TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control_300  Department or Agency  Alabama Commission on Higher Education
Rule No. 300-2-1-.04
Rule Title: Operational Policy on the Approval, Disapproval, Deferral, and
Withdrawal of New Programs of Instruction
___ 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

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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
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: 300-2-1-.04 Operational Policy on the Approval, Disapproval, Deferral, and Withdrawal of New Programs of Instruction and Requirements for Post-Implementation Monitoring

INTENDED ACTION: The Alabama Commission on Higher Education proposes to amend 300-2-1-.04, currently titled “Operational Policy on the Approval, Disapproval, Deferral, and Withdrawal of New Programs of Instruction” (proposed amended title “Operational Policy on the Approval of New Programs of Instruction and Requirements for Post-Implementation Monitoring”).

SUBSTANCE OF PROPOSED ACTION: The proposed amendments to Administrative Procedures §300-2-1-.04 are intended to update the rule title to more accurately reflect the content of the rule and to include language post-implementation monitoring that captures legislative intent and reflects current practice.

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:
Dr. Robin McGill, Deputy Director for Academic Affairs
Alabama Commission on Higher Education
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(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
300-2-1-.04 Operational Policy on the Approval, Disapproval, Deferral, and Withdrawal 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 such proposals for new degree programs are subject to 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) (3) 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) (4) Disapproval: A program that receives a negative recommendation by a majority vote of the Commission members present may be reconsidered after one year at the request of the institution, provided substantive changes indicate the need for reconsideration.

(5) Disapproval: A program that receives a favorable vote of a majority of members present by which falls short of receiving a favorable vote by a majority of the members of the Commission may be reconsidered at the next regularly scheduled meeting at the request of the institution provided substantive changes indicate the need for reconsideration.
(c) Deferral: Should the Commission (by a 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 and 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) Programs with program-specific accreditation will be required to report steps to be taken to obtain accreditation in the proposal/application, and the accreditation status as a post-implementation condition of approval. Programs which require licensure will be required to report steps to be taken to optimize exam-pass rates in the proposal/application, and the licensure pass rate as a post-implementation condition of approval.

(b) The unemployment/continuing education rate post-implementation reporting will be considered as informational/notification only, and will not be a consequential consideration in evaluating attaining/meeting post-implementation.
(a) Condition on Graduates: An approved degree program must meet the minimum viability standard for average number of graduates for its degree level, established by Code of Ala. 1975, §16-5-8(a)(2) as follows:

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

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

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

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

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

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

2. Master’s degrees must enroll an average of at least 4.7 students per year following program implementation.
3. Education Specialist or terminal sub-doctoral degrees must enroll an average of at least 3.75 students per year following program implementation.

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

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

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

   1. (a) Programs with program-discipline-specific accreditation will be required to report steps to be taken to obtain accreditation in the proposal/application, and the accreditation status may be required to show progress toward specialized accreditation as a post-implementation condition of approval.

   2. (a) Programs which require leading to professional licensure will be required to report steps to be taken to optimize exam pass rates in the proposal/application, 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) (9) Implementation Window. The window will be 30 24 months (2 4 years) from the time of Commission approval to implementation, before Commission approval will expire. An institution may request that a longer implementation window be approved under certain circumstances.
(8) **Post-Implementation Review.** At the end of the seven-year post-implementation period, ACHE staff will review the post-implementation report submitted in fulfillment of the condition on reporting, as noted above, and will notify the Commission as to whether the program has met its post-implementation requirements.

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

(b) Any program determined not to have met one or more of its post-implementation conditions will be recommended for deletion from 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.