consolidation, no upgrades from Diploma or Certificate to AAS or from AAT to AAS will be accepted by information item until the institutional consolidation of the institution has been approved by the Commission and documentation is provided by the Alabama Community College System from SACS that the educational institution resulting from the consolidation has COC accreditation or candidacy status. Administrative consolidation of institutions, as defined by the Commission, does not provide a basis for changing or upgrading awards. (Commission policy adopted 6/24/94.)

(e) Changes in program titles or CIP codes if documentation is provided that no changes are made in program requirements, content, and objectives, and provided the new title or 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. (Revision of Operational Definitions adopted 6/21/91.)

(f) New Educational Specialist (Ed.S.) degree programs if documentation is provided that they are implemented in conjunction with State Board of Education approved sixth-year (AA) teacher certification programs. (Commission Resolution, 8/25/84.)

(g) Non-degree programs of senior institutions including prebaccalaureate, postbaccalaureate, and postmasters certificates. Note: These certificates are not listed in the Commission's Academic Program Inventory. (New Postbaccalaureate Certificate Programs of Senior Institutions exempted by Commission resolution, 7/8/83.)

(h) Short-term certificate programs (44 quarter hours or less) in community, junior, and technical colleges designed for completion in less than one academic year (3 quarters) of full-time study or the equivalent. Note: These certificates are not listed in the Commission's Academic Program Inventory. (Commission action on 5/20/88).

(i) Dual degree programs sponsored by two different institutions or two departments, schools, or colleges within an institution, leading to the awarding of two separate degrees. Dual degrees are not discretely identified in the Commission's Academic Program Inventory. This definition assumes the existence of two degree offerings prior to an agreement for a dual offering. (Commission action 5/20/88).

(j) Administrative changes at the Department level, such as establishing a new department, combining two or more departments into a single department, or dividing a department into two or more departments. If the administrative change creates a more prominent unit of instruction such as a division or school, Commission approval as a new unit is required. (Code of Alabama, Chapter 5, Paragraph 16-5-1; revision of Operational Definitions adopted 6/21/91).

(k) New Units of Instruction, Research or Service which do not offer courses or other activities for academic credit. (Code of Alabama, Chapter 5, Paragraph 16-5-8; revision of Operational Definitions adopted 6/21/91).

(l) New Teacher Certification Programs. However, if a certification program involves the addition of a new degree program which will be added to the Commission's Academic Program Inventory and identified in the institution's catalog or other publications, Commission review and approval as a new academic program is required. (For example, if the institution

is adding a teacher certification in English under an existing degree program in Secondary Education, Commission approval is not required. However, if a separate degree is to be offered in English Education, per se, then approval is required). (Commission Resolution, 1/14/83 and revisions to Operational Definitions adopted 6/21/91).

(m) Designation of a program in the Commission's Academic Program Inventory as inactive or reinstatement of an inactive program to active status. While a program is on inactive status, no students will be admitted. If an inactive program has not been reinstated within five years, it will be removed from the Commission's Academic Program Inventory. Once the five-year time limit has expired, the institution will have to submit a new program proposal, following established timetables and procedures for review, to have a program reinstated to the Commission's Academic Program Inventory.

To reinstate an inactive program to active status within five years of the date it was formally recognized as inactive by the Commission, the institution must submit documentation that the program has adequate resources and student demand to be placed on active status. After June 6, 1997, only viable programs, as determined by the Alabama Commission on Higher Education, may be placed on inactive status.

(n) Termination of a program in the Commission's Academic Program Inventory. Once the Commission formally recognizes the termination of a program in the Inventory, the institution must submit a new program proposal, following established timetables and procedures, to offer the program again.

(3) Substantive Extensions/Alterations of Existing Programs or Other Units of Instruction: Substantive changes that are determined by the staff not to be "reasonable" extensions or alterations will be submitted to the Commission for action, either as an extension or alteration or as a new program of instruction. Those considered to be "reasonable" require notification to the Commission by information item. In more detail, if any proposed extension or alteration determined by the Commission staff to be a new program or unit must follow established review guidelines and procedures for reviewing new programs and units. If less than one-third of the major of the proposed extension/alteration is in common with the major of the existing program(s), the change automatically will be considered a new program. The criteria used for evaluating the reasonableness of a substantive extension or an alteration include:

(a) The scope or effect of the proposed extension or alteration;

1. How many of the major courses to be offered by the proposed extension/alteration are offered in the existing program?
2. How will the proposed extension/alteration impact other public institutions?
3. Will the proposed extension/alteration move the program listing to a new two-digit CIP category in the Commission's academic program inventory?

(b) The impact of the proposed change on the existing program or unit;

1. What will be the budgetary impact of the proposed extension/alteration?
2. What changes in faculty and staff will be required to implement the proposed extension/alteration?

(c) The rationale for the proposed change.

1. Is justification for proposed extension/alteration based on academic principles and/or market demand?
2. What evidence can be presented that this proposed change will benefit students? Reference need or demand studies if available.
3. How will the resulting program be improved as a result of this proposed change?
4. Substantive extensions/alterations of existing programs and units of instruction include, but are not limited to:

(i) Approval of New Options/Tracks/Specializations/ Concentrations As the Result of Program Mergers and Consolidations or New Course Sequences

(I) Option must be in a field closely related to the major (usually 28 sh or 42 qh or more)

(II) Generally, an option must be less than half of the total credits needed for the major (two-year), upper-division major (baccalaureate) or graduate program. (Note: The Commission's definition of minor is 18 sh or 27 qh generally. An option generally would require fewer hours than a minor except in cases where the major is greater than 34 sh or 52 qh).

(III) Generally, the resulting program must have a common core (excluding the general education core) for all majors regardless of which option selected, which is at least 50% of the major. Exceptions to this guideline will be considered if the institution can present convincing rationale that the 50% should be reduced.

((ii)) Approval of Mergers of Two or More Programs into an Existing Program in the Commission's Academic Program Inventory.

(I) Merged program(s) and existing program must have at least two-thirds of their courses in common.

(II) If merged program(s) becomes an option in the existing program, all conditions under 4a above must be met.

(III) Research-based graduate degrees (thesis and dissertation option) are different in kind from course work-based undergraduate and graduate degrees in that didactic work is chosen to provide specific background for the proposed research. For research-based graduate programs, the merged and existing programs must share a recognized academic relationship and must have the same minimum requirements for credit hours in terms of didactic and thesis/dissertation work.

((iii)) Approval of Consolidation of Two or More Programs into a New Program CIP Code and Title in the Commission's Academic Program Inventory.

(I) Existing program(s) and consolidated program must have at least two-thirds of their courses in common.

(II) If existing program(s) becomes an option in the consolidated program, all conditions under 4a above must be met.

(III) For research-based graduate programs, see Section 4.b.3.

Author: William O. Blow

Statutory Authority: Code of Ala. 1975, §§16-5-1, et seq., and in implementation of Act 96-557.

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.

300-2-1-.07 Operational Policy On Inactive Status And Reinstatement Of Programs.

(1) The purpose of the operational policy on inactive status and reinstatement of inactive programs is to insure there is a consistent policy for placing programs on inactive status, for reinstating programs to active status, and for maintaining an accurate academic program inventory.

(2) It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for placing programs on inactive status and for the reinstatement of such programs.

(3) Until June 6, 1997, an institution could place a program on inactive status at any time. Such action was reported to the Commission by information item and was noted in the Commission's Academic Program Inventory. New students were not admitted to a program which was on inactive status. After June 6, 1997, the Commission will place programs on inactive status only if they are viable programs as determined by the Commission through the program viability process.

(4) The institution may reinstate a program within five years after the program has been placed on inactive status without submitting a program proposal for approval. However, the institution will inform the Commission of program reinstatement by information item. The information item should provide evidence of adequate resources and student demand to reactivate the program.

(5) If a program has not been reinstated within five years after being placed on inactive status, it will be removed from the Academic Program Inventory.

(6) If an institution wishes to offer a program which has been deleted from the Academic Program Inventory, it will be required to submit a new program proposal for Commission review and action.

Author: William O. Blow

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

History: Filed April 10, 1989. **New Rule:** Filed March 12, 1996; effective April 16, 1996. **Amended:** Filed August 4, 1997; effective September 8, 1997.

300-2-1-.08 Operational Policy On The Designation Of Branch Campus Sites.

(1) Exceptional Nature of Branch Campus Designation: Establishing a branch campus includes a long-term commitment which should not

be entered into lightly. Given the large number of institutions and campuses already offering a variety of educational services in Alabama, branch approval should only be given in rare instances of exceptional need and institutional and community commitment. This need and commitment must be clear and apparent and there should be no doubt that an exceptional case has been made.

(2) Location: All of the following criteria must be met regarding the proposed branch campus.

(a) The location of a branch campus must be in compliance with the "25 mile rule" as outlined in the Commission's Guidelines for Off-Campus Instruction.

(b) The institution must have been operating successfully at the proposed branch site for a period of at least five consecutive years.

(c) Branch campus approvals are facility specific. Any relocation, regardless of the distance, must first be approved by the Commission. Additionally, expansion of facilities after initial approval must be approved by the Commission.

(3) Need: The institution must demonstrate that branch status will enable it to satisfy clearly documented needs which cannot otherwise be met.

(4) Administration: The following criteria relate to the administration of the proposed branch campus.

a. The branch must be responsible to appropriate administrative officers on the main campus. It will not have a separate set of administrators, such as deans or department heads.

b. The institution must employ a full-time director for the branch who will report directly to the appropriate administrator on the main campus.

c. The branch proposal must outline the organizational structure and describe the nature of the relationship of the administrative staff of the branch to the administration on the main campus.

(5) Student Support: The institution must provide adequate student support services at the branch including on-site registration, tuition and fee payment, textbook purchasing, academic advising, and student counseling. The proposal must provide a detailed description of how these services will be provided. The institution must also explain how branch campus students will have access to main campus events.

(6) Curriculum: The following criteria regarding curriculum must be followed.

(a) All off-campus programs to be offered at branch campuses must first be included in the Commission's Academic Program Inventory for the proposing institution. Any program offered exclusively at a branch is still considered a program of the sponsoring institution. Separate program inventories are not maintained for branch campuses.

(b) The institution must meet all criteria for off-campus programs as outlined in the Commission's off-campus Guidelines, and a standard Off-Campus Proposal Form must be submitted for each program.

(c) Expansion of the curriculum at the branch after initial approval must first be approved by the Commission.

(7) Enrollment and Student Characteristics: The following requirements relate to enrollment and student characteristics.

(a) Documentation must be presented that reveals that the prevailing student characteristics at the proposed branch prevents or seriously hampers their attendance at the main campus. Reasonable access to quality educational offerings, not mere convenience, should be the goal. The proposal must include data on student age, sex, marital status, employment status, full-time/part-time status, and student source (county/city of residence).

(b) The institution must demonstrate that enrollments at the site for which branch status is sought have been stable, or preferably increasing, over the past five years.

(c) Enrollment projections must be high enough to maintain the critical mass of students necessary for a vigorous academic atmosphere and to operate on a cost effective basis.

(8) Faculty and Staff: The institution must meet all faculty criteria as outlined in the Commission's Guidelines for Off-Campus Instruction. Since at least two full academic programs will be offered, a minimum of 50% of the faculty at the branch must be employed as full-time faculty by the sponsoring institution.

(9) Facilities and Equipment: The following requirements related to facilities and equipment must be met.

(a) Facilities must meet all criteria as outlined in the Commission's Off-Campus Guidelines. A branch campus involves at least two full academic programs and a long-term commitment by the institution. Facilities must be adequate in every respect.

(b) The proposal must include a detailed description of the facilities, including floor plans.

(c) The proposal must include an inventory of instructional equipment available at the site. The equipment must be adequate to support the academic program.

(9) Library Resources: The proposal must include a detailed description of the library resources and services available at the site. Library resources and services will be expected to be significantly superior to those available at most off-campus sites and must support the degree programs at the same level as that available on the main campus.

(10) Budget: The institution must provide projected budgets for the first three years of operation of the proposed branch. The costs of operating the branch must be covered by tuition, fees, and other non-appropriated funds.

(11) Community Support: The proposal must include tangible evidence of significant community support for the branch, including both private and public sector support.

(12) Accreditation: The institution must provide documentation that all requirements of the Southern Association of Colleges and Schools have been met for the establishment of a branch campus.

Author: William O. Blow

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

History: New Rule: Filed August 5, 1996; effective September 9, 1996. **Amended:** Filed June 4, 1997; effective July 9, 1997.

300-2-1-.09

Guidelines For The Review And Approval Of The Consolidation Or Merger Of Two-Year Postsecondary Institutions.

(1) The purpose of the guidelines for the review and approval of the consolidation or merger of two-year postsecondary institutions is to insure that such actions are educationally and economically beneficial to the state.

(2) It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for the review and approval of the consolidation or merger of two-year postsecondary institutions. In establishing these policies, the Commission has acted in agreement with an Alabama State Board of Education resolution, which was passed by the Board on January 25, 1996. (The State Board resolution is filed as an attachment to this rule.)

(3) For the purposes of this rule, the following definitions apply:

(a) Administrative Consolidation: Two or more institutions are placed under a single executive head without program interchange. All involved institutions maintain separate functional identities. This does not constitute a multicampus institution, but rather two or more separate institutions operating under a single executive head. (From Operational Definitions adopted by the Commission on 8/19/94).

(b) Institutional Consolidation: Two or more institutions join to form a distinctly new unit, often with a new name. This results in a single multicampus institution operating under one chief executive officer and under one regional accreditation designation. Often involves program relocation or exchange. (From Operational Definitions adopted by the Commission on 8/19/94.)

(c) Merger: One institution relinquishes its assets and degree-granting authority and is dissolved into another with the second institution remaining as the sole surviving entity. Might involve the closure of a campus or one institution becoming a branch of the other. (From Operational Definitions adopted by the Commission on 8/19/94.)

(4) The following sequential procedures will be used for the review of proposed consolidations or mergers of two-year postsecondary institutions:

(a) The Statement of Intent Phase:

1. The Chancellor of the Alabama Department of Postsecondary Education (ADPE) presents a Statement of Intent to Consolidate or Merge two or more institutions to the Alabama Commission on Higher Education (ACHE) for review, comment, and approval.

2. The Chancellor of ADPE presents the Statement of Intent to Consolidate or Merge to the Alabama State Board of Education for approval.

3. Institutional notification of pending change to the Commission on Colleges of the Southern Association of Colleges and Schools.

(b) Administrative Consolidation Phase:

1. The Chancellor of ADPE presents a formal request to the Commission on Higher Education for its approval of the administrative consolidation of the institutions.

2. The Chancellor of ADPE presents a resolution to the Alabama State Board of Education for approval of the administrative consolidation of the institutions.

(c) Institutional (Programmatic) Consolidation or Merger Phase:

1. Preparation and submission of Prospectus for Substantive Change to the Commission on Colleges of the Southern Association of Colleges and Schools (SACS).
2. Visit by SACS Substantive Change Committee.
3. Approval of change by SACS.
4. Submission of Proposal for Institutional (Programmatic) Consolidation or Merger to ACHE for review and approval.
5. Final approval of the consolidation or merger by the Alabama State Board of Education.

(5) The following specific requirements must be addressed in merger or consolidation proposals.

(a) Proposed program exchanges, duplications, or relocations among the merged or consolidated institutions must be clearly identified in the proposals.

(b) Additional programs, i.e. programs not existing on one or more of the campuses at the time of the merger or consolidation, must undergo the regular Commission review and approval process.

(c) Documentation of specific educational benefits to be derived from the merger or consolidation must be presented with the Statement of Intent to Consolidate or Merge.

(d) The merger or consolidation must be cost beneficial. Specifically, evidence must be presented that a reduction of administrative and other costs will result from the merger or consolidation. Both immediate and long-range savings must be presented.

(6) Only those mergers or consolidations that are educationally and economically beneficial shall be approved.

Author: William O. Blow

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

History: New Rule: Filed April 6, 1998; effective May 11, 1998.

Ed. Note: Previous chapter 300-2-1 entitled "Review and Approval of Proposed Postsecondary Course Offerings in Alabama by Non-Alabama Institutions" consisting of Rules 300-2-1-.01 "Goal," 300-2-1-.02 "Organization," 300-2-1-.03 "Definition of Terms," 300-2-1-.04 "Procedure for Applying for Approval," 300-2-1-.05 "Procedure for Exempt Institutions," 300-2-1-.06 "General Standards for Approval," 300-2-1-.07 "Criteria for Approval of

Courses," 300-2-1-.08 "Site Visits and Special Consultants," 300-2-1-.09 "Time Schedule for Commission Response," 300-2-1-.10 "Application Fees," and 300-2-1-.11 "Appeal" filed December 10, 1985. Chapter Repealed and new chapter adopted in lieu thereof. Rule 300-2-1-.09, Definitions Recognized by the Commission was moved to Rule 300-2-1-.01. Rule 300-2-1-.06, Operational Policy on the Approval, Disapproval, Deferral, and Withdrawal of New Programs of Instruction was moved to Rule 300-2-1-.04. Rule 300-2-1-.01, Definitions Relating to Program Review was moved to Rule 300-2-1-.06. Rule 300-2-1-.07, was repealed and replace with Rule 300-2-1-.08, Operational Policy on Inactive Status and Reinstatement of Programs. These changes took place in the certification dated March 12, 1996; effective April 16, 1996.

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 or assess student progress toward program completion, such as in-person/face-to-face instruction, distance education, competency-based 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, 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).

(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.

(5) **Tuition for Distance Education Programs.** 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.

(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.

(7) **Configuration of Programs for Distance Education.**

(a) Programs of instruction listed in the Commission's Academic Program Inventory 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.

(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:

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.

Author: Leonard Lock; Robin McGill

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

History: **New Rule:** Filed December 11, 2018; effective January 25, 2019 **Amended:** Published December 29, 2023; effective February 12, 2024.

300-2-1-.11 **Evaluation Of Changes To Instructional Role And Academic Units.**

(1) **Purpose.** The purpose of evaluating changes to instructional role and academic units is to ensure that institutions expand their academic offerings in line with their institutional missions and maintain academic rigor without generating unnecessary duplication of offerings.

(2) **Commission Responsibility.** The Commission is responsible for evaluating requests from public institutions regarding changes in their classification or role and scope, including expansion of instructional offerings to higher or lower degree levels. In cases where the expansion of offerings would exceed the role recognized for the institution in the Code of Ala. 1975, approval must be sought from the Legislature prior to Commission review.

(3) **Scope.** The following policy applies to all public postsecondary institutions.

(4) **Definitions related to Instructional Role.**

(a) **Instructional Role:** Instructional role is defined as the degree levels for which an institution is approved to award degrees and does not automatically include approval to offer degrees at a lower degree level. The Commission recognizes the following instructional roles, organized from lowest to highest:

1. Associate degree granting
2. Baccalaureate degree granting
3. Master's degree granting
4. Education Specialist degree granting
5. Practice-focused doctorate degree granting, where "practice-focused doctorate" is defined as a doctoral course of study whose primary emphasis is on the application of research. This includes those degrees categorized by IPEDS as Level 18 (Professional Doctorates), as well as the Doctor of Education (EdD), Doctor of Business Administration (DBA), and other similar offerings.

6. Research-focused doctorate degree granting, where "research-focused doctorate" is defined as a doctoral course of study that incorporates substantial research preparation, including the production of original research. This includes the Doctor of Philosophy (PhD) and similar degrees.

(b) Role Expansion: Role expansion is defined as the ability to develop and implement academic programs at a higher or lower degree level than previously awarded. Once a role expansion is approved, the institution may bring forward new program proposals at the expanded level without needing to demonstrate strategic benefit for each, as described in §300-2-1-.03.

(5) Eligibility for Expansion to a Higher Degree Level up to Practice-Focused Doctorate Granting.

(a) To be considered for any expansion of instructional role to a higher level, the request must be aligned with applicable state statute recognizing the institution. If the Code of Ala. 1975 defines an institution's role more narrowly, the institution must secure approval from the Legislature for the expansion of instructional role.

(b) The institution shall attain three successful single discipline program implementations at the higher degree level before it may request an expansion of institutional instructional role to a higher degree level.

(6) Instructional Role to Include Research-Focused Doctorates.

(a) The following institutions are recognized by the Commission as having an instructional role that includes research-focused doctoral degrees:

1. Alabama Agricultural and Mechanical University
2. Alabama State University
3. Auburn University
4. University of Alabama
5. University of Alabama at Birmingham
6. University of Alabama in Huntsville
7. University of South Alabama

(b) If an institution other than those named above seeks to expand its instructional role to include research-focused doctorates, the following criteria must be met:

1. The institution must demonstrate that it has legislative approval to expand its instructional role.

2. The institution must successfully implement three research-focused doctoral degree programs before it may request an expansion of institutional instructional role to include research-focused doctorates. Successful implementation is defined as two years of acceptable post-implementation information including enrollment data, assessment results of the program learning objectives, as well as survey results of faculty and student feedback regarding each program's efficacy, and documentation of ongoing steps that have been implemented to facilitate graduates' employment. The Commission realizes that some data measures may have limited availability or determination within a two-year time frame.

3. An institution shall not seek a fourth (4th) research-focused doctoral program implementation before an expansion of institutional instructional role has been approved by the Commission.

(c) Institutions approved to grant research-focused doctorates will receive differential consideration in the development of the Commission's consolidated budget recommendation.

(7) Evaluation of Instructional Role Expansion.

(a) To be considered for any expansion of instructional role to a higher level, the request must be aligned with applicable state statute recognizing the institution.

(b) The Commission will use all of the following criteria to evaluate and approve or disapprove requests for expansion of institutional role to a higher instructional level:

1. Successful implementation of three academic programs at the target degree level

2. The institution's mission

3. Institutional readiness (defined as faculty credentials, financial resources, and institutional commitment)

4. Rationale for the expansion to a higher instructional level

5. Relationship of the requested role expansion to the state's strategic needs

6. No substantive needless role duplication with other Alabama Public Universities (also refer to Code of Ala. 1975, §16-5-8[b])

7. Justification of having no anticipated/projected adverse influence on enrollments at public institution(s) already having that role, particularly those within 50 miles of the proposing institution or within that service area

8. Priority consideration being accorded to institution(s) with role seniority in that service area (also refer to Code of Ala. 1975, §16-5-10)

9. Accreditation considerations

10. Peer and other feedback

(8) Implementation of Collaborative Programs at a Higher Degree Level. The Commission strongly encourages collaborative programs between/among Alabama public institutions where feasible and when in the best strategic interests of the State. To foster collaboration and cooperation to meet significant identified needs, the Commission may approve institutions without an independent doctoral or master's role to participate in joint, shared, and cooperative doctoral or master's programs if the partner institution meets all requirements and has the commitment at that higher level. Participation in such joint and shared programs will not give such institutions an independent doctoral or master's role.

(9) Definitions Related to Academic Units.

(a) Academic Unit: Organizational structure that includes individuals with faculty appointments or has a reporting relationship to the institution's chief academic officer, usually the Provost. Academic units can be instructional or non-instructional:

1. Unit of Instruction: An organizational structure which offers instructional courses or other activities for academic credit. There are two types:

(i) Major Instructional Unit: Division, college, or school that comprises several minor units of instruction.

(ii) Minor Instructional Unit: Department or other unit offering degree programs, cross-disciplinary or multi-disciplinary consortium offering coursework but no degree programs.

2. Non-Instructional Academic Unit: An academic unit that does not offer credit-bearing coursework or degree programs, including the following:

(i) Unit of Research: An organizational structure for those activities intended to produce one or more research outcomes, including the creation of new knowledge, the organization of knowledge, and the application of knowledge. These may include such entities as research divisions, bureaus, institutes, centers, and experiment stations.

(ii) Unit of Public Service: An organizational structure established to make available to the public the various unique resources and capabilities of an institution for the specific purpose of responding to local, regional, or statewide needs or problems.

(iii) Unit of Administration: An academic unit whose function is primarily administrative in nature, such as the Office of the Provost or Academic Success Center.

(b) Non-Academic Unit: An organizational structure that does not meet the definition of academic unit, including, but not limited to, student services, facilities/operations, financial affairs, information technology, advancement, and auxiliaries. Administrative changes to non-academic units do not have to be reported to the Commission.

(10) Changes to Academic Units.

(a) Changes to Major Units of Instruction: If the administrative change creates a more prominent unit of instruction, such as a division or school, Commission approval as a new unit is may be required. Specifically, changes to major instructional units that entail additional expenditures will need Commission approval prior to implementation. ACHE staff will determine whether the proposed change needs approval.

(b) Changes to Minor Units of Instruction: Administrative changes at the department level, such as establishing a new department, combining two or more departments into a single department, or dividing a department into two or more departments, will require prior notification only, unless the change will entail additional expenditures.

(c) Changes to Non-Instructional Academic Units: Addition, elimination, or modification of non-instructional academic units will require prior notification only.

(d) Relationship to Instructional Role: Changes to academic units must be consistent with an institution's instructional role as recognized by the Commission.

Author: Robin McGill

Statutory Authority: Code of Ala. 1975, §16-5-8, §16-5-10.

History: New Rule: Published September 29, 2023; effective November 13, 2023.

300-2-1-A Attachments.

ALABAMA COMMISSION ON HIGHER EDUCATION

ATTACHMENTS TO RULE 300-2-1-.05, "REVIEW OF OFF-CAMPUS INSTRUCTION
OFFERED BY PUBLIC POSTSECONDARY INSTITUTIONS"SERVICE AREA TABLES
ATTACHMENT 1STATE BOARD OF EDUCATION APPROVED SERVICE AREAS
OF TWO-YEAR COLLEGES

(Boldface Counties Indicate Home Counties)

NOTE: Attachment 1 is included for informational purposes only. Service areas for Alabama public two-year colleges are determined by the Alabama Board of Education and are not subject to Commission approval. The Commission staff will alter this table as changes are received from the Alabama Department of Postsecondary Education.

| College | State Board Approved Service Areas |
|--|--|
| Alabama Southern Community College | <ul style="list-style-type: none"> • Choctaw • Marengo • Clarke • Monroe (all but northeastern corner) • Wilcox (shared with Reid) |
| Bevill State Community College | <ul style="list-style-type: none"> • Marion • Lamar • Fayette • Jefferson (shared with Lawson, Jeff State, Bessemer, and Wallace/ Hanceville) • Pickens (shared with Shelton) • Walker • Winston (southwestern one-fourth) |
| Bishop State Community College | <ul style="list-style-type: none"> • Mobile (shared with Enterprise-Ozark) • Washington |
| Calhoun State Community College | <ul style="list-style-type: none"> • Madison (shared with Drake) • Morgan (northern two-thirds shared with Drake) • Limestone • Lawrence (eastern one-third shared with NW-Shoals) |
| Central Alabama Community College | <ul style="list-style-type: none"> • Clay (western one-half) • Talladega • Coosa • Tallapoosa (southeast corner shared with Southern Union) • Elmore (site in Tallassee) • Shelby (eastern one-half) |
| Chattahoochee Valley Community College | <ul style="list-style-type: none"> • Macon (eastern one-third) • Lee (Southeastern corner shared with Southern Union) • Russell (southeastern one-third shared with Wallace - Dothan) |
| Drake State Technical College | <ul style="list-style-type: none"> • Madison (shared with Calhoun) • Morgan (northern two-thirds shared with Calhoun) |

| | |
|-------------------------------------|---|
| Enterprise-Ozark Community College | <ul style="list-style-type: none"> • Pike • Coffee (shared with LBW) • Geneva (western two-thirds shared with LBW) • Dale (western half) • Mobile (shared with Bishop) |
| Faulkner State Community College | <ul style="list-style-type: none"> • Baldwin |
| Gadsden State Community College | <ul style="list-style-type: none"> • St. Clair (northeastern third) • Etowah • Cherokee (all but northern one-sixth) • Calhoun • Cleburne |
| Ingram State Technical College | <ul style="list-style-type: none"> • Elmore (statewide responsibility) |
| Jefferson Davis Community College | <ul style="list-style-type: none"> • Escambia (shared with Reid) • Conecuh (shared with Reid) • Monroe (northeastern corner which is shared with Reid) |
| Jefferson State Community College | <ul style="list-style-type: none"> • Jefferson (shared with Lawson, Bevill, and Wallace-Hanceville.) • Shelby (western one-half shared with Lawson) • St. Clair (southwestern two-thirds) |
| Lawson State Community College | <ul style="list-style-type: none"> • Jefferson (shared with Jefferson State, Bevill, and Wallace- Hanceville) • Shelby (site in Hoover) |
| L. B. Wallace State Junior College | <ul style="list-style-type: none"> • Butler (shared with Reid) • Coffee (shared with Enterprise-Ozark) • Crenshaw • Covington • Geneva (western two-thirds which is shared with Enterprise-Ozark) |
| Northeast Alabama Community College | <ul style="list-style-type: none"> • Jackson • DeKalb (northern half) • Cherokee (northern one-sixth) |
| Northwest-Shoals Community College | <ul style="list-style-type: none"> • Lauderdale • Lawrence (eastern one-third shared with Calhoun) • Colbert • Franklin • Winston (northwestern one-fourth) |
| Reid State Technical College | <ul style="list-style-type: none"> • Escambia (shared with Jeff Davis) • Conecuh (shared with Jeff Davis) • Wilcox (shared with Alabama Southern) • Monroe (northeastern corner which is shared with Jeff Davis) • Butler (shared with LBW) |

| | |
|--|---|
| Shelton State Community College | <ul style="list-style-type: none"> • Bibb • Hale • Greene • Tuscaloosa • Sumter • Pickens (shared with Bevill) |
| Snead State Community College | <ul style="list-style-type: none"> • Marshall • DeKalb (southern half) • Blount (eastern half) |
| Southern Union State Community College | <ul style="list-style-type: none"> • Chambers • Clay (eastern half) • Lee (Southeastern corner shared with Chattahoochee Valley). • Randolph • Tallapoosa (southeastern corner which is shared with Central) • Macon (middle one-third) |
| Trenholm State Technical College | <ul style="list-style-type: none"> • Elmore (shared with Ingram and Central) • Montgomery • Lowndes • Bullock (western half) • Macon (western one-third) |
| Wallace State Community College (Dothan) | <ul style="list-style-type: none"> • Henry • Dale (eastern half) • Houston • Geneva (eastern one-third) • Barbour • Bullock (eastern one-half) • Russell (southern one-third which is shared with Chattahoochee Valley) |
| Wallace State Community College (Hanceville) | <ul style="list-style-type: none"> • Cullman • Blount (western half) • Winston (eastern half) • Morgan (southern one-third) • Jefferson (northwest corner) |
| Wallace State Community College (Selma) | <ul style="list-style-type: none"> • Chilton • Autauga • Perry • Dallas |

ATTACHMENT 2

SERVICE AREAS OF UNIVERSITIES BY COUNTY

(Boldface Counties Indicate Home Counties)

| University | Service Area |
|--|---|
| Alabama A&M University (AAM) | <ul style="list-style-type: none"> • Madison (shared with UAH) • Cullman (shared with UAH and ATSU) • Jackson (shared with UAH) • Marshall (shared with UAH) • Morgan (shared with UAH and ATSU) |
| Alabama State University (ASU) | <ul style="list-style-type: none"> • Montgomery (shared with AUM and TROY) • Autauga (shared with AUM and TROY) • Bullock (shared with AUM and TROY) • Crenshaw (shared with AUM and TROY) • Dallas (shared with AUM and TROY) • Elmore (shared with AUM and TROY) • Lowndes (shared with AUM and TROY) • Macon (shared with AU, AUM and TROY) |
| Athens State University (ATSU) | <ul style="list-style-type: none"> • Limestone • Cullman (shared with AAM and UAH) • Lawrence (shared with UNA) • Morgan (shared with AAM and UAH) |
| Auburn University (AU) (This institution has a constitutional statewide mission.) | <ul style="list-style-type: none"> • Lee • Chambers • Macon (shared with ASU, AUM and TROY) • Russell (shared with TROY) • Tallapoosa |
| Auburn University at Montgomery (AUM) | <ul style="list-style-type: none"> • Montgomery (shared with ASU and TROY) • Autauga (shared with ASU and TROY) • Bullock (shared with ASU and TROY) • Crenshaw (shared with ASU and TROY) • Dallas (shared with ASU and TROY) • Elmore (shared with ASU and TROY) • Lowndes (shared with ASU and TROY) • Macon (shared with ASU, AU and TROY) |
| Jacksonville State University (JSU) | <ul style="list-style-type: none"> • Calhoun • Cherokee • Clay • Cleburne • DeKalb • Etowah • Randolph • St. Clair (shared with UAB and UM) • Talladega (shared with UM) |

| | |
|--|--|
| Troy University (TROY) | <ul style="list-style-type: none"> • Pike, Houston, Montgomery (shared with ASU and AUM) • Autauga (shared with ASU and AUM) • Barbour • Bullock (shared with ASU and AUM) • Butler • Coffee • Conecuh • Covington • Crenshaw (shared with ASU and AUM) • Dale • Dallas (shared with ASU and AUM) • Elmore (shared with ASU and AUM) • Geneva • Henry • Lowndes (shared with ASU and AUM) • Macon (shared with ASU, AU and AUM) • Russell (shared with AU) |
| University of Alabama (UA) (This institution has a constitutional statewide mission.) | <ul style="list-style-type: none"> • Tuscaloosa • Bibb (shared with UAB and UM) • Fayette • Greene (shared with UWA) • Hale • Lamar • Pickens (shared with UWA) • Walker (shared with UAB) |
| University of Alabama at Birmingham (UAB) | <ul style="list-style-type: none"> • Jefferson • Bibb (shared with UA and UM) • Blount • St. Clair (shared with JSU and UM) • Walker (shared with UA) |
| University of Alabama in Huntsville (UAH) | <ul style="list-style-type: none"> • Madison (shared with AAM) • Cullman (shared with AAM and ATSU) • Jackson (shared with AAM) • Marshall (shared with AAM) • Morgan (shared with AAM and ATSU) |
| University of Montevallo (UM) | <ul style="list-style-type: none"> • Shelby • Bibb (shared with UA and UAB) • Chilton • Coosa • Talladega (shared with JSU) • St. Clair (shared with JSU and UAB) |
| University of North Alabama (UNA) | <ul style="list-style-type: none"> • Lauderdale • Colbert • Franklin • Lawrence (shared with ATSU) • Marion • Winston |

| | |
|-----------------------------------|---|
| University of South Alabama (USA) | <ul style="list-style-type: none"> • Mobile • Baldwin • Clarke (shared with UWA) • Escambia • Monroe • Washington |
| University of West Alabama (UWA) | <ul style="list-style-type: none"> • Sumter • Choctaw • Greene (shared with UA) • Marengo • Perry • Pickens (shared with UA) • Wilcox • Clarke (shared with USA) |

Author: William O. Blow

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

History: New Attachments: Filed May 7, 2007; effective June 11, 2007.

**Attachment To Rule 300-2-1-.09
Guidelines For The Review And Approval Of The Consolidation Or
Merger Of Two-Tear Postsecondary Institutions**

**Alabama State Board Of Education Resolution
Passed January 25, 1996**

**CONSOLIDATION OR MERGER OF POSTSECONDARY
INSTITUTIONS**

WHEREAS, a recommendation that all colleges in The Alabama College System be given the opportunity to become community colleges was passed by The Alabama College System President's Association and accepted by the Chancellor of the Alabama College System; and WHEREAS, on May 26, 1989, the Chancellor instructed all technical colleges then accredited by the Commission on Educational Institutions of the Southern Association of Colleges and Schools to become accredited by the Commission on College of the Southern Association of Colleges and Schools; and

WHEREAS, the Chancellor is responsible for the development of guidelines and criteria to be met by institutions of the Alabama College System in changing status; and

WHEREAS, the Chancellor, upon the occasion of an institution's having met the guidelines and criteria specified for changing status may recommend approval of such change in status to the Alabama State Board of Education; and

WHEREAS, the Alabama State Board of Education wishes to reaffirm its commitment to peer accreditation processes and its support, without reservation, of the need for and importance of such reviews; and

WHEREAS, the Alabama State Board of Education expresses its desire that colleges under its supervision communicate with the Commission on Colleges of the Southern Association of Colleges and Schools and the Alabama Commission on Higher Education in a timely and appropriate manner; and

WHEREAS, it is the expectation of the Chancellor that institutes involved in consolidation or merger shall undertake deliberate planning processes in accordance with the requirements of The Criteria for Accreditation of the Commission on Colleges of the Southern Association of Colleges and Schools and requirement of the Alabama Commission on Higher Education;

NOW, THEREFORE, BE IT RESOLVED, That the Chancellor may cause two or more institutions within the Alabama College System to consolidate or merge for the purpose of forming a comprehensive community college by presenting for approval, first to the Alabama Commission on Higher Education for review, comments and/or action,

and then to the Alabama State Board of Education a Statement of Intent to Consolidate or Merge which shall incorporate and conform to the following stipulations and provisions:

1. A description of the institutions to be consolidated or merged and the designation of a name for the newly created comprehensive community college;
2. A statement of personnel assurances addressing the individual identities, missions, and histories of the affected institutions; the status, right, privileges, and benefits of employees of both the consolidated or merged institutions and the new community college; the status, rights, and privileges of students of both the consolidated or merged institutions and the new community college; employment practices and related and relevant matters of law; and such other information as the Chancellor shall deem appropriate;
3. Assurance that personnel at the institutions to be consolidated or merged have been involved in the preparation of the Statement of Intent to Consolidate or Merge, and that close consultation between personnel at the institutions to be consolidated or merged and staff members will continue during the consolidation or merger process;
4. A description of the benefits to be derived from the consolidation or merger in terms of enhancement of programs and services available to residents of the new college service area;
5. A description of the benefits to be derived from the consolidation or merger in terms of efficiency of management, leadership, and coordination of instructional and student support activities;
6. A plan to secure and/or maintain appropriate accreditation for the newly formed community college, including the Prospectus for Substantive Change as required by the Commission on Colleges of the Southern Association of Colleges and Schools;
7. The results of an audit of the effectiveness of educational programs at each of the affected institutions, and especially a description of the impact of the consolidation or merger upon existing and/or potential occupational/technical programs to be used to provide entry-level job training skills to residents of the new college service area;
8. A description of library/learning resources to support the programs at the newly consolidated or merged institution;
9. A description of the impact of the consolidation or merger upon the ability of the new community college to provide

training for business and industry within the college service area;

10. A description of the impact of the consolidation or merger upon the ability of the new community college to provide community service and continuing education opportunities to the residents of the service area;

11. A student population projection and student demographic analysis for the new community college;

12. A disposition of existing facilities, equipment, and supplies for the consolidated or merged institution as it affects the new community college;

13. A description of the fiscal support available for the new community college, including a copy of the most recent financial audits of the affected institutions and a financial impact statement regarding their consolidation or merger;

14. A plan setting forth the steps to be taken and time lines to achieve the administrative and programmatic consolidation or merger of the institutions involved into a single comprehensive community college, developed with input from and consultation between personnel at the institutions to be consolidated or merged;

A. The consolidation or merger of institutions shall proceed in two phases, commencing with an administrative consolidation or merger, for which a detailed plan shall be developed which shall contain a description of the administrative organization for the new institution, and a specific time line noting the initiation and completion dates of the administrative phase of the consolidation or merger;

B. A detailed plan for the final phase of the consolidation or merger, the programmatic phase, shall be developed and shall contain a description of the educational program at the new institution, including an inventory of programs, as well as other specific information related to programmatic realignments, and a specific time line noting the initiation and completion dates of the programmatic phase of the consolidation or merger;

15. Provisions for planned professional development to enhance and support the growth of the new comprehensive community college;

16. A description of the geographic area to be served by the new community college;

17. A specific time line defining the entire consolidation or merger process;

18. The Commission on Colleges of the Southern Association of Colleges and Schools and the Alabama Commission on Higher Education shall be notified at the beginning of the planning process for consolidations or merges and at least six months in advance of the designated date for final approval, in accordance with its provisions for substantive change; and

19. The Alabama State Board of Education directs the president(s) and the Chancellor, when necessary, to visit the Southern Association of Colleges and Schools personally to assure understanding and communication concerning pending consolidations or merges.

BE IT FURTHER RESOLVED, That the consolidation or merger of institutions shall be recommended only after public meetings concerning the proposed consolidation or merger are held in each community where an affected institution is located; that the Chancellor shall approve all elements of the transition plan for carrying out the consolidation or merger of institutions and monitor all actions taken and evaluate their effectiveness; that consolidated or merged institutions shall not be recognized as one institution until the administrative and programmatic phases are completed, the Commission on Colleges of the Southern Association of Colleges and Schools and the Alabama Commission on Higher Education have recognized and approved the consolidation or merger; and the Alabama State Board of Education has rendered final approval; and that the Chancellor shall report annually for the first three years to the Alabama State Board of Education concerning the programs of the consolidation or merger including elements of fiscal, program, and administrative accountability.

BE IT FURTHER RESOLVED, That the colleges are instructed to submit copies of all correspondence with and materials provided to and received from the Commission on Colleges of the Southern Association of Colleges and Schools to the Alabama Department of Postsecondary Education for conveyance to the Alabama State Board of Education.

**CHANCELLOR'S GUIDELINES AND TIMETABLE FOR
MERGER OR CONSOLIDATION**

1. Approval of Statement of Intent to Consolidate or Merge by the Alabama Commission on Higher Education;
2. Approval of Statement of Intent to Consolidate or Merge and of personnel assurances by the Alabama State Board of Education (initial action);
3. Institutional notification of pending change to the Commission on Colleges of the Southern Association of Colleges and Schools (immediately after initial action);
4. Preparation and submission of Prospectus for Substantive Change (as required by the Commission on Colleges of the Southern Association of Colleges and Schools);
5. Visit by Substantive Change Committee (varies);
6. Approval of change by the Commission on Colleges of the Southern Association of Colleges and Schools (varies);
7. Approval of formal request for administrative consolidation by the Alabama Commission on Higher Education;
8. Final approval of change by the Alabama State Board of Education subject to acceptance of the prospectus by the Commission on Colleges of the Southern Association of Colleges and Schools (six months after initial action);
9. Recognition of programmatic change;
10. First year progress report;
11. Second year progress report;
12. Third year progress report.

Author: William O. Blow

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

History: New Rule: Filed April 6, 1998; effective May 11, 1998.

**ALABAMA COMMISSION ON HIGHER EDUCATION
PLANNING AND COORDINATION
ADMINISTRATIVE CODE**

**CHAPTER 300-2-2
PROGRAM VIABILITY REVIEW**

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| 300-2-2-.01 | <u>Implementation Policy, Process, And Procedures For Program Viability Legislation.</u> |

(1) Purpose Statement: Through the implementation of Act 96-557, the Alabama Commission on Higher Education will work with institutions to examine academic programs which do not produce minimum levels of graduates as established by the Alabama legislature. The goal of this effort will be to evaluate priorities, eliminate unnecessary duplication, and focus existing resources to enhance the overall quality of academic offerings.

(2) Policy: The Alabama Commission on Higher Education will review the productivity of programs listed in its academic program inventory using a two-level review process. In year one, programs will be identified as viable or non-viable. This identification process will be followed by a three-year monitoring period. Any programs which do not meet the standards or receive a waiver of non-viability at the end of the three-year monitoring period will be phased out over a three-year period. Consistent with the statutory mandate to base productivity standards primarily, but not exclusively, on the annual average number of degrees conferred, the Commission will use three factors in evaluating the productivity of a program: IPEDS (Integrated Postsecondary Education Data System) completions data as required by Act 96-557, double majors, and the number of students previously enrolled in vocational/technical programs who meet certain standards and can

be counted as graduates for purposes of program viability. Although one outcome of this process may be program terminations, the Commission recognizes that closing programs will not necessarily lead to cost savings because programs often share facilities, faculty, and resources.

(3) **Review Process:** The review process will consist of an Identification Year Review and a Three-Year Monitoring Period.

(a) **Identification Year Review:**

1. **Level I Review:** Programs whose average annual graduation rate meets the viability standard annual graduation rate established by Act 96-557 will be deemed viable. This rate will be calculated using IPEDS completions data only.

2. **Level II Review:** The remaining programs will be subjected to a Level II review based on double majors and the certification of students previously enrolled in vocational/technical programs as graduates if the institution can document that the student successfully completed a minimum of 20 quarter hours or 15 semester hours of technical skills courses during the reporting period and left the program for purposes of gainful employment. All data will be subject to audit as directed by the Alabama Commission on Higher Education. Programs which meet the viability standard annual graduation rate as a result of the Level II review will be placed on the viable program list, and the remaining programs will be considered non-viable, with the exception of the core liberal arts programs (see b.2. in this section and 300-2-2-.02.).

(b) **Three-Year Monitoring Period:** During the three-year monitoring period, the graduation rates of non-viable programs will be compiled. At the end of the three-year monitoring period, any non-viable program which does not meet the standard may request a waiver of non-viability due to unique and extraordinary characteristics of that program. The request for a waiver must be based on the seven factors outlined in Act 96-557. The Commission will grant or deny the waiver on a case-by-case basis based on the strength of the justification offered by the institution. If there are any fields in which no programs in the state are viable, the Commission will undertake a statewide review of the disciplines. Any non-viable program which has not been granted a waiver and does not meet the viability standard annual graduation rate at the end of the three-year monitoring period will be terminated by the Commission with a three-year phaseout.

(4) **Review Procedures:** The following procedures apply to all academic programs at public institutions, including programs

recognized by the Commission as core liberal arts programs (for an explanation and listing of core liberal arts programs recognized by the Commission, see 300-2-2-.02).

(a) Identification Year (1997)

1. The Commission will calculate the annual graduation rate for each program listed in its academic program inventory as of January 15, 1997 using the designated reporting periods for implementation from the Integrated Postsecondary Education Data System (IPEDS) annual completions survey. Where more than one program at a degree level is listed at a six-digit CIP code, the staff may request that the institution separate the completions for each program. Note: The asterisk sign in the Commission's academic program inventory denotes separate programs.

2. The annual graduation rate for each program will be compared to the viability standard annual graduation rate listed in Act 96-557. All programs whose annual graduation rate equals or exceeds the viability standard annual graduation rate will be deemed viable for the four-year period. The remaining programs will be subjected to a second level of analysis based on double majors, and the certification of students previously enrolled in vocational/technical programs as graduates in combination with the annual graduation rate.

3. The Commission will issue a Level I review report which lists viable programs by institution based on the IPEDS completions survey data.

4. Programs which meet the viability standard annual graduation rate as a result of the second level of analysis will be placed on the viable program list, and the remaining programs will be considered non-viable, with the exception of the core liberal arts programs. The Commission will issue a Level II review report which adjusts the viable program list to reflect those programs so designated as a result of the second level review, a list of non-viable programs, and a list of core liberal arts programs on the exemption list.

5. The Commission will report to the Governor, the State Board of Education and the Council of College and University Presidents on the status of programs determined to be viable, non-viable, and on the exemption list. This report shall include information for each institution.

(b) Three-Year Monitoring Period (1998-2000)

1. Non-Viable Programs: The viability standard annual graduation rates of non-viable programs will be monitored for three years.

2. Exempt Core Liberal Arts Programs (For a description and list of core liberal arts programs recognized by the Commission, see 300-2-2-.02):

(i) Each institution with exempt core liberal arts programs will conduct an assessment of those programs during the three-year monitoring period. The purpose of this assessment is for institutions to develop innovative, high quality approaches to offering core liberal arts education which also meet viability standards. At a minimum, the assessment should address the following questions for each exempt core liberal arts program.

(I) Should the institution continue to offer all of its existing core liberal arts programs, or is there a better way to provide the necessary educational experience to the student?

(II) In what ways can the institution cooperate or collaborate with other institutions to offer quality core liberal arts programs?

(III) Can the institution more narrowly focus its liberal arts programs and improve quality through consortia, resource sharing among institutions, distance education, joint and cooperative programs, etc.?

(IV) What are the barriers to cooperative efforts?

(ii) The institution will provide an annual report to the Commission each December during the three-year monitoring period which summarizes activity during the year devoted to the assessment and improvement of the exempt core liberal arts programs.

(iii) At the end of the three-year monitoring period, the institution will present a final report to the Commission outlining the efforts and outcomes of the assessment. For any core liberal arts programs which still do not meet the viability standard annual graduation rate at the end of the three-year monitoring period, the Commission will continue monitoring the productivity for a final, additional three-year monitoring period (2000-01, 2001-02, 2002-03). At the conclusion of the final three-year monitoring cycle, institutions will phase out any

remaining non-viable core liberal arts programs for which a waiver of non-viability is not sought and granted by the Commission.

(5) Process for Submitting and Reviewing Requests for Waivers of Non-Viability for Academic Programs:

(a) Any non-viable program that fails to meet the minimum productivity standard at the end of the three-year monitoring period must submit a waiver request, that may or may not be approved by the Commission, or phase-out the program within three years. In the case of core liberal arts programs that remain non-viable at the end of the three-year monitoring period, the institution may request that the Commission continue monitoring the program for three additional years or phase-out the the program within three years. (For a description and list of core liberal arts programs recognized by the Commission, see 300-2-2-.02)

(b) The Commission will grant or deny the waiver on a case-by-case basis based on the strength of the justification offered by the institution. A waiver request must include a description of efforts the institution has taken to increase productivity.

(c) Duration of Granted Waivers: Generally, waivers approved by the Commission will extend from the date of approval until the next statewide viability review is completed. This means that any program granted a waiver is subject to the next statewide viability review. However, the Commission may approve a waiver for a specific time period with conditions and reporting requirements if circumstances so dictate.

(d) Time Lines/Process:

1. ACHE notification to institutions regarding remaining non-viable programs (to include a copy of the process adopted by the Commission for submission and review of requests for waivers of non-viability for academic programs - June 1, 2001)

2. 90 days (3 months) - After receipt of notification, submission by institution of waiver request(s) (Due date: August 31, 2001). Request(s) must be signed by the president of the institution.

3. 120 days (4 months) - Comparative review by ACHE staff of all waiver requests, generation of preliminary staff recommendations. Note: This time line for review is tentative and may be extended depending on the number of waiver requests that are submitted and staff resources available to assign to the review.

4. Transmittal of preliminary staff recommendations to institutions.

5. Thirty days (1 month) - Institutional review of preliminary staff recommendations and institutional response to preliminary recommendations.

6. Ninety days (3 months) - Development of final ACHE staff recommendations. Note: Again, the time line for development of final staff recommendations is tentative and may be extended depending on the number of waiver requests that are submitted and staff resources available to assign to the review.

7. Commission hearings and final Commission action on waiver requests.

8. Programs denied a waiver will be closed effective with the date of the waiver denial and removed from the Commission's academic program inventory. During the subsequent three-year phase-out period, institutions will concentrate their efforts to assist students enrolled in the program to complete their degrees. However, students enrolled in the program will be allowed to complete the program as per individual institutional policies.

(e) Instructions: A separate request must be submitted for each program for which the institution is requesting a waiver. If waiver requests are being submitted for programs in the same field at more than one level (example, a waiver request for master's and doctoral programs in engineering), two separate waiver requests must be provided. There are three components to each waiver request: Form A: Waiver Request Data Form; Form B: Course Listing for Program Submitting Waiver Request, and Rationale for Waiver Request. Each of these components must be completed in full for the waiver request to be considered by the Commission. However, submission of all information required in the waiver request does not guarantee a recommendation for approval. Note: All data submitted to the Commission as part of a waiver request is subject to audit. Form A and Form B, along with definitions, are available upon request.

(f) Rationale for Waiver Request: There are 10 possible factors upon which to base the rationale for the waiver request, listed below. Note: Each waiver request must address Factor 1. In addition, each waiver request should address one or more of Factors 2-10.

1. Institutional commitment to elevate the non-viable program to viable status (Note: This factor must be included in all waiver requests.): The institution must provide documentation that a plan to move the program

toward viable status has been developed and implemented. The plan must contain strategies and reasonable objectives to improve viability, and the institution must document progress toward those objectives. (Note: See also Market Demand factor. If relevant, the institution must demonstrate that meeting or exceeding the viability standard would exceed market demand.)

2. Transfer: Students who transfer into a higher degree program prior to completion of a lower degree program may be considered in issues of non-viability if an institution maintains that such transfers contribute to the non-viability of the lower degree program. An institution basing a viability waiver request on this factor must provide a verifiable number of students who transferred to higher degree programs at other institutions for the three-year period 1997-98, 1998-99, and 1999-2000. (Other years may also be used at the option of the institution.) Students must have completed at least 24 semester hours prior to transfer to be included in that number.

3. Lack of Duplication of the Program Within the State: The institution must demonstrate that the program does not duplicate others at the same CIP code and level within the State and indeed that it does not perform the same function as similar programs within the State. An institution requesting a waiver based on this factor must also provide evidence of the need for the program. Thus, a waiver request based on this factor must also address the factor of Market Demand.

4. Market Demand: The institution must demonstrate current and/or projected market demand for program graduates and such demand must be validated with external data, including evidence of demand from employers.

(i) The institution must provide placement data for program graduates for the years 1997-98, 1998-99, and 1999-2000. Other years may also be used at the option of the institution.

(ii) If the institution maintains that although market demand is small, the program is nevertheless critical, then the criticality of the demand must be validated with external data. If relevant, the institution must also address the premise that meeting or exceeding the viability standard would in turn exceed market demand.

5. Employment/Placement: Students enrolled in a non-viable baccalaureate or graduate program who in turn accepted in-field employment prior to completion of the

degree may be considered in issues of non-viability. The interpretation is that accepting employment prior to degree completion contributed to the non-viable status of the degree program.

(i) An institution basing a waiver request on this factor should provide a verifiable number of individuals leaving the program prior to completion and documentation of in-field employment for the three-year period 1997-98, 1998-99, and 1999-2000. For undergraduate programs, each individual must have completed at least 50% of the required course hours in the major beyond the basic curriculum as defined in the AGSC program template. For graduate programs, each individual must have completed at least 50% of the hours required for the degree. Data from additional years may be used at the option of the institution.

(ii) Certifications of employment/placement in field prior to completion of the degree have already been included in the viability calculation for vocational/technical programs. Data are included in the information provided by ACHE in the shaded cells of Form A.

6. Knight v. Alabama: An institution basing a waiver on this factor must clearly demonstrate how the program contributes to the objectives of Knight v. Alabama and/or how the program has been impacted by Knight v. Alabama.

7. Unique and Extraordinary Aspects/Characteristics of the Program: The institution basing a waiver on this factor must demonstrate unique and extraordinary aspects of the program. Examples of these aspects could include but not be limited to:

(i) Programs offered in association with the legislatively mandated mission of the institution.

(ii) Graduate programs closely related to extramurally funded research programs, the elimination of which would curtail the level of extramural funding.

(iii) Programs that have recently become priorities and based upon that have moved from few or no completions to projected completions that will meet viability standards within a reasonable period.

(iv) Career/technical programs taught in correctional facilities and authorized by the Alabama State Board of Education.

(v) Non-degree creditable programs in career/technical fields that serve persons with disabilities.

(vi) Other unique and extraordinary aspects/characteristics.

8. Relationship of the non-viable program to other viable programs, including programs in the same discipline at other levels: The institution basing a waiver on this factor must demonstrate that faculty and resources allocated to the non-viable program contribute a significant service function to other viable programs in other disciplines or to viable programs at other levels within the same discipline. For example, an institution with a non-viable baccalaureate program must demonstrate that the majority of courses offered in the program are also required for successful completion of one or more other viable baccalaureate programs. Similarly, if an institution has a non-viable program in a given discipline at one level (baccalaureate, master's, doctoral) but viable program(s) at another level or levels, the institution must demonstrate that the faculty/resources required by the non-viable program are also required by the viable program(s). The institution is encouraged to provide specific cost data in addressing this factor.

9. Teacher Certification Requirements:

(i) A teacher certification program and a parallel program in the discipline may be considered together in waiver requests. For instance, the course of study and enrollments/completions in a history baccalaureate program housed in a College of Arts and Sciences may be considered along with the course of study and enrollments/completions in a history education baccalaureate program housed in a College of Education, and vice-versa.

(ii) Add-on certification enrollments and completions may also be considered in determining whether to grant a waiver request in a particular degree program, whether the program is undergraduate or graduate and whether it is housed in a College of Education or elsewhere. For instance, a graduate student who already holds certification in another area but is seeking or has completed a certificate in Library Media will be considered in conjunction with students who are enrolled in or have completed a degree program in Library Media.

10. Success of Program Graduates: This factor, which is named in the legislation, is not one on which a viability waiver may be solely based. However, success may be included as additional information in waiver requests based on the factor of demonstration of institutional commitment and at least one other factor.

(6) Annual Report: The Commission will continue to make an annual report to the Governor, the State Board of Education and the Council of College and University Presidents. This report shall continue to include information for each institution and its respective viable, non-viable, and exempt program offerings. In addition, the annual report will list any programs granted waivers of non-viability by the Commission along with the commission's rationale for granting the waiver.

Author: Kitty C. Collier

Statutory Authority: Code of Ala. 1975, §§6-5-1, et.seq., and in implementation of Act 96-557.

History: Filed April 10, 1989. **Amended:** Filed October 19, 1989; December 5, 1990. **Repealed:** Filed March 12, 1996; effective April 16, 1996. **New Rule:** Filed August 4, 1997; effective September 8, 1997. **Amended:** Filed March 7, 2001; effective April 11, 2001. **Repealed and New Rule:** Filed July 6, 2001; effective August 10, 2001.

300-2-2-.02 Policy Regarding Core Liberal Arts Programs.

(1) The Commission recognizes that liberal arts are essential to quality academic offerings at all universities. At the same time, the Commission believes that if the liberal arts are an important component of the university experience, then liberal arts programs should meet viability standards. All institutions do not have to offer a wide array of programs in the liberal arts fields.

(2) Core liberal arts programs as recognized by the Commission are subject to the same review policy, process, and procedures described in 300-2-2-.01.

(3) To allow institutions an appropriate time period to assess their existing core liberal arts programs, as defined in List A below, the Commission establishes the following process.

(a) All core liberal arts programs will undergo the Level I and Level II reviews. Any core liberal arts program which does not appear on the viable program list as a result of the Level I and Level II reviews will be placed on an exemption list for the three-year monitoring period.

(b) During these three years, the Commission encourages institutions to develop creative and innovative approaches to offering core liberal arts education which also will meet

viability standards. It is expected that all possible alternatives will be explored, including but not limited to distance education and technology, resource sharing among institutions, and cooperative and joint offerings.

(c) Each institution with exempt core liberal arts programs will provide an annual report to the Commission which summarizes activity during the year devoted to the assessment and improvement of its exempt core liberal arts programs.

(d) At the end of the three-year monitoring period, the president of each institution with core liberal arts programs on the exemption list will provide a final report to the Commission which outlines what efforts have been made and what outcomes achieved in quality and productivity of the core liberal arts programs. The Commission will evaluate the reports from each institution.

(e) In the case of any core liberal arts programs which still do not meet the viability standard at the end of the three-year monitoring period, the Commission will continue monitoring the productivity for a final, additional three-year monitoring period (2000-01, 2001-02, 2002-03). At the conclusion of the final three-year monitoring cycle, institutions will phase out any remaining non-viable core liberal arts programs for which a waiver of non-viability is not sought out granted by the Commission.

(4) Below are listed baccalaureate core liberal arts programs in public four-year institutions recognized by the Commission for the purpose of this policy.

| CIP Code | Program Title |
|-----------------|---|
| 16.0402 | Russian Lang. & Literature |
| 16.0501 | German Lang. & Literature |
| 16.0901 | French Lang. & Literature |
| 16.0905 | Spanish Lang. & Literature |
| 16.1201 | Classical & Ancient Near Eastern Lang & Lit |
| 23.0101 | English Lang. & Literature |
| 23.1001 | Speech & Rhetorical Studies |
| 26.0101 | Biology, General |
| 27.0101 | Mathematics |
| 38.0101 | Philosophy |
| 40.0501 | Chemistry, General |
| 40.0601 | Geology |
| 40.0801 | Physics, General |
| 42.0101 | Psychology, General |

| | |
|------------------|---------------------------|
| 45.0201 | Anthropology |
| 45.0601 | Economics, General |
| 45.0701 | Geography |
| 45.0801 | History |
| 45.1001 | Political Science & Gov't |
| 45.1101 | Sociology |
| 50.0101/ 50.0501 | Drama/Theater Arts |
| 50.0701/ 50.0702 | Art |
| 50.0901/ 50.9999 | Music, General |

Author: Kitty C. Collier

Statutory Authority: Code of Ala. 1975, §§16-5-1, et.seq., and in implementation of Act 96-557.

History: New Rule: Filed August 4, 1997; effective September 8, 1997. **Amended:** Filed March 7, 2001; effective April 11, 2001.

**300-2-2-.03 Certification Of Previously Enrolled Vocational/
Technical Students As Graduates For Purposes Of
Program Viability.**

(1) Background: Act 96-557 provides that 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 be counted as a graduate. However, the act states that it is the responsibility of the institution to document and verify to the reasonable satisfaction of the Alabama Commission on Higher Education that the student should be counted as a graduate as provided in this section. The act further states that the documentation shall include the name of the specific employer and the point in said program that student obtained said employment. Note: A sample certification form is filed as an attachment to this rule.

(2) Policy: The Commission will count a student previously enrolled in vocational/technical programs as a graduate for purposes of program viability if the institution can document that the student successfully completed a minimum of 20 quarter hours or 15 semester hours of technical skills courses during the reporting period and left the program for purposes of gainful employment in-field. The Alabama Commission on Higher Education will audit institutions at its discretion for compliance with this policy. For purposes of such audits, the institutions will retain detailed official documentation of the information submitted on the Certification of Alternate Completions form (refer to attachment 1). If an audit finds falsified information has been reported for a student on the alternate completions form, that student will not be counted as a graduate of the program which could affect the program's designation as viable or non-viable.

(3) For definitions which apply to this policy, see "Definitions Related to the Certification of Alternate Completions in Two-Year Programs," 300-2-2-.04, (2), (a)-(g).

Author: Kitty C. Collier

Statutory Authority: Code of Alabama, 1975, 16-5-1, et.seq., and in implementation of Act 96-557.

History: New Rule: Filed August 4, 1997; effective September 8, 1997.

300-2-2-.04 **Definitions Related To The Implementation Of Act 96-557.**

(1) General Definitions

(a) Average Annual Graduation Rate: The average number of graduates reported on the Integrated Postsecondary Education Data System (IPEDS) completions survey. A five-year average will be calculated for four-year institutions and a three-year average for two-year institutions.

(b) Designated Reporting Period For Implementation: For four-year institutions, IPEDS completions data from 1991-92 through 1995-96 will be used. For two-year institutions, IPEDS completions data from 1993-94 through 1995-96 will be used.

(c) Viability Standard Annual Graduation Rate: Standard graduation rates based on annual completions reported to IPEDS, double majors and the certification of previously enrolled vocational/technical students who obtained gainful employment as a result of skills earned in the program: Diploma & Certificate Programs (45-90 quarter hours in length), Associate, Baccalaureate, 7.5 graduates per year; Master's, 3.75 graduates per year; Education Specialist, 3 graduates per year; Doctoral, 2.25 graduates per year.

(d) Programs Listed in the Academic Program Inventory as of January 15, 1997: All programs in the academic program inventory will be included with the following exceptions:

1. Any program deletion which occurs on or before the June 6, 1997 Commission meeting.
2. Programs on inactive status as of June 6, 1997.
3. Joint programs approved by the Commission as such and reflected in the Commission's academic program inventory will be removed from the inventory and reflected in a separate report (refer to Commission's operational definition of joint program). Although these programs will be subject to the viability analysis, they will be treated as single programs for purposes of calculating

program viability averages. All graduates in all participating institutions will be factored into the total average for the single joint program. These joint programs include: 13.0401 Education Leadership, Ed.D, Ph.D. (UA & UAB); 14.0801 Materials/Metal Eng, Ph.D. (UA & UAB); 26.0101 Biology, MS (AAMU & UAH); 27.0301 Applied Mathematics, Ph.D. (UA, UAB, UAH); 30.9999 Materials Science, Ph.D. (UA, UAB, UAH); 31.0599 Health Education/Promotion, Ph.D. (UA & UAB); 44.0401 Public Administration, Ph.D. (AU & AUM); and 50.0703 Art History, M.A. (UA & UAB).

4. Formal consortia recognized by the Commission will be removed from the inventory and treated in a separate report (refer to Commission's operational definition of consortium). Although these programs will be subject to the viability analysis, they will be treated as single programs for purposes of calculating program viability averages. All graduates in all participating institutions will be factored into the total average for the consortia. These formal consortia include 26.0607 Marine Biology, BA, BS (Marine Environmental Sciences Consortium); 15.0506 Water & Wastewater Technology Linkage, AAS; and 43.0201 Fire Science Linkage, AAS.

5. New programs approved from 1986 to 1996 and reinstated inactive programs will be excluded from the program viability review based on the following schedule:

| Level | Max. Yrs. to Become Fully Productive | Average Required by Act 96-557 | Total Years from Date of Implementation |
|---------------|---|---------------------------------------|--|
| Baccalaureate | 5 Years | 5 Years | 10 Years |
| Master's | 3 Years | 5 Years | 8 Years |
| Ed.S. | 2 Years | 5 Years | 7 Years |
| Doctoral | 5 Years | 5 Years | 10 Years |
| AAS/AAT/AA/AS | 2 Years | 3 Years | 5 Years |
| Diploma/Cert. | 1-2 Years* | 3 Years | 4 Years |

*Depends on length of the certificate or diploma program.

Note: The Commission staff will evaluate all academic programs approved or reinstated since 1986 and develop a list of expected viability dates based upon implementation dates of the programs. In cases where a Diploma or Certificate has been upgraded to an AAT or AAS degree, the upgrade is not considered a new program approval. Completions at the award level prior to the upgrade will be added to the completions at the new award level for purposes of calculating the program viability averages.

(e) Waiver of Non-Viability of a Program: Formal action taken by the Alabama Commission on Higher Education which permits a program to continue for some defined period of time even though the program does not meet the viability standard annual graduation rate.

(2) Definitions Related to the Certification of Alternate Completions in Two-Year Programs

(a) Reporting Period: There are three reporting periods of the Certification of Alternate Completions: Spring, Summer, Fall 1996; Winter 1997; Spring, Summer, Fall 1995, Winter, 1996; Spring, Summer, Fall 1994, Winter, 1995. Each period is four quarters and includes the Spring Quarter of one academic year and the Summer, Fall, and Winter Quarters of the following academic year. Certification forms are due on October 1, 1997. Each reporting period will be regarded as discrete. If a student leaves a program for the purpose of gainful full-time employment in one reporting period and in a subsequent reporting period returns to school and completes 20 additional quarter hours or 15 additional semester hours of appropriate courses, that student may be counted as a "graduate" in both reporting periods for purposes of program viability.

Note: A sample certification form is filed as an attachment to 300-2-2-.03, "Certification of Previously Enrolled Vocational/Technical Students as Graduates for Purposes of Program Viability."

(b) Student Who Leaves a Program: A previously enrolled student who meets the definitions of this policy during a defined reporting period and who is not re-admitted to the college in that program during the spring quarter or semester following certification. No student will be counted as a graduate for purposes of program viability if he (or she) is enrolled in the program during the Spring Quarter following the reporting period.

(c) Gainful Employment: New full-time employment (40 hours per week) gained as the result of completing at least 20 quarter hours or 15 semester hours in vocational/technical skills courses in a single academic program listed in the Commission's academic program inventory or existing full-time employment in which the student maintained, retained, or enhanced his/her job skills as a result of completing at least 20 quarter hours or 15 semester hours in vocational/technical skills courses in a single academic program listed in the Commission's academic program inventory.

(d) Same Field of Study as the Program: Program title and CIP (Classification of Instructional Programs Taxonomy) code which are directly linked to a previously enrolled student's position title, position description, and employer. By

providing this information on the certification form, the two-year institution is asserting that the full-time employment is in the same field of study as the program. Information is subject to audit by the Commission. If any part of the "Certification for Alternate Completions" form is left blank, the student will not be counted as a graduate for purposes of program viability. The Commission staff will not follow-up with institutions to obtain missing information.

(e) Obtained the Skills in the Program: Previously enrolled student must have completed at least 20 quarter hours or 15 semester hours in skills courses in the same field of study as the program before student is eligible for certification. Courses in general education and/or courses in "related" technical/vocational skills will not count toward this requirement. Information is subject to a transcript audit by Commission to evaluate course numbers, names, and descriptions as compared to the student's employment.

(f) Vocational/Technical Program Eligible to Certify Previously Enrolled Students As Graduates for Purposes of Program Viability: Associate in Applied Science (AAS), Associate in Applied Technology (AAT), and Diploma and Certificate programs (45-90 qh) in the following fields have been defined as the vocational/technical programs eligible to certify previously enrolled students as graduates for purposes of program viability. Note that the list does not include AA or AS transfer programs or programs which train students for specific professions or jobs where state licensure or certification is required to practice.

| CIP Code | Program Title |
|----------|---------------------------------|
| 01.0101 | Agriculture |
| 01.0301 | Agricultural Production |
| 01.0601 | Horticulture Services |
| 01.0603 | Horticulture, Ornamental |
| 01.0605 | Landscape Operations Management |
| 03.0401 | Forestry |
| 08.0705 | Retail Merchandising |
| 08.0708 | Marketing |
| 08.1001 | Insurance Marketing |
| 09.9999 | Telecommunications |
| 10.0103 | Photography & Film |
| 10.0104 | Radio & TV Broadcasting |
| 11.0101 | Computer Science |
| 12.0402 | Barbering |
| 12.0403 | Cosmetology |
| 12.0503 | Culinary Arts |
| 15.0201 | Civil Engineering Technology |

| | |
|---------|--|
| 15.0303 | Electronic Engineering Technology |
| 15.0304 | Electro Optics |
| 15.0399 | Electrical Engineering Tech. |
| 15.0401 | Biomedical Equipment Technology |
| 15.0403 | Electromechanical Technology |
| 15.0404 | Instrumentation Technology |
| 15.0501 | Air Cond/Refrigeration Tech |
| 15.0603 | Industrial Engineering Tech |
| 15.0607 | Plastics Technology |
| 15.0699 | Industrial Production |
| 15.0702 | Quality Control Technology |
| 15.0801 | Avionics Technology |
| 15.0803 | Automotive Technology |
| 15.0805 | Mechanical Design Technology |
| 15.0899 | Mechanical Engineering Tech |
| 15.0901 | Mining Technology |
| 15.1001 | Construction Management Tech |
| 15.1101 | Engineering Technology |
| 15.9999 | Engineering Technology |
| 20.0102 | Child Development |
| 20.0201 | Child Development |
| 20.0301 | Textile Technology |
| 20.0303 | Commercial Sewing |
| 20.0401 | Food Service Management |
| 20.0404 | Food & Nutrition |
| 20.0409 | Commercial Food Service |
| 20.0501 | Interior Design |
| 20.0599 | Floristry |
| 22.0103 | Legal Assistant/Paralegal |
| 25.0301 | Library Assistant |
| 30.9999 | Nuclear Power Instrumentation Tech |
| 31.0101 | Recreation/Recreation Leadership |
| 31.0301 | Golf Course Management/Leisure Facilities Management/Parks & Recreation Management |
| 41.0205 | Nuclear Power Operations Technology |
| 41.0301 | Chemical Technology |
| 43.0107 | Criminal Justice |
| 43.0202 | Fire Science |
| 44.0201 | Community Services, General |
| 44.0701 | Social Worker Technician |
| 46.0101 | Masonry |
| 46.0201 | Carpentry |
| 46.0302 | Electrical Technology |
| 46.0401 | Building Maintenance |
| 46.0499 | Building Construction |
| 46.0501 | Plumbing |
| 47.0101 | Consumer Electronics |
| 47.0102 | Electronic Machine Repair |
| 47.0103 | Communications Electronics |
| 47.0105 | Industrial Electronics Tech |

| | |
|---------|--|
| 47.0106 | Major Appliance Repair |
| 47.0201 | Heating & Air Conditioning |
| 47.0303 | Industrial Maintenance Tech |
| 47.0408 | Watch & Jewelry Repair |
| 47.0603 | Automotive Body Repair |
| 47.0604 | Auto Mechanics |
| 47.0605 | Diesel Mechanics |
| 47.0606 | Small Engine Repair |
| 47.0607 | Aviation Maintenance Technology |
| 47.0608 | Aircraft Mechanics, Powerplant |
| 47.0699 | General Aviation Technology |
| 47.9999 | Turf Equipment Management |
| 48.0101 | Drafting & Design Technology |
| 48.0201 | Graphics & Printing |
| 48.0299 | Graphics & Printing |
| 48.0303 | Upholstery |
| 48.0304 | Shoe & Boot Repair |
| 48.0501 | Patternmaking Technology |
| 48.0503 | Machine Shop Technology |
| 48.0506 | Sheet Metal Worker |
| 48.0507 | Machine Tool Technology |
| 48.0508 | Welding |
| 48.0599 | Computer Numerical Control |
| 48.0702 | Furniture Refinishing |
| 48.0703 | Cabinet Making |
| 49.0102 | Flight Technology (Commercial) |
| 49.0107 | Aviation Technology (Private) |
| 49.0202 | Heavy Equipment Operator |
| 49.9999 | Transportation Management |
| 50.0402 | Commercial Art/Visual Comm & Comp Graphics |
| 50.9999 | Music Industry Communications |
| 51.0801 | Medical Assistant |
| 51.1614 | Nursing Assistant |
| 51.1801 | Optical Technology |
| 52.0101 | Management & Supervision/Business & Management, Gen |
| 52.0204 | Office Administration |
| 52.0302 | Accounting Technology |
| 52.0401 | Office Administration/Secretarial Studies |
| 52.0405 | Court Reporting |
| 52.0408 | Clerical Technology |
| 52.0803 | Banking & Finance/Finance Administration |
| 52.0901 | Hospitality Services Management |
| 52.0902 | Hotel/Motel & Restaurant Management |
| 52.1501 | Real Estate |
| 52.9999 | Business & Management, Other |

Author: Kitty C. Collier

Statutory Authority: Code of Ala. 1975, 16-5-1, et.seq., and in implementation of Act 96-557.

History: New Rule: Filed August 4, 1997; effective September 8, 1997.

300-2-2-A Attachments.

Attachment 1 - Certification of Alternate Completions

See Master Code for chart

Author:

Statutory Authority:

History:

**ALABAMA COMMISSION ON HIGHER EDUCATION
PLANNING AND COORDINATION
ADMINISTRATIVE CODE**

**CHAPTER 300-2-3
FISCAL AND INFORMATION SYSTEMS**

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300-2-3-.01 Data Collection.

(1) In order to fulfill its responsibilities for designing and maintaining a statewide information system and for coordinating all collection requirements for the federal government which require state level coordination, the Commission requests certain information from each institution of higher education at varying intervals. The nature and content of reports and data files requested from the institutions have been developed in consultation with various institutional advisory groups. The reporting dates are established annually and will be posted in advance on the Commission website. Each institution shall receive ample time to complete and return the regularly requested reports and data files.

Author: William O. Blow; Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §§16-5-7, 16-5-10(1), 16-5-15.

History: Filed April 10, 1989. **Amended:** Filed June 4, 1997; effective July 9, 1997. **Amended:** Filed September 19, 2018; effective November 3, 2018.

300-2-3-.02 Budget And Capital Recommendation.

(1) The Commission is vested with the authority to carry out and enforce the provisions of Code of Ala. 1975, §§16-5-9 and 16-5-15 and to promulgate policies and procedures consistent with carrying out the required statutory functions.

Author: William O. Blow; Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §16-5-9.

History: Filed April 10, 1989. **Repealed and New Rule:** Filed September 19, 2018; effective November 3, 2018.

300-2-3-.03 Policy On Eligibility For Alabama Resident Tuitions.

(1) The Commission is vested with the authority to carry out and enforce the provisions of Code of Ala. 1975, §16-64 and to promulgate policies and procedures consistent with carrying out the required statutory functions.

(2) The Commission shall develop and maintain a list of counties within fifty miles of a campus of a public institution whose students shall qualify for resident tuition rates in compliance with §§16-64-4(b). This list is available upon request from the Commission.

Author: Edward P. Rutledge; Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §16-64.

History: New Rule: June 4, 1997; effective July 9, 1997.

Repealed and New Rule: Filed September 19, 2018; effective November 3, 2018.

300-2-3-.04 Policy on Distance Education (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

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

History: New Rule: Filed September 6, 2007; effective October 11, 2007. **Repealed:** Filed September 19, 2018; effective November 3, 2018.

ALABAMA COMMISSION ON HIGHER EDUCATION
PLANNING AND COORDINATION
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CHAPTER 300-2-4
EDUCATIONAL ASSISTANCE PROGRAMS

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| 300-2-4-.01 | <u>Administration Of The Academic Common Market Program.</u> |

(1) Purpose. It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for administering the Academic Common Market (ACM) Program in Alabama.

(2) Definition. The Academic Common Market is a consortium of 16 Southern states that belong to the Southern Regional Education Board (SREB). Through this program, students wishing to pursue study in uncommon programs not available within their home states may be able to attend out-of-state graduate programs at in-state tuition rates. Selected baccalaureate programs also are available to residents of 15 of these states.

(3) Participants. The following states are partners in the ACM consortium and abide by the policies of the SREB: Alabama, Arkansas, Delaware, Florida (graduate programs only), Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas (graduate programs only), Virginia, and West Virginia.

(4) Program Access. The State of Alabama will access programs through the ACM for its residents only if three conditions are met:

(a) The program does not duplicate a program offered by an Alabama institution.

(b) The program is offered to the ACM by the other state.

(c) The resident is unconditionally admitted to the university and the program.

(5) Program Selection. Public universities in Alabama appoint ACM coordinators who work with the Commission staff to make program selections for the State. Each fall, coordinators review the list of programs available to the ACM, and select those programs that are uncommon to the State to be available to Alabama residents for the next year. The list of available programs changes, throughout the year, depending on the willingness of other states to make programs available, and the development of new programs in Alabama institutions that duplicate those programs offered to the ACM. Access to programs is based on a decision that similar programs (curriculum configurations, not necessarily degree titles) are not available in Alabama and meet the following criteria:

(a) The program must be designed to culminate in the conferral of a baccalaureate, master's or doctoral degree, and the institution must be able to classify the participant as degree seeking. Degrees or awards at the less-than associate, associate, and first professional level, and post-baccalaureate and post-master's awards and certificate, are not eligible for the ACM.

(b) Correspondence and other degree programs operating out-of-state (relative to the teaching institution) are not eligible for the ACM.

(c) Under the premise that such study may be arranged in the home state, the independent combinations of available degree programs such as biology and music should not be considered, nor should double major or major/minor combinations that are independently set by students. If both major programs of study qualify for inclusion in the ACM, then the state and institution may allow the student to enroll in both programs. Coordinated degree programs, such as joint Master of Business Administration (MBA)/Master of Public Health (MPH) programs, should have a defined, published structure.

(d) Degree program titles do not necessarily define program content. As a guideline, at least one-half of the courses in the major should consist of courses not available in similar programs in the home state.

(e) Concentrations, options tracks, or specialization within more general (and otherwise ineligible) degree programs must be extraordinary, specific, and structured to merit eligibility for the ACM. They must materially change the nature of the degree such that it is markedly different from degree programs that exist in the state.

(f) Curricular differences will always exist between two programs of study at different institutions. State

coordinators are responsible for determining whether to seek access to out-of-state programs, based on the extent of the differences in curriculum.

(6) Factors Explicitly Excluded from Consideration for Eligibility of Programs for the ACM. Several factors are explicitly excluded from consideration in determining the eligibility of programs for the ACM. These include:

- (a) Specific programmatic accreditation or state licensure requirements.
- (b) The difficulty of access to in-state programs.
- (c) The unavailability of a similar in-state degree program with unique student services.
- (d) Student amenities or other non-academic features.
- (e) The geographic location of programs within the State of Alabama.

(7) Alabama Resident Participation in the Current ACM. If an Alabama resident requests ACM access to one of the programs currently listed in the ACM Inventory for Alabama residents, the Commission staff will send the Alabama resident an application that requires proof of:

- (a) Alabama residency
- (b) Unconditional admittance to the university and the approved program.

(8) Alabama Resident Requests for Access to Programs Not Currently Listed with ACM. If an Alabama resident requests ACM access to a program not listed in the ACM Inventory for Alabama residents, the Commission staff will send the Alabama resident an application that requires proof of:

- (a) Alabama residency
- (b) Unconditional admittance to the university and the approved program.
- (c) Program non-duplication (proof must be consistent with ACM guidelines)
- (d) If the State Coordinator determines that the program is available to the ACM and should be made available to Alabama residents, he or she will send a request to SREB and the university to add the program to the ACM. Once the access is available, the State Coordinator will send a certification letter to the Alabama resident and his/her university's ACM

Coordinator, provided the Alabama resident has fulfilled all ACM/ACHE requirements.

(9) Appeals Process. Should the State Coordinator deny access to the program based on the assessment of the information provided by the student, the student may appeal the decision to the Executive Director of the Commission.

(a) The Executive Director will consider an appeal only when a student feels the State Coordinator's decision was made:

1. In error based on a misinterpretation of the facts or
2. Contrary to ACM policies

(b) An appeal stating all pertinent points must be submitted in writing no later than 15 days after the State Coordinator's decision has been made and the Alabama resident must have on file the following:

1. An ACM application
2. Proof of Alabama residency
3. Proof of unconditional admittance to the university and the approved program
4. An official program guide that includes the courses and descriptions in the program that the student desires to access through the ACM.

(c) The decision of the Executive Director will be final.

(10) Guidelines for Students Enrolling in Programs under the ACM Agreement.

(a) The student must first be accepted for admission to the desired degree program by following the normal admission procedure for the institution.

(b) The student must be accepted as a degree-seeking student in the specified major with a regular admission status.

(c) Students with a probationary, provisional, or non-degree-seeking status at the institution are ineligible for ACM participation.

(d) Institutions that do not classify undergraduate students as degree-seeking in a major until a fixed point in their studies (e.g. sophomore or junior year) may elect to accept ACM students as first-year students or only at the point official acceptance into a major occurs. This decision is at the discretion of the institution and may vary among different

disciplines. In addition, institutions may determine additional student eligibility standards such as full-time status.

Author: Brenda T. Carter; Paul B. Mohr, Sr.

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

History: Filed April 10, 1989. **Amended:** Filed March 11, 2003; effective April 15, 2003. **Amended:** Filed September 19, 2018; effective November 3, 2018.

300-2-4-.02 **Educational Assistance Contracts (Repealed 11/3/18)**.

Author: Brenda T. Carter; Paul B. Mohr, Sr.

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

History: Filed April 10, 1989. **Repealed:** Filed September 19, 2018; effective November 3, 2018.

300-2-4-.03 **Determining Alabama Residency For Purposes Of The Academic Common Market With The Southern Regional Education Board.**

(1) The purpose of determining Alabama residency for the Academic Common Market is to provide an equitable opportunity for persons who are not native to the state, but who meet certain other criteria, to participate in these programs.

(2) It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for determining Alabama residency for purposes of the Academic Common Market and Contract Programs.

(3) The following definitions apply in this rule:

(a) A student is financially dependent if he or she receives half or more of his or her income from another person or persons, or appears as a dependent on the state income tax return of any other person.

(b) A student is financially independent if he or she declares himself or herself so, if he or she received less than half of his support from any other person or persons, and if he or she does not appear as a dependent on the state income tax return of any other person.

(c) A parent is a natural parent, an adoptive parent, a legally-appointed guardian, or a person who stands in loco parentis to the student.

(d) A domicile is a person's permanent place of abode, that location with which a person is considered to have the most

settled and permanent connection. A person must demonstrate intent to live permanently or indefinitely in Alabama, and cannot have more than one domicile at a given time.

(e) A spouse is a partner in a legally contracted marriage.

(4) In determining domicile, the Commission staff shall take into consideration, but shall not be limited to, whether an applicant:

(a) Pays Alabama income tax on earned income.

(b) Possesses a valid Alabama driver's license, if licensed.

(c) Gives an Alabama home address on income tax forms.

(5) In conjunction with the above, the Commission will certify Alabama residency, for purposes of the Academic Common Market, for United States citizens and immigrant aliens lawfully admitted for permanent residence in the U.S., in the following cases:

(a) A student is financially dependent upon a parent(s) or spouse domiciled in Alabama for at least twelve (12) months prior to the date of the residency application.

(b) A student is financially independent and has maintained domicile in Alabama for at least twelve (12) months prior to the date of the residency application.

(c) A student has been classified as an in-state resident by an Alabama institution, and is still enrolled at that institution at the time he or she makes residency application for the Common Market.

(6) A student requesting certification of Alabama residency must complete a residency application form available from the State Academic Common Market Coordinator. Any student who asserts that he or she is financially dependent upon a parent(s) or spouse domiciled in Alabama must also produce a copy of the state income tax form which shows the student claimed as a dependent the most recent year the student was claimed as a dependent on the Alabama income tax form. Completed applications will be sent to the State Academic Common Market Coordinator for evaluation of the residency claim.

(7) A student may appeal the State Academic Common Market Coordinator's denial of his or her residency application by filing written request for appeal within thirty (30) days of the date of denial. The request for appeal shall be sent to the executive director of the Commission and shall include the reasons the petitioner believes the denial is erroneous and all other evidence in support of his appeal. The decision of the executive director shall be final.

Author: Brenda T. Carter; Paul B. Mohr, Sr.

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

History: Filed April 10, 1989. **Amended:** Filed September 19, 2018; effective November 3, 2018.

ALABAMA COMMISSION ON HIGHER EDUCATION
PLANNING AND COORDINATION
ADMINISTRATIVE CODE

CHAPTER 300-2-5
NETWORK OF ALABAMA ACADEMIC LIBRARIES

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300-2-5-.01 Administration Of The Network Of Alabama
Academic Libraries

300-2-5-.01 Administration Of The Network Of Alabama Academic
Libraries.

(1) The purpose of administering the Network of Alabama Academic Libraries (NAAL) is to implement the major recommendations of the report entitled "Cooperative Resource Sharing Among Universities Supporting Graduate Study in Alabama." The report was prepared in 1982 by the Commission's Council of Librarians and was subsequently endorsed by the Council of Graduate Deans, the Council of Academic Officers, and the Council of Presidents.

(2) It is the responsibility of the Alabama Commission on Higher Education to administer the Network of Alabama Academic Libraries, and to administer Legislative funding appropriated to the Commission for the support of NAAL, as well as other sources of funding for the support of NAAL, in such fashion as to utilize to the greatest extent possible the special expertise possessed by the representatives of the member institutions on the Advisory Council of NAAL.

(3) Upon the recommendation of the Executive Council of NAAL, the executive director of the Commission shall appoint a Director of NAAL and supporting staff, subject to the limitations imposed by the budget. This staff shall also administer the general purposes of NAAL as described in its Plan of Organization, Organizational Agreement, Bylaws, and Policies.

(4) The major goals in the administration of the NAAL program closely parallel, and attempt to address, the major issues identified in the Council's report, which advocates various methods of sharing collective library resources to enhance graduate education in the State. These issues include, but are not limited to, the following:

(a) Developing an online computerized network, accessible by all State institutions, of all academic library holdings.

- (b) Developing meaningful criteria for the assessment of libraries and their capabilities of supporting new and existing program reviews.
 - (c) Improving procedures for sharing of library resources among all members of NAAL.
 - (d) Establishing and monitoring procedures for converting existing card catalogs to machine readable forms.
 - (e) Actively involving the Advisory Council of NAAL in the review or development of statewide library funding formulas.
 - (f) Involving librarians in the planning and development of statewide automated library systems.
- (5) In addition to working toward the goals stated in paragraph (4) of this rule, with special emphasis on computerized networking of Alabama's academic libraries, the administration of NAAL includes general support for:
- (a) Developing adequate research level collections in Alabama's academic libraries.
 - (b) Increasing staffing for Alabama's academic libraries, including adequate professional staff.
 - (c) Planning for adequate facilities to house the staff and resources of Alabama's academic libraries.

Author: Sue Medina

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

History: Filed April 10, 1989.

**ALABAMA COMMISSION ON HIGHER EDUCATION
INSTITUTIONAL EFFECTIVENESS AND PLANNING
ADMINISTRATIVE CODE**

**CHAPTER 300-2-6
FEDERAL PROGRAMS**

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300-2-6-.01 **Goal.**

Title II, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) (the Act), amended in the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary Improvement Amendments of 1988 (P.L. 100-297) and reauthorized in No Child Left Behind Act of 2001 (P.L. 107-110) as the professional development program. Title II, Part A of the No Child Left Behind Act of 2001 (Teacher and Principal Training and Recruiting Fund, Subpart 3) revises several of the provisions of the predecessor statutes (Title II of the Education for Economic Security Act and the Dwight D. Eisenhower Mathematics and Science Education Act, and the Dwight D. Eisenhower Professional Development Program). The purpose of the program is to (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and (2) hold local educational agencies and schools accountable for improvements in student academic achievement (107-110, Title II, Part A, Section 2101).

Author: Elizabeth French

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

History: Filed December 2, 1988. **Amended:** Filed April 10, 1989.

Amended: Filed May 12, 1995; effective June 16, 1995. **Amended:** Filed August 27, 2002; effective October 1, 2002. **Amended:** Filed May 9, 2016; effective June 23, 2016.

300-2-6-.02 **Administration.**

The Commission on Higher Education is designated the State Agency for Higher Education (SAHE) responsible for administering Alabama's higher education programs and activities (P.L. 107-110, Section 2132). The Executive Director of the Commission is

designated the certifying representative for these programs and activities. Administration of the higher education programs and activities under the No Child Left Behind Act of 2001 (Teacher and Principal Training and Recruiting Fund, Subpart 3) program will be in accord with the terms and conditions of federal regulations and an approved plan filed with the U.S. Department of Education.

Author: Elizabeth French

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

History: Filed December 2, 1988. **Amended:** Filed April 10, 1989.

Amended: Filed June 22, 1995; effective July 27, 1995. **Amended:** Filed August 27, 2002; effective October 1, 2002. **Amended:** Filed May 9, 2016; effective June 23, 2016.

300-2-6-.03 Appeals.

Any person or institution aggrieved by the actions of the Commission in its administration of these rules may, by written petition filed with the Commission within (30) days after notice of the action complained of, request a rehearing by the Commission. The Commission shall schedule the requested rehearing to be held no less than twenty (20) days, 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 2, 1988. **Amended:** Filed May 9, 2016; effective June 23, 2016.

**ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATION
ADMINISTRATIVE CODE**

**CHAPTER 300-3-1
ALABAMA ENDOWMENT TRUST FUND FOR EMINENT SCHOLARS PROGRAM**

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300-3-1-.01 **Purpose.**

(1) The purpose of the Alabama Endowment Trust Fund for Eminent Scholars is to establish a trust fund that will provide the opportunity to 14 authorized public universities to receive grants from such a trust fund in order to create endowments for selected eminent scholars to occupy chairs within the university.

(2) Administered by ACHE, the Alabama Endowment Trust Fund for Eminent Scholars offers challenge grants of \$400,000 for every \$600,000 raised in private donations for the purpose of the university's Eminent Scholars Program.

(3) Authorized foundations that would like to qualify for challenge grants must first establish a designated Eminent Scholars Trust Fund account into which the university's foundation deposits into the account \$600,000 in contributions from sources other than state appropriations, student fees, federal funds, research grants, and interest earned thereon. To become eligible to participate in distribution procedures the authorized university must submit qualifying documentation to ACHE.

(4) After the university's qualifying documentation is verified by ACHE, then the university is prioritized to receive a grant based on "first come first serve/round robin style"; i.e., each foundation has the opportunity to receive a first grant before a second grant is awarded.

(5) When the \$400,000 challenge grant is awarded to the authorized foundation, the one million dollar sum total now in the Eminent Scholars Trust Fund account is the sole responsibility of the university. Upon approval of the university's president, interest income earned on the university's Eminent Scholars account is to

be used on salaries or supplemental salaries for the holder of the new chair, those individuals directly associated with the new chair holder, and for other expenses directly related to the new chair holder's scholarly work.

(6) There is no limit to the amount of endowments a university may establish.

Author: Kay Ivey

Statutory Authority: Code of Ala. 1975, §§ 16-61-1, et seq.

History: Filed October 13, 1988.

300-3-1-.02 Administrative Role.

(1) By law, Act No. 85-759, ACHE is required to administer the Alabama Endowment Trust Fund for Eminent Scholars.

(2) Alabama legislature allocates funds to ACHE for the Endowment Trust Fund for Eminent Scholars.

(3) Authorized universities requesting challenge grants must submit a current bank/financial statement, which verifies that \$600,000 exists in a designated Eminent Scholars account and a letter from the authorized university's president, which verifies that the sources of their contributions are solicited and received from private donors on behalf of the Eminent Scholars program.

(4) ACHE is responsible for collecting and verifying the qualifying documentation from authorized universities requesting challenge grants, date and time stamping the documentation, assigning a number relating to the order the university will receive a grant on a session schedule, serving a public notice of current session schedules to authorized universities before and after the cut-off date and distributing the grants when funds are available.

(5) ACHE will only award grants in increments of \$400,000. The number of grants available in one year can be calculated by dividing the total sum of funds available by \$400,000. Added grants may become available as interest income accumulates and/or additional funds are allocated by Legislature.

Author: Kay Ivey

Statutory Authority: Code of Ala. 1975, §§ 16-61-1, et seq.

History: Filed October 13, 1988.

300-3-1-.03 Definition Of Terms.

(1) **Authorized Universities:** Any of the 14 universities authorized by said statute to which ACHE is to administer the Alabama

Endowment Trust Fund for Eminent Scholars. The 14 universities are:

- (a) Alabama A & M University
- (b) Alabama State University
- (c) Auburn University
- (d) Auburn University at Montgomery
- (e) Jacksonville State University
- (f) Livingston University
- (g) Troy State University
- (h) Troy State University in Montgomery
- (i) The University of Alabama
- (j) The University of Alabama at Birmingham
- (k) The University of Alabama in Huntsville
- (l) University of Montevallo
- (m) University of North Alabama
- (n) University of South Alabama

(2) **Current Bank/Financial Statement:** A current bank/financial statement is a monthly or quarterly statement issued by the bank or financial institution, which includes a summary of all the checks that have gone through the account in the previous month or quarter, a summary of debits (withdrawals) and credits (deposits) and a resulting balance.

(3) **Cut-Off Date:** Two calendar weeks before the beginning of the fourth quarter is the cut-off date for authorized universities to have filed their requests for grants that will be awarded in the year's round-distribution schedule.

(a) All requests for grants made after the 1989 cut-off date will form subsequent 1990 Session Schedules.

(b) All 1989 Session Schedules that did not make the 1989 round-distribution schedule are carried over to the following year and will be filed accordingly so that every university has the opportunity to receive one grant before any university receives more than one.

(4) **Fiscal Year:** The period of time between October 1 and September 30. The fiscal year will be divided into the following quarters:

- (a) First Quarter October-November-December
- (b) Second Quarter January-February-March
- (c) Third Quarter April-May-June
- (d) Fourth Quarter July-August-September

(5) **Grant:** A \$400,000 payment administered by ACHE and distributed to authorized universities.

(6) **Qualifying Documentation:** Qualifying documentation includes a current bank/financial statement and a letter from the authorized

university's president. The purpose of the current bank/financial statement is to prove that a balance of \$600,000 exists in a designated Eminent Scholars Trust Fund account. The purpose of the letter from the authorized university's president is to verify that the sources of their contributions were solicited for the purpose of endowing an eminent scholar chair and received from private sources on behalf of the Eminent Scholars Program.

(7) Round-Distribution Schedule: Round-distribution schedule is based on the following interpretation of the statute: every university is given the opportunity to receive at least one grant before another university receives more than one.

(a) The total number of grants to be distributed can be calculated by dividing the total sum of funds available by \$400,000.

For example: If the Alabama legislature allocates \$2,400,000 to the Alabama Endowment Trust Fund for Eminent Scholars, then 6 (six) grants would be available for distribution. (\$2,400,000 divided by \$400,000 equals 6)

(b) A round-distribution schedule is made up of one or more session schedules.

For example: If \$2,400,000 were available for ACHE to distribute and the following session schedules had been formed, then the following round-distribution schedule shown in bold lettering would be formed. Session Schedule II 1989 will carry over to the new fiscal year to give all authorized universities who have not requested funds an opportunity to receive grants before those who received grants (in bold) on Round-Distribution Schedule 1989 receive a second grant.

Round-Distribution Schedule 1989

Session Schedule I 1989

1. Auburn University; October 5, 1988; 3:00 p.m.
2. Troy State University; October 10, 1988; 2:00 p.m.
3. The University of Alabama; October 30, 1988; 1:00 p.m.
4. Livingston University; January 15, 1989; 1:00 p.m.

Session Schedule II 1989

1. The University of Alabama; October 30, 1988; 1:00 p.m.
2. Auburn University; April 20, 1989; 9:00 a.m.
3. Troy State University; May 12, 1989; 10:00 a.m.

Session Schedule III 1989

1. The University of Alabama; October 30, 1988; 1:00 p.m.

(8) Session Schedule: A list of authorized universities who have qualified by the statute's requirements to request a challenge grant from ACHE.

(a) The list includes the qualified university name, date and time the request was received, and an assigned number to each request relating to the order in which each university will receive a grant in each session schedule.

(b) The session schedules are headed with a numeral relating to the order in which it was formed and earliest year that grants could be awarded. All qualified requests for challenge grants received after the cut-off date are filed on session schedules that have the next year that grants should be awarded.

For example: If a qualified request was received after the cut-off date in October 1988, then the request would be filed on a 1989 session schedule.

(c) A new session schedule is formed when a university requests more than one grant so that no university will appear twice on one schedule and thereby creating an equal opportunity for each university to receive a grant in each session.

For example: If Auburn University applied for one grant on October 5, Troy State University applied for one grant on October 10 and The University of Alabama applied for three grants on October 30, then three session schedules would be formed as follows:

Session Schedule I 1989

1. Auburn University; October 5, 1988; 3:00 p.m.
2. Troy State University; October 10, 1988; 2:00 p.m.
3. The University of Alabama; October 30, 1988; 1:00 p.m.

Session Schedule II 1989

1. The University of Alabama; October 30, 1988; 1:00 p.m.

Session Schedule III 1989

1. The University of Alabama; October 30, 1988; 1:00 p.m.

Author: Kay Ivey

Statutory Authority: Code of Ala. 1975, §§ 16-61-1, et seq.

History: Filed October 13, 1988.

300-3-1-.04 Distribution Procedures.

(1) Distribution procedures like round-distribution schedules are based on the following interpretation of the law: that every university is given the opportunity to receive at least one grant before another university receives more than one.

(2) ACHE will serve a public notice to all authorized universities 30 calendar days before the beginning of the fourth quarter, which

will list the current session schedules that will be included in this year's round-distribution schedule. This public notice will also state the following reminder: Any university that would like to participate in this year's round-distribution schedule must send in their qualifying documentation before the cut-off date, two weeks before the beginning of the fourth quarter.

(3) There will be two distributions per year when and if the yearly appropriation to the Eminent Scholars Program (i.e. Alabama Trust Fund for Eminent Scholars) is \$5 million or more. Mid-January and mid-July are recommended times for distributions.

(4) ACHE will serve another public notice to all authorized universities after the cut-off date, which will list the updated session schedules that will be included in this year's round-distribution schedule.

(5) ACHE will distribute the grants to those on the round-distribution schedule during the fourth quarter on a date that is determined yearly by ACHE in the best interest of the program and its participants.

(6) Since the dollars allocated to the Alabama Endowment Trust Fund for Eminent Scholars accrue interest income, it is possible that there will be funds, under \$400,000, remaining after the distribution of grants. These funds remain in the Endowment Trust Fund accruing interest income. If the legislature does not allocate additional funds to the Eminent Scholars program, then when funds accrue interest income reaching the amount of \$400,000, a grant will be distributed at that time.

(6) If there are universities on a session schedule that were not awarded a grant on the current round-distribution schedule, then all universities retain their order on the session schedule. The session schedule is open again for requests of any authorized university that is not already on the session schedule and those universities that received grants will not be eligible to receive grants on the same session schedule.

For example: The hypothetical Session Schedule II 1989 will be open in the following fiscal year to the seven remaining universities so that every university is given the opportunity to receive at least one grant before another university receives more than one. The first three universities on the hypothetical Session Schedule II 1989 will remain on the list in bold lettering as a reminder that those universities have already received one grant.

Round-Distribution

Schedule Session Schedule I 1989

1. Auburn University; October 5, 1988; 3:00
2. Troy State University; October 10, 1988; 2:00 p.m.
3. The University of Alabama; October 30, 1988; 1:00 p.m.

4. Livingston University; January 15, 1989; 1:00 p.m.
5. Jacksonville State University; February 10, 1989; 8:00 a.m.
6. University of Montevallo; March 3, 1989; 9:00 a.m.
7. Alabama State University; March 18, 1989; 5:00 p.m.
8. University of South Alabama; April 20, 1989; 2:00 p.m.

Session Schedule II

1. The University of Alabama; October 30, 1988; 1:00 p.m.
2. Auburn University; April 20, 1989; 9:00 a.m.
3. Troy State University; May 12, 1989; 10:00 a.m.
4. University of South Alabama; April 20, 1989; 2:00 p.m.
5. Alabama State University; April 25, 1989; 1:00 p.m.

Session Schedule III 1989

1. The University of Alabama; October 30, 1988; 1:00 p.m.
2. Auburn University; April 20, 1989; 9:00 a.m.
3. University of South Alabama; April 20, 1989; 2:00 p.m.

Author: Kay Ivey

Statutory Authority: Code of Ala. 1975, §§ 16-61-1, et seq.

History: Filed October 13, 1988.

300-3-1-.05 Reporting Of Achievements.

(1) Institutions shall report the achievements of the Eminent Scholars Program that demonstrate the accomplishments provided by the Eminent Scholars.

(2) Reports should be completed annually and submitted to the Commission on Higher Education's office by the end of each calendar year beginning 1992.

(3) The reports on achievements will cover as many of the following criteria as applicable:

(a) Academic/Instructional Advances.

1. The courses the Eminent Scholar teaches (to include the names, number of classes, and a brief profile of the students involved -- indicate whether undergraduate or graduate).

2. The books, articles written (those published, accepted for publication or manuscripts under review. Subjects and advances made as a result of these publications).

3. The collaborative scholarly activities in which the Eminent Scholar participated (panel participation; consulting; journal service, committees and offices; etc.).

4. The number and kinds of lectures and addresses given by the Eminent Scholar both within and outside the institution (description of papers presented; panels chaired; speeches given, etc.).

(b) Grants.

1. Description of purpose/contributions the funded project will provide; could also include brief description of proposals submitted and proposals under consideration.

(c) Graduate Students Supervised.

1. Describe the nature and purpose and quantity of students/projects supervised. Present the Eminent Scholar's view on achievements he/she felt were made.

(d) Significant Results of Research.

1. Purpose and results of research.

2. Marketable products, patentability, income.

3. Describe the individual Eminent Scholar focus and what he/she felt was important in terms of achievements.

(e) Other Contributions/Achievements/Academic Advances.

Author: Kay Ivey

Statutory Authority: Code of Ala. 1975, §§ 16-61-1, et seq.

History: Filed August 22, 1991.

ALABAMA COMMISSION ON HIGHER EDUCATION STUDENT ASSISTANCE
ADMINISTRATIVE CODE

CHAPTER 300-4-1
ALABAMA GUARANTEED STUDENT LOAN PROGRAM (REPEALED 11/12/02)

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300-4-1-.01 Borrower Eligibility (Repealed 11/12/02).

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education

Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed May 18, 1984; July 5, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-1-.02 Application And Disbursement Process (Repealed
11/12/02).

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education

Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed July 15, 1983; July 5, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-1-.03 Permissible Charges To Borrowers (Repealed
11/12/02).

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education

Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed May 18, 1984.

Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-1-.04 Lender Eligibility (Repealed 11/12/02).

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education

Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed January 18,

1983. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-1-.05 Loan Servicing (Repealed 11/12/02).

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education

Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed January 18,

1983; July 15, 1983; July 5, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-1-.06 Due Diligence (Repealed 11/12/02).

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education

Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed July 15, 1983; July 5, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-1-.07 Claims (Repealed 11/12/02).

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education

Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed July 15, 1983. **Emergency rule** filed August 23, 1983. **Amended:** Filed May 18, 1984; July 5, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-1-.08 **Eligible Institutions And Compliance (Repealed 11/12/02).**

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education
Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.
History: Filed September 30, 1982. **Amended:** Filed May 18, 1984.
Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-1-.09 **Eligible Institutions As Approved Lenders (Repealed 11/12/02).**

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education
Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.
History: Filed September 30, 1982. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-1-.10 **Limitation, Suspension Or Termination (Repealed 11/12/02).**

(Repealed 11/12/02)

Author: Alabama Commission on Higher Education
Statutory Authority: Code of Ala. 1975, §§16-33B-1, et seq.
History: Filed September 30, 1982. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

**ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
ADMINISTRATIVE CODE**

**CHAPTER 300-4-2
ALABAMA STUDENT ASSISTANCE PROGRAM**

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300-4-2-.01 Goal.

The goal of the Alabama Student Assistance Program is to provide financial assistance to residents of the State of Alabama for postsecondary education in the State of Alabama.

Author: Joseph T. Sutton

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982.

300-4-2-.02 Organization.

(1) It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for the implementation of the Alabama Student Assistance Program. The Alabama Student Assistance Program is administered in accordance with the policies and procedures established by the Commission.

(2) The Commission appoints such staff as are necessary to ensure efficient operation of the program.

(3) The Alabama Association of Student Financial Aid Administrators (AASFAA) appoints a committee of professional financial aid administrators, representing a cross-section of all postsecondary education in the State of Alabama, as an advisory body to the Alabama Commission on Higher Education for the Alabama Student Assistance Program and other student aid matters.

Author: Joseph T. Sutton

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982. **Emergency Amendment:** Filed October 13, 1987. **Amended:** Filed December 7, 1987; April 6, 1988.

300-4-2-.03 Planning.

It is the responsibility of the staff of the Alabama Commission on Higher Education to initiate both short-range and long-range planning for improvement of the Alabama Student Assistance Program.

Author: Joseph T. Sutton

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982. **Amended:** Filed April 6, 1988.

300-4-2-.04 Definition Of Terms.

(1) Academic Qualifications and Satisfactory Progress of Eligible Students: A student is considered academically qualified if he/she is currently enrolled and matriculated in an eligible program of an eligible institution and is maintaining satisfactory progress in a course of study he or she is pursuing according to the standards and practices of the institution in which the student is in attendance. The regulations regarding academic qualifications and satisfactory progress of eligible students participating in this Leveraging Educational Assistance Program are the same regulations which apply to all Title IV programs.

(2) Academic Year: An academic year is a period of time, usually nine months, during which a full-time student is expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(3) Alabama Resident: An Alabama resident is a person who has established residence within the State of Alabama for at least a twelve-month period prior to the beginning of the term for which financial assistance is requested, and is in the State of Alabama for other than a temporary purpose.

(4) Clock Hours: A clock hour is a period of time which is the equivalent of either: (a) a 50- to 60-minute class, lecture, or recitation, or (b) a 50- to 60-minute period of faculty-supervised laboratory, shop training, or internship.

(5) Educational Grant: A grant is defined as a financial award by the State of Alabama to an Alabama Student Assistance Program applicant who is designated to be an eligible student enrolled in or accepted for enrollment in an eligible institution, and is to be awarded to the student to defray direct educational-related expenses: tuition, mandatory fees, room rent, board, transportation, books, supplies, and personal expenses.

(6) Eligible Institution: An eligible institution is a public or private nonprofit institution of higher education, proprietary institution of higher education, or postsecondary vocational educational institution which provides an accredited program leading to an associate degree, the degree of bachelor of science, or to an equivalent degree, and which submits a complete application to the Alabama Student Assistance Program for financial assistance to its students and complies with all reporting requirements of the previous fiscal year. The institution must also certify to the Alabama Student Assistance Program Office the availability of a drug abuse prevention program for officers, employees, and students of the institution.

(7) Eligible Program: An eligible program is any program (except theology, divinity, or other program of preparation for a religious profession) that is separately identifiable and leads to a degree or certificate, and meets the requirements for eligibility at a particular type of institution. An eligible program must admit as regular students only persons who have a high school diploma, have a General Education Development (GED) Certificate, or who are beyond the age of compulsory school attendance and have the ability to benefit from the education or training offered. An eligible program must lead to an associate or bachelor's, degree, or be a program which is at least a two-year program that is acceptable for full credit toward a bachelor's degree, or be a program which is at least a one-year program leading to a certificate or diploma that prepares a student for gainful employment in a recognized occupation, or be a program which for a proprietary institution or a postsecondary vocational institution, is at least a 6-month program leading to a certificate or diploma which prepares students for gainful employment in a recognized occupation.

(8) Eligible Student: An eligible student is an applicant who completes the Free Application for Federal Student Aid, and

(a) Is classified as an undergraduate student as defined in 04(26);

(b) Is a citizen or an eligible non-citizen as defined by the U.S. Department of Education;

(c) Is a resident of the State of Alabama, as defined in 04(3);

(d) Is enrolled or accepted for enrollment as a full-time student, as defined in 04(13), or a part-time student, as defined in 04(19), in an eligible program within an eligible institution;

(e) Is not enrolled in a course of study leading to a degree in theology, religion, or other field of preparation for a religious profession;

(f) Is making satisfactory academic progress as defined by the eligible institution and consistent with guidelines applicable to all Title IV programs at the institution;

(g) Cannot complete his/her education at the institution without financial assistance, and has established financial need for an Alabama Student Assistance Program grant by means of a federally-approved need analysis system for the academic year;

(h) Is not in default on a student loan or owes a refund on a student grant from the federally-funded student financial aid programs;

(i) Has not borrowed in excess of the annual or aggregate limits for the federally-funded or federally-guaranteed student financial aid programs; and

(j) Files a Statement of Education Purpose/Certification Statement on Refunds and Default, a Statement of Registration Status, and a Statement of Updated Information.

(9) Expected Family Contribution: The expected family contribution of a dependent student is the sum of the amount which reasonably may be expected from the student and spouse, plus the amount which reasonably may be expected to be made available to the student by the parents or legal guardians to meet the student's cost of education. The expected family contribution of an independent or self-supporting student means the amount of money which reasonably may be expected from the student and spouse to meet the student's cost of education.

(10) Family Status of Eligible Students: The Alabama Student Assistance Program provides a supplemental source of financial assistance to students with an established financial need following a determination of the student's family status--i.e., dependent or independent.

(11) Financial Need: An applicant's financial need is the difference between the applicant's available financial resources, as defined in 04(12), and the applicant's anticipated educational cost, including tuition and fees applicable to such student together with the institution's estimate of other expenses reasonably related to cost of attendance at such institution,

including, but not limited to, the cost of room and board, transportation costs, and costs for books and supplies. An approved institution may not charge students fees for processing data or determining student eligibility for Alabama Student Assistance Program awards.

(12) **Financial Resources:** Financial resources must include, but may not necessarily be limited to, family financial support, anticipated awards under all federally-supported financial aid programs, veterans' educational benefits, plus other benefits, and scholarships, grants, work, or loan assistance of which the institution has knowledge.

(13) **Full-Time Student:** A full-time student is defined as an individual who is carrying a full-time academic workload, other than by correspondence, measured in terms of (a) course work or other required activities, including any combination of courses, work experience, research, or special studies which the institution requires of the student in order to be considered as being engaged in full-time study, and which amounts to the equivalent of a minimum of 12 semester hours or 12 quarter hours per academic term, or a minimum of 24 clock hours per week, and (b) is charged the tuition and fees customarily charged for full-time study by the institution.

(14) **Graduate or Professional Student:** A graduate or professional student is a student enrolled in an academic program of study above the baccalaureate level at an institution of higher education, including (a) a program leading to a first professional degree if the institution requires at least 3 years of study at the college level for entrance into the program; and (b) course work beyond the fourth year of study, except any undergraduate study outlined in 04(26).

(15) **Half-Time Student:** A half-time student is an enrolled student who is carrying a half-time academic work load as determined by the institution according to its own standards and practices. However, the institution's half-time standards must equal or exceed the equivalent of the following minimum requirements: (a) 6 semester hours or 6 quarter hours per academic term in an institution using standard semester, trimester, or quarter systems; (b) 12 semester hours or 12 quarter hours per academic year for an institution using credit hours to measure progress, but not using a standard semester, trimester, or quarter system, or the prorated equivalent for a program of less than 1 year; and (c) 12 clock hours per week for an institution using clock hours.

(16) **Matriculated Status of Eligible Students:**

(a) To be eligible for an Alabama Student Assistance Program grant, a student must be in a "matriculated status" in an eligible program leading to a degree, diploma, or certificate approved for a grant award. For purposes of the Alabama

Student Assistance Program, a student shall be considered in "matriculated status" if the student is enrolled in an appropriate degree, diploma, or certificate program.

(b) A student is to be considered matriculated and eligible only if the courses pursued by the student are fully recognized at that time as contributing toward fulfillment by the student of the requirements for completion of the program. That the student may be required to complete certain courses to make up deficiencies in background or training does not necessarily negate the student's status as an enrolled and recognized degree candidate, so long as acceptance and credit are not contingent upon additional and special requirements designed to establish his/her qualifications to pursue the program successfully. If credit toward the degree is conditional upon satisfactory completion of additional special requirements, then the student must be considered not fully matriculated and ineligible for assistance during his/her present program of study.

(c) A student who meets all eligibility requirements for the Alabama Student Assistance Program and who is permitted to enroll in an eligible postsecondary educational institution on an early admission basis is eligible to receive a State grant provided he/she meets all other matriculated status criteria of these procedures.

(17) Nonprofit Institution: A "nonprofit" institution means a school, college, agency, organization, or institution, in Alabama and owned and operated by one or more nonprofit corporations, or associations in which no part of the net earnings of the corporation(s) or association(s) lawfully inure to the benefit of any private shareholder or individual, and which meets other requirements defined in 04(6).

(18) Over-Award of Established Need: If a student receives other gift aid awards, loans, scholarships, or work-study that are non-adjustable and meet the student's financial need as defined in 04(11), the student is not eligible to receive an Alabama Student Assistance Program grant.

(19) Part-Time Student: A part-time student is an individual who is enrolled as a half-time student as defined in 04(15).

(20) Postsecondary Vocational Institution: A "postsecondary vocational institution" is a public or private nonprofit educational institution which, (a) is in Alabama; (b) admits as regular students only persons who have a high school diploma, have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance in Alabama and have the ability to benefit from the training offered; (c) is legally authorized to provide an educational program beyond secondary education and is physically located in Alabama; (d) provides at

least a six-month program of training to prepare students for gainful employment in a recognized occupation; (e) is accredited by a nationally recognized accrediting agency or association, or, is approved by the Alabama Community College System, if the institution is a public postsecondary vocational institution, or, has satisfactorily assured the U.S. Secretary that it will meet the accreditation standards of an approved agency or association within a reasonable time, considering the resources available to the institution, the period of time it has operated and its efforts to meet accreditation standards, or an institution whose credits are determined by the U.S. Secretary to be accepted on transfer by at least three accredited institutions on the same basis as transfer credits from fully accredited institutions; and, (f) has been in existence for at least two years. The U.S. Secretary considers an institution to have been in existence for two years if it has been legally authorized to provide, and has provided, a training program on a continuous basis to prepare students for gainful employment in a recognized occupation during the 24 months (except for normal vacation periods) preceding the date of application for eligibility.

(21) Proprietary Institution of Higher Education: A "proprietary institution of higher education" is an educational institution which, (a) is not a public or other nonprofit institution; (b) is in Alabama; (c) admits as regular students only persons who have a high school diploma, have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance in Alabama and have the ability to benefit from the training offered; (d) is legally authorized to provide postsecondary education and is physically located in Alabama; (e) provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation; (f) is accredited by a nationally recognized accrediting agency or association; and (g) has been in existence for at least two years. The U.S. Secretary considers a school to have been in existence for two years if it has been legally authorized to provide, and has provided, a continuous training program to prepare students for gainful employment in a recognized occupation during the 24 months (except for normal vacation periods) preceding the date of application for eligibility.

(22) Public or Private Nonprofit Institution of Higher Education: A "public or private nonprofit institution of higher education" is: an educational institution which (a) is in Alabama; (b) admits as regular students only persons who have a high school diploma, or have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance in Alabama, and have the ability to benefit from the training offered; (c) is legally authorized to provide an educational program beyond secondary education and is physically located in Alabama; (d) provides an educational program for which it awards an associate, baccalaureate, graduate, or professional degree, or at least a two-year program which is acceptable for full credit toward a

baccalaureate degree, or at least a one-year training program which leads to a certificate or diploma and prepares students for gainful employment in a recognized occupation; and (e) is accredited by a nationally recognized accrediting agency or association or, if not accredited, is approved by the Alabama Community College System, if the institution is a public postsecondary vocational institution, or is an institution which has satisfactorily assured the U.S. Secretary of Education it will meet the accreditation standards of an approved agency or association within a reasonable time, considering the resources available to the institution, the period of time it has operated and its efforts to meet accreditation standards, or an institution whose credits are determined by the U.S. Secretary to be accepted on transfer by at least three accredited institutions on the same basis as transfer credits from fully accredited institutions.

(23) Refunds.

(a) If a student becomes ineligible for a state grant during the academic year of the award, and prior to the delivery of Alabama Student Assistance Program funds to the student, the institutional financial aid administrator will not disburse Alabama Student Assistance Program grant funds to the student.

(b) Whenever an institution refunds monies to the Alabama Student Assistance Program, the institution must provide to the Alabama Student Assistance Program the refund amount and the institution must maintain with the student's records documentation listing (a) the date the student withdrew, (b) the net institutional charges to the student for the period of the student's attendance, (c) the amount of the student's grant award, and (d) the amount of refund due the Alabama Student Assistance Program.

(24) Leveraging Educational Assistance Partnership Program: The LEAP Program is a federal grant made to the several states by the U.S. Department of Education to encourage creation and/or expansion of state student assistance programs. Federal funds must be matched with at least an equal amount of state funding. All federal funds received plus the state matching funds must be returned to students. Administrative cost of the program must be borne entirely by state appropriations and/or institutional funds. Federal regulations require that a single agency designated by the state shall administer the program.

(25) Student Application Procedure: Each Alabama Student Assistance program applicant must submit the Free Application for Federal Student Aid Application. Award priorities will be given in accordance with dates established by the individual eligible institutions.

(26) Undergraduate Student: An undergraduate student is defined as a person who is in attendance at an Alabama postsecondary

educational institution and who has not earned a baccalaureate or first professional degree. A student who is enrolled in a program of study designed to extend for more than four academic years shall not be considered an undergraduate student in that portion of the program that involves study beyond the fourth academic year, unless the program leads to a first degree and is designed to extend for a period of five academic years.

Author: Joseph T. Sutton, Timothy W. Vick

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982. **Emergency Amendment:** Filed October 13, 1987. **Amended:** Filed December 7, 1987; April 6, 1988; April 9, 1992. **Amended:** Filed March 27, 2017; effective May 11, 2017.

300-4-2-.05 Fund Allocation Procedure.

(1) The institutional need of all students at an institution as reflected on the most recent FWSP worksheet of the federal FISAP shall be reported to the Alabama Student Assistance Program office by a reporting date established by the Alabama Commission on Higher Education. Percentage figures of the institution's relative state need indicated on the most recent FWSP Worksheet for all participating institutions shall be adjusted, as necessary, to exclude from the institutional award pro rata calculations reflecting non-resident students, graduate students, and religion or theology majors.

(2) The total funds available for eligible students attending eligible institutions which had no previous year Federal Work-Study Program recipients shall not be less than \$1,000 nor more than \$5,000 and based on a three-tiered payment schedule tied to enrollment levels as determined by the Alabama Student Assistance Program Office.

(3) If any institution does not have a sufficient number of eligible applicants by April 30 of the award year to utilize its allocated percentage of funds, or if any institution fails to submit reports due in the Alabama Student Assistance Program office by that date (April 30), the remaining funds shall be reallocated among all eligible institutions as specified in 05(1).

Author: Joseph T. Sutton, Timothy W. Vick

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982. **Emergency Amendment:** Filed October 13, 1987. **Amended:** Filed December 7, 1987. **Amended:** Filed November 7, 1997; effective December 12, 1997. **Amended:** Filed March 27, 2017; effective May 11, 2017.

300-4-2-.06 Awarding Procedures.

(1) Each applicant must submit to the eligible institution a yearly Free Application for Federal Student Aid application.

(2) An applicant may receive consideration for an Alabama Student Assistance Program award at only one institution per academic term. If a student wishes to receive consideration for an Alabama Student Assistance Program award at another Alabama postsecondary educational institution, he/she must follow the procedures outlined in 06(1).

(3) Information received on applicants shall be evaluated by an institutional student financial aid officer.

(a) All applicants' need shall be determined by the expected family contribution figures provided on the students' aid report.

(b) Students with need shall be compared with monies available. In determining the priority order in which students will be awarded funds in any given award year, the school must:

1. first, choose those students with exceptional financial need -- that is, those with the lowest expected family contributions (EFCs) who will also receive Pell Grants in that award year, and

2. after awarding ASAP funds to all of its eligible Pell Grant recipients in order of lowest expected family contributions (EFCs), next award ASAP funds to those eligible students with the lowest EFCs who will not receive Pell Grants in that award year.

(c) An award list shall be made and sent to the Alabama Commission on Higher Education. The maximum award that a student may receive is \$5,000 per academic year. The maximum award shall be reduced proportionately for students who attend part-time.

(4) All grants to students enrolled at least half-time shall be not less than \$300 nor more than \$5,000 for the academic year.

(5) All awards made by the Alabama Student Assistance Program shall be made to individual students who are residents of the State of Alabama.

(a) Each awardee shall be sent an award notice by the institution and informed of aid awarded through the Alabama Student Assistance Program.

(b) The institutional Financial Aid Officer will check each awardee for:

1. Number of hours enrolled;
2. Academic progress and program;
3. Residency and nationality; and
4. Status on previous grants and loans.

(c) The institutional Financial Aid Officer shall be responsible for ensuring that each student is not over-awarded.

(d) If the award is accepted, each student shall certify his/her eligibility and verify that the educational grant will be used only for educational expenses for attendance at the approved Alabama postsecondary institution.

(6) Disbursement of all grants shall be made by checks in accordance with the procedures outlined in 06(6)(a) or 06(6)(b).

(a) Certain approved institutions may prepare checks for eligible awardees under the following conditions:

1. An approved institution may prepare checks for eligible awards only after all steps in 06(5) have been completed.
2. The Alabama Student Assistance Program Office will send a lump sum payment of funds to the approved institution for deposit in a specific Alabama Student Assistance Program account.
3. The approved institution shall prepare individual checks on the account.
4. All checks which are undeliverable shall be cancelled, and the funds returned to the special Alabama Student Assistance Program account. Replacement awards may be issued to eligible students prior to the expiration of the term only after the ASAP Office is provided the following information: Social Security numbers of award recipients, full names of recipients, adjusted gross incomes of recipients, and amounts of awards per term.
5. All funds remaining in the institution's Alabama Student Assistance Program account must be returned to

the Alabama Student Assistance Program Office no later than August 31 each year. No awards may be issued for terms commencing after June 30.

6. An approved institution's permission to write individual checks may be terminated at any time, upon written notice from the Alabama Student Assistance Program Office. Reasons for termination may include noncompliance with any Alabama Student Assistance Program Regulations or untimely delay in submitting required reports to the Alabama Student Assistance Program Office.

(b) Certain approved institutions may credit accounts of eligible awardees under the following conditions:

1. An approved institution may credit accounts of eligible awardees only after all steps in 06(5) have been completed.

2. The Alabama Student Assistance Program office will send a lump sum payment of funds to the approved institution for deposit in a specific Alabama Student Assistance Program account.

3. The approved institution shall provide each eligible awardee with documentation of an Alabama Student Assistance Program award.

4. Should the dollar amount of an award credited to an eligible student's account exceed the dollar amount due the institution by the student at the time an ASAP award is credited to an eligible student's account, a check in the amount of excess funds (credit) shall be issued within fourteen (14) work days to the student by the approved institution.

5. All checks which are undeliverable shall be cancelled, and the funds returned to the special Alabama Student Assistance program account. Replacement awards may be issued to eligible students prior to the expiration of the term only after the ASAP Office is provided the following information: Social Security numbers of award recipients, full names of recipients, adjusted gross incomes of recipients, and amounts of awards per term.

6. All funds remaining in the institution's Alabama Student Assistance Program account must be returned to the Alabama Student Assistance Program Office no later than August 31 each year. No awards may be issued for terms commencing after June 30.

7. An approved institution's permission to credit eligible students' accounts may be terminated at any

time, upon written notice from the Alabama Student Assistance Program Office. Reasons for termination may include noncompliance with any Alabama Student Assistance Program Regulations or untimely delay in submitting required reports to the Alabama Student Assistance Program office.

(7) All eligible institutions shall follow the recordkeeping procedures set forth by the Alabama Student Assistance Program Office.

(a) Eligible institutions shall complete all requested accounting reports and return them to the Alabama Student Assistance Program office on or before August 31 each year.

(b) A summary of all fiscal reports pertaining to the Alabama Student Assistance Program shall be furnished to the Alabama Commission on Higher Education.

Author: Joseph T. Sutton, Timothy W. Vick

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982. **Amended:** Filed May 18, 1984; July 5, 1984; June 11, 1985. **Emergency Amendment:** Filed October 13, 1987. **Amended:** Filed December 7, 1987; April 6, 1988; April 9, 1992. **Amended:** Filed December 6, 2007; effective January 10, 2008. **Amended:** Filed March 27, 2017; effective May 11, 2017.

300-4-2-.07

Refund And Repayment Requirements.

(1) Repayment of institutional refunds to the Alabama Student Assistance Program.

(a) An institution shall return a portion of a refund owed to a student to the Alabama Student Assistance Program if

1. The student officially withdraws, drops out, or is expelled from the institution on or after his or her first day of class of a payment period; and

2. The student received assistance under the Alabama Student Assistance Program.

(b) For purposes of this section, an institutional refund means the amount paid for institutional charges for a payment period by financial aid and/or cash payments minus the amount retained by the institution for the portion of the payment period that the student was actually enrolled at the institution. The amount retained by the institution for the student's actual period of enrollment is calculated according to the institution's refund policy.

(c) The portion of the refund that the institution shall return to the Alabama Student Assistance Program is the lesser of,

1. The amount of assistance received under the Alabama Student Assistance Program for the payment period; or
2. The amount obtained by multiplying the institutional refund by the following fraction:

Total amount of Alabama Student Assistance Program assistance awarded for the payment period/Total amount of assistance (exclusive of all work earnings) awarded for the payment period.

(2) Repayment to the Alabama Student Assistance Program of disbursements made to the student for noninstitutional costs.

(a) If a student officially withdraws, drops out, or is expelled on or after his or her first day of class of a payment period, the institution shall determine what portion, if any, of the Alabama Student Assistance Program assistance received for that payment period by the student for noninstitutional costs is an overpayment that must be repaid by the student. The institution shall make every reasonable effort to contact the student and recover the overpayment in accordance with program regulations.

(b) To determine if any of the Alabama Student Assistance Program assistance received by the student for noninstitutional costs constitutes an overpayment, the institution shall subtract the noninstitutional costs incurred by the student for that portion of the payment period during which the student was enrolled from the amount of assistance disbursed to the student. Noninstitutional costs may include, but are not limited to, room and board for which the student does not contract with the institution, books, supplies, transportation, and miscellaneous expenses.

(c) The portion of the overpayment as determined according to paragraph (2) (b) of this section that the institution shall return to the Alabama Student Assistance Program is the lesser of

1. The amount of assistance received under the Alabama Student Assistance Program for the payment period; or
2. The amount obtained by multiplying the overpayment by the following fraction:

Total amount of the Alabama Student Assistance Program assistance awarded for the payment period/Total amount of

assistance (exclusive of all work earnings and Direct loans) awarded for the payment period.

3. Drop Out Date. For purposes of this section, a student is considered to have dropped out on the last recorded date of class attendance by the student as documented by the institution.

4. Distribution among the Title IV, HEA programs. An institution shall develop a written policy allocating the Title IV, HEA program portion of the refund determined under paragraph (1) of this section and the overpayment determined under paragraph (2) of this section from which the student received aid. This allocation policy must be applied consistently to all students who have received Title IV, HEA program assistance and must conform to the following:

(i) No amount of the Title IV, HEA program portion of the refund or of the overpayment may be allocated to the FWS Program.

(ii) No amount of the Title IV, HEA program portion of the overpayment may be allocated to the Direct Loan program.

(iii) The amount of the Title IV, HEA program portion of the refund or of the overpayment allocated to a specific Title IV, HEA program may not exceed the amount that the student received from that program.

(iv) The amount of the Title IV, HEA program portion of the refund allocated to the Direct Loan programs must be returned to the borrower's lender by the institution in accordance with program regulations.

(v) The amount of the Alabama Student Assistance Program portion of the refund allocated to this Title IV, HEA program must be returned to the program account by the institution within 30 days of the date that the student officially withdraws or is expelled or the institution determines that a student has unofficially withdrawn.

(vi) The amount of the Alabama Student Assistance Program portion of the overpayment allocated to the Alabama Student Assistance Program must be returned to the appropriate program account within 30 days of the date that the student makes the repayment.

Author: Joseph T. Sutton, Timothy W. Vick

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed April 6, 1988. **Amended:** Filed April 9, 1992.
Amended: Filed March 27, 2017; effective May 11, 2017.

300-4-2-.08 **Reporting.**

It shall be the responsibility of the executive director of the Alabama Commission on Higher Education to file all reports required by the U.S. Department of Education, the Alabama Commission on Higher Education, the Governor, or the Alabama Legislature.

Author: Joseph T. Sutton

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982.

Ed. Note: Previously Rule 300-4-2-.07.

300-4-2-.09 **Evaluation.**

The Alabama Commission on Higher Education shall review annual reports concerning the Alabama Student Assistance Program for determining future policies and procedures pertaining to the administration of the program.

(a) Commission staff will conduct institutional Alabama Student Assistance Program reviews to enable the reviewer to express an opinion of the administrative controls and of the compliance aspects of the Program at the institution.

(b) Based on reports prepared and submitted, the Commission staff shall prepare a written review of the Program at the end of the fiscal year.

Author: Joseph T. Sutton

Statutory Authority: Title IV of the Higher Education Act of 1965 as amended.

History: Filed September 30, 1982. **Emergency Amendment:** Filed October 13, 1987. **Amended:** Filed December 7, 1987.

Ed. Note: Previously Rule 300-4-2-.08.

**ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
ADMINISTRATIVE CODE**

**CHAPTER 300-4-3
ALABAMA STUDENT GRANT PROGRAM**

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300-4-3-.01 Definition Of Terms.

(1) Academic Progress - A student must make satisfactory academic progress in an eligible program at an approved institution in order to receive an Alabama Student Grant Program (ASGP) payment. No institution shall permit a student to receive ASGP funds when a student's projected completion date does not comply with the Code of Federal Regulations definitions of maximum time frame for his/her program of study, as defined in 34CFR 6689.34.

(2) Academic Qualifications of Eligible Students - A student is considered academically qualified if he/she is currently enrolled and matriculated in an eligible program of an eligible institution. It is considered that current enrollment by the institution has been based upon satisfactory demonstration to the institution of probable successful completion of the program. Satisfactory academic progress by a student shall be evaluated in terms of all course work attempted and all course hours for which ASGP payments were issued, whether or not credit hours were received by the student.

(3) Academic Year - The academic year for Alabama Student Grant Program purposes is from October 1 of one year to September 30 of the next year.

(4) Alabama Resident - A person who has been domiciled in the State of Alabama for a period of at least twelve (12) consecutive months immediately preceding application for a grant under the Alabama Student Grant Program. Any student in Alabama only for

purposes of attending an Alabama postsecondary educational institution shall not be eligible for a grant. Upon submission of an application, two (2) proofs of residency must be provided and preserved in the student's award file as support for the claim of Alabama residency. The two proofs may be selected from the following list:

(a) Certification by the student of his/her permanent Alabama residence;

(b) Certification by the student's parents or guardians of their permanent Alabama residence;

(c) Certification of the student's Alabama voter registration;

(d) Certification of the student's parents' or guardians' Alabama voter registration;

(e) A photocopy of the student's or parent's (guardian's) valid Alabama driver's license;

(f) Evidence of full-time employment by the student or parents (guardians) within Alabama for the preceding twelve (12) months;

(g) Evidence of payment of income tax to the State of Alabama by the student or parents (guardians) for the preceding calendar year;

(h) Evidence of home ownership or ownership of other real property in Alabama by the student or parents (guardians);

(i) Evidence of graduation from an Alabama secondary school, or a copy of a State of Alabama High School Equivalency Certificate; and

(5) Approved Institution - An approved institution is an independent, nonprofit postsecondary institution of higher learning located in the State of Alabama or any independent postsecondary institution of higher learning with a permanent facility offering classroom instruction located in Montgomery County, Alabama, which has been incorporated and in continuous operation for over 50 years and which has been accredited for over 10 years by the Commission on Colleges of the Southern Association of Colleges and Schools, prior to the effective date of amendatory act contained in AL ACT 2010-686 which with the exception specifically cited immediately above, and:

(a) Has its principal base of operation located within the State of Alabama;

(b) Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or, if not so accredited,

1. Is classified in an exemption status and is licensed to operate in the State of Alabama by the State Approving agency of the Alabama Community College System Office or its successor agency; and

2. Is an institution where credits are currently accepted, on transfer, by at least three (3) institutions within Alabama and which are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(c) Files a signed agreement with ACHE to comply with all regulations and procedures of the Alabama Student Grant Program;

(d) Has an academic curriculum which is not comprised principally of sectarian instruction or preparation of students for a sectarian vocation;

(e) Does not award primarily theological or religious degrees;

(f) Performs essentially secular educational functions which are distinct and separable from religious activity;

(g) Does not discriminate in its admissions practices on the basis of religious or denominational preference; and

(h) Does not, during the applicable fiscal year, receive a direct institutional appropriation from the State of Alabama.

(6) Eligible Program - An eligible program is a nonsectarian, secular educational program of at least six (6) months duration.

(7) Eligible Student - An eligible student is an applicant for a grant under the Alabama Student Grant Program who:

(a) Has obtained a certificate of graduation from a secondary school or the recognized equivalent of such graduation;

(b) Is classified as an undergraduate student;

(c) Is an Alabama resident;

(d) Is a citizen of the United States or in the process of becoming a citizen of the United States;

(e) Is enrolled as a full-time student or part-time student in an eligible program in an approved institution leading to a degree, diploma, or certificate;

(f) Is making satisfactory academic progress; and

(g) Is not enrolled, and does not intend to enroll, in a course of study leading to an undergraduate degree in theology, divinity, or other field of preparation for a religious vocation.

(8) False Statement of Misrepresentation - Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual or institution to obtain monies wrongfully under this program, shall be guilty of a Class A misdemeanor, and upon conviction thereof, shall be subject to a fine or to imprisonment, or to both, as such misdemeanor is defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. 11, p. 812).

(9) Full-Time Student - A full-time student is defined as an eligible student who is carrying a full-time academic workload, other than by correspondence, measured in terms of course work or other required activities, including courses, work experience, research or special studies which the institution requires of the student to be considered as being engaged in full-time study, and which amount to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term; or the student is charged the tuition and fees for full-time study by the institution. For purposes of this program, no more than one course [with a maximum of four (4) credit hours] per academic term for courses in religion or theology shall be considered when calculating a student's full-time status.

(10) Grant - A grant is a monetary award of a maximum of \$3000 per academic year for full-time recipients, and a maximum of \$1,500 per academic year for half-time recipients, under the Alabama Student Grant Program, to an approved institution on behalf of and to the credit of eligible students enrolled in eligible programs commencing after August 1, 1989.

(11) Half-time Student - A half-time student is defined as an eligible student who is carrying a half-time academic workload, other than by correspondence, measured in terms of course work or other required activities, including courses, work experience, research, or special studies which the institution requires of the student to be considered as being engaged in half-time study, and which amounts to the equivalent of a minimum of six (6) semester hours or six (6) quarter hours per academic term; or the student is charged the tuition and fees for half-time study by the institution. Any student enrolled for less than the equivalent of six (6) semester hours or six (6) quarter hours is ineligible for an Alabama Student Grant Program payment. For purposes of this program, no more than one course (with a maximum of four (4) credit hours per academic term for courses in religion and

theology) shall be considered when calculating a student's half-time status.

(12) Institutional-Related Expenses - Institutional- related expenses are nonsectarian, secular educational expenses, including tuition, mandatory fees, room and board, transportation, books and supplies, and routine miscellaneous expenses incurred by an eligible student.

(13) Proration of Funds - Should funds appropriated to the Alabama Student Grant Program be insufficient to provide such eligible student with a full grant payment for any term(s) during an academic year, each eligible student shall receive a pro rata grant share of the available funds.

(14) Renewal of Grants - Upon completion of an initial application, each grant may be automatically renewed annually for the number of hours normally required by the institution for the course of study in which the individual student is enrolled as long as the student is continuously enrolled. Total hours attempted shall not exceed by more than twenty-five percent (25%) the number of hours required for the individual student's course of study or until such time as the student receives a baccalaureate degree. ACHE shall grant a renewal only upon the student's annual application as defined in these regulations.

(15) Transfer Student - Each Alabama Student Grant Program award is made on the basis of the student applicant attending the postsecondary educational institution listed on his/her student application form. A student grant recipient who elects to transfer to another educational institution may apply for a new grant in accordance with the student application procedures. The original grant will automatically be cancelled. An Alabama Student Grant Program award is not transferable from one educational institution to another.

(16) Undergraduate Student - An undergraduate student is an eligible student who is in attendance at an approved institution and has not earned a baccalaureate or professional degree. Students who have previously earned a baccalaureate or professional degree, even though they may be enrolled in an undergraduate course of study, are not eligible for an Alabama Student Grant Program grant.

(17) Continuous Enrollment - a student who takes courses each major term (i.e. Fall and Spring Semesters or Fall, Winter and Spring Quarters).

Author: Joseph T. Sutton, Henry J. Hector, Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed March 9, 1992. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Amended:** Filed March 27, 2017; effective May 11, 2017.

Amended: Filed March 18, 2019; effective May 2, 2019. **Amended:** Published September 30, 2021; effective November 14, 2021.

300-4-3-.02 Audit.

Each approved institution receiving grants on behalf of, and to the credit of, any student shall be subject to examination at any time by ACHE, the Examiner of Public Accounts, or the State Auditor, for the purpose of determining whether such institution has complied with the rules, regulations, and procedures of the Alabama Student Grant Program. If an institution certifies an ineligible student for an Alabama Student Grant Program award, the amount of the grant paid pursuant to such certification shall be refunded by the institution to the Alabama Student Grant Program. The Department of Examiners of Public Accounts may audit all receipts, disbursements, assets, liabilities, and other resources of any postsecondary educational institution receiving grant funds on behalf of, and to the credit of, any student. Each approved institution shall submit to ACHE by December 15 each year, with a copy for the Legislature by the same date, a full audit, conducted by a certified public accountant, of the institution's receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding fiscal year, and covering the immediately preceding academic year in which ASGP funds were received by students attending said institution, before any grants may be applied for or processed for said institution.

Author: Joseph T. Sutton, Henry J. Hector

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed March 9, 1992.

300-4-3-.03 Awarding Procedures.

The following procedures shall be the method used by ACHE for making available Alabama Student Grant Program awards to eligible students at approved institutions:

(a) Applications may be obtained from approved institutions and from the Alabama Commission on Higher Education's website.

(b) All information requested on the "Alabama Student Grant Program Application" must be completed and the form mailed or delivered to the Student Financial Aid Office at an approved institution in which the student is or will be enrolled. As long as a student is continuously enrolled, as defined in 300-4-2-.01, only an initial application is necessary to be kept on file. Should a student not be continuously enrolled, a new application is required. New Fall Term grant applications must be received by September 15. New Winter Quarter grant

applications must be received by January 15. New Spring Semester grant applications must be received by February 15. New Spring Quarter grant applications must be received by April 15. If all items and information requested on the application form are not completed, the application is invalid and the student is ineligible to receive an Alabama Student Grant Program payment.

(c) Applications received in an approved institution's Student Financial Aid Office shall be dated when received. Each application shall have a preliminary review by the institution to determine if the application is complete and meets the eligibility criteria for a grant. Each student applicant shall be notified by the institution when the application is incomplete and additional information is needed. The institution shall notify each applicant who does not meet all eligibility criteria and is, therefore, ineligible for an Alabama Student Grant Program award.

(d) All applications which pass the preliminary review for eligibility shall be compared to other appropriate institutional records. Institutional records shall be used to verify that each student applicant is:

1. A graduate of a secondary school, or the recognized equivalent of a graduate;
2. Classified as an undergraduate student who has not previously received a baccalaureate or other professional degree;
3. An Alabama resident;
4. A citizen of the United States, or in the process of becoming a U.S. citizen;
5. Enrolled as a full-time or half-time student in an eligible program;
6. Making satisfactory academic progress; and
7. Not enrolled in a course of study leading to an undergraduate degree in theology, divinity, or other field of preparation for a religious vocation.

(e) For students who are determined to be eligible for an Alabama Student Grant Program award, an award list shall be made. The award list shall contain the names, Social Security numbers, the eligible programs in which the students are enrolled, and numbers of hours of enrollment for all eligible students. The institutional ASGP coordinator and the president of the approved institution shall sign the award list certifying that each student on the roster is eligible for an

award and has submitted to the institution a complete and acceptable ASGP student application on or before the application deadline for the term in which payment is requested.

Author: Joseph T. Sutton, Henry J. Hector, Timothy W, Vick
Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.
History: Filed September 30, 1982. **Amended:** Filed March 9, 1992. **Amended:** Filed March 18, 2019; effective May 2, 2019.

300-4-3-.04 Distribution Of Funds.

(1) ACHE shall determine from the certified award lists received from all approved institutions the per grant dollar amount per eligible student for each academic term. Each eligible full-time student may receive a maximum of \$1,500 per semester or \$1000 per quarter. Each eligible half-time student may receive a maximum of \$750 per semester or \$500 per quarter. No eligible student shall receive more than \$3,000 per academic year, nor shall any student receive a grant at more than one approved institution during any one academic term.

(2) ACHE shall determine the dollar amount of each grant and shall prepare a voucher each term requesting that the State Comptroller disburse ASGP funds for eligible students. As Special Education Trust Funds become available, the order in which institutions will be issued Fall Term checks shall be determined by a random and public drawing during September of institutional names, with first-drawn/first-paid to last-drawn/ last-paid. Checks for second term shall be issued in reverse order--last-drawn/first-paid to first-drawn/last-paid. Checks for Spring Quarter shall be issued in the same order as full term.

(3) Institutions must request and receive approval from ACHE to distribute ASGP funds in the following manner:

(a) The State Comptroller shall prepare a check payable to the approved institution for the total dollar amount of eligible grants submitted on the award list. The check and a signature roster with the dollar amount of grant payment indicated for each eligible student shall be forwarded to the approved institution. No later than fourteen (14) work days after receipt of the grant check, the approved institution shall credit each eligible student's account with the dollar amount indicated on the signature roster. Should the dollar amount of a grant credited to an eligible student's account exceed the dollar amount due the institution by the student at the time an ASGP grant is credited to an eligible student's account, a check in the amount of the excess funds (credit) shall be issued within the allotted fourteen (14) work days to the eligible student by the approved institution. No later than thirty (30) work days after receipt of the check and signature

roster, the approved institution shall return any undeliverable funds to ACHE.

(b) A signature roster with the dollar amount of grant payment indicated for each eligible student shall be forwarded to the approved institution. No later than thirty (30) work days after receipt of the signature roster, the approved institution shall credit each eligible student's account with the dollar amount indicated on the signature roster. Should the dollar amount of a grant credited to an eligible student's account exceed the dollar amount due the institution by the student at the time an ASGP grant is credited to an eligible student's account, a check in the amount of the excess funds (credit) shall be issued to the eligible student by the approved institution within the allotted fourteen (14) work days after the total dollar amount of eligible grants submitted on the award list. If the check is forwarded to the institution after students' accounts are credited, the approved institution shall return, within fourteen (14) days, any undeliverable funds to ACHE. If the check is forwarded to the institution prior to the date students' accounts are credited the approved institution shall return, within thirty (30) work days, undeliverable funds to ACHE.

(4) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student, but shall be returned to the Alabama Student Grant Program. Funds are considered received by a student when the ASGP check is delivered to the student or when the institution credits an ASGP payment to the student's account.

(5) In no academic term may the grant amount received by an eligible student exceed the per student operating expenditures of the institution for nonsectarian, secular educational purposes. Under no circumstances shall any Alabama Student Grant Program funds be utilized by an approved institution or an eligible student for religious, sectarian or denominational purposes. Approved institutions receiving Alabama Student Grant Program funds shall segregate such funds in a special revenue account and shall identify nonsectarian expenditures of such funds.

Author: Joseph T. Sutton, Henry J. Hector, Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed March 9, 1992. **Amended:** Filed March 18, 2019; effective May 2, 2019.

Amended: Published September 30, 2021; effective November 14, 2021.

300-4-3-.05 Proration Of Funds.

(1) The deadline for receipt of certified awards lists from approved institutions for Fall Term shall be October 15. From the certified award lists in the ACHE office on October 16, the anticipated number of grant recipients shall be calculated. Available funds shall be prorated and a Yearly Maximum Award Payment (YMAP) calculated, with the assumption that all eligible students reported shall be enrolled for the full school year. Students enrolled in a semester term shall receive one-half (1/2) of their YMAP. Students enrolled in a quarter term shall receive one-third (1/3) of their YMAP.

(2) Second semester or quarter certified award lists should be forwarded to ACHE by the approved institution as soon as the necessary information is available, but no later than March 15. For the second term, students enrolled in a semester term shall receive one-half (1/2) of their YMAP, and students enrolled in a quarter term shall receive one-third (1/3) of their YMAP.

(3) Third quarter certified award lists should be forwarded to ACHE by the approved institution as soon as the necessary information is available, but no later than May 15. For the third quarter, students shall receive one-third (1/3) of their YMAP.

Author: Joseph T. Sutton; Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed March 18, 2019; effective May 2, 2019.

300-4-3-.06 Refund Policies And Procedures.

Funds are considered received by a student when the ASGP check is delivered to the student, or when the institution credits an ASGP payment to the student's account.

(a) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student but shall be returned to the Alabama Student Grant Program.

(b) If a student becomes ineligible for a grant at an approved institution after funds are received by the student (following certification as eligible for an Alabama Student Grant Program award) prior to the end of the academic term and who is entitled to a refund in accordance with the institution's written refund policy, the student or the institution shall

refund to the Alabama Student Grant Program any portion of the grant payment that exceeds the institution's direct charges to the student for the period of actual enrollment.

(c) Should a student drop below full-time enrollment to half-time status before the expiration of the institutional refund period (after being certified as full-time by the approved institution), the student shall receive one-half (1/2) of the YMAP for that term.

(d) If a student who drops below full-time enrollment to half-time status after funds are received by the student (following certification as full-time by the approved institution) and is entitled to a refund on reduced charges in accordance with the institution's written refund policy, the student or the institution shall refund to the Alabama Student Grant Program the difference between the amount of grants in full-time students as compared to half-time students for that particular term.

(e) Each refund payment to the Alabama Student Grant Program shall include:

1. The name of the approved institution involved;
2. The name and Social Security number of the student;
3. The action which necessitated the refund, and the date of that action;
4. The direct institutional charges to the student for the academic term involved;
5. The amount of the student's grant payment for that term; and
6. The amount of the refund due the Alabama Student Grant Program.

Author: Joseph T. Sutton, Henry J. Hector

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: Filed September 30, 1982. **Amended:** Filed March 9, 1992.

300-4-3-.07 Review Procedures.

(1) The institutional review will enable the reviewer to express an opinion of the administrative controls and of the compliance aspects of the Alabama Student Grant Program at the approved institution.

(2) The primary objectives identified for the reviewer performing institutional reviews are:

(a) To determine whether the institution's reports present information accurately and in conformity with the Alabama Student Grant Program Regulations, and whether all reports are prepared on a consistent basis from one period to the next;

(b) To determine whether the institution has implemented, and is utilizing, reasonable procedures and internal controls for effectively discharging management responsibilities and for adequately protecting the state's interest;

(c) To review institutional records and report on areas of noncompliance; and

(d) Based upon the review, to provide constructive recommendations to the institution.

(3) The institution shall make all records and information relative to the Alabama Student Grant Program available to the reviewer.

(4) A written report shall be provided by the reviewer to the institution and shall include:

(a) Any findings of inaccuracies in institutional reports;

(b) Any inconsistencies in institutional reports;

(c) Conclusions regarding the adequacy of administrative controls;

(d) Any areas of noncompliance; and

(e) Recommendations for improvement.

(5) If the approved institution does not concur with all items in the written review report, a written appeal should be submitted to the executive director of ACHE.

(6) When an institutional review reveals sufficient problems pertaining to the Alabama Student Grant Program at an institution, the executive director of ACHE may:

(a) Impose a temporary suspension of grant payments to the approved institution;

(b) Suspend the institution from participation in the Program for an indefinite period of time;

(c) Demand payment of any Alabama Student Grant Program funds to a student or repayment of funds to the State of Alabama to

remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

(d) Refer any problems to the Attorney General of the State of Alabama for appropriate legal action.

(7) A suspended institution may request a hearing by the Commission. The institution shall be notified in writing of the time and place of such ACHE hearing.

(8) After such hearing, ACHE shall determine (at an official meeting of the Commission) whether to:

(a) Continue the suspension pending the receipt of any additional information the Commission may require;

(b) Continue the executive director's suspension subject to limitations or exceptions,

(c) Revoke or lift the suspension and restore the institution or academic program to full participation as authorized under the regulations;

(d) Terminate the institution's eligibility for an indefinite period of time;

(e) Demand payment of any Alabama Student Grant Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

(f) Take any other appropriate action the Commission deems necessary, including referral to the Attorney General of the State of Alabama for appropriate legal action.

Author:

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: Filed September 30, 1982.

300-4-3-.08 Maintenance Of Records.

(1) Each approved institution shall establish and maintain on a current basis adequate records which reflect all transactions with respect to program and fiscal activity as they relate to the administration of the Alabama Student Grant Program. The records must be maintained in such a manner as to identify all program and fiscal transactions separately from other institutional activities and funds.

(2) The records for any award period shall be retained for a period of five (5) years following the date of submission of the institutional award list, unless a longer retention period is

necessitated because of program review or audit resolution problems. In the event an approved institution closes or otherwise ceases operation and fails to matriculate students, institutional ASGP records of the approved institution shall be forwarded to ACHE for retention.

(3) Forms must be used to gather data in a uniform manner from each applicant; such forms shall contain information relative to all eligibility criteria for an ASGP award. Fiscal records pertaining to the operation of the Alabama Student Grant Program at an approved institution must be maintained in a manner which provides a clear audit trail.

(4) The Executive Director of the Alabama Commission on Higher Education, or any of the Director's duly authorized representatives, will have access, for the purpose of review and examination, to Alabama Student Grant Program records and supporting documents maintained by the approved institution.

(5) The records involved in any claim or expenditure which has been questioned by program review or by state audit must be retained until resolution of any such review or audit questions.

Author:

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: Filed September 30, 1982.

300-4-3-.09 Dissemination Of Information.

(1) The Commission shall provide information including, but not limited to, brochures, pamphlets, and signage explaining the program and the process for applying for grants under the program, to high school guidance counselors and student counselors employed by approved institutions for publication and distribution to students.

Author: Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §§16-33A-1, et seq.

History: New Rule: Published September 30, 2021; effective November 14, 2021.

**ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
ADMINISTRATIVE CODE**

**CHAPTER 300-4-4
ALABAMA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM**

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300-4-4-.01 Organization.

(1) It is the responsibility of the Alabama Commission on Higher Education to establish rules and regulations for the administration and implementation of the Alabama National Guard Educational Assistance Program (ANGEAP). The Alabama National Guard Educational Assistance Program is administered in accordance with the policies and procedures established by the Alabama Commission on Higher Education.

(2) The Alabama Commission on Higher Education appoints such staff as are necessary to ensure efficient operation of the program and is the final authority in determining eligible program applicants.

(3) The Adjutant General of the State of Alabama serves as an advisor to the Alabama Commission on Higher Education for the purpose of determining the eligibility of members of the Alabama National Guard to receive benefits through the ANGEAP.

Author:

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984.

300-4-4-.02 Definition Of Terms.

(1) **Academic Excellence Benefits:** Additional funds for guard members who are enrolled undergraduate students who graduated from high school with a cumulative GPA greater than 3.5 and, while enrolled in an institution of higher education in this state, have

maintained a 3.0 collegiate cumulative GPA. These funds can be used for tuition, fees, or ancillary costs.

(2) **Academic Year:** The academic year for Alabama National Guard Educational Assistance Program purposes is from October 1 of one year to September 30 of the next year.

(3) **Active Member:** A member of a federally recognized unit of the Alabama National Guard meeting the minimum requirements for satisfactory membership as defined in the Department of the Army and Department of the Air Force regulations.

(4) **Alabama National Guard:** Federally recognized units of the Alabama National Guard.

(5) **Ancillary Costs:** Expenses associated with enrollment in an educational program that are not included within the standard assessment of tuition and fees. Ancillary costs may include books, supplies, and professional fees and are typically included within the calculation for cost of attendance. For the purposes of the ANGEAP tuition and fees reimbursement, ancillary costs are not an eligible expense. ANGEAP recipients who qualify for the Academic Excellence Benefits can utilize funds to cover these expenses.

(6) **Cost of Attendance:** As defined by the U.S. Department of Education, Office of Federal Student Aid, cost of attendance is an estimate of that student's educational expenses for the period of enrollment, which is used in calculating the total federal student aid a student may receive. Cost of attendance includes tuition and fees, as well as ancillary costs and personal expenses, such as room and board. For the purposes of ANGEAP, not all cost of attendance expenses are considered eligible.

(7) **Differential Tuition:** A supplementary charge amount added on top of base tuition rate to support additional services and programming for a subset of students enrolled in a particular college or program. Program-specific differential tuition is often charged for those academic programs that have high operating costs. For the purposes of ANGEAP, differential tuition is not considered an eligible expense.

(8) **Distribution of Funds:** Reimbursement shall be made to the institution promptly at the end of each academic term (quarter or semester) for all certified invoices/vouchers. Should funds appropriated to the Alabama National Guard Educational Assistance Program be insufficient to provide each eligible student with a full grant payment for any term(s) during an academic year, then the awards will be prorated equally among the institutions on a percentage basis of the total invoices/vouchers received and paid accordingly.

(9) **Educational Grant:** A grant is defined as a financial award by the State of Alabama to an Alabama National Guard Educational

Assistance Program applicant who is designated to be an eligible student enrolled in or accepted for enrollment in an eligible program at an eligible institution, and is awarded on a per academic term basis to the student to defray direct educational-related expenses: tuition and cost of instruction fees, not to exceed the median cost of tuition per academic term of all state-supported Alabama four year institutions for classes or courses that count towards the individual's degree or certificate plan as designed and approved by the college or institution attended for the individual's declared program of study, less any Alabama Student Grant Program proceeds for which the student may be eligible and after all federal benefits have been applied to the account of the student. The median tuition amount per academic term will be determined by the Alabama Commission on Higher Education based on its Tuition and Fee Report, which will be prorated according to academic term. Payments to recipients shall not extend beyond twelve (12) years after the date of the first grant payment issued to the student through this program.

(10) Eligible Program: An eligible program is any program leading to a certificate, associate, baccalaureate, master's, or doctorate degree in an accredited institution of higher learning, technical college, or community college within the State of Alabama.

(11) Eligible Institution: An eligible institution is a public or private institution of higher education which: (a) is in Alabama; (b) admits as regular students only persons who have a high school diploma, or who are beyond the age of compulsory school attendance in Alabama; and who have the ability to benefit from the training offered; (c) is legally authorized to provide an educational program beyond secondary education; (d) provides an educational program for which it awards a certificate, associate, baccalaureate, master's, or doctorate degree, (e) is accredited by a nationally-recognized accrediting agency or association; and (f) executes an agreement with the Alabama Commission on Higher Education to participate in the Alabama National Guard Educational Assistance Program.

(12) Eligible Student: An eligible student is an applicant who completes an application for an Alabama National Guard Educational Assistance Program application, and

(a) Is classified as a student enrolled in a certificate, associate, baccalaureate, master's, or doctorate degree program;

(b) Is making satisfactory academic progress as determined by the eligible institution;

(c) Is at least seventeen years of age;

(d) Is an active member in good standing with the Alabama National Guard;

(e) Is an active member of a federally recognized unit of the Alabama National Guard;

(f) Has completed basic training, unless excluded from this requirement by military regulations;

(g) Is enrolled in an accredited college, university, community college, or technical college within the State of Alabama; and

(h) Is not receiving 100% of covered expenses from federal veterans' educational benefits available to members of the National Guard during the term(s) ANGEAP payments are received.

(i) Has completed a Free Application for Federal Student Aid (FAFSA), except for high school students dually or concurrently enrolled in high school and an institution of higher education.

(j) Is maintaining at least a 2.0 cumulative grade point average at the end of each academic term;

(k) Is classified as one of the following:

1. Is a student dually or concurrently enrolled in high school and an institution of higher education;

2. Is a postsecondary student who is enrolled in an institution of higher education; or

3. Is a postsecondary student who is dually or concurrently enrolled in more than one institution of higher education and is enrolled in a program leading to a qualifying academic pathway, including a short certificate or long certificate, or associate, baccalaureate, master's, or doctorate degree in an accredited institution of higher learning, including a community or technical college within the State of Alabama.

(l) Is in pursuit of his/her first undergraduate or graduate degree. Students may continue to receive ANGEAP if they obtain an associate degree and then transfer to a senior institution in order to complete a baccalaureate degree. ANGEAP will not pay for multiple degrees at the same degree award level (i.e. certificate, associate degree, baccalaureate degree, master's degree or doctoral degree).

(13) False Statement or Misrepresentation: Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such false statement or misrepresentation knowing the same to be false, for the purpose of

enabling an individual or institution to obtain monies wrongfully under this program, shall be guilty of a Class A misdemeanor, and upon conviction thereof, shall be subject to a fine or to imprisonment, or to both, as such misdemeanor is defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, Vol. 11, p. 812).

(14) Graduate Student: A graduate student is defined as a person who has already earned a baccalaureate degree and is enrolled in a master's or doctorate degree program at an eligible institution as defined in .02(11).

(15) Mandatory Instructional Fees: Fees that are assessed to all students within a given degree level (undergraduate or graduate) as a condition of enrollment for a given term, regardless of the specific program of instruction. Such fees may include mandatory student fees, technology fees, or academic facilities fees. For the purposes of ANGEAP tuition and fees reimbursement, mandatory instructional fees are considered an eligible expense.

(16) Qualifying Academic Pathway: A postsecondary program at an institution of higher education in the state that is one of the following:

(a) A program that has been identified as a Pell Grant eligible program for which the student earns credits required for a postsecondary degree at the undergraduate level.

(b) A graduate program that is the individual's first degree sought at that level.

(17) Professional Fees: Non-instructional expenses that are specific to a subset of students enrolled in particular college, academic program, or academic classification (freshman, sophomore, junior, senior) and do not apply to all students enrolled in a given degree level (undergraduate or graduate). Examples include but are not limited to graduation fees, examination fees, and clinical/practicum fees. For the purposes of ANGEAP tuition and fees reimbursement, professional fees are not considered an eligible expense. ANGEAP recipients who qualify for the Academic Excellence Benefits can utilize funds to cover these expenses.

(18) Program-Specific Fees: Additional fees specific to certain academic programs or courses of study. These fees are charged in addition to the standard tuition fees and are meant to cover the costs associated with offering specialized programs or courses. For the purposes of ANGEAP tuition and fees reimbursement, program-specific fees are not considered an eligible expense. ANGEAP recipients who qualify for the Academic Excellence Benefits can utilize funds to cover these expenses.

(19) Refund Policies and Procedures:

(a) If a student transfers, withdraws, or becomes ineligible for an educational grant during the academic term of the award year, the institutional-financial aid administrator will not disburse Alabama National Guard Educational Assistance Program grant funds to the student.

(b) If a student withdraws from school or reduces his/her course-load after receiving Alabama National Guard Educational Assistance Program grant funds, but before the end of the academic term, and is not entitled to a refund in accordance with the institution's refund policy, the Alabama National Guard Educational Assistance Program will not require a refund of any portion of the grant award which was utilized by the student toward payment of the institution's net charges to the student for the period of actual attendance. However, if the grant award payment to the student exceeds the amount of the educational cost to the student, the institution must return to the Alabama National Guard Educational Assistance Program the refund amount and the institution must maintain with the student's records documentation listing (a) the date the student withdrew, and (b) the net institutional charges to the student for the period of the student's attendance, (c) the amount of the student's grant award, and (d) the amount of refund due the Alabama National Guard Educational Assistance Program.

(c) In the event the individual's service in the Alabama National Guard is terminated or his service becomes unsatisfactory while receiving or for four (4) years after receiving the benefits afforded by this program the benefits will be terminated and repaid by the individual on a pro rata basis. Any participating member of the Alabama National Guard Educational Assistance Program shall sign a promissory note or similar document with provisions for the collection and repayment of benefits in the event that the member is disqualified or otherwise becomes ineligible to continue to receive benefits. If the individual's National Guard service is terminated because of military medical disability with a Veterans Administration disability rating of 40 percent or greater, mandatory removal date, or death, the member and heirs are exempt from the repayment provision.

(20) Student Application Procedure: Each Alabama National Guard Educational Assistance Program applicant must submit to the Alabama Commission on Higher Education an application for a grant. Awards will be issued for completed applications submitted to the Alabama Commission on Higher Education by the application deadline date and as long as funds remain available.

(21) Tuition and Fees: The per term cost of instruction and mandatory instructional fees to the public or private postsecondary student not to exceed the median cost of tuition per term, such as quarter or semester, of all public four-year

institutions of higher education in this state, as reported to the Alabama Commission on Higher Education by state-supported institutions of higher education and appearing on the Tuition Plus Required Fees Report of the Commission, for classes or courses that count towards the individual's degree or certificate plan as designed and approved by the college or institution attended for the individual's declared program of study. Differential tuition is not included. The median cost of tuition per term will be prorated according to academic term.

(22) Undergraduate Student: An undergraduate student is defined as a person who is in attendance at an accredited Alabama postsecondary educational institution and who has not earned a baccalaureate degree. A student who is enrolled in a program of study designed to extend for more than four academic years shall not be considered an undergraduate student in that portion of the program that involves study beyond the fourth academic year, unless the program leads to a first degree and is designed to extend for a period of five academic years.

Author: Tim Vick; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984. **Amended:** Filed November 6, 1985; July 15, 1986. **Amended:** Filed August 18, 2014; effective September 22, 2014. **Amended:** Filed August 24, 2015; effective September 28, 2015. **Amended:** Filed December 12, 2017; effective January 26, 2018. **Amended:** Published October 31, 2023; effective December 15, 2023.

300-4-4-.03 Audit.

The Alabama Military Department and each eligible institution receiving grants on behalf of any student shall be subject to examination at any time by ACHE, the Examiner of Public Accounts, or the State Auditor, for the purpose of determining whether such agency or institution has complied with the rules, regulations, and procedures of the Alabama National Guard Educational Assistance Program. If the Alabama Military Department or an institution certifies an ineligible student for an Alabama National Guard Educational Assistance Program award, the amount of the grant paid pursuant to such certification shall be refunded by the Alabama Military Department or the institution, as appropriate, to the Alabama National Guard Educational Assistance Program.

Author:

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984.

300-4-4-.04 Awarding Procedures.

(1) The following procedures shall be the method used by the Alabama Commission on Higher Education for making available Alabama National Guard Educational Assistance Program awards to eligible students at eligible institutions:

(a) Applications may be obtained from eligible institutions, the Alabama Military Department, and from the Alabama Commission on Higher Education.

(b) Applications shall be completed by student applicants. All information requested on the Alabama National Guard Educational Assistance Program Application must be completed and the form mailed or delivered to the Alabama National Guard Educational Assistance Program office. Applications will not receive consideration for grant payment if received in the Alabama National Guard Educational Assistance Program office after September 30 of the academic year for which grant funds are being requested. If all items and information requested on the application form are not completed, the application is invalid and the student is ineligible to receive an Alabama National Guard Educational Assistance Program payment.

1. Each application shall have a preliminary review of the Alabama Military Department and the institution to determine if the application is complete and meets the eligibility criteria for a grant.

2. Each student applicant shall be notified by the Alabama Military Department or the institution, as appropriate, when the application is incomplete and additional information is needed. The Alabama Military Department, the institution or the Alabama Commission on Higher Education, as appropriate, shall notify each student who does not meet all eligibility criteria and is, therefore, ineligible for an Alabama National Guard Educational Assistance Program awards.

(c) All applications which pass the preliminary review for eligibility shall be compared to other appropriate departmental or institutional records. Such records shall be used to verify that each student applicant is an eligible student as defined in section .02(12).

(d) The Adjutant General of the Alabama National Guard, or his representative, and the institutional financial aid officer shall sign and complete each application of a student determined to be eligible for an Alabama National Guard Educational Assistance Program award.

(e) Each completed application shall be forwarded to the Alabama National Guard Educational Assistance Program Office.

(f) Information received from applicants shall be evaluated by the Alabama National Guard Educational Assistance Program Office.

1. Incomplete applications received shall be returned to the eligible institution or the student applicant.

2. Complete applications of eligible students shall be compared with monies available.

3. All Alabama Student Grant Program proceeds for which the student may be eligible shall be deducted from the tuition figure used for Alabama National Guard Educational Assistance Program purposes.

4. In no event shall payments of the tuition reimbursement under the Alabama National Guard Educational Assistance Program amount to more than 100% of qualified tuition and fees as defined in .02(21).

5. An undergraduate student who qualifies for the Academic Excellence Benefits as defined in .02(1) shall receive an amount equivalent to 100% of qualified tuition and fees. Undergraduate students with this benefit may use these funds for tuition and fee reimbursement or ancillary costs as defined in .02(5).

6. Applicants eligible for the Educational Grant award and Academic Excellence Benefits will receive a total amount award not to exceed the median cost of tuition per academic term of all state-supported Alabama four-year institutions. For the first term of implementation under SB 67, Act 2023-528, award payments for the Educational Grant and Academic Excellence Benefits on behalf of the grant recipients will be processed and sent to the institutions at the end of the term, provided the final approval by the Commission Board at its December 2023 Commission Meeting.

7. Applicant eligibility for undergraduate and graduate levels:

(i) Undergraduate: The first undergraduate degree obtained is a baccalaureate degree. Short certificates, long certificates, and associate degrees of qualifying academic pathways may be used to obtain a baccalaureate degree. The tuition reimbursement and academic excellence benefits provided by this article shall only pay for the first baccalaureate degree. The tuition reimbursement and

academic excellence benefits for undergraduate students under this program shall be claimed for no more than a total of 120 academic hours or until receipt of the first bachelor's degree for which the scholarship is used, whichever comes first. The total of 120 academic hours includes no more than a total of 72 academic hours earned at a community college. A guard member who has already obtained a baccalaureate degree is not eligible to receive tuition reimbursement or academic excellence benefits for coursework leading to a second degree at the same level.

(ii) Graduate: If the benefits were not used by a guard member for a baccalaureate degree, the tuition reimbursement and Academic Excellence Benefits for graduate students under this article shall be claimed for no more than a total of 60 academic hours or until the receipt of the first graduate degree whichever comes first. A guard member who has already obtained a graduate degree is not eligible to receive tuition reimbursement for coursework leading to a second degree at the same level.

8. No guard member shall be eligible for tuition reimbursement or Academic Excellence Benefits for more than 12 years after the date of the first tuition payment to him or her under this article.

9. Reimbursement shall be made promptly to the institutions at the end of each academic term (quarter or semester) for all certified invoices. Should funds appropriated to the Alabama National Guard Educational Assistance Program be insufficient to provide each eligible student with a full grant payment for any term(s) during an academic year, then the awards will be prorated equally among the institutions on a percentage basis of the total invoices/vouchers received and paid accordingly.

(g) All awards made by the Alabama National Guard Educational Assistance Program shall be made to individual students enrolled in eligible programs at eligible institutions in the State of Alabama.

(h) Disbursement of all grants shall be made by check to the institutions in the State of Alabama. The Alabama National Guard Educational Assistance Program shall have checks prepared for eligible awardees.

1. The Alabama National Guard Educational Assistance Program Office shall prepare vouchers for eligible students for whom funds are available.

2. The Alabama National Guard Educational Assistance Program Office shall verify that each check is properly prepared.

3. Checks shall be mailed along with a certification roster to the institutional Financial Aid Officer for issuing to students.

4. The institution shall issue checks to students and ensure that the institutional official who issues a check signs and dates the roster whenever such check is issued. The completed certification roster shall be returned to the Alabama National Guard Educational Assistance Program Office no later than sixty (60) calendar days after receipt of the certification roster.

5. All checks which are undeliverable by the institution shall be returned to the Alabama National Guard Educational Assistance Program along with the reason for cancelling the checks, no later than sixty (60) calendar days after receipt of the checks.

Author: Timothy W. Vick; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984. **Amended:** Filed March 27, 2017; effective May 11, 2017. **Amended:** Filed December 12, 2017; effective January 26, 2018. **Amended:** Published October 31, 2023; effective December 15, 2023.

300-4-4-.05 Disbursement Of Funds.

(1) The Alabama National Guard Educational Assistance Program shall determine from the completed applications received from all students the sufficiency of funds. Award amounts are not to exceed the median cost of tuition per academic term of a state-supported Alabama four-year institution, less any Alabama Student Grant Program proceeds for which the student may be eligible and after all federal benefits have been applied to the account of the student, nor shall any student receive a grant at more than one approved institution during any one academic term. The median tuition amount per academic term will be determined by the Alabama Commission on Higher Education based on its Tuition and Fee Report.

(2) The Alabama National Guard Educational Assistance Program shall determine the dollar amount of each grant and shall prepare a voucher each term requesting that the State Comptroller disburse Alabama National Guard Educational Assistance Program funds for eligible students. Reimbursement shall be made promptly at the end of each academic term (quarter or semester) for all certified invoices. Should funds appropriated to the Alabama National Guard Educational Assistance Program be insufficient to provide each

eligible student with a full grant payment for any term(s) during an academic year, then the awards will be prorated equally among the institutions on a percentage basis of the total invoices/vouchers received and paid accordingly.

(3) The State Comptroller shall prepare a check payable to the approved institution for each eligible grant recipient listed on the award list. Such checks and a certification roster with the amount of grant indicated for each eligible student(s), shall be forwarded to the approved institution for delivery to the student(s).

(a) No later than sixty (60) calendar days after receipt of the grant check(s), the approved institution shall issue the individual check(s) to the eligible student(s) and return the completed certification roster to the Alabama National Guard Educational Assistance Program Office.

(4) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student, but shall be returned to the Alabama National Guard Educational Assistance Program Office. Funds are considered received by a student when the Alabama National Guard Educational Assistance Program check is delivered to the student.

(5) No guard member shall be eligible for tuition reimbursement or Academic Excellence Benefits for more than 12 years after the date of the first tuition payment to him or her under this article.

Author: Tim Vick; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984. **Amended:** Filed August 18, 2014; effective September 22, 2014. **Amended:** Filed August 24, 2015; effective September 28, 2015. **Amended:** Filed December 12, 2017; Effective January 26, 2018. **Amended:** Published October 31, 2023; effective December 15, 2023.

300-4-4-.06 Review Procedures.

(1) The review will enable the reviewer to express an opinion of the administrative controls and the compliance aspects of the Alabama National Guard Educational Assistance Program at the Alabama Military Department or the approved institution.

(2) The primary objectives identified for the reviewer conducting reviews are:

(a) To determine whether the department's or institution's reports present information accurately and in conformity with the Alabama National Guard Educational Assistance Program

Regulations, and whether all reports are prepared on a consistent basis from one period to the next;

(b) To determine whether the department or institution has implemented, and is utilizing, reasonable procedures and interval controls for effectively discharging management responsibilities and for adequately protecting the State's interest;

(c) To review departmental or institutional records and report on areas of noncompliance; and

(d) Based upon the review, to provide constructive recommendations to the department or to the institution.

(3) The Alabama Military Department and the institution shall make all records and information relative to the Alabama National Guard Educational Assistance Program available to the reviewer.

(4) A written report shall be provided by the reviewer to the department or the institution and shall include:

(a) Any findings of inaccuracies in departmental or institutional reports;

(b) Any inconsistencies in departmental or institutional reports;

(c) Conclusions regarding the adequacy of administrative controls;

(d) Any areas of noncompliance; and

(e) Recommendations for improvement.

(5) If the department or approved institution does not concur with all items in the written review report, a written appeal should be submitted to the executive director of the Alabama Commission on Higher Education.

(6) When an institutional review reveals sufficient problems pertaining to the Alabama National Guard Educational Assistance Program at an institution, the executive director of the Alabama Commission on Higher Education may:

(a) Impose a temporary suspension of grant payments to the eligible institution;

(b) Suspend the institution from participation in the Alabama National Guard Educational Assistance Program for an indefinite period of time;

(c) Demand payment of any Alabama National Guard Educational Assistance Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

(d) Refer any problem to the Attorney General of the State of Alabama for appropriate legal action.

(7) A suspended institution may request a hearing by the Alabama Commission on Higher Education. The institution shall be notified in writing of the time and place of such Alabama Commission on Higher Education hearing.

(8) After such hearing, the Alabama Commission on Higher Education shall determine (at an official meeting of the Commission) whether to:

(a) Continue the suspension pending the receipt of any additional information the Commission may require;

(b) Continue the executive director's suspension subject to limitation or exceptions;

(c) Revoke or lift the suspension and restore the institution or academic program to full participation as authorized under the regulations;

(d) Terminate the institution's eligibility for an indefinite period of time;

(e) Demand payment of any Alabama National Guard Educational Assistance Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

(f) Take any other appropriate action the Alabama Commission on Higher Education deems necessary, including referral to the Attorney General of the State of Alabama for appropriate legal action.

Author:

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984.

300-4-4-.07

Maintenance Of Records.

(1) The Alabama Military Department and each eligible institution shall establish and maintain accurate records on a current basis which reflect all transactions with respect to program and fiscal activity as they relate to the administration of the Alabama National Guard Educational Assistance Program.

(2) The academic records for any award period shall be retained for a period of five (5) years following the date of certification on an application, unless a longer retention period is necessitated because of program review or audit resolution problems. In the event an eligible institution closes or otherwise ceases operation and fails to matriculate students, institutional Alabama National Guard Educational Assistance Program records of the approved institution shall be forwarded to the Alabama National Guard Educational Assistance Program Office.

(3) Forms must be used to gather data in a uniform manner from each applicant; such forms shall contain information relative to all eligibility criteria for an Alabama National Guard Educational Assistance Program award.

(4) The executive director of the Alabama Commission on Higher Education, or any of the director's duly authorized representatives, will have access, for the purpose of review and examination, to Alabama National Guard Educational Assistance Program records and supporting documents maintained by the Alabama Military Department or the eligible institution.

(5) The records involved in any claim or expenditure which has been questioned by program review or by state audit must be maintained until resolution of any such review or audit questions.

Author: Tim Vick; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §§31-10-1, et seq.

History: Filed August 28, 1984. **Amended:** Published October 31, 2023; effective December 15, 2023.

ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
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CHAPTER 300-4-5
EMERGENCY SECONDARY EDUCATION SCHOLARSHIP PROGRAM (REPEALED
11/12/02)

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300-4-5-.01 Goal (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. Repealed: Filed October 8,
2002; effective November 12, 2002.

300-4-5-.02 Organization (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. Repealed: Filed October 8,
2002; effective November 12, 2002.

300-4-5-.03 Planning (Repealed 11/12/02).**(Repealed)****Author:****Statutory Authority:** Code of Ala. 1975, §§16-5-1; 16-6A-1, et seq.**History:** Filed August 28, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.**300-4-5-.04 Definition Of Terms (Repealed 11/12/02).****(Repealed)****Author:** Joseph T. Sutton**Statutory Authority:** Code of Ala. 1975, §§16-6A-1, et seq.**History:** Filed August 28, 1984. **Amended:** Filed January 22, 1987; June 11, 1985; March 9, 1992. **Repealed:** Filed October 8, 2002; effective November 12, 2002.**300-4-5-.05 Audit (Repealed 11/12/02).****(Repealed)****Author:****Statutory Authority:** Code of Ala. 1975, §§16-6A-1, et seq.**History:** Filed August 28, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.**300-4-5-.06 Application Processing Procedures (Repealed 11/12/02).****(Repealed)****Author:** Joseph T. Sutton, Henry J. Hector**Statutory Authority:** Code of Ala. 1975, §§16-6A-1, et seq.**History:** Filed August 28, 1984. **Amended:** Filed January 22, 1987; March 9, 1992. **Repealed:** Filed October 8, 2002; effective November 12, 2002.**300-4-5-.07 Selection Procedures (Repealed 11/12/02).****(Repealed)****Author:** Joseph T. Sutton, Henry J. Hector.**Statutory Authority:** Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. **Amended:** Filed January 22, 1987; March 9, 1992. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-5-.08 Disbursement Of Funds (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. **Amended:** Filed January 22, 1987. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-5-.09 Repayment Procedures (Repealed 11/12/02).

(Repealed)

Author: Joseph T. Sutton.

Statutory Authority: Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. **Amended:** Filed June 11, 1985; January 22, 1987; March 9, 1992. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-5-.10 Scholarship/Loan Servicing (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-5-.11 Review Procedures (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-5-.12 Maintenance Of Records (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Code of Ala. 1975, §§16-6A-1, et seq.

History: Filed August 28, 1984. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
ADMINISTRATIVE CODE

CHAPTER 300-4-6
STATE OF ALABAMA CHIROPRACTIC SCHOLARSHIP PROGRAM (REPEALED
11/3/18)

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300-4-6-.01 Goal (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Filed November 6, 1985. Amended: Filed January 6, 2011; effective February 10, 2011. Repealed: Filed September 19, 2018; effective November 3, 2018.

300-4-6-.02 Organization (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Amended: Filed November 6, 1985. Repealed: Filed: September 19, 2018; effective November 3, 2018.

300-4-6-.03 Planning (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Filed November 6, 1985. **Repealed:** Filed: September 19, 2018; effective November 3, 2018.

300-4-6-.04 Definition Of Terms (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Filed November 6, 1985. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Repealed:** Filed: September 19, 2018; effective November 3, 2018.

300-4-6-.05 Awarding Procedures (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Filed November 6, 1985. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Repealed:** Filed: September 19, 2018; effective November 3, 2018.

300-4-6-.06 Disbursement Of Funds (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Filed November 6, 1985. **Amended:** Filed January 6, 2011; effective February 10, 2011. **Repealed:** Filed: September 19, 2018; effective November 3, 2018.

300-4-6-.07 Refund Policies And Procedures (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Filed November 6, 1985. **Repealed:** Filed: September 19, 2018; effective November 3, 2018.

300-4-6-.08 Review Procedures (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-11.

History: Filed November 6, 1985. **Repealed:** Filed: September 19, 2018; effective November 3, 2018.

300-4-6-.09 Maintenance Of Records (Repealed 11/3/18).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §15-5-11.

History: Filed November 6, 1985. **Repealed:** Filed: September 19, 2018; effective November 3, 2018.

**ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
ADMINISTRATIVE CODE**

**CHAPTER 300-4-7
POLICE OFFICER'S AND FIREFIGHTER'S SURVIVOR'S EDUCATIONAL
ASSISTANCE PROGRAM**

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300-4-7-.01 Goal.

The goal of the Police Officer's and Firefighter's Survivor's Educational Assistance Program is to provide for tuition assistance and other costs for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, in the state of Alabama, who is the dependent child, or spouse who has not remarried, of a law enforcement officer, firefighter (including volunteer firefighters, as defined) or rescue squad member, as defined killed or totally and permanently disabled in the line of duty.

Author: Dr. William H. Wall

Statutory Authority: Code of Ala. 1975, Act 87-609, as amended by Alabama Acts 99-448, 2000-808, 2009-631, and 2016-385.

History: Filed April 6, 1988. **Amended:** Filed December 20, 1999; effective January 24, 2000. **Amended (updated Statutory Authority only):** Filed January 12, 2001; effective February 16, 2001.

Amended: Filed August 19, 2016; effective October 3, 2016.

300-4-7-.02 Organization.

(1) It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for the implementation of the Police Officer's and Firefighter's Survivor's Educational Assistance Program. The Police Officer's and Firefighter's Survivor's Educational Assistance Program is

administered in accordance with the policies and procedures established by the Alabama Commission on Higher Education.

(2) The Alabama Commission on Higher Education appoints such staff as are necessary to ensure efficient operation of the program.

(3) The Tuition Eligibility Board shall determine the eligibility of any person applying for assistance through the Police Officer's and Firefighter's Survivor's Educational Assistance Program and shall certify to the Alabama Commission on Higher Education each eligible person to receive assistance through the program.

Author: Joseph T. Sutton

Statutory Authority: Code of Ala. 1975, §§36-21-100, et seq.

History: Filed April 6, 1988.

300-4-7-.03 Planning.

(1) It is the responsibility of the staff of the Alabama Commission on Higher Education to provide continuous study, analyses, evaluation, planning, reporting, and recommendations as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive, and coordinated system of higher education for the State.

(2) It is the responsibility of the Alabama Commission on Higher Education to supervise implementation of the Police Officer's and Firefighter's Survivor's Educational Assistance Program with the state college, state community college, state junior college, state technical college, or state university concerned.

Author: Joseph T. Sutton

Statutory Authority: Code of Ala. 1975, §§36-21-100, et seq.

History: Filed April 6, 1988.

300-4-7-.04 Definition Of Terms.

(1) **Academic Qualifications and Satisfactory Progress of Eligible Students:** A student is considered academically qualified if he/she is currently enrolled and matriculated, or has been enrolled in an eligible program of an eligible institution, and is maintaining, or did maintain, satisfactory progress in a course of study he or she is or was pursuing according to the standards and practices of the institution in which the student is or was in attendance. A participating institution must check whatever elements of its satisfactory progress standards are applicable for each payment period.

(2) **Board:** Tuition Eligibility Board.

(3) Educational Grant: A grant is defined as a financial award by the state of Alabama to a Police Officer's and Firefighter's Survivor's Educational Assistance Program applicant who is designated to be an eligible student who was enrolled in, or is enrolled in, or accepted for enrollment, in an eligible institution, and is to be awarded to the student to defray direct educational-related expenses: tuition, and mandatory fees as stated in the institution's catalog, plus the cost of books and supplies.

(4) Cost of Education: The cost of education is defined as the cost of instruction and fees to the student, as stated in the institution's catalog, plus the cost of books and supplies.

(5) Eligible Institution: An eligible institution is a public postsecondary educational institution -- a state college, state community college, state junior college, state technical college, or state university -- in the state of Alabama and which submits a complete application to the Police Officer's and Firefighter's Survivor's Educational Assistance Program for grant assistance to its students and complies with all regulations of the Alabama Commission on Higher Education.

(6) Eligible Program: An eligible program is any program leading to a diploma, certificate, or undergraduate degree in a state college, state community college, state junior college, state technical college, or state university, in the State of Alabama.

(7) Eligible Student: An eligible student is an applicant who completes a Police Officer's and Firefighter's Survivor's Educational Assistance Program application, and

(a) Is classified as an undergraduate student as defined in . 04(15);

(b) Is enrolled or accepted for enrollment, or was enrolled, in an eligible program within an eligible institution for a minimum of 6 semester/quarter hour per academic term;

(c) Is making satisfactory academic progress as defined by the eligible institution and consistent with guidelines applicable to Title IV programs at the institution or institutions;

(d) Is the dependent child, or spouse who has not remarried of a full-time law enforcement officer or firefighter employed by the State, by any county, or by any municipality, and any volunteer firefighter, as defined, or rescue squad members, as defined and killed or totally and permanently disabled in the line of duty.

1. Volunteer Firefighter - any person who meets all requirements set forth by his or her department, as attested by the chief of that department, and who is any

of the following: a member of a certified volunteer fire department as provided in Code of Ala. 1975, Section 9-3-17; a volunteer firefighter of a fire department of an incorporated municipality; a volunteer firefighter of a fire district established pursuant to state law.

2. Rescue Squad Member - A member of an organized rescue squad of a city, town, county, or other subdivision of the state or of a public corporation, organized for the purpose of providing, within the scope of his or her practice: First aid, treatment or transport of the sick or injured; rescue or recovery operations at incidents of drowning; search and rescue of individuals lost or incapable of self-rescue; or any other emergency or non-emergency incident where the services provided by the rescue squad are deemed necessary for incident stabilization. The term includes all commanders, officers, and member of organized rescue squads that are members of the Alabama Association of Rescue Squads.

(e) Dependent Children qualifying categories:

1. Natural born children of deceased firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time of death.

2. Adopted children of deceased firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time of death.

3. Natural born children of totally disabled firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time total disability is established.

4. Adopted children of totally disabled firefighters, police officers, volunteer firefighters and rescue squad members who are under 21 at the time permanent disability is established. In order to receive benefits, an adopted dependent of totally disabled firefighter, police officer, volunteer firefighter and rescue squad member shall have been adopted and resided in the household for at least five years prior to enrollment in undergraduate study.

(f) If a spouse, the applicant must not have remarried and must enroll in an eligible program of an eligible institution within five years of the death or total and permanent disability of a law enforcement officer, firefighter as defined, or rescue squad member, as defined or within five years from October 1, 2000 for persons whose spouses became totally and permanently disabled in the line of duty on or after July 23, 1987.

(8) False Statement or Misrepresentation: Any person who knowingly makes or furnishes any false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual or institution to obtain monies wrongfully under this program, shall be guilty of a Class A misdemeanor, and upon conviction thereof, shall be subject to a fine or to imprisonment, or to both, as such misdemeanor is defined in Act No. 607, S.33 of the 1977 Regular Session (Acts 1977, No. 11, p. 812).

(9) Matriculated Status of Eligible Students:

(a) To be eligible for a Police Officer's and Firefighter's Survivor's Educational Assistance program grant, a student must be or have been in a "matriculated status" in an eligible program leading to a diploma, certificate, or undergraduate degree in an eligible institution. For purposes of the Police Officer's and Firefighter's Survivor's Educational Assistance program, a student shall be considered in "matriculated status" if he or she is enrolled, or has been enrolled, in an appropriate diploma, certificate, or degree program.

(b) A student is to be considered matriculated and eligible only if the courses pursued by the student are fully recognized as contributing toward fulfillment by the students of the requirements for completion of the program. That the student may be required, or has been required, to complete certain courses to make up deficiencies in background or training does not necessarily negate the student's status as a recognized certificate, diploma, or degree candidate, so long as acceptance and credit are not contingent upon additional and special requirements designed to establish his/her qualifications to pursue the program successfully. If credit toward the certificate, diploma, or degree is conditional upon satisfactory completion of additional special requirements, then the student must be considered not fully matriculated and ineligible for assistance during his/her present program of study.

(c) A student who meets all eligibility requirements for the Police Officer's and Firefighter's Survivor's Educational Assistance Program and who is, or has been, permitted to enroll in an eligible institution or an early admission basis is eligible to receive an educational grant provided he/she meets all other matriculated status criteria of these procedures.

(10) Public Institution of Higher Education. A public institution of higher education is an educational institution which,

(a) Is in Alabama;

(b) Admits as regular students only persons who have a high school diploma or have the recognized equivalent of a high

school diploma, or are beyond the age of compulsory school attendance, and have the ability to benefit from the training offered;

(c) Is legally authorized to provide an educational program beyond secondary education;

(d) Provides an educational program for which it awards an associate or baccalaureate degree, or provides at least a two-year program which is acceptable for full credit toward a baccalaureate degree, or provides at least a one-year training program which leads to a certificate or diploma and prepares students for gainful employment in a recognized occupation;

(e) Is accredited by a nationally-recognized accrediting agency or association or, if not accredited, is an institution whose credits are determined to be accepted on transfer by at least three accredited institutions on the same basis as transfer credits from fully accredited institutions.

(11) Refund Policies and Procedures.

(a) If a student transfers, or becomes ineligible for an educational grant, prior to the delivery of program funds to the student, the institutional financial aid administrator will not disburse Police Officer's and Firefighter's Survivor's Educational Assistance Program funds to the student.

(b) If a student withdraws from school or reduces his/her course load after receiving Police Officer's and Firefighter's Survivor's Educational Assistance program funds, but before the end of the academic term or terms, and is not entitled to a refund in accordance with the institution's refund policy, the Police and Firefighter's Survivor's Educational Assistance Program will not require a refund of any portion of the educational grant which was utilized by the student toward payment of the institution's net charges to the student for the period of actual attendance. However, if an educational grant award payment to the student exceeds the amount of the educational costs of the student, the institution must return to the Police Officer's and Firefighter's Survivor's Educational Assistance Program the refund amount and the institution must maintain with the student's records documentation listing (a) the date the student withdrew, (b) the net institutional charges to the student for the period of the student's attendance, (c) the amount of the student's educational grant award, and (d) the amount of refund due the Police Officer's and Firefighter's Survivor's Educational Assistance Program.

(12) Student Application Procedure: Each applicant for a Police Officer's and Firefighter's Survivor's Educational Assistance

Program grant must submit to the Alabama Commission on Higher Education a Police Officer's and Firefighter's Survivor's Educational Assistance Program student application. Completed applications will be forwarded to the Tuition Eligibility Board for review and certification of eligibility.

(13) Transfer Student: Each Police Officer's and Firefighter's Survivor's Educational Assistance Program award is made on the basis of the student applicant's attending the postsecondary educational institution listed on his/her student application form. An award recipient who elects to transfer to another educational institution may apply for a new award in accordance with the student application procedure. The original application will be cancelled automatically, unless the student has met the student eligibility requirements for receipt of funds for attendance at that institution. A Police Officer's and Firefighter's Survivor's Educational Assistance Program award is not transferable from one institution to another.

(14) Tuition: Tuition is defined as the cost of instruction and fees to the student as stated in the institution's catalog, plus the cost of books and supplies.

(15) Undergraduate Student: An undergraduate student is defined as a person who is or was enrolled in an eligible program at an eligible institution and has not earned a baccalaureate or professional degree. Students who have previously earned a baccalaureate or professional degree, even though they may be enrolled in an undergraduate course of study, are not eligible for a Police Officer's and Firefighter's Survivor's Educational Assistance Program grant.

(16) Full-time Student: A full-time student is an enrolled student who is carrying a full-time academic workload which amounts to the equivalent of a minimum of 12 semester hours or 12 quarter hours per academic term.

(17) Half-time Student: A half-time student is an enrolled student who is carrying a half-time academic workload which amounts to the equivalent of a minimum of 6 semester hours or 6 quarter hours per academic term.

Author: Dr. William H. Wall

Statutory Authority: Code of Ala. 1975, Act 87-609.

History: Filed April 6, 1988. **Amended:** Filed December 20, 1999; effective January 24, 2000. **Amended:** Filed January 12, 2001; effective February 16, 2001. **Amended:** Filed August 19, 2016; effective October 3, 2016. **Amended:** Published September 30, 2021; effective November 14, 2021.

300-4-7-.05 Audit.

Each eligible institution receiving grants on behalf of, and to the credit of, any student shall be subject to examination at any time by the Alabama Commission on Higher Education, the examiner of public accounts, or the state auditor, for the purpose of determining whether such institution has complied with the rules, regulations, and procedures of the Police Officer's and Firefighter's Survivor's Educational Assistance Program.

Author: Joseph T. Sutton

Statutory Authority: Code of Ala. 1975, §§36-21-100, et seq.

History: Filed April 6, 1988.

300-4-7-.06 Application Processing Procedures.

The following procedures shall be the method used by the Alabama Commission on Higher Education for making available Police Officer's and Firefighter's Survivor's Educational Assistance Program awards to eligible students at eligible institutions:

(a) Applications may be obtained from the Alabama Commission on Higher Education.

(b) The applicant shall be required to complete the application form and attach documentation to substantiate eligibility. Such documentation must include a copy of a natural child's birth certificate, adoption papers for an adopted child, or marriage certification by a spouse, and a death certificate for the police officer, firefighter, as defined, or rescue squad member, as defined, killed in the line of duty, or the certification by a qualified physician of the police officer's, firefighter's, as defined, or rescue squad member's, as defined total and permanent disability as a result of service in the line of duty.

(c) The applicant shall forward the completed application form, with attached documentation, to the Alabama Commission on Higher Education.

(d) Each application shall have a preliminary review by the Alabama Commission on Higher Education staff to determine if the application is complete and contains all required documentation. Each student applicant shall be notified by the Alabama Commission on Higher Education when an application is incomplete and additional information is needed. The Alabama Commission on Higher Education shall notify any student who does not meet student eligibility criteria and is, therefore,

ineligible for a Police Officer's and Firefighter's Survivor's Educational Assistance Program award.

(e) Complete applications of applicants who appear to meet the eligibility criteria for participation in the Police Officer's and Firefighter's Survivor's Educational Assistance Program shall be forwarded by the Commission on Higher Education to the Chairman of the Tuition Eligibility Board.

(f) The Chairman of the Tuition Eligibility Board shall review the application, in consultation with other members of the Board, as directed by Board policy, and determine if the applicant meets the eligibility requirements for participation in the program. Upon signature of the Board Chairman, the application shall be returned to the Alabama Commission on Higher Education for processing.

1. If an application is received after the Tuition Eligibility Board has held its annual meeting, the Chairman has the authority to approve or reject an application.

(g) Upon receipt of the approved application, the Alabama Commission on Higher Education shall request the eligible institution to submit an invoice for reimbursement of tuition, fees, books, and supplies for each term the applicant is eligible to receive benefits through the Police Officer's and Firefighter's Survivor's Educational Assistance Program. Original receipts must accompany institutional invoices submitted to the Commission.

(h) Payments for eligible students shall be forwarded to the financial aid office of the eligible institution.

Author: Dr. William H. Wall; Tim Vick

Statutory Authority: Code of Ala. 1975, Alabama Act 87-609, as amended by Alabama Acts 99-448 and 2000-808.

History: Filed April 6, 1988. **Amended:** Filed December 20, 1999; effective January 24, 2000. **Amended (updated Statutory Authority**

only): Filed January 12, 2001; effective February 16, 2001.

Amended: Filed August 19, 2016; effective October 3, 2016.

Amended: Published September 30, 2021; effective November 14, 2021.

300-4-7-.07 Disbursement Of Funds.

(1) The Alabama Commission on Higher Education shall determine the dollar amount of each grant award and shall submit a voucher to the state comptroller.

(2) The state comptroller shall prepare a check payable to the eligible institution for each eligible student listed on the

voucher. Such check shall be forwarded to the institution for credit to the student's account or for payment to the institution for delivery of funds to the eligible student. No later than thirty (30) calendar days after receipt of the grant check, the eligible institution shall deliver the grant funds to the eligible student and return completed certification form to the Alabama Commission on Higher Education.

(3) If a student whose eligibility for a grant award has been certified by an eligible institution becomes ineligible for a grant award before the expiration of the institutional refund period, the grant funds shall not be delivered to the student but shall be returned to the Alabama Commission on Higher Education.

Author: Joseph T. Sutton

Statutory Authority: Code of Ala. 1975, §§36-21-100, et seq.

History: Filed April 6, 1988.

300-4-7-.08 Review Procedures.

(1) The institutional review will enable the reviewer to express an opinion of the administrative controls and the compliance aspects of the Police Officer's and Firefighter's Survivor's Educational Assistance Program at the eligible institution.

(2) The primary objectives identified for the reviewer conducting institutional reviews are:

(a) To determine if the institution's records present information accurately and in conformity with the Police Officer's and Firefighter's Survivor's Educational Assistance Program Regulations, and whether all reports are prepared on a consistent basis from one period to the next;

(b) To determine whether the institution has implemented, and is utilizing, reasonable procedures and internal controls for effectively discharging management responsibilities and for protecting adequately the state's interest;

(c) To review institutional records and reports on areas of noncompliance; and

(d) Based upon the review, to provide constructive recommendations to the institution.

(3) The institution shall make all records and information relative to the Police Officer's and Firefighter's Survivor's Educational Assistance Program available to the reviewer.

(4) A written report shall be provided by the reviewer to the institution and shall include;

- (a) Any findings of inaccuracies in institutional reports;
- (b) Any inconsistencies in institutional reports;
- (c) Conclusions regarding the adequacy of administrative controls;
- (d) Any areas of noncompliance; and
- (e) Any recommendations for improvement.

(5) If the eligible institution does not concur with all items in the written report, a written appeal should be submitted to the executive director of the Alabama Commission on Higher Education.

(6) When an institutional review reveals sufficient problems pertaining to the Police Officer's and Firefighter's Survivor's Educational Assistance Program at an institution, the executive director of the Alabama Commission on Higher Education may:

- (a) Impose a temporary suspension of Police Officer's and Firefighter's Survivor's Educational Assistance Program payments to the institution;

- (b) Suspend the institution from participation in the Police Officer's and Firefighter's Survivor's Educational Assistance Program for an indefinite period of time;

- (c) Demand payment of any Police Officer's and Firefighter's Survivor's Educational Assistance Program funds to a student or repayment of funds to the state of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or,

- (d) Refer any problems to the Attorney General for appropriate legal action.

(7) A suspended institution may request a hearing by the Alabama Commission on Higher Education. The institution shall be notified in writing of the time and place of such Alabama Commission on Higher Education hearing.

(8) After such hearing, the Alabama Commission on Higher Education shall determine, at an official meeting of the Commission, whether to:

- (a) Continue the suspension pending the receipt of any additional information the Commission may require;

- (b) Continue the executive director's suspension subject to limitation or exceptions;

(c) Revoke or lift the suspension and restore the institution to full participation as authorized under the regulations;

(d) Terminate the institution's eligibility for an indefinite period of time;

(e) Demand payment of any Police Officer's and Firefighter's Survivor's Educational Assistance Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or,

(f) Take any other appropriate action the Commission deems necessary, including referral to the Attorney General for appropriate legal action.

Author: Joseph T. Sutton

Statutory Authority: Code of Ala. 1975, §§36-21-100, et seq.

History: Filed April 6, 1988.

300-4-7-.09 Maintenance Of Records.

(1) Each eligible institution shall establish and maintain on a current basis adequate records which reflect all transactions with respect to program and fiscal activity as they relate to the administration of the Police Officer's and Firefighter's Survivor's Educational Assistance Program.

(2) The academic records for any award period shall be retained for a period of five (5) years following the date of certification on an institutional invoice, unless a longer retention period is necessitated because of program review or audit resolution problems. In the event an eligible institution closes or otherwise ceases operation and fails to matriculate students, institutional Police Officer's and Firefighter's Survivor's Educational Assistance Program records of the eligible institution shall be forwarded to the Alabama Commission on Higher Education.

(3) Forms must be used to gather data in a uniform manner from each applicant; such forms shall contain information relative to all eligibility criteria for a Police Officer's and Firefighter's Survivor's Educational Assistance Program award.

(4) The executive director of the Alabama Commission on Higher Education, or any of the director's duly authorized representatives, will have access, for the purpose of review and examination, to Police Officer's and Firefighter's Survivor's Educational Assistance Program records and supporting documents maintained by the eligible institution.

(5) The records involved in any claim or expenditure which has been questioned by a program review or by a state audit must be retained until resolution of any such review of audit questions.

Author: Joseph T. Sutton

Statutory Authority: Code of Ala. 1975, §§36-21-100, et seq.

History: Filed April 6, 1988.

ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATIVE CODECHAPTER 300-4-8
ALABAMA TEACHER RECRUITMENT INCENTIVE PROGRAM

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300-4-8-.01 **Purpose.**

The purpose of the Alabama Teacher Recruitment Incentive Program (ATRIP) is to provide a scholarship/loan program to attract qualified students into the teaching profession in designated critical need areas.

Author: Tim Vick

Statutory Authority: Act of Alabama 2007-361.

History: **New Rule:** Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002. **New Rule:** Filed February 8, 2010; effective March 15, 2010.

300-4-8-.02 **Administration.**

The Commission on Higher Education serves as the State Agency for Higher Education responsible for administration of the Alabama Teacher Recruitment Incentive Program.

Author: Tim Vick

Statutory Authority: Act of Alabama 2007-361.

History: **New Rule:** Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002. **New Rule:** Filed February 8, 2010; effective March 15, 2010.

300-4-8-.03 **Appeals.**

Any person or institution aggrieved by the actions 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 action complained of, request a rehearing by the Commission. The Commission shall schedule the requested rehearing

no less than twenty (20) days, 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: Tim Vick

Statutory Authority: Act of Alabama 2007-361.

History: **New Rule:** Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002. **New Rule:** Filed February 8, 2010; effective March 15, 2010.

ALABAMA COMMISSION ON HIGHER EDUCATION
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300-4-9-.01 Authorization And Purpose (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Alabama Act 300-4-9

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-9-.02 Administration (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Alabama Act 300-4-9.

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-9-.03 Definition Of Terms (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Alabama Act 300-4-9.

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-9-.04 Awarding Procedures (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Alabama Act 300-4-9.

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-9-.05 Refund And Repayment Requirements (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Alabama Act 300-4-9.

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-9-.06 Reporting (Repealed 11/12/02).

(Repealed)

Author:

Statutory Authority: Alabama Act 300-4-9.

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-9-.07 Evaluation (Repealed 11/12/02).

(Repealed)

Author: Henry J. Hector

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

History: **New Rule:** Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
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CHAPTER 300-4-10
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300-4-10-.01 Authorization and Purpose.

The Technology Scholarship Program for Alabama Teachers (TSPAT) is authorized by Act 93-636 of the 1993 Alabama Legislature. The purpose of the program is to provide for the education of certified, employed public school teachers to be trained in the use of integrating technology skills in the curriculum.

Author:

Statutory Authority: Alabama Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.02 Administration.

The Alabama Commission on Higher Education (ACHE) is designated as the state agency responsible for the administration of the Technology Scholarship Program for Alabama Teachers, and will make rules and regulations for implementing Act 93-636. Administration of the TSPAT shall be in accordance with state statutes pertaining to administrative procedures, as well as regulations applicable to the program.

Author:**Statutory Authority:** Code of Ala. 1975, §§41-22, as amended; Alabama Act 93-636.**History: New Rule:** Filed November 7, 1997; effective December 12, 1997.**300-4-10-.03** **Planning.**

(1) It is the responsibility of the staff and the Alabama Commission on Higher Education to provide continuous study, analyses, evaluation, planning reporting, and recommendations as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive, and coordinated system of higher education for the State.

(2) It is the responsibility of the State Board of Education to designate other critical needs areas for scholarship loans when monies are available for teachers above and beyond public school teachers in the fields of English, science, mathematics, social science and history, and those who teach pupils in kindergarten to grade six, inclusive.

Author:**Statutory Authority:** Alabama Acts 79-461, 93-636.**History: New Rule:** Filed November 7, 1997; effective December 12, 1997.**300-4-10-.04** **Definition Of Terms.**

(1) Academic Qualifications and Standing of Eligible Students. A student is considered academically qualified if he/she is an eligible teacher enrolled in an approved academic program or approved courses at an eligible institution. Each participant must maintain a "B" average on all work attempted while receiving Technology Scholarship Program for Alabama Teachers funds.

(2) Academic Year. The academic year for the Technology Scholarship Program for Alabama Teachers is from October 1 of one year to September 30 of the next year.

(3) Approved Academic Program. An approved academic program is defined as a program which

(a) is a graduate teacher education program;

(b) includes courses in the new technologies, as defined in .04(14), and which are taken sequentially, beginning with the first term of the program of studies unless the student is expressly authorized by Commission staff to take a course or courses other than the approved technology course during or

after terms offered in January, 1994, because the required technology course is not offered or otherwise available at the eligible institution during the term;

(c) is offered at an eligible institution as defined in .04(6); and

(d) is approved for teacher certification by the State Department of Education.

(4) Approved Courses. Approved courses are defined as courses which

(a) are taken for credit or non-credit;

(b) address new technologies as defined in .04(14);

(c) are offered by institutions which are accredited, or are seeking accreditation, by the National Council for the Accreditation of Teacher Education; and,

(d) are approved for certification credit by the State Department of Education.

(5) Award. An award is a scholarship loan designed to cover direct education costs (tuition and mandatory fees) charged all students in the same course(s) or program of study, but not exceeding the maximum amount charged by any Alabama public institution of higher education for similar courses and programs of study, given by the State of Alabama to a TSPAT applicant who

(a) is an eligible student, as defined in .04(7);

(b) incurs a minimum cost of at least \$100 in tuition and mandatory fee expenses, after deducting other benefits, as defined in .04(15), for which the TSPAT applicant is eligible to receive; and,

(c) takes approved courses as defined in .04(4), or, if the executive director of the Alabama commission on higher education determines sufficient funds are available, to provide coverage for approved academic programs of study as defined in .04(3).

(6) Eligible Institution. An eligible institution is a public or private Alabama postsecondary educational institution which

(a) is accredited, or is seeking accreditation, by the National Council for the Accreditation of Teacher Education;

(b) offers graduate teacher education programs approved by the State Board of Education;

(c) submits a complete memorandum of agreement with the Alabama Commission on Higher Education for institutional participation in the scholarship loan program; and,

(d) complies with all regulations of the Technology Scholarship Program for Alabama Teachers.

(7) Eligible Student. An eligible student is an applicant who completes a TSPAT application form and

(a) is enrolled in an approved academic program of study as defined in .04(3) or approved course(s) as defined in .04(4);

(b) is a regularly certified public school teacher in Alabama as defined in .04(8) and classified as a permanent resident of the State of Alabama;

(c) teaches in the fields of English, science, mathematics, social science, history, or pupils in kindergarten to grade six, inclusive;

(d) is a citizen of the United States, or is in the United States for other than a temporary purpose and intends to become a permanent resident of the State of Alabama;

(e) has a "B" average on all work attempted while receiving TSPAT funds;

(f) signs a letter of commitment to the Alabama Commission on Higher Education agreeing to teach three full years in an Alabama public school system after receiving a Master's Degree financed wholly with TSPAT funds;

(g) signs a binding contract which specifies that failure to complete the courses for which the scholarship loan is received will obligate the TSPAT recipient to repay the Alabama Commission on Higher Education the amount of the TSPAT award issued to the student for the term with interest assessed from the date the TSPAT award is received at the prevailing rate charged recipients of non-need-based federal guaranteed student loans;

(h) does not owe a refund on any Federal or State student grant previously received at any institution; and,

(i) is not in default on any Federal student loan, and/or has not borrowed in excess of the Federal student loan limits, under the Federal student aid programs, at any institution.

(8) Eligible Teacher. An eligible teacher is defined as a person who

(a) is regularly certified by the State Department of Education in the fields of English, science, mathematics, social science, history, early childhood education, elementary education, or middle school education, or other critical field identified by the State Board of Education when funds are available for teachers outside the first priority group as defined in .04(10);

(b) teaches English, science, mathematics, social science, history, or pupils in kindergarten through grade six, inclusive, or other critical field identified by the State Board of Education when funds are available for teachers outside the first priority group as defined in .04(10); and,

(c) is employed by an Alabama public school system as a full-time teacher.

(9) False Statement or Misrepresentation. Any person who knowingly makes or furnishes any false statement or misrepresentation knowing the same to be false, for the purpose of enabling an individual or institution to obtain monies wrongfully under this program, shall be guilty of a Class A misdemeanor, and upon conviction thereof, shall be subject to a fine or to imprisonment, or to both, as such misdemeanor is defined in Act No. 607, S.33 of the 1977 Regular Session (Acts 1977, No. 11, p. 812).

(10) First Priority Group. The first priority group includes those certified, full-time public school teachers in the fields of English, science, mathematics, social science, history, and those who teach pupils in kindergarten to grade six, inclusive.

(11) Graduate Courses. Graduate courses are defined as those courses offered at the post-baccalaureate level and offered by eligible institutions as defined in .04(6).

(12) Grandfather Category of Students. Students awarded Emergency Secondary Education Scholarship Program funds prior to October 1, 1993 and who continue to meet student eligibility criteria as defined in Chapter 300-4-5 of the student assistance regulations shall be considered as a grandfather category of students eligible to receive awards as specified in Chapter 300-4-5.

(13) Integrating Technology Skills in the Curriculum. For the purposes of the Technology Scholarship Program for Alabama Teachers, integrating technology skills in the curriculum is defined as the use of various technologies to restructure and enhance the day-to-day teaching and learning process. Restructuring the teaching and learning process encompasses multi-media instruction, computer-based instruction, video-based teaching, and distance learning.

(14) New Technologies. For the purposes of the Technology Scholarship Program for Alabama Teachers, new technologies are

defined as multi-media instruction, computer-based instruction, video-based teaching, and distance learning.

(15) Other Benefits. For the purposes of the Technology Scholarship Program for Alabama Teachers, other benefits include all federal, state, institutional, local, and private grants, scholarships, fellowships, stipends, gifts, discounts, remissions, rebates, and other non-repayable resources available to the teacher and applicable toward the payment of a TSPAT applicant's tuition and fees during the period of enrollment at the institution.

(16) Refund Policies and Procedures:

(a) If a student transfers, or becomes ineligible for a TSPAT award during the academic term of the award and prior to the receipt of funds by the institution, the institutional aid administrator will return to the Commission any TSPAT funds received on behalf of the student for that term.

(b) If a student withdraws from the school or reduces his/her courseload after TSPAT funds are processed at an institution, but before the end of the academic term, and is not entitled to a refund in accordance with the institution's refund policy, the Commission will not require of the institution a refund of the TSPAT award used for payment of the institution's net charges to the student for the period of actual attendance. However, if the TSPAT award exceeds the amount of the tuition and fees charged to the student, the institution must return to the Commission the refund amount and maintain with the student's records documentation listing (1) the date the student withdrew, (2) the net institutional charges to the student for the period of the student's attendance, (3) the amount of the student's TSPAT award, and (4) the amount of refund due the Technology Scholarship Program for Alabama Teachers.

(17) Renewal of Awards. Awards may be renewed if the student continues to meet the eligibility requirements specified in .04(6) and submits a TSPAT application to the Alabama Commission on Higher Education.

(18) Repayment of Scholarship-Loan Awards. A teacher must repay a TSPAT scholarship-loan award if he or she fails to complete a course or courses paid for in full or in part with TSPAT funds. Repayment in full on all scholarship-loans received must be completed within ten years, unless a shorter period of time is appropriate when minimum monthly payments of \$100 per month plus interest would result in an earlier payoff. A teacher shall not be considered in violation of the repayment agreement entered into during any period in which he or she is serving, not in excess of 3 years, on active duty as a member of the armed services of the United States, or is temporarily totally disabled for a period not

to exceed 3 years, as established by the sworn affidavit of a qualified physician. A teacher shall be excused from repayment of any assistance received under this program if the recipient dies, as established by a certified death certificate, or if the recipient becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician.

(19) Scholarship-Loan. A scholarship-loan is an award of at least \$100 issued by the State of Alabama to a TSPAT applicant who is an eligible student, as defined in .04(7).

(20) Student Application Procedure. Each applicant for a TSPAT award must submit to the Alabama Commission on Higher Education a Technology Scholarship Program for Alabama Teachers student application form. Priority consideration will be given to applicants who submit completed applications to the Alabama Commission on Higher Education by January 1, 1994, for the 1993-94 academic year and June 1 thereafter for subsequent academic years.

(21) Transfer Student. Each Technology Scholarship Program for Alabama Teachers award is made on the basis of the student applicant's attending the postsecondary educational institution listed on his/her student application form. A TSPAT applicant who elects to transfer to another educational institution may apply for a TSPAT award in accordance with the student application procedure. A TSPAT award is not transferable from one educational institution to another.

(22) Tuition and Fees. Tuition and fees are defined as the direct educational charges and mandatory fees charged all students for enrollment in the program or courses as stated in the institution's catalog.

Author:

Statutory Authority: Act 93-636; Act No. 607, S.33 of the 1977 Regular Session (Acts 1977, No. 11, p. 812).

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.05 Audit.

Each approved institution receiving funds on behalf of, and to the credit of, any student shall be subject to examination at any time by ACHE, the Examiner of Public Accounts, or the State Auditor, for the purpose of determining whether such institution has complied with the rules, regulations, and procedures of the Technology Scholarship Program for Alabama Teachers. If an institution certifies an ineligible student for a TSPAT award, the amount of the award paid pursuant to such certification shall be refunded by the institution to the Technology Scholarship Program for Alabama Teachers.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.06 Application Processing Procedures.

The following procedures shall be the method used by the Alabama Commission on Higher Education for making available Technology Scholarship Program for Alabama Teachers awards to eligible students at eligible institutions:

(a) Applications may be obtained from eligible institutions and from the Alabama Commission on Higher Education.

(b) All information requested on the TSPAT application must be completed and the form mailed or delivered to the Alabama Commission on Higher Education. Priority consideration will be given to complete applications received by January 1, 1994, for the 1993-94 academic year. The priority date for academic years thereafter is July 1. Consideration given to complete TSPAT applications received after the priority date will be based on the availability of funds. If all items and information requested on the application form are not complete, the application will be considered invalid and the applicant will be ineligible to receive a TSPAT payment.

(c) Each application shall have a preliminary review by the Alabama Commission to determine if the application is complete and if the applicant meets the eligibility criteria for a TSPAT award. Each TSPAT applicant shall be notified by the Alabama Commission on Higher Education when an application is incomplete and additional information is needed. The Alabama Commission shall notify each teacher who does not meet all eligibility criteria for a TSPAT award.

(d) All applications which pass the preliminary review for eligibility shall be compared to other appropriate departmental records. Such records shall be used to verify that each student applicant is an eligible student as defined in .04(6).

(e) Information received on applications shall be evaluated by the Grants and Scholarships Department of the Commission.

(1) Complete applications received from eligible applicants by the application priority date shall be compared with monies available.

(2) Awards will be determined in accordance with the selection consideration schedule specified in Section .08.

(f) All awards made by the Alabama Commission on Higher Education shall be made to eligible institutions as defined in .04(5), on behalf of eligible students as defined in .04(6), enrolled in eligible academic programs as defined in .04(3) or eligible courses as defined in .04(4).

(g) Disbursement of all TSPAT awards shall be made by check to eligible institutions in the State of Alabama. The Alabama Commission on Higher Education shall have checks prepared for eligible institutions.

(1) The Alabama Commission on Higher Education shall prepare vouchers for institutions enrolling students for whom TSPAT funds are available.

(2) The Alabama Commission on Higher Education shall verify that each check is properly prepared.

(3) Checks shall be mailed along with a certification roster to the institutional financial aid officer for credit to the accounts of eligible students.

(4) The eligible institution shall credit the accounts of all students awarded TSPAT funds for attendance at the institution.

(5) All TSPAT funds which are undeliverable by the institution due to nonenrollment, withdrawal, or other causes, shall be returned to the Alabama Commission on Higher Education along with the reason(s) for returning the funds, no later than thirty (30) calendar days after receipt of the check.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.07 Awarding Procedures.

(1) An applicant for a TSPAT award must submit to the Alabama Commission on Higher Education each year an application for each term assistance is requested during the academic year.

(2) An applicant may receive consideration for a TSPAT award at more than one institution per academic term. A separate application is required for each eligible institution the applicant plans to attend. A renewal application must include certification a B average was received for courses paid for in full or in part with TSPAT funds.

(3) All awards made by the Alabama Commission on Higher Education shall be made to eligible institutions on behalf of eligible students.

(4) All eligible institutions shall follow the record keeping procedures set forth by the Alabama Commission on Higher Education.

(a) Eligible institutions shall complete all requested accounting reports and return them to the Alabama Commission on Higher Education on or before August 31 each year.

(b) A summary of fiscal reports pertaining to the Technology Scholarship Program for Alabama Teachers shall be furnished upon request to the Alabama Commission on Higher Education.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.08 Selection Procedures.

(1) The Alabama Commission on Higher Education shall determine from the completed applications of eligible applicants the sufficiency of available funds. Consideration for awards within the first priority group will be granted according to the following order:

(a) First consideration: Applicants who are recipients of previous TSPAT funds, submit an application by the application priority date, and who continue to meet the eligibility criteria specified in .04(6).

(b) Second consideration: Initial TSPAT applicants who are included in the first priority group as defined in .04(9), submit an application by the application priority date, and meet the eligibility criteria specified in .04(6). Twenty-five percent (25%) of available funds will be targeted for applicants who are members of a racial or ethnic minority.

(c) Third consideration: Initial TSPAT applicants who are not included in the first priority group as defined in .04(9), but submit an application by the application priority date, and meet the eligibility criteria specified in .04(6).

(2) Awards will be made to all eligible first-consideration applicants before any awards are made to any second-consideration applicants; awards will be made to all second-consideration applicants before awards are made to any third-consideration application.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.09 Disbursement Of Funds.

(1) The Alabama Commission on Higher Education shall determine the dollar amount for each award and shall prepare vouchers each term requesting that the State Comptroller disburse scholarship funds for eligible students. As Special Education Trust Funds become available, the order in which institutions will be issued checks shall be determined by the order in which institutional academic terms begin with the first-to-begin/first paid to last-to-begin/last paid.

(2) The State Comptroller shall prepare checks payable to all eligible institutions for all eligible TSPAT recipients included on the scholarship certification and transmittal rosters. Such checks and certification and transmittal rosters indicating the amount of TSPAT funds awarded for each eligible student shall be forwarded to the institution for credit to individual student accounts. No later than thirty (30) calendar days after receipt of the TSPAT funds, the eligible institution shall credit the accounts of the eligible students listed on the roster and return the completed roster to ACHE.

(3) If a student whose eligibility for a TSPAT award has been certified by an eligible institution becomes ineligible for a TSPAT award before the expiration of the institutional tuition refund period, the TSPAT funds shall not be credited to the student's account, but shall be returned to the Alabama Commission on Higher Education.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.10 Refund Procedures.

(1) Payment of institutional refunds to the Technology Scholarship Program for Alabama Teachers.

(a) An institution shall return to the Technology Scholarship Program for Alabama Teachers a portion of any refund owed to a student if

1. The student officially withdraws, drops out, or is expelled from the institution on or after his or her first day of class of a payment period; and

2. The student received assistance through the Technology Scholarship Program for Alabama Teachers.

(b) For purposes of this section, an institutional refund means the amount paid for institutional charges for a payment period by cash payments and/or other benefits minus the amount retained by the institution for the portion of the payment period that the student was actually enrolled at the institution. The amount retained by the institution for the student's actual period of enrollment is calculated according to the institution's refund policy.

(c) The portion of the refund that the institution shall return to the Technology Scholarship Program for Alabama Teachers is the lesser of

1. The amount of assistance received under the Technology Scholarship Program for Alabama Teachers for the payment period; or,

2. The amount obtained by multiplying the institutional refund by the following fraction:

$$\frac{\text{Total amount of Technology Scholarship Program for Alabama Teachers stipend awarded for the payment period}}{\text{Total amount of assistance awarded for the payment period}}$$

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.11 Repayment Procedures.

(1) Each Technology Scholarship Program for Alabama Teachers award recipient shall enter into an agreement with the Alabama Commission on Higher Education whereby the recipient shall agree to repay to the Alabama Commission on Higher Education any TSPAT funds used to pay for courses the TSPAT recipient fails to complete.

(a) Any breach of contract on the part of the recipient makes him/her immediately liable for repayment of amount due the State of Alabama as determined by the Alabama Commission on Higher Education.

(b) Repayments due shall be paid to the Technology Scholarship Program for Alabama Teachers with interest calculated from the date of withdrawal from the courses or courses at the prevailing rate charged recipients of non-need-based guaranteed student loans.

(c) The Executive Director of the Alabama Commission on Higher Education shall require Alabama institutions of higher education to withhold the release of any records of a recipient who fails to satisfy his/her agreement with the Alabama Commission on Higher Education.

(d) The Executive Director of the Alabama Commission on Higher Education shall request the State Superintendent of Education to revoke the teaching certificate of any recipient who fails to satisfy his/her agreement with the Alabama Commission on Higher Education.

(2) Each Technology Scholarship Program for Alabama Teachers award recipient who is pursuing a master's degree shall enter into an agreement with the Alabama Commission on Higher Education whereby the recipient agrees to teach three years in an Alabama public school system following the completion of a master's degree financed wholly or in part with TSPAT funds.

(3) A teacher shall not be considered in violation of the repayment agreement entered into during any period in which he or she is serving, not in excess of 3 years, on active duty as a member of the armed services of the United State, or is temporarily totally disabled for a period not to exceed 3 years, as established by the sworn affidavit of a qualified physician.

(4) A teacher shall be excused from repayment of any assistance received under this program if the recipient dies, as established a certified death certificate, or if the recipient becomes permanently totally disabled, as established by the sworn affidavit of a qualified physician.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.12

Scholarship/Loan Servicing.

(1) In-school servicing consists primarily of maintaining changes in a TSPAT recipient's name, home address, school address, and graduation date, if applicable. It is the TSPAT recipient's responsibility to notify the Alabama Commission on Higher Education, within thirty (30) calendar days, of any change of address, name change, or graduation date, if applicable.

(2) Scholarship/loan repayment begins not later than ninety (90) calendar days after the TSPAT recipient withdraws from his/her approved course(s) or program of study.

(3) Repayments due shall include interest assessed at the rate charged recipients of non-need-based federal guaranteed student loans.

(4) The terms of repayment may provide for substantially equal installment payments. Repayment in full on all scholarship loans received must be completed within ten (10) years, unless a shorter period of time would occur when minimum payments of \$100 per month plus interest result in an earlier payoff.

(a) A TSPAT scholarship/loan recipient may make a prepayment of the whole or any part of a TSPAT scholarship/loan at any time without penalty.

(b) The amount of repayment each year shall be a minimum of \$1200 or the unpaid balance of all outstanding scholarship/loans, including interest, whichever is less.

1. If the TSPAT scholarship/loan recipient and the Commission agree, the amount paid may be less.

2. A repayment schedule shall require a TSPAT scholarship/loan recipient to repay fully a TSPAT scholarship/loan within ten (10) years, except for periods of deferment.

3. Within thirty (30) days after a TSPAT scholarship/loan has been repaid in full, the Alabama Commission on Higher Education shall verify to the scholarship/loan recipient the scholarship loan obligation has been paid.

(5) Authorized deferments permit the postponement of principal payment during the specific period and under specific conditions after the repayment period has begun.

(a) It is the responsibility of the TSPAT scholarship/loan recipient to provide to the Alabama Commission on Higher Education all documentation required to establish eligibility for a specific type of deferment.

(b) Deferment is authorized during period when a TSPAT scholarship/loan recipient is engaged in one of the following activities:

1. Not in excess of three (3) years during which the TSPAT scholarship/loan recipient is temporarily totally disabled, as established by a sworn affidavit of a qualified physician.

2. Not in excess of three (3) years during which the TSPAT scholarship/loan recipient is serving on active duty as a member of the armed services of the United States.

(6) If a TSPAT scholarship-loan recipient dies, or becomes permanently and totally disabled, the recipient's obligation to make any further payments of principal and interest on a TSPAT scholarship/loan is cancelled.

(a) The Alabama Commission on Higher Education will not attempt to collect on a TSPAT scholarship-loan from the scholarship/loan recipient's estate.

(b) The Alabama Commission on Higher Education may make a determination that the TSPAT scholarship-loan recipient has died on the basis of a certified death certificate or other proof of death which is acceptable under applicable State law.

(c) The Alabama Commission on Higher Education may make a determination that the scholarship-loan recipient is permanently and totally disabled on the basis of a sworn affidavit of a qualified physician.

(d) The Alabama Commission on Higher Education shall return to the sender any repayments received from the estate of the TSPAT scholarship-loan recipient or paid on behalf of the TSPAT scholarship-loan recipient after the date of death.

(e) The Alabama Commission on Higher Education shall return to the sender any repayments received by or on behalf of a TSPAT scholarship-loan recipient after the date on which the recipient is designated as permanently and totally disabled.

(7) If a TSPAT scholarship-loan recipient has been adjudicated a bankrupt, the Commission shall file proof of claim with the bankruptcy court. The Alabama Commission on Higher Education may determine that a recipient has been adjudicated a bankrupt upon the receipt of notice of the first meeting of the creditors from the bankruptcy court.

(8) Upon the request of the Alabama Commission on Higher Education, the Attorney General or any District Attorney shall institute proceeding in the name of the State for the purpose of recovering any amount due the State under the provisions of the Technology Scholarship Program for Alabama Teachers.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.13 Review Procedures.

(1) The Alabama Commission on Higher Education reserves the right to review the administrative controls and compliance aspects of

the Technology Scholarship Program for Alabama Teachers at the eligible institution.

(2) The primary objectives identified for the reviewer conducting institutional reviews are:

(a) To determine if the institution's reports present information accurately and in conformity with the Technology Scholarship for Alabama Teachers Regulations, and whether all reports are prepared on a consistent basis from one period to the next;

(b) To determine whether the institution has implemented, and is utilizing, reasonable procedures and internal controls for effectively discharging management responsibilities and for adequately protecting the State's interest;

(c) To review institutional records and report on areas of noncompliance; and,

(d) Based upon the review, to provide constructive recommendations to the institution.

(3) The institution shall make all records and information relative to the Technology Scholarship Program for Alabama Teachers available to the reviewer.

(4) A written report shall be provided by the reviewer to the institution and shall include:

(a) Any finding of inaccuracies in institutional reports;

(b) Any inconsistencies in institutional reports;

(c) Conclusions regarding the adequacy of administrative controls;

(d) Any areas of noncompliance; and,

(e) Recommendations for improvement.

(5) If the eligible institution does not concur with all items in the written report, a written appeal should be submitted to the Executive Director of the Alabama Commission on Higher Education.

(6) When an institutional review reveals sufficient problems pertaining to the Technology Scholarship Program for Alabama Teachers at an institution, the Executive Director of the Alabama Commission on Higher Education may:

(a) Impose a temporary suspension of TSPAT payments to the institution;

(b) Suspend the institution from participation in the Technology Scholarship Program for Alabama Teachers for an indefinite period of time;

(c) Demand payment credit of TSPAT funds to an eligible student or repayment of TSPAT funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or,

(d) Refer any problems to the Attorney General of the State of Alabama, or any District Attorney of the State of Alabama, for appropriate legal action.

(7) A suspended institution may request a hearing by the Alabama Commission on Higher Education. The institution shall be notified in writing of the time and place of such Commission hearing.

(8) After such hearing, the Alabama Commission on Higher Education shall determine, at an official meeting of the Commission, whether to:

(a) Continue the suspension pending the receipt of any additional information the Commission may require;

(b) Continue the Executive Director's suspension subject to limitation or exceptions;

(c) Revoke or lift the suspension and restore the institution to full participation as authorized under the Regulations;

(d) Terminate the institution's eligibility for an indefinite period of time;

(e) Demand payment credit of TSPAT funds to an eligible student or repayment of TSPAT funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or,

(f) Take any other action the Commission deems necessary, including referral to the Attorney General of the State of Alabama, or any District Attorney of the State of Alabama, for appropriate action.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.14 Maintenance Of Records.

(1) Each eligible institution shall establish and maintain on a current basis adequate records which reflect all transactions with

respect to program and fiscal activity as they relate to the administration of the Technology Scholarship Program for Alabama Teachers.

(2) The academic records for any award period shall be retained for a period of five (5) years following the date of certification on an application, unless a longer retention period is necessitated because of program review or audit resolution problems. In the event an eligible institution closes or otherwise ceases operation and fails to matriculate students, institutional TSPAT records of the eligible institution shall be forwarded to the Alabama Commission on Higher Education.

(3) Forms must be used to gather data in a uniform manner from each applicant; such forms shall contain information relative to all eligibility criteria for a Technology Scholarship Program for Alabama Teachers award.

(4) The Executive Director of the Alabama Commission on Higher Education, or any of the Director's duly authorized representatives, shall have access, for the purposes of review and examination, to TSPAT records and supporting documents maintained by the institution.

(5) The records involved in any claim or expenditure which has been questioned by a program review or by a State audit must be retained until resolution of any such review or audit questions.

Author:

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

300-4-10-.15 Appeals.

The Alabama Commission on Higher Education shall provide TSPAT recipients with terms of repayment before their repayment periods begin. If a TSPAT recipient qualifies for any of the exceptions described in the TSPAT terms of agreement, the Commission shall accept claims for exceptions as specified in the TSPAT terms of agreement. TSPAT recipients may appeal determinations they believe are not in compliance with program regulations by requesting in writing a hearing by the Student Assistance Committee of the Alabama Commission on Higher Education. The decision of this committee shall be final.

Author: William H. Wall

Statutory Authority: Act 93-636.

History: New Rule: Filed November 7, 1997; effective December 12, 1997.

ALABAMA COMMISSION ON HIGHER EDUCATION
STUDENT ASSISTANCE
ADMINISTRATIVE CODE

CHAPTER 300-4-11
ALL ALABAMA ACADEMIC TEAM RECOGNITION SCHOLARSHIP PROGRAM
REGULATIONS (REPEALED 11/12/02)

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300-4-11-.01 Purpose (Repealed 11/12/02).

(Repealed)

Author: William H. Wall

Statutory Authority: Code of Ala. 1975, §16-5-14.

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-11-.02 Organization (Repealed 11/12/02).

(Repealed)

Author: William H. Wall

Statutory Authority: Code of Ala. 1975, §16-5-14.

History: New Rule: Filed November 7, 1997; effective December 12, 1997. Repealed: Filed October 8, 2002; effective November 12, 2002.

300-4-11-.03 Definition Of Terms (Repealed 11/12/02).

(Repealed)

Author: William H. Wall

Statutory Authority: Code of Ala. 1975, §16-5-14.
History: New Rule: Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-11-.04 Awarding Procedures (Repealed 11/12/02).

(Repealed)

Author: William H. Wall
Statutory Authority: Code of Ala. 1975, §16-5-14.
History: New Rule: Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-11-.05 Disbursement Of Funds (Repealed 11/12/02).

(Repealed)

Author: William H. Wall
Statutory Authority: Code of Ala. 1975, §16-5-14.
History: New Rule: Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-11-.06 Refund Policies And Procedures (Repealed 11/12/02).

(Repealed)

Author: William H. Wall
Statutory Authority: Code of Ala. 1975, §16-5-14.
History: New Rule: Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-11-.07 Review Procedures (Repealed 11/12/02).

(Repealed)

Author: William H. Wall
Statutory Authority: Code of Ala. 1975, §16-5-14.
History: New Rule: Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

300-4-11-.08 Maintenance Of Records (Repealed 11/12/02).

(Repealed)

Author: William H. Wall

Statutory Authority: Code of Ala. 1975, §16-5-14.

History: **New Rule:** Filed November 7, 1997; effective December 12, 1997. **Repealed:** Filed October 8, 2002; effective November 12, 2002.

ALABAMA COMMISSION ON HIGHER EDUCATION
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CHAPTER 300-4-12
ALABAMA MATH AND SCIENCE TEACHER EDUCATION PROGRAM

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300-4-12-.01 Organization (Repealed 11/14/21).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-5-10(10), et seq.
Alabama Act 2017-335.

History: New Rule: Filed December 12, 2017; effective January
26, 2018. **Repealed:** Published September 30, 2021; effective
November 14, 2021.

300-4-12-.02 Definition Of Terms (Repealed 11/14/21).

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-5-10(10), et seq.
Alabama Act 2017-335.

History: **New Rule:** Filed December 12, 2017; effective January 26, 2018. **Repealed:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.03 **Disbursement Of Funds (Repealed 11/14/21).**

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-5-10(10), et seq.
Alabama Act 2017-335.

History: **New Rule:** Filed December 12, 2017; effective January 26, 2018. **Repealed:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.04 **Maintenance Of Records (Repealed 11/14/21).**

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-5-10(10), et seq.
Alabama Act 2017-335.

History: **New Rule:** Filed December 12, 2017; effective January 26, 2018. **Repealed:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.05 **Appeals (Repealed 11/14/21).**

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-5-10(10), et seq.
Alabama Act 2017-335.

History: **New Rule:** Filed December 12, 2017; effective January 26, 2018. **Repealed:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.06 **Reporting (Repealed 11/14/21).**

(REPEALED)

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-5-10(10), et seq.
Alabama Act 2017-335.

History: **New Rule:** Filed December 12, 2017; effective January 26, 2018. **Repealed:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.07 Organization For Loan Repayment Program.

(1) It is the responsibility of the Alabama Commission on Higher Education (ACHE) to establish rules and regulations for the administration and implementation of the Alabama Math and Science Teacher Education Program (AMSTEP) Loan Repayment Program. The program will be administered in accordance with the policies and procedures established by the Alabama Commission on Higher Education.

(2) The Alabama Commission on Higher Education appoints such staff as are necessary to ensure efficient operation of the program and is the final authority in determining eligible program applicants.

(3) ACHE shall submit an annual report to the Governor and to the Chairs of the Senate Committee on Finance and Taxation-Education and the House Ways and Means Education Committee and the Deputy Director of the Legislative Services Agency - Fiscal Division within 30 days after September 30th of any given year including updates on all aspects of the program.

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-53(a).

History: New Rule: Filed September 19, 2018; effective November 3, 2018. **Amended:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.08 Purpose Of Loan Repayment Program.

(1) To encourage individuals to enroll in and complete programs leading to Alabama certification in mathematics, science or computer science.

(2) To improve the educational system in Alabama by encouraging those who complete the program to accept math, science or computer science teaching positions in Alabama public schools, preferably in public school systems, including charter schools, where the shortage of math, science or computer science teachers, or any combination of the three, is most acute, or in a school which has been designated as a failing school, by the State Board of Education or the Legislature.

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-53(a).

History: New Rule: Filed September 19, 2018; effective November 3, 2018. **Amended:** Published December 31, 2019; effective February 14, 2020. **Amended:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.09

Definitions For Loan Repayment Program.

(1) APPROVED INSTITUTION. A state-supported institution of higher education or a private nonprofit institution of higher education that satisfies all of the following:

(a) Is accredited by the Southern Association of Colleges and Schools Commission on Colleges.

(b) Is approved by the Alabama State Board of Education (ALSBE) to prepare teachers of middle level secondary math, science or computer science.

(c) Is eligible to receive Title IV federal student aid program funds.

(d) Maintains its primary headquarters in Alabama.

(2) CHARTER SCHOOL. A form of public school. A teacher employed by a charter school accredited by the Southern Association of Colleges and Schools is eligible to participate in the program. A teacher employed by a charter school is not eligible for the acute shortage area supplement provided in this article.

(3) COMMISSION. The Alabama Commission on Higher Education.

(4) ELIGIBLE APPLICANT. A person who satisfies the criteria set out in this act and is found to be eligible by rules adopted by the Alabama Commission on Higher Education.

(5) PROGRAM. The Alabama Math and Science Teacher Education Program administered by the commission provides loan repayments to a teacher with a valid Alabama professional educator certificate endorsed in math, science or computer science, who teaches math, science or computer science courses for which the teacher is properly certified for three-fourths of the full-time teaching load in the Alabama public school system.

(6) SCIENCE. Biology, chemistry, physics, and general science.

(7) YEAR. A school year that shall be divided into fall and spring semesters. The term does not mean calendar, fiscal, or scholastic year.

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-53(a).

History: **New Rule:** Filed September 19, 2018; Effective November 3, 2018. **Amended:** Published December 31, 2019; effective February 14, 2020. **Amended:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.10 **Rule Making Authority For Loan Repayment Program.**

(1) The Alabama Math and Science Teacher Education Program shall be administered by the commission, which may adopt any rules necessary for the administration of the program.

Author: Tim Vick

Statutory Authority: Alabama Act 2018-504

History: New Rule: Filed September 19, 2018; effective November 3, 2018.

300-4-12-.11 **Eligible Applicants And Award Amounts For Loan Repayment Program.**

(1) Base Program: Beginning in the Fall 2022 semester new applicants will be eligible for the base loan repayment program for math and science teachers of three thousand seven hundred fifty dollars (\$3,750) per semester worked or \$7,500 per year, for a maximum of four consecutive years, or to be eligible for the base loan repayment program for computer science teachers of one thousand five hundred dollars (\$1,500) per semester worked or \$3,000 per year, for a maximum of four consecutive years an applicant shall satisfy all of the following:

(a) Be a graduate of an ALSBE approved program in math or science or computer science beginning with the Spring term of 2018, at the baccalaureate or master's level, from an approved institution leading to an initial middle level or secondary professional educator certificate endorsed in math or science or computer science that was issued based upon completion of the approved program in math or science or computer science. A teacher who only earns a passing score on the Praxis test in math or science or computer science to add a certificate endorsement for math or science or computer science, and who has not completed an entire approved program, does not satisfy this requirement.

(b) Holds a valid Alabama professional educator certificate endorsed in middle level or secondary math or science or computer science, or any combination of the three.

(c) Is teaching in an Alabama public school district or at an Alabama Public Charter School Commission approved charter school.

(d) Is a citizen or a lawful permanent resident of the United States.

(e) Is a resident of Alabama and provides documentation proving a permanent connection to the State of Alabama. The commission shall accept any one of the following as proof of residency:

1. A current valid Alabama driver license.
2. A current valid Alabama vehicle registration.
3. A current valid Alabama voter registration card.

(f) Has outstanding federal student loans, subsidized or unsubsidized.

(g) Teaches a schedule in which at least three-fourths of the full-time teaching load is comprised of math, science or computer science in an Alabama public school system.

(h) Satisfies additional continuing eligibility criteria established by the Commission. A recipient who receives a loan repayment award and continues to satisfy employment criteria shall continue to receive an award for the four-year limit regardless of whether the employing school system retains its acute shortage designation or the employing school is removed from the failing school list. If a recipient leaves an acute shortage system or a failing school, and accepts employment in a school system or school that does not hold an acute shortage system or failing school designation, the recipient shall no longer qualify to receive supplemental funds.

(i) Beginning in the fall semester of 2021, the benefits outlined above shall apply to the following eligible individuals, pending authorization to teach in Alabama and subsequent employment in an Alabama public school:

1. An individual who graduated beginning with the Spring term of 2018 forward from a regionally accredited college or university in Alabama or in another state who is certified to teach math, science, or computer science in another state, and who may or may not reside within Alabama.
2. An individual who resides in another state and is a graduate of an Alabama State Board of Education approved program in math, science, or computer science, at the baccalaureate or master's level, after the 2021 spring semester term, from an approved Alabama institution and who holds an initial middle-level or secondary professional educator certificate endorsed in math, science, or computer science that was issued based upon completion of the approved program in math, science, or computer science. A teacher who only earns a passing score on the Praxis test in math, science, or computer

science to add a certificate endorsement for math, science, or computer science and who has not completed an entire approved program, does not satisfy this requirement.

3. The individuals shall also satisfy all of the following criteria:

(i) Hold a valid Alabama professional educator certificate endorsed in middle-level or secondary math, science, or computer science, or any combination of the three.

(ii) Teach a schedule in which at least three-fourths of the full-time teaching load is comprised of math, science, or computer science courses for which the teacher is properly certified in an Alabama public school system.

(iii) Be citizens or lawful permanent residents of the United States.

(iv) Have outstanding federal student loans, subsidized or unsubsidized

(v) Satisfy additional continuing eligibility criteria established by the commission. A recipient who receives a loan repayment award and continues to satisfy employment criteria shall continue to receive an award for the four-year limit regardless of whether the employing school system retains its acute shortage designation or the employing school is removed from the failing school list. If a recipient leaves an acute shortage system or a failing school, and accepts employment in a school system or school that does not hold an acute shortage system or failing school designation, the recipient shall no longer qualify to receive supplemental funds.

(j) Beginning after the 2021 spring semester, an individual issued an Alabama bachelor's level professional educator certificate in math, science, or computer science upon completion of an alternative certification program pursuant to the Code of Alabama, Section 16-23-3, may be eligible for the program if he or she satisfies all employment and teaching load requirements outlined above. The individual may only be reimbursed for tuition and mandatory instructional fees for not more than 12 semester credit hours of the college courses required for earning an alternative certificate in order to obtain a professional educator certificate in math, science, or computer science. The individual shall provide the Alabama State Department of Education and the commission with documentation concerning the cost incurred for the course

work. These funds are considered income by the Internal Revenue Service, and recipients shall be made aware of that fact.

(2) Supplemental Program: In order to receive an additional supplement pursuant to this act, in addition to all of the criteria listed above, a recipient shall also teach math or science, or computer science or any combination of the three, in a public school system within the state with an acute teacher shortage in math or science or computer science or any combination of the three, for which the teacher is properly certified as identified by the Commission in consultation with the Alabama State Department of Education or in a school which has been identified as a failing school, or any other term adopted to identify an underperforming school, by the Alabama State Board of Education or the Legislature. The supplement is an additional two thousand five hundred dollars (\$2,500) per year, or one thousand two hundred fifty dollars (\$1,250) per semester worked, for a maximum of four consecutive years for math and science teachers. Computer Science teachers will not be eligible to receive the acute shortage area supplement, until such time as the Alabama Commission on Higher Education and the Alabama State Department of Education concur that there is sufficient need or resources, or both, available to allow its inclusion.

(a) Public school systems and schools with acute shortages in math or science or both will be identified by the Commission in consultation with the Alabama State Department of Education.

(b) The Commission will approve the public school systems and schools in which teachers will be eligible for the supplement.

(c) The list of eligible public school systems and schools will be published on the Commission's website.

Author: Tim Vick, Artcola Pettway

Statutory Authority: Code of Ala. 1975, Alabama Act 2022-396.

History: New Rule: Filed September 19, 2018; effective November 3, 2018. **Amended:** Published December 31, 2019; effective February 14, 2020. **Amended:** Published September 30, 2021; effective November 14, 2021. **Amended:** Published September 30, 2022; effective November 14, 2022.

300-4-12-.12

Application Procedures For Loan Repayment Program.

(1) Information concerning the Loan Repayment Program shall be:

(a) Sent to the Alabama State Department of Education for distribution to the local school districts;

(b) Sent to the Alabama Education Association for distribution to its members;

(c) Sent to the Schools/Colleges of Education at all Alabama State Board of Education approved institutions;

(d) Posted on the ACHE website.

(2) Applications shall be made to the Commission on Higher Education. Applications shall be posted on the Commission's website.

(3) Applications must be received by ACHE by August 1 of each year.

(4) Loan repayment award recipients must reapply for the program annually.

(5) In addition to the application, each applicant must submit the following:

(a) Documentation that they are a graduate of qualifying institution. Submitted one time.

(b) Documentation that they hold a valid Alabama professional educator certificate endorsed in middle level or secondary math or science or computer science, or a combination of any or all three. Submitted one time and then again when renewed.

(c) Documentation from the employing school district or at an Alabama Public Charter School Commission approved charter school that they taught the previous semester. This may be a letter from either their superintendent's office or their supervising principal. Submitted prior to each requested payment.

(d) Documentation that they hold a federal student loan. Documentation must include the amount owed. If the award amount is larger than the outstanding loan balance, the award amount shall be reduced to the amount of the loan balance. Submitted prior to each requested payment.

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §16-5-53(a).

History: **New Rule:** Filed September 19, 2018; effective November 3, 2018. **Amended:** Published December 31, 2019; effective February 14, 2020. **Amended:** Published September 30, 2021; effective November 14, 2021.

300-4-12-.13 Procedures For Loan Repayment Program.

(1) The requirements of this program are contingent upon available funding for the program. If funding is not adequate to cover the cost of all applicants, funds will be distributed based on a first come first serve basis.

(2) Loan repayment awards shall be distributed directly to the recipient teacher in two disbursements during the applicable year: One disbursement after January 1 and the second disbursement after June 1.

(3) Payments will not be distributed for partial completion of a semester of work.

(4) The recipient shall notify the commission in writing of any change in status within 30 days after the change. Failure to notify the commission of a change in status shall affect future eligibility. All of the following constitute a change in status:

- (a) A change in name.
- (b) A change in residence.
- (c) A change in employment status.

(5) To receive a loan repayment check pursuant to this act, an approved applicant must register online with the State of Alabama's Comptroller Office. It is the responsibility of the individual to register, the Commission cannot register someone on the Vender Services System (VSS).

(6) A loan repayment check is considered income by the United States Internal Revenue Service and must be reported as such. Recipients shall be made aware of that fact.

(7) Any funds appropriated to the program are considered non-reverting.

Author: Tim Vick

Statutory Authority: Alabama Act 2018-504

History: New Rule: Filed September 19, 2018; effective November 3, 2018.

300-4-12-.14 Appeal For Loan Repayment Program.

Any person aggrieved by the actions 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 action

complained of, request a rehearing by the Commission. The Commission shall schedule the requested rehearing no less than twenty (20) days, 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: Tim Vick

Statutory Authority: Alabama Act 2018-504

History: New Rule: Filed September 19, 2018; effective November 3, 2018.

ALABAMA COMMISSION ON HIGHER EDUCATION
GRANTS AND SCHOLARSHIPS
ADMINISTRATIVE CODE

CHAPTER 300-4-13
(RE) ENGAGE ALABAMA GRANT PROGRAM

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300-4-13-.01 Purpose Of Grant Program.

(1) The purpose of the (Re)Engage Alabama Grant Program is to increase the number of Alabama adults with college degrees; to encourage adults who have earned some college credit hours to return to college, enroll, and complete a college degree program that is connected with workforce development needs and aligned with Alabama's high demand occupations list; and to provide financial assistance to adult learners of the State of Alabama for postsecondary education in the State of Alabama. This scholarship was established in 2023 during the legislative session as Act 2023-539.

Author: Artcola Pettway, Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.02 Organization.

(1) It is the responsibility of the Alabama Commission on Higher Education (ACHE) to establish and oversee the policies and procedures for the administration and implementation of the (Re)Engage Alabama Grant Program.

(2) ACHE shall appoint staff as needed to ensure efficient operation of the program and is the final authority in determining eligible program applicants.

(3) ACHE shall submit an annual report to the Governor and to the Chairs of the Senate Committee on Finance and Taxation-Education and the House Ways and Means Education Committee and the Deputy Director of the Legislative Services Agency - Fiscal Division within 30 days after September 30th of any given year including updates on all aspects of the program.

Author: Artcola Pettway, Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.03 Definition Of Terms.

(1) **ACADEMIC TERM.** A portion of an academic year, such as a semester or quarter, during which an educational institution holds classes (i.e., Fall, Winter, Spring, or Summer).

(2) **ADULT LEARNER.** A person who is 25 years or older returning to college.

(3) **ALABAMA RESIDENT.** A person who has been classified as an in-state resident by an authorized institution and has established residency within the state of Alabama for at least a 12-month period prior to the beginning of the term for which financial assistance is requested and is in the State of Alabama for other than a temporary purpose.

(4) **APPROVED INSTITUTION.** A state-supported institution of higher education or a private, nonprofit institution of higher education that satisfies all of the following:

(a) Is accredited by the Southern Association of Colleges and Schools Commission on Colleges or the Council on Occupational Education,

(b) Is eligible to receive Title IV federal student aid program funds, and

(c) Maintains its primary headquarters in Alabama.

(5) **AUTHORIZED INSTITUTION.** An approved institution that files a signed and dated (Re)Engage Alabama Grant Program Institutional Agreement with the Commission to comply with all rules,

regulations, policies, and procedures of the (Re)Engage Alabama Grant Program set forth by the Commission.

(6) COMMISSION. The Alabama Commission on Higher Education (ACHE).

(7) CONTINUOUS ENROLLMENT. When an adult learner is making academic progress toward degree completion without a stop-out in enrollment of more than one consecutive semester or quarter (i.e., Fall/Winter to Spring, Spring to Summer/Fall, or Summer to Fall).

(8) CREDITS (SEMESTER CREDIT AND QUARTER CREDIT). A semester credit is 1.5 times that of a quarter credit.

(9) ELIGIBLE PROGRAM. An eligible program that is a nonsectarian, secular educational program aligned with Alabama's high demand workforce needs promulgated by the Alabama Committee on Credentialing and Career Pathways.

(10) ELIGIBLE STUDENT. A person who completed the Free Application for Federal Student Aid (FAFSA), is in pursuit of one's first associate or baccalaureate degree, satisfies the criteria set out in the Act 2023-539, and is found to be eligible by rules adopted by the Commission.

(11) FULL-TIME STUDENT. A full-time student is defined as an eligible student who is carrying a full-time academic workload measured in terms of course work or other required activities, including courses, work experience, research, or special studies which the institution requires of the student to be considered as being engaged in full-time study, which amounts to the equivalent of a minimum of twelve (12) semester hours or eighteen (18) quarter hours per academic term; or the student is charged the tuition and fees for full-time study by the institution. For purposes of this program, no more than one course [with a maximum of four (4) semester credit hours] per academic term for courses in religion or theology shall be considered when calculating a student's full-time status.

(12) GRANT. A financial award by the State of Alabama to defray the cost of tuition and mandatory fees to an eligible adult learner who is currently enrolled in an authorized institution.

(13) PART-TIME STUDENT. An eligible student who is carrying a part-time academic workload measured in terms of course work or other required activities, including courses, work experience, research, or special studies which the institution requires of the student to be considered as being engaged in part-time study, which amounts to the equivalent of a minimum of six (6) semester hours or nine (9) quarter hours per academic term; or the student is charged the tuition and fees for part-time study by the institution. Any student enrolled for less than the equivalent of six (6) semester hours or nine (9) quarter hours is ineligible for a (Re)Engage Alabama Grant Program payment. For purposes of this

program, no more than one course (with a maximum of four (4) semester credit hours per academic term for courses in religion and theology) shall be considered when calculating a student's part-time status.

(14) PROGRAM. The (Re)Engage Alabama Grant Program created by the Act 2023-539 and administered by the Commission that provides grant award payments to institutions for eligible adult learners for college degree completion.

(15) PRORATION OF FUNDS. Should funds appropriated to the (Re)Engage Alabama Grant Program be insufficient to provide such recipients with a full grant payment for any term(s) during an academic year, each eligible student shall receive a pro rata grant share of the available funds.

(16) (RE)ENGAGE ALABAMA GRANT PROGRAM FORMS. Institutions will be required to submit the following documents:

(a) (Re)Engage Alabama Grant Program Institutional Agreement - the document is to be signed by the President of the institution.

(b) (Re)Engage Alabama Grant Program Application - the document is to be completed and submitted by each student seeking (Re)Engage Alabama Grant Program funds per academic term.

(c) (Re)Engage Alabama Grant Program Award List - the document is to be completed and submitted by the financial aid office representative acknowledging certification of all applicants per academic term.

(d) (Re)Engage Alabama Grant Program Refund Form - the document is to be completed by the financial aid office representative for any checks or refunds to be returned per academic term.

(17) REFUNDS. If a student withdraws or becomes ineligible for the (Re)Engage Alabama Grant Program during the academic term of the award year, the institution will not award the (Re)Engage Alabama Grant Program funds to the student. If a student withdraws from the college or reduces one's course-load after receiving (Re)Engage Alabama Grant Program funds, but before the end of the academic term and is not entitled to a refund in accordance with the institution's refund policy, the (Re)Engage Alabama Grant Program will not require the institution to refund the institution's (Re)Engage account any portion of the grant award which was utilized by the student for the period of actual attendance. However, if the grant award exceeds the amount of the educational cost to the student, the institution must return the overpayment difference to the institution's (Re)Engage account for potential future redistribution to another eligible student. The

institution must maintain documentation of the student's records, listing (a) the date the student withdrew, (b) the net institutional charges to the student for the period of the student's attendance, (c) the amount of the student's grant award, and (d) the amount of refund due to the (Re)Engage Program.

(18) RENEWAL OF GRANT. A student grant recipient who maintains eligibility and continuous enrollment as defined may receive the award the next academic term or until such time as the student receives an associate or baccalaureate degree. Each term's renewed award amount is determined by the number of hours enrolled and must be reflected in the certified (Re)Engage Award List. Therefore, the student must complete an application for each term.

(19) STOP-OUT. A student who was not enrolled or attended a postsecondary education institution for least two (2) years (24 consecutive months) prior to current enrollment.

(20) TRANSFER STUDENT. Each (Re)Engage Alabama Grant Program award is made on the basis of the student applicant attending the postsecondary educational institution listed on the student's application form. A student grant recipient who elects to transfer from the original awarding institution to another educational institution will automatically become ineligible for the grant as the (Re)Engage Alabama Grant Program award is not transferable from one educational institution to another.

(21) UNDERGRADUATE STUDENT. An eligible student with the completion of at least 36 credit hours for an associate degree or at least 72 credit hours for a baccalaureate degree of a college degree program that is connected with workforce development needs and aligned with Alabama's high demand occupations list promulgated by the Alabama Committee on Credentialing and Career Pathways; and at an approved institution and has not earned an associate or baccalaureate degree. Students who have previously earned an associate or baccalaureate degree, even though they may be enrolled in an undergraduate course of study, are not eligible for a (Re)Engage Alabama Grant Program grant.

(22) YEAR. An academic year that shall be divided into Fall, Winter, Spring, and Summer terms. The term does not mean calendar or fiscal year.

Author: Artcola Pettway, Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.04 Audits.

(1) Each approved institution receiving grants on behalf of, and to the credit of, any student shall be subject to examination at any time by the Commission, the Examiner of Public Accounts, or the State Auditor, for the purpose of determining whether such institution has complied with the policies and procedures of the (Re)Engage Alabama Grant Program. If an institution certifies an ineligible student for a (Re)Engage Alabama Grant Program award, the amount of the grant paid pursuant to such certification shall be refunded by the institution to the (Re)Engage Alabama Grant Program. The Department of Examiners of Public Accounts may audit all receipts, disbursements, assets, liabilities, and other resources of any postsecondary educational institution receiving grant funds on behalf of, and to the credit of, any student.

Author: Artcola Pettway, Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.05 Rule Making Authority For Grant Program.

(1) The (Re)Engage Alabama Grant Program shall be administered by the Commission, which may adopt any rules necessary for the administration of the program.

(2) The allocation of funds is based on the proportional share of Alabama-resident graduates of the approved public institutions' programs divided by available funds. Similar calculation is conducted for the approved private, nonprofit institutions using IPEDS and institutional data requests.

(a) Using the Alabama Committee on Credentialing and Career Pathways (ACCCP) statewide high demand occupation list, the process to determine each institution's fund allocation is as follows:

1. Careers requiring an associate or bachelor's degree within the upper quartile based on the ACCCP high demand and high wage are identified as the workforce shortages to be targeted for the program.

2. The nationally recognized Classification of Instructional Programs (CIPs) that align with the upper quartile ACCCP high wage high demand occupations are identified to create a program CIP listing.

3. From the program CIP listing, the CIPs that are offered at the approved institutions are identified per institution.
4. Historical data of Alabama-resident graduates per CIP for each approved institution is collected and analyzed to evaluate the total average degree count for the associate and baccalaureate levels for the program CIPs.
5. The associate average degree total and the baccalaureate average degree total are each divided by the overall average degree total to determine the percentage of available funds to be allocated per degree level (i.e., the initial distribution for 2024 yielded 74% of funds to be allocated for baccalaureate and 26% of funds to be allocated for associate).
6. Each institution's average number of in-state degrees awarded is divided by the total degrees per level (associate or baccalaureate) to determine the institution's degree percentage within the degree level.
7. Each institution's degree percentage is multiplied by the amount of the degree level portion of funds determined in section .05(2)(a)5.
8. The number of potential grant recipients is determined by dividing the institution's funding portion in section .05(2)(a)7 by the maximum per academic year award for a full-time student (i.e., Bachelor's: minimum 72 hours earned with at least 48 remaining for degree completion at 120 hours, costing \$12,000 at \$250 per credit hour; Associate: minimum 36 hours earned with at least 24 remaining for degree completion at 60 hours, costing \$3,000 at \$125 per credit hour.) This funding calculation yields ample funding for students who would require the maximum number of hours (based on 60 credit hours for associate and 120 credit hours for bachelor's) to complete a degree in one of the qualifying CIPs.

Author: Artcola Pettway; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.06 Awarding Procedures.

(1) The following procedures shall be the method used by the Commission for making the (Re)Engage Alabama Grant Program funds available to eligible students at approved institutions:

(a) Each applicant must submit to the eligible institution a yearly Free Application for Federal Student Aid application (FAFSA).

(b) An applicant may receive consideration for the (Re)Engage Alabama Grant Program award at only one approved institution during one academic term. An application must be submitted for each term of enrollment. The student recipient must remain continuously enrolled at the same approved institution while seeking to complete a degree in the approved (Re)Engage Program to maintain eligibility.

(c) The (Re)Engage Alabama Grant Program Application may be obtained from approved institutions.

1. All information requested on the initial (Re)Engage Alabama Grant Program Application must be completed by the student and submitted to the Financial Aid Office of the approved institution in which the student is enrolled by the given deadline date. As long as a student is continuously enrolled as defined, the student is to complete a (Re)Engage Alabama Grant Program application for each term following the initial award term. All applications must be kept on file (electronically or paper) by the institution for at least five years following the student receiving a degree. Should a student not be continuously enrolled at the institution, a new application is required following stop-out, as defined, prior to the new enrollment and reconsideration of receiving the grant. ACHE is to receive a copy of all applications and the certified (Re)Engage Alabama Grant Program Award List within 30 business days of the student application deadlines each academic term.

(i) Student application deadlines for semester terms are as follows:

(I) Fall Semester term grant applications must be received by September 15.

(II) Spring Semester term grant applications must be received by February 15.

(III) Summer Semester term grant applications must be received by June 15.

(ii) Student application deadlines for quarter terms are as follows:

(I) Fall Quarter term grant applications must be received by September 15.

(II) Winter Quarter term grant applications must be received by January 15.

(III) Spring Quarter term grant applications must be received by April 15.

(IV) Summer Quarter term grant applications must be received by June 15.

2. Initial applications received by an approved institution's Financial Aid Office shall be dated when received. Each initial application shall have a preliminary review by the institution to determine if the application is complete and meets the eligibility criteria for a grant. Each student applicant shall be notified by the institution when the initial application is incomplete and additional information is needed. If all items and information requested on the initial application form are not completed, the application is invalid and the student is ineligible to receive the (Re)Engage Alabama Grant Program payment. The institution shall notify each applicant who does not meet all eligibility criteria and is, therefore, ineligible for the (Re)Engage Alabama Grant Program award.

3. All applications which pass the institution's preliminary review for eligibility shall be compared to other appropriate institutional records. Institutional records shall be used to verify the following requirements for each student applicant:

(i) Age, 25 years or older.

(ii) A citizen or a lawful permanent resident of the United States.

(iii) A resident of Alabama.

(iv) A graduate of a secondary school or the recognized equivalent of a high school graduate.

(v) Has not attended a postsecondary education institution for at least two (2) years (24 consecutive months) prior to their current enrollment.

(vi) Has not earned an associate or baccalaureate degree at any other institution prior to applying for the (Re)Engage Alabama Grant Program.

(vii) Classified as an undergraduate student with the completion of at least 36 credit hours for an

associate degree or at least 72 credit hours for a baccalaureate degree.

(viii) Enrolled as a full-time student (minimum of twelve (12) semester hours) or part-time (minimum of six (6) semester hours) student in an eligible program in an authorized institution leading to an associate degree or baccalaureate degree that is aligned with Alabama's high demand workforce needs promulgated by the Alabama Committee on Credentialing and Career Pathways.

(ix) Has good academic standing as defined by the institution.

(x) Not enrolled in a course of study leading to an undergraduate degree in theology, divinity, or field of preparation for a religious vocation.

(d) For students who are to be determined as eligible for a (Re)Engage Alabama Grant Program award each term, the institution shall complete a certified (Re)Engage Alabama Grant Program Award List and submit the list to the Commission. The award list shall include but is not limited to the following information: student's full name, identification number, the eligible program in which the student is enrolled, current term requesting funds, prior terms of received funds (includes renewals of grant), and total enrollment hours of all students to validate eligibility and determine award amount during the identified academic term. This list will be electronically shared with the Commission using a Secure File Transfer Protocol (SFTP) network provided by the Commission for security purposes. The financial aid office representative and the president of each institution shall sign the approved institution's (Re)Engage Alabama Grant Program Award List for each academic term, certifying that each student on the roster is eligible for the award and has submitted a complete and acceptable (Re)Engage Alabama Grant Program application to the institution on or before the application deadline for the term in which payment is requested.

(e) The maximum award amount a full-time student may receive per academic term is \$3,000 for universities and \$1,500 for community colleges. The maximum award shall be reduced proportionately for students who enroll six to eleven hours and for students enrolled in less common academic terms, such as quarters, summer terms, and intersessions.

(f) Each awardee shall be sent an award notice by the institution to inform of aid awarded through the (Re)Engage Alabama Grant Program.

(g) The institutional financial aid office representative will check each awardee for eligibility guidelines to include, but not limited to, the following:

1. Age, 25 years or older;
2. Residency of Alabama;
3. Student has not attended a postsecondary education institution for at least two (2) years (24) consecutive months) prior to their current enrollment.
4. Number of hours enrolled;
5. Eligible program and academic progress; and
6. Good standing as defined by the institution.

(h) The institutional financial aid office representative shall be responsible for ensuring that each student is not over-awarded.

(i) The (Re)Engage Alabama Grant Program will send a total sum payment of funds per academic term to the approved institution for deposit in the institution's (Re)Engage account to be credited accordingly to eligible student accounts provided on each academic term's (Re)Engage Alabama Grant Program Award List.

(j) All eligible institutions shall follow the policies and procedures set forth by the Commission for the (Re)Engage Alabama Grant Program.

Author: Artcola Pettway; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.07 Disbursement Of Funds.

(1) ACHE shall determine from the certified award lists received from all approved institutions the sufficiency of funds and the per grant dollar amount per eligible student for each academic term. Each eligible full-time student may receive a maximum of \$3,000 per term for universities (baccalaureate level programs) or \$1,500 for community colleges (associate level programs). The maximum award shall be reduced proportionately for students who enroll six to eleven hours and for students enrolled in less common academic terms, such as quarters, summer terms, and intersessions. No eligible student shall receive a grant at more than one approved institution during any one academic term.

(2) ACHE shall determine the dollar amount of each institution's total grant amount needed to cover students enrolled in each academic term and shall prepare a request for the State Comptroller to disburse (Re)Engage Alabama Grant Program funds to the institutions. ACHE shall earmark the total award amount designated for the student based upon the hours required to complete the approved associate degree (60 hours) or baccalaureate (120 hours). The institution will be responsible for allocating the funds accordingly and not exceed award amount.

(3) The check and a signature roster with the dollar amount of grant payment indicated for each eligible student shall be forwarded to the approved institution and shall credit each eligible student's account with the dollar amount indicated on the signature roster. The approved institution shall return the completed certified signature roster to the (Re)Engage Alabama Grant Program Office. Should the dollar amount of a grant credited to an eligible student's account exceed the dollar amount due the institution by the student at the time a (Re)Engage Alabama Grant is credited to an eligible student's account, a check in the amount of the excess funds (credit) shall be returned to the (Re)Engage Alabama Grant Program.

(4) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student but shall be returned to the (Re)Engage Program. Funds are considered received by a student when the institution credits an (Re)Engage Alabama Grant Program payment to the student's account.

(5) In no academic term may the grant amount credited to an eligible student's account exceed the per student operating expenditures of the institution for nonsectarian, secular educational purposes. Under no circumstances shall any (Re)Engage Alabama Grant Program funds be utilized by an approved institution or an eligible student for religious, sectarian or denominational purposes. Approved institutions receiving (Re)Engage Alabama Grant Program funds shall segregate such funds in a special revenue account and shall identify nonsectarian expenditures of such funds.

Author: Artcola Pettway; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.08

Refund and Repayment Requirements.

(1) Funds are considered received by a student when the institution credits a (Re)Engage Alabama Grant Program payment to

the student's account. Each institution's financial aid office representative is to complete and submit a (Re)Engage Alabama Grant Program Refund Form for any checks or refunds to be returned to the (Re)Engage Program.

(2) If a student whose eligibility for a grant has been certified by an approved institution becomes ineligible for a grant before the expiration of the institutional tuition refund period, the grant funds shall not be delivered to the student but shall be returned to the (Re)Engage Program.

(3) If a student becomes ineligible for a grant at an approved institution after funds are received by the student (following certification as eligible for a (Re)Engage Alabama Grant Program award) prior to the end of the academic term and who is entitled to a refund in accordance with the institution's written refund policy, the institution shall refund the (Re)Engage Program any portion of the grant payment that exceeds the institution's direct charges to the student for the period of actual enrollment.

(4) Should a student drop below full-time enrollment to part-time status before the expiration of the institutional refund period (after being certified as full-time by the approved institution), the maximum award shall be reduced proportionately to the student enrollment status for that term.

(5) If a student who drops below full-time enrollment to part-time status after funds are received by the student (following certification as full-time by the approved institution) and is entitled to a refund on reduced charges in accordance with the institution's written refund policy, the institution shall refund the difference between the amount of grants in full-time students as compared to half-time students for that particular term to the (Re)Engage Program. Note: A student who drops below the minimum enrollment requirement of six hours automatically becomes ineligible for the (Re)Engage Grant Program.

(6) Each refund payment reported on the (Re)Engage Alabama Grant Program Refund Form shall include:

- (a) The name of the approved institution involved;
 - (b) The full name and identification number of the student;
 - (c) The action which necessitated the refund, and the date of that action;
 - (d) The direct institutional charges to the student for the academic term involved;
 - (e) The amount of the student's grant payment for that term;
- and

(f) The amount of the refund due the institution's (Re)Engage Alabama account.

Author: Artcola Pettway; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.09 **Review Procedures.**

(1) The institutional review will enable the Commission to express an opinion of the administrative controls and of the compliance aspects of the (Re)Engage Alabama Grant Program at the approved institution.

(2) The primary objectives identified for the reviewer performing institutional reviews are:

(a) To determine whether the institution's reports present information accurately and in conformity with the (Re)Engage Alabama Grant Program policies and procedures, and whether all reports are prepared on a consistent basis from one period to the next;

(b) To determine whether the institution has implemented and is utilizing reasonable procedures and internal controls for effectively discharging management responsibilities and for adequately protecting the state's interest;

(c) To review institutional records and report on areas of noncompliance; and

(d) Based upon the review, to provide constructive recommendations to the institution.

(3) The institution shall make all records and information relative to the (Re)Engage Alabama Grant Program available to the reviewer.

(4) A written report shall be provided by the reviewer to the institution and shall include:

(a) Any findings of inaccuracies in institutional reports;

(b) Any inconsistencies in institutional reports;

(c) Conclusions regarding the adequacy of administrative controls;

(d) Any areas of noncompliance; and

(e) Recommendations for improvement.

(5) If the approved institution does not concur with all items in the written review report, a written appeal should be submitted to the Executive Director of the Commission.

(6) When an institutional review reveals sufficient problems pertaining to the (Re)Engage Alabama Grant Program at an institution, the Executive Director of the Commission may:

(a) Impose a temporary suspension of grant payments to the approved institution;

(b) Suspend the institution from participation in the program for an indefinite period of time;

(c) Demand payment of any (Re)Engage Alabama Grant Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

(d) Refer any problems to the Attorney General of the State of Alabama for appropriate legal action.

(7) A suspended institution may request a hearing by the Commission. The institution shall be notified in writing of the time and place of such ACHE hearing.

(8) After such hearing, ACHE shall determine (at an official meeting of the Commission) whether to:

(a) Continue the suspension pending the receipt of any additional information the Commission may require;

(b) Continue the Executive Director's suspension subject to limitations or exceptions,

(c) Revoke or lift the suspension and restore the institution or academic program to full participation as authorized under the regulations;

(d) Terminate the institution's eligibility for an indefinite period of time;

(e) Demand payment of any (Re)Engage Alabama Grant Program funds to a student or repayment of funds to the State of Alabama to remedy a violation of applicable laws, regulations, agreements, or operating procedures; or

(f) Take any other appropriate action the Commission deems necessary, including referral to the Attorney General of the State of Alabama for appropriate legal action.

Author: Artcola Pettway; Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

300-4-13-.10 **Maintenance Of Records.**

(1) Each approved institution shall establish and maintain current, adequate records which reflect all transactions with respect to program and fiscal activity as they relate to the administration of the (Re)Engage Alabama Grant Program. The records must be maintained in such a manner as to identify all program and fiscal transactions separately from other institutional activities and funds.

(2) The records for any award period shall be retained for a period of five (5) years following the date of submission of the institutional award list, unless a longer retention period is necessitated because of program review or audit resolution problems. In the event an approved institution closes or otherwise ceases operation and fails to matriculate students, institutional (Re)Engage Alabama Grant Program records of the approved institution shall be forwarded to ACHE for retention.

(3) The financial aid office representative for the (Re)Engage Alabama Grant Program will collect and submit copies of the completed (Re)Engage Alabama Grant Program Applications and the (Re)Engage Grant Program Award List to the Commission each academic term, all of which will be used to gather data in a uniform manner from each institution for each applicant; such forms shall contain information relative to all eligibility criteria for a (Re)Engage Alabama Grant Program award. Fiscal records pertaining to the operation of the (Re)Engage Alabama Grant Program at an approved institution must be maintained in a manner which provides a clear audit trail.

(4) The Executive Director of the Commission or any of the Director's duly authorized representatives will have access for the purpose of review and examination to (Re)Engage Alabama Grant Program records and supporting documents maintained by the approved institution.

(5) The records involved in any claim or expenditure which has been questioned by program review or by state audit must be retained until resolution of any such review or audit questions.

Author: Artcola Pettway, Stephanie C. Dolan

Statutory Authority: Code of Ala. 1975, §16-5-1; Alabama Act 2023-539.

History: New Rule: Published December 29, 2023; effective February 12, 2024.

ALABAMA COMMISSION ON HIGHER EDUCATION
ADMINISTRATIVE CODE

CHAPTER 300-5-8
STATE POSTSECONDARY REVIEW ENTITY

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(Repealed)

Author:

Statutory Authority: Code of Ala. 1975,

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300-5-8-.02 SPRE Definitions (Repealed 11/12/02).

(Repealed)

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300-5-8-.03 State Review Standards (Repealed 11/12/02).

(Repealed)

Author:

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300-5-8-.04 Consumer Complaint Procedures (Repealed 11/12/02).

(Repealed)

Author:

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300-5-8-.05 Review Procedures (Repealed 11/12/02).

(Repealed)

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300-5-8-.06 Institutional Appeal Procedure (Repealed 11/12/02).

(Repealed)

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300-5-8-.07 Final Action By SPRE (Repealed 11/12/02).

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300-5-8-.08 Appendices (Repealed 11/12/02).

(Repealed)

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