

300-2-3-.01 Data Collection.

(1) In order to fulfill its responsibilities for designing and maintaining a statewide information system and for coordinating all collection requirements for the federal government which require state level coordination, the Commission requests certain information from each institution of higher education at varying intervals. The nature and content of reports and data files requested from the institutions have been developed in consultation with various institutional advisory groups. ~~including, but not limited to, the Chief Academic Officers, the Institutional Financial Officers, the Institutional Research Officers and special advisory groups appointed by the Council of University and College Presidents.~~ The reporting dates are established annually and will be posted in advance on the Commission website. ~~determined yearly based on the legislative and executive budget office time tables.~~ Each institution shall receive ample time to complete and return the regularly requested reports and data files. ~~Principal reports include, but are not limited to, the following:~~

~~(a) Credit Hour Production Reports. These reports are submitted each term by each public institution of higher education. These reports list student credit hours by level and by academic program category (Classification of Instructional Programs (CIP) Codes).~~

~~(b) Enrollment Data. These reports are submitted each Fall term by each public institution of higher education. These reports list the headcount of students by undergraduate, graduate, first professional, and professional health levels. The reports also show the headcount by on-campus, approved branch campuses and "other" off-campus sites.~~

~~(c) Tuition and Fees Survey. This report is submitted annually by each public senior institution. The survey provides each institution's charge per credit hour per term by resident and nonresident students.~~

~~(d) Sponsored Research. This report is submitted annually by each public senior institution. The report indicates all funds expended during the reporting period for activities specifically organized to produce research outcomes and commissioned by an agency external to the institution.~~

~~(e) Facilities Inventory and Space Utilization. This report is submitted by all public institutions of~~

~~higher education. The report provides gross and net-assignable building areas by functional category and utilization of building space. It also calls for additional historical information on each building such as date and type of construction along with any renovation activities.~~

~~(f) Space Data Report. This report is submitted annually by all public institutions of higher education and provides data updates on current and projected building space.~~

~~(g) Utilities Cost and Consumption Reports. This report is submitted annually by all public institutions of higher education. This report provides data on utilities cost and consumption by funding category (E&G, Auxiliary and Total Space) for heating fuels, gas, electricity, water, and sewage.~~

~~(h) Integrated Postsecondary Education Data Systems (IPEDS). This report is submitted annually and is required by the United States Department of Education. The Commission serves as the collection-coordinator for Alabama. The nature and content of the report is determined by the federal government and varies year to year.~~

~~(i) The Facilities Master Plan. All public institutions of higher education are required to submit annually to the Commission a five year Facilities Master Plan. This plan shall include all proposals concerning capital projects and shall include the prioritizing of capital improvement budget requests required by statute. (Act 96-539)~~

Author: William O. Blow; Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §§16-5-7, 16-5-10(1), 16-5-15.

History: Filed April 10, 1989. **Amended:** Filed June 4, 1997; effective July 9, 1997. Filed June 12, 2018.

300-2-3-.02 Budget And Capital Recommendation.

(1) The Commission is vested with the authority to carry out and enforce the provisions of Code of Ala. 1975, §§16-5-9 and 16-5-15 and to promulgate policies and procedures consistent with carrying out the required statutory functions.

~~(1) The Commission staff shall receive, evaluate and coordinate budget and capital requests for the public institutions of higher education of Alabama pursuant to statutory authority as set out in Code of Ala. 1975, §§.~~

~~(2) The Commission shall hold an open public hearing on the institutional requests.~~

~~(3) The Commission shall present to each institution, the governor and the legislature, a single unified budget recommendation containing budget and capital recommendations for separate appropriations to each institution.~~

~~(4) This recommendation shall be based on but not limited to, institutional requests, standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data from other states.~~

~~(5) The reporting dates are determined yearly based on the legislative and executive budget office time tables. Each institution shall receive ample time to complete and return all required reports.~~

Author: William O. Blow; Timothy W. Vick

Statutory Authority: Code of Ala. 1975, §§16-5-9, 16-5-15

History: Filed April 10, 1989. Filed June 12, 2018.

300-2-3-.03 Policy On Eligibility For Alabama Resident Tuitions.

(1) The Commission is vested with the authority to carry out and enforce the provisions assigned by Code of Ala. 1975, §16-64 and to promulgate policies and procedures consistent with carrying out the required statutory functions.

(a) The Commission shall develop and maintain a list of counties within fifty miles of a campus of a public institution whose students shall qualify for resident tuition rates in compliance with §16-64-4(b). This list is available upon request from the Commission.

~~(1) — The policy on eligibility for Alabama resident tuitions has several purposes. First, the policy establishes procedures for implementing Act 96-663. Secondly, it sets guidelines concerning the classification of resident and nonresident students. Further, it establishes minimum documentation which must be provided by all individuals claiming Alabama residency (see paragraph (4)(a) following). Next, the policy states a minimum standard in accordance with Act 96-663 regarding tuition charges for non-resident students. Finally, the policy provides a list of counties in adjacent states meeting the definition of Fifty Mile County found in (2)(f) following and sets minimum documentation required for any person claiming to be a resident of a Fifty Mile County (see subparagraph (a) of paragraph (6) following). (Act 96-663; Commission policy adopted December 16, 1988, and revised in accordance with Act 96-663 on December 13, 1996.)~~

~~(2) — Definitions related to the policy. For the purposes of this policy, the following terms have the following meanings.~~

~~(a) — Minor: An individual who, because of age, lacks the capacity to contract under Alabama law. Under current law, this means a single individual under 19 years of age and a married individual under 18 years of age, but excludes an individual whose disabilities of nonage have been removed by a court of competent jurisdiction for a reason other than establishing a legal residence in Alabama. If current law changes, this definition shall change accordingly.~~

~~(b) — Residence: The single location at which a person resides with the intent of remaining in that location indefinitely as evidenced by more~~

~~substantial connections with that place than with any other place. A residence location is not defined by a postal service mailing address which may be assigned without regard to county or state boundaries.~~

~~(c) Resident: One whose residence is in the State of Alabama.~~

~~(d) Resident/Nonresident Student: In determining resident or nonresident classification, the primary issue is one of intent. If a person is in Alabama primarily for the purpose of obtaining an education, that person shall be considered a nonresident student.~~

~~(e) Supporting Person: Either or both of the parents of the student, if the parents are living together, or if the parents are divorced or living separately, then either the parent having legal custody or, if different, the parent providing the greater amount of financial support. If both parents are deceased or if neither has legal custody, supporting person shall mean, in the following order: the legal custodian of the student, the guardian, and the conservator.~~

~~(f) Fifty Mile County: A county of an adjacent state that is within fifty miles of a campus of an institution; provided, however, that campus existed and operated as of January 1, 1996. The Commission on Higher Education will maintain a list of qualifying fifty mile counties for each qualifying campus of an Alabama public college or university. See paragraph (11) of this rule for a list of the counties recognized as Fifty Mile Counties for each institution.~~

~~(3) Persons eligible for resident tuitions. For purposes of admission and tuition, a public institution of higher education may consider that the term resident student includes any of the following:~~

~~(a) One who, at the time of registration, is not a minor and satisfies one of the following:~~

~~1. Is a full time permanent employee of the institution at which the student is registering or is the spouse of such an employee.~~

~~2. Can verify full time permanent employment within the State of Alabama, or is the spouse of such an employee, and will commence said employment within 90 days of registration with the institution.~~

~~3. Is a member or the spouse of a member of~~

~~the United States military on full-time active duty stationed in Alabama under orders for duties other than attending a public institution of higher education.~~

~~4. Is employed as a graduate assistant or fellow by the institution at which the student is registering.~~

~~5. Is an accredited member of or the spouse of an accredited member of a consular staff assigned to duties in Alabama.~~

~~6. Is, at the time of passage of Act 96-663, a student enrolled at a public college or university and who is currently classified as a resident for tuition purposes provided such student maintains continuous enrollment at that institution.~~

~~(b) One who, at the time of registration, is a minor and whose supporting person satisfies one of the following:~~

~~1. Is a full-time permanent employee of the institution at which the student is registering.~~

~~2. Can verify full-time permanent employment within the State of Alabama and will commence said employment within 90 days of registration with the institution.~~

~~3. Is a member of the United States military on full-time active duty stationed in Alabama under orders for duties other than attending a public institution of higher education.~~

~~4. Is an accredited member of a consular staff assigned to duties in Alabama.~~

~~(4) Initial Determination of Eligibility. The following are criteria by which initial eligibility as an Alabama resident is determined.~~

~~(a) An individual claiming to be an Alabama resident for purposes of this policy shall certify by a signed statement each of the following:~~

~~1. A specific address or location within the State of Alabama as his or her residence, as defined in (2)(b) above.~~

~~2. An intention to remain at that location indefinitely.~~

~~3. Possession of more substantial connections~~

~~with the State of Alabama than with any other state.~~

~~(b) Though certification of a residence location and an intent to remain in the state indefinitely shall be prerequisites to establishing status as a resident, ultimate determination of that status shall be made by the institution by evaluating the presence or absence of connections with the State of Alabama. This evaluation shall include the consideration of all of the following connections.~~

~~1. Consideration of the location of high school graduation.~~

~~2. Payment of Alabama state income taxes as a resident.~~

~~3. Ownership of a residence or other real property in the state and payment of state ad valorem taxes on the residence or property.~~

~~4. Full time employment in the state.~~

~~5. Residence in the state of a spouse, parents, or children.~~

~~6. Previous periods of residency in the state continuing for one year or more.~~

~~7. Voter registration and voting in the state; more significantly, continuing voter registration in the state that initially occurred at least one year prior to the initial registration of the student in Alabama at a public institution of higher education.~~

~~8. Possession of state or local licenses to do business or practice a profession in the state.~~

~~9. Ownership of personal property in the state, payment of state taxes on the property, and possession of state license plates.~~

~~10. Continuous physical presence in the state for a purpose other than attending school, except for temporary absences for travel, military service, and temporary employment.~~

~~11. Membership in religious, professional, business, civic, or social organizations in the state.~~

~~12. Maintenance in the state of checking and savings accounts, safe deposit boxes, or investment accounts.~~

~~13. In state address shown on selective service registration, driver's license, automobile title registration, hunting and fishing licenses, insurance policies, stock and bond registrations, last will and testament, annuities, or retirement plans.~~

~~(5) Nonresident tuition charges. In accordance with Act 96-663 each Alabama public institution of higher education shall charge each undergraduate student who is registered as a nonresident a minimum tuition of two times the resident tuition rate charged by that institution. This rate shall be effective for students who register at an institution beginning August 1, 1997. A nonresident graduate student at an institution shall be charged a rate of tuition that is at least at the level of tuition charged to a nonresident undergraduate.~~

~~(6) The governing boards of each four year public institution of higher education shall retain the power to extend resident tuition rates to students who reside in any county within fifty miles of a campus of the institution; provided, however, that campus must be in existence and operating as of January 1, 1996. For public two year institutions, the State Board of Education, upon the recommendation of the Chancellor of the Department of Postsecondary Education, shall retain the power to extend resident tuition rates to students who reside in any county within fifty miles of a campus of the institution; provided, however, that campus must be in existence and operating as of January 1, 1996. In determining residence within a fifty mile county, institutions will take special care not to rely on postal service mailing addresses which may be assigned without consideration of county or state boundaries.~~

~~(a) An individual claiming to be a resident of a fifty mile county for purposes of this policy shall certify by a signed statement each of the following:~~

~~1. A specific address or location within that fifty mile county as his or her residence, as defined in Section 1.~~

~~2. An intention to remain at that location indefinitely.~~

~~3. Possession of more substantial connections with that fifty mile county than with any other county.~~

~~(b) Though certification of a residence location and an intent to remain in the fifty mile county indefinitely shall be prerequisites to establishing status as a resident of that county, ultimate determination of~~

~~that status shall be made by the institution by evaluating the presence or absence of connections with the specific fifty mile county. This evaluation shall include the consideration of all of the following connections.~~

~~1. Consideration of the location of high school graduation.~~

~~2. Payment of state income taxes as a resident of that fifty mile county by the student or supporting person.~~

~~3. Ownership of a residence or other real property in the fifty mile county and payment of ad valorem taxes on the residence or property by the student or supporting person.~~

~~4. Full time employment of the student or supporting person in the fifty mile county.~~

~~5. Residence in the fifty mile county of a spouse, parents, or children.~~

~~6. Previous periods of residency in the fifty mile county continuing for one year or more.~~

~~7. Voter registration and voting in the fifty mile county; more significantly, continuing voter registration in the fifty mile county that initially occurred at least one year prior to the initial registration of the student at a public institution of higher education in Alabama.~~

~~8. Possession of state or local licenses to do business or practice a profession in the fifty mile county by the student or supporting person.~~

~~9. Ownership of personal property in the fifty mile county, payment of state taxes on the property, and possession of state license plates by the student or supporting person.~~

~~10. Continuous physical presence in the fifty mile county for a purpose other than attending school, except for temporary absences for travel, military service, and temporary employment.~~

~~11. Membership in religious, professional, business, civic, or social organizations in the fifty mile county.~~

~~12. Maintenance in the fifty mile county of checking and savings accounts, safe deposit boxes, or investment accounts by the student or supporting~~

~~person.~~

~~13. Address of the student shown on selective service registration, driver's license, automobile title registration, hunting and fishing licenses, insurance policies, stock and bond registrations, last will and testament, annuities, or retirement plans which is located in the fifty mile county.~~

~~14. Eligibility of a student for Alabama resident tuition as a resident of a fifty mile county is campus specific and not transferrable to any other campus. Enrollment at any other campus of a public college and university will require re certification at the new campus.~~

~~(7) Each institution will keep sufficient records of its tuition practices and decisions that it will be prepared for an annual audit by either the Alabama Commission on Higher Education or by the Examiners of Public Accounts, to include provision of a roster of students enrolled and extended resident tuition privilege as residents of a fifty mile county.~~

~~(8) Each institution shall submit an annual report to the Commission on Higher Education regarding the number of students determined to be eligible for resident tuitions as well as those determined to be ineligible. This report will reflect these data by student class level (freshman, sophomore, etc.) and will be submitted to the Commission no later than December 10 of each academic year.~~

~~(9) A four year public institution of higher education, at the discretion of its governing board and a two year public institution of higher education at the discretion of the~~

~~chancellor of the Department of Postsecondary Education may elect to adopt policies regarding nonresident tuition which are more rigorous than those specified in this policy.~~

~~(10) The provisions of this policy shall not apply to those off campus offerings on military bases conducted by colleges and universities.~~

~~(11) Following is the list of Alabama institutions with the respective counties (Fifty Mile Counties) in adjacent states for which the fifty mile county definition applies.~~

Alabama College Campus	Location	Adj State	50-Mile Co.
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Northeast Ala. State Jr. Col.	Rainsville	Tennessee	Franklin
			Hamilton
			Lincoln
			Marion
		Georgia	Bartow
			Gatoosa
			Chattooga
			Dade
			Floyd
			Gordon
			Haralson
			Polk
			Walker
			Whitfield
Snead State	Boaz	Georgia	Chattooga
			Floyd
			Polk
			Walker
Gadsden St. Com Col.	Gadsden	Georgia	Carroll
			Chatooga
			Floyd
			Haralson
			Polk
Jacksonville State Univ.	Jacksonville	Georgia	Bartow
			Carroll
			Chatooga
			Coweta
			Douglas
			Floyd
			Haralson
			Heard
			Paulding
			Polk
Ayers State Tech. Col.	Anniston	Georgia	Carroll
			Floyd

Alabama College Campus	Location	Adj State	50 Mile Co.
			Haralson
			Heard
			Paulding
			Polk
Southern Union State Jr. Col.	Wadley	Georgia	Carroll
			Chattahoochee
			Coweta
			Haralson
			Harris
			Heard
			Marion
			Meriwether
	Valley		Museegee
			Pike
			Stewart
			Talbot
			Taylor
			Troup
			Upton
Central Al. Com. Col.	Alexander City	Georgia	Harris
			Heard
			Troup
Auburn Univ.	Auburn	Georgia	Chattahoochee
			Harris
			Heard
			Meriwether
			Museegee
			Quitman
			Stewart
			Talbot
			Troup
Opelika State Tech. Col.	Opelika	Georgia	Chattahoochee
			Harris
			Heard
			Marion
			Meriwether
			Museegee
			Quitman
			Stewart
			Talbot
			Troup
Troy State Univ — Phenix City Chattahoochee Valley Com. Col.	Phenix City	Georgia	Chattahoochee
			Clay
			Heard
			Harris
			Macon
			Marion
			Meriwether
			Museegee
			Quitman

Alabama College Campus	Location	Adj State	50 Mile Co.
			Randolph
			Schley
			Stewart
			Sumter
			Talbot
			Taylor
			Terrell
			Troup
			Upson
			Webster
Sparks State Tech. Col.	Eufaula	Georgia	Baker
			Chattahoochee
			Calhoun
			Clay
			Dougherty
			Early
			Marion
			Miller
			Muscogee
			Quitman
			Randolph
			Stewart
			Sumter
			Terrell
			Webster
Troy State Univ. at Dothan	Dothan	Georgia	Baker
George C. Wallace Dothan		Calhoun	
			Clay
			Decatur
			Early
			Miller
			Quitman
			Randolph
			Seminole
		Florida	Bay
			Calhoun
			Holmes
			Jackson
			Washington
			Walton
Enterprise State Jr. Col.	Enterprise	Georgia	Early
		Florida	Jackson
			Holmes
			Okaloosa
			Walton
			Washington
Ala. Aviation Tech. Col.	Ozark	Georgia	Clay
			Early
			Miller
			Quitman
			Randolph

Alabama College Campus	Location	Adj State	50 Mile Co.
			Seminole
		Florida	Holmes
			Jackson
			Walton
			Washington
MacArthur State Tech. Col.	Opp	Florida	Jackson
			Holmes
			Okaloosa
			Santa Rosa
			Walton
			Washington
L.B. Wallace St. Jr. Col.	Andalusia	Florida	Holmes
			Okaloosa
			Santa Rosa
			Walton
Jefferson Davis State Jr. Col.	Brewton	Florida	Escambia
			Okaloosa
			Santa Rosa
			Walton
Jefferson Davis State Jr. Col.	Atmore	Florida	Escambia
			Okaloosa
			Santa Rosa
Reid State Tech. Col.	Evergreen	Florida	Escambia
			Okaloosa
			Santa Rosa
Alabama Southern	Monroeville	Florida	Escambia
			Santa Rosa
University of South Alabama Faulkner State Jr. Col.	Bay Minette	Florida	Escambia
			Santa Rosa
University of South Alabama Bishop State Com. Col.	Mobile	Florida	Escambia
		Mississippi	Santa Rosa
			George
			Greene
			Harrison
			Jackson
			Perry
			Stone
Ala Southern Com. Col.	Thomasville	Mississippi	Clarke
			Lauderdale
			Wayne
Univ of West Alabama	Livingston	Mississippi	Clarke
			Jasper
			Kemper
			Lauderdale
			Neshoba

Alabama College Campus	Location	Adj State	50 Mile Co.
			Newton
			Noxubee
			Winston
University of Alabama	Tuscaloosa	Mississippi	Lowndes
Shelton State Com. Col.			Noxubee
Bevill State Jr. Col.	Fayette	Mississippi	Clay
			Itawamba
			Lowndes
			Monroe
			Noxubee
Northwest Ala Com. Col.	Hamilton	Mississippi	Chickasaw
Northwest Shoals Com. Col.	Phil		Clay
	Campbell		Itawamba
			Lee
			Lowndes
			Monroe
			Pontotoc
			Prentiss
			Tishomingo
Northwest Shoals Com. Col.	Phil	Tennessee	Lawrence
	Campbell		Wayne
University of North Alabama	Florence	Mississippi	Alcorn
			Itawamba
			Prentiss
			Tishomingo
		Tennessee	Decatur
			Giles
			Hardin
			Lawrence
			Lewis
			McNairy
			Wayne
Northwest Shoals Com. Col.	Muscle Shoals	Mississippi	Alcorn
			Itawamba
			Prentiss
			Tishomingo
		Tennessee	Hardin
			Giles
			Lawrence
			McNairy
			Wayne
Athens State Col.	Athens	Tennessee	Bedford
			Franklin
			Giles
			Lawrence
			Lincoln
			Marshall
			Maury

Alabama College Campus	Location	Adj State	50 Mile Co.
			Moore
			Wayne
Calhoun State Com. Col.	Decatur	Tennessee	Giles
			Lawrence
			Lincoln
			Wayne
Univ. of Ala. in Huntsville	Huntsville	Tennessee	Bedford
Drake State Tech. Col.			Coffee
			Franklin
			Giles
			Lawrence
			Lincoln
			Marion
			Marshall
			Moore
Alabama A&M Univ.	Normal	Tennessee	Bedford
			Coffee
			Franklin
			Giles
			Lawrence
			Lincoln
			Marion
			Marshall
			Moore

Author: Edward P. Rutledge; Timothy W. Vick
Statutory Authority: Code of Ala. 1975, §16-64 §§16-5-1, et seq. (This rule is based on Act 96-663 and Commission policy adopted December 16, 1988, and December 13, 1996.)
History: New Rule: June 4, 1997; effective July 9, 1997. Filed June 12, 2018.

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.