

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 300 Department or Agency Alabama Commission on Higher Education
Rule No. 300-2-4-.01

Rule Title: Administration of the Academic Common Market Program
 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

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
[Handwritten Signature]

Date June 14, 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:

300-2-4-.01 Administration of the Academic Common Market Program

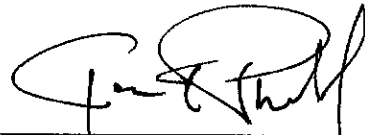
INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: The purpose of this amendment is to eliminate outdated language and to streamline the administrative procedures related to the administration of programs connected to the Southern Regional Education Board.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Persons wishing to present views on these amended rules 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

300-2-4-.01 Administration of the Academic Common Market Program.

(1) Purpose. It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for administering the Academic Common Market (ACM) Program in Alabama.

(2) Definition. The Academic Common Market is a consortium of 16 Southern states that belong to the Southern Regional Education Board (SREB). Through this program, students wishing to pursue study in uncommon programs not available within their home states may be able to attend out-of-state graduate programs at in-state tuition rates. Selected baccalaureate programs also are available to residents of 15 of these states.

(3) Participants. The following states are partners in the ACM consortium and abide by the policies of the SREB: Alabama, Arkansas, Delaware, Florida (graduate programs only), Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina (graduate programs only with restrictions), Oklahoma, South Carolina, Tennessee, Texas (graduate programs only), Virginia, and West Virginia.

(4) Program Access. The State of Alabama will access programs through the ACM for its residents only if three conditions are met:

(a) The program does not duplicate a program offered by an Alabama institution.

(b) The program is offered to the ACM by the other state.

(c) The resident is unconditionally admitted to the university and the program.

(5) Program Selection. Public universities in Alabama appoint ACM coordinators who work with the Commission staff to make program selections for the State. Each fall, coordinators review the list of programs available to the ACM, and select those programs that are uncommon to the State to be available to Alabama residents for the next year. The list of available programs changes, throughout the year, each-year depending on the willingness of other states to make programs available, and the development of new programs in Alabama institutions that duplicate those programs offered to the ACM. Access to programs is based on a decision that similar programs (curriculum configurations, not necessarily degree titles) are not available in Alabama and meet the following criteria:

(a) The program must be designed to culminate in the conferral of a baccalaureate, master's or doctoral degree and the institution must be able to classify the participant as degree seeking. Degrees or awards at the less-than

associate, associate, and first professional level, and post-baccalaureate and postmaster's awards and certificate, are not eligible for the ACM.

(b) Correspondence and other degree programs operating out-of-state (relative to the teaching institution) are not eligible for the ACM.

(c) Under the premise that such study may be arranged in the home state, the independent combinations of available degree programs such as biology and music should not be considered, nor should double major or major/minor combinations that are independently set by students. If both major programs of study qualify for inclusion in the ACM, then the state and institution may allow the student to enroll in both programs. Coordinated degree programs, such as joint Master of Business Administration (MBA)/Master of Public Health (MPH) programs, should have a defined, published structure.

(d) Degree program titles do not necessarily define program content. As a guideline, at least one-half of the courses in the major should consist of courses not available in similar programs in the home state.

(e) Concentrations, options tracks, or specialization within more general (and otherwise ineligible) degree programs must be extraordinary, specific, and structured to merit eligibility for the ACM. They must materially change the nature of the degree such that it is markedly different from degree programs that exist in the state.

(f) Curricular differences will always exist between two programs of study at different institutions. State coordinators are responsible for determining whether to seek access to out-of-state programs, based on the extent of the differences in curriculum.

(6) Factors Explicitly Excluded from Consideration for Eligibility of Programs for the ACM. Several factors are explicitly excluded from consideration in determining the eligibility of programs for the ACM. These include:

(a) Specific programmatic accreditation or state licensure requirements.

(b) The difficulty of access to in-state programs.

(c) The unavailability of a similar in-state degree program with unique student services.

(d) Student amenities or other non-academic features.

(e) The geographic location of programs within the State of Alabama.

(7) Alabama Resident Participation in the Current ACM. If an Alabama resident requests ACM access to one of the programs currently listed in the ACM

Inventory for Alabama residents, the Commission staff will send the Alabama resident an application that requires proof of:

(a) Alabama residency

(b) Unconditional admittance to the university and the approved program.

(8) Alabama Resident Requests for Access to Programs Not Currently Listed with ACM. If an Alabama resident requests ACM access to a program not listed in the ACM Inventory for Alabama residents, the Commission staff will send the Alabama resident an application that requires proof of:

(a) Alabama residency

(b) Unconditional admittance to the university and the approved program.

(c) Program non-duplication (proof must be consistent with ACM guidelines)

(d) If the State Coordinator determines that the program is available to the ACM and should be made available to Alabama residents, he or she will send a request to SREB and the university to add the program to the ACM. Once the access is available, the State Coordinator will send a certification letter to the Alabama resident and his/her university's ACM Coordinator, provided the Alabama resident has fulfilled all ACM/ACHE requirements.

(9) Appeals Process. Should the State Coordinator deny access to the program based on the assessment of the information provided by the student, the student may appeal the decision to the Executive Director of the Commission?

(a) The Executive Director will consider an appeal only when a student feels the State Coordinator's decision was made:

(1) In error based on a misinterpretation of the facts or

(2) Contrary to ACM policies

(b) An appeal stating all pertinent points must be submitted in writing no later than 15 days after the State Coordinator's decision has been made and the Alabama resident must have on file the following:

(1) An ACM application

(2) Proof of Alabama residency

(3) Proof of unconditional admittance to the university and the approved program

(4) An official program guide that includes the courses and descriptions in the program that the student desires to access through the ACM.

(c) The decision of the Executive Director will be final.

(10) Guidelines for Students Enrolling in Programs under the ACM Agreement.

(a) The student must first be accepted for admission to the desired degree program by following the normal admission procedure for the institution.

(b) The student must be accepted as a degree-seeking student in the specified major with a regular admission status.

(c) Students with a probationary, provisional, or non-degree-seeking status at the institution are ineligible for ACM participation.

(d) Institutions that do not classify undergraduate students as degree seeking in a major until a fixed point in their studies (e.g. sophomore or junior year) may elect to accept ACM students as first-year students or only at the point official acceptance into a major occurs. This decision is at the discretion of the institution and may vary among different disciplines. In addition, institutions may determine additional student eligibility standards such as full-time status.

Author: Brenda T. Carter; Paul B. Mohr, Sr.

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

History: Filed April 10, 1989. Amended: Filed March 11, 2003; effective April 15, 2003. Filed June 14, 2018.