TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control_300 Department or Agency Alabama Commission on Higher Education
Rule No. 300-2-1-.03
Rule Title: Evaluation and Review of New Instructional Program Proposals of
Public Postsecondary Institutions
______ New  X  Amend  _______ Repeal _______ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?  ____NO_______

Is there a reasonable relationship between the state’s police power and the protection of the public health, safety, or welfare?  ____YES_______

Is there another, less restrictive method of regulation available that could adequately protect the public?  ____NO_______

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?  ____NO_______

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?  ____NA_______

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?  ____YES_______

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?  ____NO_______

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Does the proposed rule have an economic impact?  ____NO_______

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Date 7/19/2023

RECD & FILED (DATE FILED)
JUL. 20 2023 (STAMP)

LEGISLATIVE SVC AGENCY
Alabama Commission on Higher Education
Academic Affairs

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: 300-2-1-.03 Evaluation and Review of New Instructional Program Proposals of Public Postsecondary Institutions

INTENDED ACTION: The Alabama Commission on Higher Education proposes to amend 300-2-1-.03, Evaluation and Review of New Instructional Program Proposals of Public Postsecondary Institutions.

SUBSTANCE OF PROPOSED ACTION: The proposed amendments to Administrative Procedures §300-2-1-.03 are intended to update outdated terminology, add definitions to improve clarity, streamline review processes, and add a new subsection on review of programs above instructional role, which adapts existing guidelines into policy.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present views on these amended rules by contacting Dr. Robin McGill, Deputy Director for Academic Affairs, Alabama Commission on Higher Education, PO Box 302000, Montgomery, Alabama 36130-2000 (robin.mcgill@ache.edu, 334-242-2104) between 8:30am and 5:00pm CT each business day up to and including September 4, 2023.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: All views must be received by 5:00pm CT on September 4, 2023. A final version of the proposed rules, with any amendments, will be voted on by the Commission at its meeting on September 8, 2023 at 10am.

CONTACT PERSON AT AGENCY:
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(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
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 ensure 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) **Preparation of Proposals.** Program proposals will be prepared by the institutions according to the Commission's Procedures for the Review of New Programs of Instruction adopted in May 1989, as amended.

(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's 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. Two signed copies of the proposal must be submitted to the Commission staff with a transmittal letter signed by the institution's chief executive officer. 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 Department of Postsecondary Education (ADPE) Alabama Community College System (ACCS).

(a) Review of "Intent to Submit a Program Application"
(ISPA)". The institution proposing the program will submit an ISPA to ADPE. ADPE will acknowledge receipt of the ISPA and advise the college as to the adequacy of the information. ADPE will send the eligible ISPA to the Commission. The ADPE staff and the Commission staff will conduct joint preliminary review of the ISPA. Following the joint review, ADPE will advise the proposing college that the program is or is not eligible for further consideration.

(a) (b) Review of Program Applications: If it is determined that the program is eligible for further consideration, the college may submit a program application (proposal) to ADPE. ADPE ACCS will conduct an independent preliminary 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, ADPE ACCS will send the eligible program application to the Commission staff for review, which shall include consideration of program design, state and regional needs, and stewardship of resources of need and duplication factors. Following review by the Commission staff, ADPE and the Commission staff will conduct a joint preliminary review of the application. Should additional information or program modifications be deemed necessary, ADPE ACCS will provide such for consideration.

(b) (c) Completion of Staff Recommendation and Commission Action on the Program: Following the joint preliminary review, ADPE will formally request Commission approval of 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 which will be assessed in subsequent program review monitored over the post-implementation period, as described below in §300-2-1-.04. Commission approval of a program is based upon agreement of ADPE and the Alabama State Board of Education ACCS to discontinue the program if the expected outcomes are not reached within the established time frame.

(c) (d) 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 statement of “Intent to Submit a Program Application” (ISPA) is not necessary. The proposing college will submit a program application to ADPE 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. ADPE will acknowledge receipt. 

2. ADPE will conduct an immediate review of the application. This review will determine whether the program is denied, whether additional information is required, or whether the program is eligible for further consideration.

3. ADPE will send the eligible program application to the Commission for review of need and duplication factors.

4. Following receipt of the application by the Commission, ADPE staff and the Commission staff will conduct a joint preliminary review of the proposal. Should additional information or program modifications be deemed necessary, ADPE will provide such for consideration.

5. Following the joint preliminary review, ADPE will formally request Commission approval of the program. Completion of the Commission staff recommendation and Commission action on the program will occur within sixty days after receipt of the formal request 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 the program is based upon agreement of ACCS to discontinue the program if the expected outcomes are not reached within the established time frame.

(d) (e) Provision for Reconsideration of Programs Disapproved by the Commission: Upon the request of the institution, ADPE 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. If the
Commission disapproves a second time, and ADPE does not agree with the Commission’s rationale, ADPE may present the program application to the Alabama State Board of Education. The State Board of Education may then request a second reconsideration by the Commission.

(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 Review of the “Notification of Intent to Submit a Proposal” (NISP): The institution planning to submit a program proposal will submit a NISP to the Commission at least two months prior to submission of the program proposal. The NISP will also be sent by the institution to each university chief academic officer. Comments on the NISP by the chief academic officers will be sent to the Commission within three weeks of the receipt of the NISP. Within four weeks of receipt of the NISP, Commission staff and representatives of the proposing institution will meet to discuss institutional comments on the NISP and the program objectives in relation to the needs of the state, to consider any program duplication and explore possible means of collaboration, and to evaluate the centrality of the program to the institution’s mission and role.

(b) Submission and Peer Review of the Program Proposal: The program proposal may be submitted electronically to the Commission at any time beyond two months of the NISP submission. 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. The proposing institution will send a copy of the proposal to each university chief academic officer. Peer review of the proposal with specific questions and recommendations will be completed within one month of the proposal submission. Representatives of the proposing institution and Commission staff members will meet to review questions and recommendations derived from the peer review and to reach agreement on any necessary proposal changes. 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 proposal.

(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 two months of the peer review 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 which will be assessed in subsequent program review 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 graduate master’s, education specialist, and doctorate programs shall be conducted with the participation of the Alabama Council of Graduate Deans (ACGD).

(a) Submission and Review of the “Notification of Intent to Submit a Proposal” (NISP): The institution proposing the program will submit a NISP to the Commission at least two months prior to submission of the program
proposal. The NISP will also be sent by the institution to each member of the ACCD. Institutional comments on the NISP will be sent to the Commission within three weeks of the receipt of the NISP. Within four weeks of receipt of the NISP, Commission staff and representatives of the proposing institution will meet to discuss institutional comments on the NISP and the program objectives in relation to the needs of the state; to consider any program duplication and explore possible means of collaboration; and to evaluate the centrality of the program to institution's mission and role.

(a) Submission and Peer Review of the Program Proposal: The program proposal may be submitted electronically to the Commission at any time beyond two months of the NISP submission. In preparation for each Commission meeting, Commission staff will contact the ACCD 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. ACCD 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.

1. The proposing institution will send a copy of the proposal to each member of the Alabama Council of Graduate Deans (ACGD). Within three weeks of receipt, the ACCD will evaluate the proposal and seek campus input on criteria for new programs and to provide questions and recommendations to strengthen the proposal if it is approved.

2. The Chair of the Alabama Council of Graduate Deans will summarize questions and will list any recommendations. This summary will be sent to the Executive Board of the ACCD for feedback and approval. The Chair will forward the approved questions and recommendations to the proposing institution for response.

3. Responses from the proposing institution will be sent to the Chair of the Alabama Council of Graduate Deans within 2 weeks of receiving the ACCD's approved questions and recommendations.

4. Within one week of receipt of the proposing
institution's responses, the Chair of the Alabama Council of Graduate Deans will send the ACGD members the institutional responses to questions and recommendations. Each graduate dean will vote to approve each recommendation and the overall proposal. Each member will indicate if institutional presentation before the ACGD is needed. A majority vote is needed to require an institutional presentation.

5. The Chair of the Alabama Council of Graduate Deans will send the final version of the questions and recommendations to the ACGD members within one week. Prior to the Commission's second meeting with the proposers, the Chair of the ACGD will inform the Commission of the vote (considered as a "preliminary vote" if there will be an institutional presentation) and reports whether or not the ACGD requires an institutional presentation. There will be a presentation at a regular ACGD meeting if the proposers request it and/or the ACGD requires it. There will not be an institutional presentation if the proposers do not request it and the ACGD indicates it is not needed.

6. Within two weeks of peer review, a second meeting of the representatives of the proposing institution and Commission staff members will be held. The purpose of the meeting is to review questions and recommendations derived from the peer review and to reach agreement on any necessary proposal changes.

(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 two months of the peer review 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 which will be assessed in subsequent program review 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. The evaluation of program outcomes will entail one or more brief progress reports to the Commission.

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 may implement the program at any time. 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