

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 300 Department or Agency Alabama Commission on Higher Education
Rule No. 300-2-3-.04

Rule Title: Policy on Distance Education
 New Amend X 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

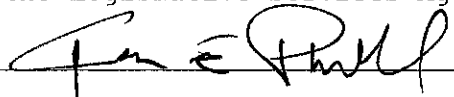
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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.

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 June 12, 2018

(DATE FILED)
(STAMP)

APA-2

Alabama Commission on Higher Education

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education (Commission)

RULE NO. & TITLE:

300-2-3-.04 Policy On Distance Education

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION: The purpose of this amendment is to eliminate outdated language.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Persons wishing to present views on the repeal of this rule may contact Tim Vick, Director of Operations and Fiscal Services, Alabama Commission on Higher Education, P.O. Box 302000, Montgomery, Alabama 36130-2000, Telephone 334-353-9153 between 8 a.m. and 5 p.m. each day up to and including August 8, 2018.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: August 8, 2018

CONTACT PERSON AT AGENCY: Timothy W. Vick



James E. Purcell, Ed.D.
Executive Director

REPEAL

300-2-3-.04 Policy on Distance Education.

(1) Definition of Distance Education: A formal educational process using technological delivery in which instruction occurs where students and instructors are not in the same place. Instruction may be synchronous or asynchronous. Distance education may employ audio, video, or computer technologies. Distance education, distance learning, and e-learning are recognized by the Commission as being synonymous terms. Academic courses or programs are considered to be distance education entities when over fifty percent of the content is delivered through distance education modes. [Based on the Council on Occupational Education (COE) and the Southern Association of Colleges and Schools/Commission on Colleges (SACS/COC) definitions.]

(2) The Role of Distance Education in Alabama Higher Education: The Commission on Higher Education supports the use of distance education by public higher education institutions in the state as one means of providing higher education opportunities to Alabama citizens and to other students who are enrolled at Alabama public institutions.

(3) Institutional Responsibility: Institutions are to set tuition for distance education offerings, ensuring that they meet statutory requirements. Institutions providing distance education courses or programs are expected to be in full compliance with the standards and/or requirements of any appropriate governing or accreditation authorities.

(4) Commission Responsibility: Units of instruction offered by Alabama public institutions and funded by state appropriations, including distance education offerings, are subject to Commission approval by statute. The Commission also has statutory responsibility for data collection related to funding recommendations, statewide planning, and various state and national reports. Therefore, the Commission's distance education policy addresses three fundamental areas, listed below.

(a) Relationship to the ACHE Standard: For the purpose of inclusion in state formula calculations, student data from distance education offerings must meet one of the following criteria [See 5. Implementation]:

1. Students who are enrolled at Alabama public higher education institutions and whose legal

permanent address is within the state of Alabama;

2. Students who are enrolled at Alabama public higher education institutions and whose domicile is within the state of Alabama;

3. Students who are enrolled at Alabama public higher education institutions who are residents of counties in adjacent states within fifty miles of a campus of an institution, provided that the campus existed and operated as of January 1, 1996 (Fifty-Mile County). (Administrative Code, Chapter 300-2-3, Rule .03.)

(b) Data Collection:

1. The Commission will collect data as deemed necessary on all distance learning students enrolled in credit courses at Alabama public institutions to meet federal, regional, and state requirements.

(c) Relationship to the Commission's Academic Program Inventory:

1. In order for student data from such programs to be included in state formula calculations and any Commission data collection, academic programs offered through distance education by Alabama public institutions must have been approved by the Commission on Higher Education and must be listed in the Commission's Academic Program Inventory with no restriction to a military base.

2. Programs approved by the Commission on Higher Education do not require additional Commission approval to be configured and offered as distance education programs. However, institutions preparing to offer existing programs as distance education offerings must report this intent to the Commission prior to implementation.

3. The Commission on Higher Education does not require approval of individual courses for distance education purposes.

(5) Implementation: For data collection purposes, implementation in relation to the ACHE Standard will begin in Academic Year 2008-09 (FY 2010-11) and will not be fully implemented until the Fiscal Year 2012-13 Unified Budget Recommendation.

Author: Tim Vick

Statutory Authority: Code of Ala. 1975, §§16-5-
1, et seq.

History: New Rule: Filed September 6, 2007;
effective October 11, 2007. Filed June 12, 2018.