



Alabama Commission on Higher Education

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April 1, 2011

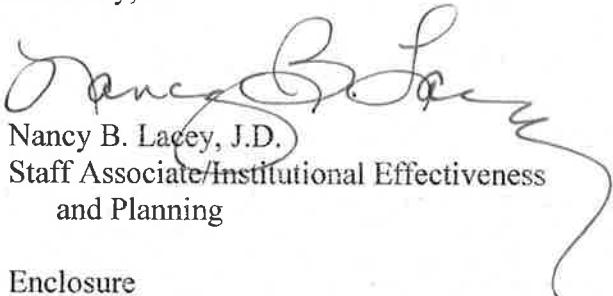


Dr. Linda M. Noble
Associate Vice Chancellor for Faculty Affairs
Board of Regents of the University System of Georgia
270 Washington Street, S.W.
Atlanta, Georgia 30334-1450

Dear Dr. Noble:

Enclosed find our revised Commission application suitable for multi-institutional proposals. If you have questions about this letter or the application process, please do not hesitate to contact me at 334-242-2109. I look forward to hearing from you.

Sincerely,


Nancy B. Lacey, J.D.
Staff Associate/Institutional Effectiveness
and Planning

Enclosure

The logo for the Alabama Commission on Higher Education is a blue oval with a yellow swoosh underneath it. The text "Alabama Commission on Higher Education" is written in white, bold, sans-serif font inside the oval.

**Alabama Commission on
Higher Education**

**Procedures, Application
and Regulations
for the**

*Review and Approval or Disapproval of Proposed
Postsecondary Courses or Programs of Instruction in Alabama
by Non-Alabama Institutions*

**Multiple Public Institutions
April 1, 2011**

Alabama Commission on Higher Education

Procedures, Application, and Regulations for the Review and Approval or Disapproval of Proposed Postsecondary Courses or Programs of Instruction in Alabama by Non-Alabama Institutions

Application for Multiple Public Institutions

April 1, 2011

Section I. Procedures page 2

Section II. Application for Multiple Institutions..... page 3

Section III. Regulations..... page 8

Questions: Contact Nancy Lacey at 334-242-2109, nancy.lacey@ache.alabama.gov

Section I. Procedures

The Review and Approval or Disapproval of Proposed Postsecondary Courses or Programs of Instruction in Alabama by Non-Alabama Institutions

The process for obtaining course or program of instruction approval and licensure to operate in the State of Alabama as a non-resident institution of higher education is threefold: 1) An institution must complete the Alabama Commission on Higher Education (ACHE) Application for Review and Approval of a Course or Program of Instruction Proposed by Non-resident Institutions of Higher Education and receive approval for the proposed program(s) of instruction from the Commission (Ala. Code §16-5010 (14) (1975)); 2) Make application to the Alabama Department of Postsecondary Education (ADPE) for licensure (Ala. Code §16-46-1 et seq. (1975)); and 3) Secure a Certificate of Authority to operate as a foreign corporation from the Alabama Office of the Secretary of State (Ala. Code §10-B-15.01 (a) (1975)).

Note: In Alabama, formal licensing authority for non-Alabama institutions of higher education rests with ADPE. Although ADPE regulations provide for the exemption of selected institutions from licensure, no non-Alabama institution proposing a program of instruction leading to academic degree credit is exempt from programmatic review of programs of instruction by the Commission.

- For information on course or program of instruction approval by this agency, contact:

Dr. Elizabeth C. French
Director, Office of Institutional Effectiveness and Planning
Alabama Commission on Higher Education
P.O. Box 302000
Montgomery, Alabama 36130-2000
Telephone: 334-242-2179, email: elizabeth.french@ache.alabama.gov

- For information on the licensure of institutions contact:

Annette McGrady
Private School Licensure Specialist
Alabama Department of Postsecondary Education
135 South Union Street
Montgomery, Alabama 36104
Telephone: 334-293-4651, email: amcgrady@dpe.edu

- For information on the application for a Certificate of Authority from the Alabama Office of the Secretary of State may be obtained from:

Brenda Young
Director/Corporations Division
State of Alabama Corporation Division
P.O. Box 5616
Montgomery, Alabama 36103-5616
Telephone: 334-353-0223, email: Brenda.young@sos.alabama.gov

Section II Application: Multiple Public Institutions

Notice: Programs submitted for approval are restricted to those where there is intent to enroll citizens of this state. **Do not submit for approval any program where there is no marketing directed to Alabama residents.**

This application may be completed online and printed for Certification with Affidavit. Application sections may be printed for completion.

Statement of Restrictions: This application may be submitted by a state agency or governing authority whose jurisdiction extends to the programmatic approval or denial of programs of study offered by **multiple public institutions** of higher education.

<i>Part I: Organizational Structure.....</i>	<i>page 4</i>
<i>Part II: Alabama Operations -- Programs of Instruction.....</i>	<i>page 4</i>
<i>Part III: Faculty Qualifications.....</i>	<i>page 5</i>
<i>Part IV: Student Support Services.....</i>	<i>page 6</i>
<i>Part V: Certification of Application with Affidavit.....</i>	<i>page 7</i>

Enclose copies of the following with the application:

- *A copy of your agency's or system's enabling legislation or charter authorizing the approval or denial of programs of instruction;*
- *A copy of the private school license as issued by the State of Alabama or a copy of the Alabama private school licensure exemption for each institution;*
- *A copy of each institution's Certificate of Approval from the Alabama Secretary of State to do business in Alabama as a non-resident public entity or corporation.*

Mail the completed application and attached documents to:

**Alabama Commission on Higher Education
Office of Institutional Planning and Effectiveness
100 North Union Street
P.O. Box 302000
Montgomery, Alabama 36130-2000**

PART I: ORGANIZATIONAL STRUCTURE

1. Name and mailing address of state governmental agency/governing authority (board or commission) authorized to certify the integrity of the programs of study proposed by this group of institutions:

2. Name of the authorizing agency's chief executive officer.

3. Name of the authorizing agency's Chief Academic Officer. Include mailing address, email address, and telephone number:

email _____ telephone _____

PART II: ALABAMA OPERATIONS – PROGRAMS OF INSTRUCTION

4. List the public institutions for which authorization to offer programs to Alabama residents is sought. **Notice: Programs submitted for approval are restricted to those where there is intent to enroll citizens of this state. Do not submit for approval any program where there is no marketing directed to Alabama residents.**

5. List the programs of study proposed for each institution. Including CIP Code and specialized programmatic accreditation if applicable. For purposes of documentation, a template is provided.

Name of Institution:	OPE ID#¹	
Accrediting Agency:		
Date of Last Accreditation:		
Tuition and Fees:		
Programs Proposed:	CIP Code:	Specialized Programmatic Accreditation:

¹ The OPE ID number is a unique 8 digit number assigned to postsecondary educational institutions that are currently/formerly participating in the Title IV programs or that want to apply for participation.

6. Total institutional enrollment: _____
 (a) Total online enrollment _____ (b) Total online enrollment in Alabama _____

Compliance with Federal Integrity Rule.

7. Does each institution make available for review to any enrolled or prospective student, upon request, a copy of the documents describing the institution's accreditation and its State, Federal, or tribal approval or licensing? 34 CFR §668.43 (b) Yes _____ No _____ Where is this information made available? _____

PART III: FACULTY QUALIFICATIONS

Complete Part III for each faculty member associated with the proposed program(s) of instruction. This information may be submitted via spreadsheet or electronic storage device. See sample template below:

Name of Institution:

Name, Last	Name, First	FT/PT	All Degrees Earned with Institutions	Program of Instruction

8. Describe the faculty selection process for this institution _____

PART IV: STUDENT SUPPORT SERVICES

9. Location where students records would be maintained:

10. Name(s), title(s), mailing address(es), email address(es), and telephone number(s) of the person(s) authorized to act as advisor(s) to resident students in Alabama:

email _____ telephone _____

Compliance with Federal Integrity Rule.

11. Do the institutions under the governance of this state agency provide students with contact information for filing complaints with accreditors and State approval or licensing entity or any other relevant State official or agency? 34 CFR §668.43 (b) Yes _____ No _____ Where is this information made available? _____

12. Name, title, mailing address, email address, and telephone number of the person authorized to serve as liaison to the Commission for resident student complaints with the **public** institutions under the governance of this state agency.

email _____ telephone _____

PART V: CERTIFICATION OF APPLICATION WITH AFFIDAVIT

In submitting this application, the state agency or governing authority certifies that the programs proposed are in compliance with the U.S. Department of Education Program Integrity Rule, 34 CFR §§600, 602, et al.

Name, title, mailing address, email address, and telephone number of executive officer authorized to prepare and submit this application with affidavit:

email _____ telephone _____

Affidavit

I, _____, being duly sworn, depose and state that each of the statements in this application and all items attached to this application are true and correct to the best of my knowledge and belief.

Signature: _____ Date: _____

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public

County and State

My Commission Expires

Section III. Regulations

The Review and Approval or Disapproval of Proposed Postsecondary Courses or Programs of Instruction in Alabama by Non-Alabama Institutions

ALABAMA COMMISSION ON HIGHER EDUCATION ADMINISTRATIVE CODE

INSTITUTIONAL EFFECTIVENESS AND PLANNING

CHAPTER 300-2-1 PROGRAM REVIEW

300-2-1-.02 Review And Approval Or Disapproval Of Proposed Postsecondary Course Offerings In Alabama By Non-Alabama Institutions.

(1) **Purpose.** It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for reviewing and approving or disapproving all proposed postsecondary credit courses offered in the State of Alabama by any non-Alabama institution of education. These institutions must also be licensed to do business in Alabama by the Alabama Department of Postsecondary Education.

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

(a) **Units or 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) **Department:** The Alabama Department of Postsecondary Education.

(c) **Exempt Institutions:** Those postsecondary institutions that are granted a certificate of exemption from licensure by the Alabama Department of Postsecondary Education and for which the Department 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.

(f) **Non-Alabama Institutions:** Those postsecondary educational institutions, public or private, profit and 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.** When the Department receives an application for licensure, it will, if it appears that the applying institution will qualify for such license, forward that information to the Commission for its review of proposed course offerings. The Commission will forward an Application for Review and Approval of Proposed Offering of Academic Degree Credit Courses in Alabama by Non-Alabama Institutions of Higher Education to the applying institution. When the completed forms are returned, the Commission will undertake its review.

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 by an outside consultant(s) chosen by the Commission. The unaccredited institution will underwrite all costs related to the external review.

(4) **Institutions exempt under the Alabama Private School License Law.** Those non-Alabama institutions that are granted a certificate of exemption for licensure by the Department and for which the Department has waived formal licensure application and review shall nonetheless apply for Commission review and approval of courses or units of instruction. Their application for course approval shall be accompanied by a certificate of exemption from formal licensure issued by the Alabama Department of Postsecondary Education.

(5) **Commission Review Criteria.** The Commission shall establish review criteria designed to evaluate the academic quality of the proposed offerings. The review includes, but is not restricted to: the qualifications of faculty and supporting staff, the quality of academic support resources (library, laboratories, etc.), the academic validity of the proposed courses. 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. Since the use of state appropriated funds is not involved, the question of unnecessary duplication will not be an issue when proposals from these non-Alabama institutions are being reviewed.

(6) **Site visits.** In some instances it may be necessary for the Commission to conduct a

site visit to the proposed location for an evaluation of course offerings before concluding its review of a pending application. There is no charge for mileage or per diem payments to staff employees of the Commission for such visits. In the event that the Commission appoints other education or external specialists as on-site visit consultants, the appointees will be paid a consulting fee as well as expenses.

(7) **Timeline for Review.** In the absence of unavoidable delays, the Commission will report its approval or disapproval of proposed courses to the Department and to the applying institution within sixty (60) working days following receipt of the required data and information forms from the applying institution.

(8) **Fees.** No fee is charged for receiving and processing the application for course approval. The only charges are those described in paragraphs (3) of this rule concerning the external review requirements of unaccredited institutions and (6) of this rule concerning special educational consultants for site visits.

(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) or 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 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:** February 4, 2010.



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March 22, 2011

Linda M. Noble, Ph.D.
Associate Vice Chancellor for Faculty Affairs
Board of Regents of the University System of Georgia
270 Washington Street, S.W.
Atlanta, GA 30334-1450



RE: Higher Education Act Program Integrity Issues and State Authorization \$600.9

Dear Dr. Noble:

The Commission is in receipt of your email correspondence dated March 21, 2011 regarding authorization for distance education programs in Alabama for the multiple institutions under the governance of the University System of Georgia. Currently our programmatic review application process is appropriate for proposals submitted on behalf of a single institution and not for proposals submitted by a state agency or state governing board on behalf of multiple institutions wishing to comply with provisions of the Department of Education Program Integrity regulations.

Our agency has under development an application suitable for multi-institutional proposals. It is our intent to have this document ready for distribution no later than April 1, 2011, and we will forward the information to your office at that time. Should our process be delayed, we will contact you.

If you have additional questions, please do not hesitate to contact me or my staff associate, Nancy Lacey, at 334-242-2109 or by email at nancy.lacey@ache.alabama.gov.

Sincerely,

Elizabeth C. French, D.M.A.
Director/Institutional Effectiveness and
Planning
Phone: 334-242-2179
elizabeth.french@ache.alabama.gov

cc: Gregory G. Fitch
Annette McGrady
Nancy B. Lacey