Control 300  Department or Agency  Alabama Commission on Higher Education
Rule No. 300-4-4-.07
Rule Title: Maintenance of Records

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?  NO

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 August 16, 2023
Alabama Commission on Higher Education  
Academic Affairs 

NOTICE OF INTENDED ACTION 

AGENCY NAME: Alabama Commission on Higher Education 

RULE NO. & TITLE: 300-4-4-.07 Maintenance of Records 

INTENDED ACTION: The Alabama Commission on Higher Education proposes to amend 300-4-4-.07 Maintenance of Records. 

SUBSTANCE OF PROPOSED ACTION: The proposed amendments to Administrative Procedures §300-4-4-.07 are intended to reflect changes made to the law for the Alabama National Guard Educational Assistance Program, updating terminology and adding definitions to improve clarity, which adapts existing guidelines into policy. 

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present views on these amended rules by contacting Dr. Stephanie C. Dolan, Assistant Director of General Services, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, stephanie.dolan@ache.edu, (334) 353-9153, between 8:00 a.m. and 5:00 p.m. CT each business day up to and including October 5, 2023. 

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: All views must be received by 5:00 p.m. CT on October 5, 2023. A final version of the proposed rules, with any amendments, will be voted on by the Commission at its meeting on October 11, 2023 by 5 p.m. 

CONTACT PERSON AT AGENCY:  
Dr. Stephanie C. Dolan, Assistant Director for General Services  
Alabama Commission on Higher Education  
P.O. Box 302000, Montgomery, Alabama 36130-2000  
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(Signature of officer authorized to promulgate and adopt rules or his or her deputy)
300-4-4-.07  Maintenance Of Records.

(1) The Alabama Military Department and each eligible institution shall establish and maintain on a current basis accurate adequate 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: XXXX