

Alabama Commission on Higher Education

## Programmatic Review of Non-Alabama Institutions

PROCEDURES

APPLICATION

REGULATIONS

February 2019

ALABAMA COMMISSION ON HIGHER EDUCATION

PROGRAMMATIC REVIEW OF NON-ALABAMA INSTITUTIONS\*

APPLICATION

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\*This document is used for both initial application and renewal of existing programmatic reviews.

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## Section I. Procedures

### **Authorization Process:**

The process for obtaining state authorization to operate in the State of Alabama as a nonresident institution of higher education requires both of the following:

- Programmatic approval by the Alabama Commission on Higher Education (ACHE) [Ala. Code §16-5-10 (14) (1975)], which may result in exemption from ACHE programmatic approval (see “Exemptions” below).
- Licensure by the Alabama Community College System (ACCS) [Ala. Code §16-46-1 et seq. (1975)].

**Programmatic Approval:** The process for approving programs requires an application submitted to ACHE by one of two application forms:

- “Application for Programmatic Review” (for non-resident institutions not exempt from review)
- “Application for Exemption from Programmatic Review” (see “Exemptions” below)

**Licensure:** The Alabama Community College System (ACCS) processes all applications for licensure. Go to <https://www.accs.edu/about-accs/private-school-licensure/> for information and to apply for licensure.

### **Exemptions:**

**Programmatic Approval Exemption:** The following institutions are exempt from ACHE programmatic approval but must submit an “Application for Exemption from Programmatic Review” to document the exemption:

- The institution is exempt from Alabama licensure. [see <https://www.accs.edu/about-accs/private-school-licensure/exemptions/>]
- The institution is a member of NC-SARA.
- The institution is physically located within the United States of America (USA) or its territories and is accredited by a United States regional or specialized accrediting agency recognized by the United States Department of Education or Council on Higher Education Accreditation.
- The institution originated in Alabama and is now owned by an institution or corporation headquartered in another state.
- The institution does not offer any postsecondary degree programs to Alabama students.

All other non-resident institutions seeking to enroll Alabama students must submit an “Application for Programmatic Review.”

**Licensure Exemption:** The Alabama Private School License law provides licensure exemptions for selected institutions. For information on licensure exemption, contact ACCS at the address below.

**Fees:**

**Exempt Institutions:** No fee for institutions exempt from programmatic review.

**Non-USA Institutions:** No fee for institutions *not* located within the United States of America (USA) or its territories but are accredited by a United States regional or specialized accrediting agency or an agency approved by the United States Department of Education National Committee on Foreign Medical Education and Accreditation (NCFMEA: <https://sites.ed.gov/ncfmea/comparability-decisions/>). However, non-USA located institutions must complete and submit an “Application for Programmatic Approval.”

**Unaccredited Institutions:** As required by Alabama Code 300-2-1.02(3), unaccredited institutions must undergo an external review of its programs of study by an outside consultant(s) chosen by the Commission. The unaccredited institution will underwrite all costs related to the external review. For information on the process and expenses for the external review, contact the Non-Resident Institution office.

**Contacts:**

For Non-Resident Institution information or to submit an application for programmatic review or exemption, contact:

Office of Non-Resident Institutions  
Alabama Commission on Higher Education  
P.O. Box 302000  
Montgomery, Alabama 36130-2000  
Telephone: 334-242-2276  
Email: [nri@ache.edu](mailto:nri@ache.edu)  
URL: [https://www.ache.edu/wp-content/NRI/Prog\\_Review\\_Procedures.pdf](https://www.ache.edu/wp-content/NRI/Prog_Review_Procedures.pdf)

For information on Alabama Licensure of Institutions contact:

Tivoli Nash, Compliance Coordinator  
Private School License Division  
Alabama Community College System  
P. O. Box 302130 Montgomery, Alabama 36130-2130  
Telephone: 334-293-4653  
Email: [tivoli.nash@accs.edu](mailto:tivoli.nash@accs.edu)  
URL: <https://www.accs.edu/about-accs/private-school-licensure/>

Section II: Regulations

**300-2-1-.02 Review and Approval or Disapproval of Proposed Postsecondary Course Offerings in Alabama by Non-Alabama Institutions Seeking State Authorization.**

(1) Purpose. Per the Code of Alabama, 1975, Sections 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 program of instruction offered in the State of Alabama by non-Alabama institutions of higher education. The Code of Alabama, 1975, Section 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 in Alabama by the Alabama Community College System.

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

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

(b) System: The Alabama Community College System.

(c) Exempt Institutions: Those postsecondary institutions that are granted a certificate of exemption from licensure by the Alabama Community College System and for which the System has waived formal licensure application and review.

(d) Faculty: A faculty member who has a contract for formal teaching responsibilities with the proposing institution.

(e) 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).

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

(g) Unaccredited Institution: An institution not accredited by an agency recognized by the United States Department of Education or Council on Higher Education Accreditation.

(3) Procedures for Program Approval of an Unaccredited Institution. As a prerequisite to program approval, an unaccredited institution requesting to offer degree programs in Alabama must undergo an external review of its programs of study, which may include an onsite Commission staff review and will include a review by an outside consultant(s) chosen by the Commission. The unaccredited institution will underwrite all costs related to the external review. The review process for unaccredited institutions shall not exceed six months following receipt of the required data and information forms from the applying institution. These forms/applications can be found on the Commission's website at [www.ache.edu](http://www.ache.edu).

(4) Exemptions from programmatic review. The following are exempt from programmatic review by the Commission, but are not exempt from the licensure process conducted by the Alabama Community College System under the provisions stated in Alabama Private School Licensure Law, found in the Code of Ala. 1975, §§16-46-1, et seq. If an institution wishes to claim an exemption from Commission program review, proper documentation must be provided to the Commission. The Commission will then determine based on the following Commission guidelines if programs/institutions are exempt from review. The Commission will then inform the Alabama Community College System concerning the disposition of these applications.

(a) Institutions exempt under the Alabama Private School License Law. Those non-Alabama institutions that are granted a certificate of exemption from licensure by the System and for which the System has waived formal licensure application and review are not required to apply for Commission review and approval of courses or programs of instruction. This includes programs proposed by institutions that are members of the National Council of State Authorization and Reciprocity Agreements (NC-SARA) or any approved successor organization wishing to establish a physical presence in Alabama (includes internships and clinical rotations).

(b) Programs submitted by institutions that are accredited by a regional, national or specialized/programmatic accrediting body recognized by the United States Department of Education, a list of which can be found on the United States Department of Education's website under the Database of Accreditation of Postsecondary Institutions and Programs. Documentation concerning accreditation is required.

(c) Non-degree programs or non-credit courses.

(d) Programs offered by institutions that were originally incorporated as an Alabama institution that are now owned by institutions and corporations headquartered in other states. 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.

(e) Once a program has been approved by the Commission to be offered at an Alabama location, it does not have to be reviewed again as long as the location of the program (facility, not city) does not change. Should a program change physical location, it must be approved again.

(5) Commission Review Criteria. The Commission shall establish review criteria designed to evaluate the academic quality of proposed courses or programs of instruction. In general, program proposals must meet 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 (SACS COS) guidelines or those of other regional, national or specialized/programmatic accrediting bodies recognized by the United States Department of Education. Since the use of state appropriated funds is not involved, the question of unnecessary duplication is not an issue when proposals of non-Alabama institutions are reviewed.

(6) Site visits. 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 staff employees of the Commission 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) Timeline for Review for non-exempt programs.

(a) New programs or previously approved programs being relocated to new facilities will be reviewed in a four-year cycle to coincide with the license renewal cycle established by the System for the institution.

1. If new programs are to be implemented at an existing site or previously approved programs are to be moved to a new facility in the midst of a licensure review cycle, the institution will notify the Commission of those changes by letter and the review will take place at the time of the next licensure renewal with the System.

(b) 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. These forms/applications can be found on the Commission's website at [www.ache.edu](http://www.ache.edu).

(8) Fees. By statute, the Commission is authorized to promulgate a schedule of programmatic fees, commensurate with the cost of Commission activities related to the programmatic review, not to exceed fifteen thousand dollars (\$15,000). At this time, the Commission will not assess a fee for its programmatic reviews, but retains the right to do so in the future, upon six months' notice, should circumstances warrant.

(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: Elizabeth French, James E. Purcell

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 February 1, 2019.



Section III. [https://www.ache.edu/wp-content/NRI/Prog\\_Review\\_Application.pdf](https://www.ache.edu/wp-content/NRI/Prog_Review_Application.pdf)  
(Click link for application)

Section IV. [https://www.ache.edu/wp-content/NRI/Prog\\_Review\\_Exemptions.pdf](https://www.ache.edu/wp-content/NRI/Prog_Review_Exemptions.pdf)  
(Click link for application)