

### **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.

## **REPEAL**

### **300-2-4-.02 Educational Assistance Contracts.**

(1) The purpose of educational assistance contracts is to provide four types of aid to Alabama residents. This aid includes:

(a) Assistance for graduate and professional instruction not available at state-supported institutions;

(b) Assistance for instruction on the college or university level at private nondenominational institutions when such instruction is not available to such residents at public, state supported educational institutions in Alabama;

(c) Assistance at Tuskegee Institute in veterinary medicine, engineering, vocational agriculture, vocational home economics, chemistry, nursing education, and such other educational services at Tuskegee which are in great enough demand to justify the assistance; and

(d) Assistance at Meharry Medical College through SREB in medical and dental education.

(2) Two conditions must be satisfied before a request for assistance in a specific program that is not available to Alabama residents at a state supported educational institution may be considered by the Commission. These conditions include:

(a) A sufficient legislative appropriation must be specifically designated for the purpose of the initiation of the educational assistance contract; and

(b) The institution and program of instruction under consideration for contract must be fully accredited by the appropriate national, regional, and professional accrediting body.

(3) The Commission has the responsibility to periodically review its contract programs and consider termination of those programs, which meet one or more of the following conditions:

(a) The contract program becomes available through the Academic Common Market;

(b) The same degree as that offered by the contract program becomes available through the Academic Common Market at a different institution;

(c) No certifications are made to a contract program for a period of three academic years.

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

History: Filed April 10, 1989. Filed June 14, 2018.

**300-2-4-.03 Determining Alabama Residency for Purposes Of The Academic Common Market and Contract Programs with the Southern Regional Education Board.**

(1) The purpose of determining Alabama residency for the Academic Common Market and Contract Programs is to provide an equitable opportunity for persons who are not native to the state, but who meet certain other criteria, to participate in these programs.

(2) It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for determining Alabama residency for purposes of the Academic Common Market and Contract Programs.

(3) The following definitions apply in this rule:

(a) A student is financially dependent if he or she receives half or more of his or her income from another person or persons, or appears as a dependent on the state income tax return of any other person.

(b) A student is financially independent if he or she declares himself or herself so, if he or she received less than half of his support from any other person or persons, and if he or she does not appear as a dependent on the state income tax return of any other person.

(c) A parent is a natural parent, an adoptive parent, a legally appointed guardian, or a person who stands in loco parentis to the student.

(d) A domicile is a person's permanent place of abode, that location with which a person is considered to have the most settled and permanent connection. A person must demonstrate intent to live permanently or indefinitely in Alabama, and cannot have more than one domicile at a given time.

(e) A spouse is a partner in a legally contracted marriage.

(4) In determining domicile, the Commission staff shall take into consideration, but shall not be limited to, whether an applicant:

~~(a) Owns or rents and occupies real property in Alabama as one's domicile on a year-round basis.~~

~~(b) Maintains a substantially uninterrupted presence within Alabama for twelve (12) consecutive months prior to the anticipated date of enrollment in the Common Market or Contract Program.~~

~~(c) Maintains all, or substantially all, personal possessions in the State of Alabama.~~

(~~d~~ a) Pays Alabama income tax on earned income.

(~~e~~) Registers all owned motor vehicles in Alabama.

(~~f~~ b) Possesses a valid Alabama driver's license, if licensed.

(~~g~~) Registers to vote in Alabama, if registered.

(~~h~~ c) Gives an Alabama home address on income tax forms.

(5) In conjunction with the above, the Commission will certify Alabama residency, for purposes of the Academic Common Market ~~and Contract Programs~~, for United States citizens and immigrant aliens lawfully admitted for permanent residence in the U.S., in the following cases:

(a) A student is financially dependent upon a parent(s) or spouse domiciled in Alabama for at least twelve (12) months prior to the date of the residency application.

(b) A student is financially independent and has maintained domicile in Alabama for at least twelve (12) months prior to the date of the residency application.

(c) A student has been classified as an in-state resident by an Alabama institution, and is still enrolled at that institution at the time he or she makes residency application for the Common Market ~~or contract program~~.

(6) A student requesting certification of Alabama residency must complete a residency application form available from the State Academic Common Market Coordinator. Any student who asserts that he or she is financially dependent upon a parent(s) or spouse domiciled in Alabama must also produce a copy of the state income tax form which shows the student claimed as a dependent ~~or a signed notarized statement from the parent(s) or spouse which indicates~~ the most recent year the student was claimed as a dependent on the Alabama income tax form. Completed applications will be sent to the State Academic Common Market Coordinator for evaluation of the residency claim.

(7) A student may appeal the State Academic Common Market Coordinator's denial of his or her residency application by filing written request for appeal within thirty (30) days of the date of denial. The request for appeal shall be sent to the executive director of the Commission and shall include the reasons the petitioner believes the denial is erroneous and all other evidence in support of his appeal. The decision of the executive director shall be final.

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