

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 300
Department or Agency: Alabama Commission on Higher Education Planning and Coordination
Rule No.: 300-2-1-A
Rule Title: Attachments
Intended Action: Repeal

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making 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

Robin E. McGill
Robin McGill

Date

Wednesday, October 16, 2024

REC'D & FILED
OCT 16, 2024
LEGISLATIVE SVC AGENCY

**ALABAMA COMMISSION ON HIGHER EDUCATION
PLANNING AND COORDINATION**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Commission on Higher Education

RULE NO. & TITLE: 300-2-1-A Attachments

INTENDED ACTION: Repeal

SUBSTANCE OF PROPOSED ACTION:

Repeal of 300-2-1-A is recommended because all three attached documents are out-of-date. Furthermore, ACHE staff recommends that the appropriate place to maintain current documents, including institutional service areas, is on the Commission's website (ache.edu).

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may present views on the proposed repeal by contacting Dr. Robin McGill, Deputy Director for Academic Affairs, Alabama Commission on Higher Education, PO Box 302000, Montgomery, AL 36130-2000 (robin.mcgill@ache.edu, 334-242-2104) between 8:30am and 5:00pm CT each business day up to and including December 5, 2024. The repeal of 300-2-1-A will be voted on by the Commission at its meeting on December 13, 2024 at 10am.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, December 5, 2024

CONTACT PERSON AT AGENCY:

Dr. Robin McGill, Deputy Director
for Academic Affairs, Alabama
Commission on Higher Education, PO
Box 302000, Montgomery, AL
36130-2000 (robin.mcgill@ache.edu,
334-242-2104)

Robin E. McGill

Robin McGill

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

300-2-1-A Attachments (Repealed) .

~~ALABAMA COMMISSION ON HIGHER EDUCATION~~

~~ATTACHMENTS TO RULE 300-2-1-.05, "REVIEW OF OFF-CAMPUS INSTRUCTION OFFERED BY PUBLIC POSTSECONDARY INSTITUTIONS" SERVICE AREA TABLES~~

~~ATTACHMENT 1~~

~~STATE BOARD OF EDUCATION APPROVED SERVICE AREAS OF TWO-YEAR COLLEGES~~

~~(Boldface Counties Indicate Home Counties) (Repealed)~~

~~NOTE: Attachment 1 is included for informational purposes only. Service areas for Alabama public two-year colleges are determined by the Alabama Board of Education and are not subject to Commission approval. The Commission staff will alter this table as changes are received from the Alabama Department of Postsecondary Education.~~

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College	State Board Approved Service Areas
Alabama Southern Community College	<ul style="list-style-type: none"> • Choctaw • Marengo • Clarke • Monroe (all but northeastern corner) • Wilcox (shared with Reid)
Bevill State Community College	<ul style="list-style-type: none"> • Marion • Lamar • Fayette • Jefferson (shared with Lawson, Jeff State, Bessemer, and Wallace/ Hanceville) • Pickens (shared with Shelton) • Walker • Winston (southwestern one-fourth)
Bishop State Community College	<ul style="list-style-type: none"> • Mobile (shared with Enterprise-Ozark) • Washington
Calhoun State Community College	<ul style="list-style-type: none"> • Madison (shared with Drake) • Morgan (northern two-thirds shared with Drake) • Limestone • Lawrence (eastern one-third shared with NW-Shoals)
Central Alabama Community College	<ul style="list-style-type: none"> • Clay (western one-half) • Talladega • Coosa • Tallapoosa (southeast corner shared with Southern Union) • Elmore (site in Tallassee) • Shelby (eastern one-half)
Chattahoochee Valley Community College	<ul style="list-style-type: none"> • Macon (eastern one-third) • Lee (Southeastern corner shared with Southern Union) • Russell (southeastern one-third shared with Wallace - Dothan)
Drake State Technical College	<ul style="list-style-type: none"> • Madison (shared with Calhoun) • Morgan (northern two-thirds shared with Calhoun)

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Enterprise-Ozark Community College	<ul style="list-style-type: none"> • Pike • Coffee (shared with LBW) • Geneva (western two-thirds shared with LBW) • Dale (western half) • Mobile (shared with Bishop)
Faulkner State Community College	<ul style="list-style-type: none"> • Baldwin
Gadsden State Community College	<ul style="list-style-type: none"> • St. Clair (northeastern third) • Etowah • Cherokee (all but northern one-sixth) • Calhoun • Cleburne
Ingram State Technical College	<ul style="list-style-type: none"> • Elmore (statewide responsibility)
Jefferson Davis Community College	<ul style="list-style-type: none"> • Escambia (shared with Reid) • Conecuh (shared with Reid) • Monroe (northeastern corner which is shared with Reid)
Jefferson State Community College	<ul style="list-style-type: none"> • Jefferson (shared with Lawson, Bevill, and Wallace-Hanceville.) • Shelby (western one-half shared with Lawson) • St. Clair (southwestern two-thirds)
Lawson State Community College	<ul style="list-style-type: none"> • Jefferson (shared with Jefferson State, Bevill, and Wallace- Hanceville) • Shelby (site in Hoover)
L. B. Wallace State Junior College	<ul style="list-style-type: none"> • Butler (shared with Reid) • Coffee (shared with Enterprise-Ozark) • Crenshaw • Covington • Geneva (western two-thirds which is shared with Enterprise-Ozark)
Northeast Alabama Community College	<ul style="list-style-type: none"> • Jackson • DeKalb (northern half) • Cherokee (northern one-sixth)
Northwest-Shoals Community College	<ul style="list-style-type: none"> • Lauderdale • Lawrence (eastern one-third shared with Calhoun) • Colbert • Franklin • Winston (northwestern one-fourth)
Reid State Technical College	<ul style="list-style-type: none"> • Escambia (shared with Jeff Davis) • Conecuh (shared with Jeff Davis) • Wilcox (shared with Alabama Southern) • Monroe (northeastern corner which is shared with Jeff Davis) • Butler (shared with LBW)

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Shelton State Community College	<ul style="list-style-type: none">• Bibb• Hale• Greene• Tuscaloosa• Sumter• Pickens (shared with Bevill)
Snead State Community College	<ul style="list-style-type: none">• Marshall• DeKalb (southern half)• Blount (eastern half)
Southern Union State Community College	<ul style="list-style-type: none">• Chambers• Clay (eastern half)• Lee (Southeastern corner shared with Chattahoochee Valley).• Randolph• Tallapoosa (southeastern corner which is shared with Central)• Macon (middle one-third)
Trenholm State Technical College	<ul style="list-style-type: none">• Elmore (shared with Ingram and Central)• Montgomery• Lowndes• Bullock (western half)• Macon (western one-third)
Wallace State Community College (Dothan)	<ul style="list-style-type: none">• Henry• Dale (eastern half)• Houston• Geneva (eastern one-third)• Barbour• Bullock (eastern one-half)• Russell (southern one-third which is shared with Chattahoochee Valley)
Wallace State Community College (Hanceville)	<ul style="list-style-type: none">• Cullman• Blount (western half)• Winston (eastern half)• Morgan (southern one-third)• Jefferson (northwest corner)
Wallace State Community College (Selma)	<ul style="list-style-type: none">• Chilton• Autauga• Perry• Dallas

~~**ATTACHMENT 2**~~
~~**SERVICE AREAS OF UNIVERSITIES BY COUNTY**~~
 (Boldface Counties Indicate Home Counties)

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University	Service Area
Alabama A&M University (AAM)	<ul style="list-style-type: none"> • Madison (shared with UAH) • Cullman (shared with UAH and ATSU) • Jackson (shared with UAH) • Marshall (shared with UAH) • Morgan (shared with UAH and ATSU)
Alabama State University (ASU)	<ul style="list-style-type: none"> • Montgomery (shared with AUM and TROY) • Autauga (shared with AUM and TROY) • Bullock (shared with AUM and TROY) • Crenshaw (shared with AUM and TROY) • Dallas (shared with AUM and TROY) • Elmore (shared with AUM and TROY) • Lowndes (shared with AUM and TROY) • Macon (shared with AU, AUM and TROY)
Athens State University (ATSU)	<ul style="list-style-type: none"> • Limestone • Cullman (shared with AAM and UAH) • Lawrence (shared with UNA) • Morgan (shared with AAM and UAH)
Auburn University (AU) (This institution has a constitutional statewide mission.)	<ul style="list-style-type: none"> • Lee • Chambers • Macon (shared with ASU, AUM and TROY) • Russell (shared with TROY) • Tallapoosa
Auburn University at Montgomery (AUM)	<ul style="list-style-type: none"> • Montgomery (shared with ASU and TROY) • Autauga (shared with ASU and TROY) • Bullock (shared with ASU and TROY) • Crenshaw (shared with ASU and TROY) • Dallas (shared with ASU and TROY) • Elmore (shared with ASU and TROY) • Lowndes (shared with ASU and TROY) • Macon (shared with ASU, AU and TROY)
Jacksonville State University (JSU)	<ul style="list-style-type: none"> • Calhoun • Cherokee • Clay • Cleburne • DeKalb • Etowah • Randolph • St. Clair (shared with UAB and UM) • Talladega (shared with UM)

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Troy University (TROY)	<ul style="list-style-type: none">• Pike, Houston, Montgomery (shared with ASU and AUM)• Autauga (shared with ASU and AUM)• Barbour• Bullock (shared with ASU and AUM)• Butler• Coffee• Conecuh• Covington• Crenshaw (shared with ASU and AUM)• Dale• Dallas (shared with ASU and AUM)• Elmore (shared with ASU and AUM)• Geneva• Henry• Lowndes (shared with ASU and AUM)• Macon (shared with ASU, AU and AUM)• Russell (shared with AU)
University of Alabama (UA) (This institution has a constitutional statewide mission.)	<ul style="list-style-type: none">• Tuscaloosa• Bibb (shared with UAB and UM)• Fayette• Greene (shared with UWA)• Hale• Lamar• Pickens (shared with UWA)• Walker (shared with UAB)
University of Alabama at Birmingham (UAB)	<ul style="list-style-type: none">• Jefferson• Bibb (shared with UA and UM)• Blount• St. Clair (shared with JSU and UM)• Walker (shared with UA)
University of Alabama in Huntsville (UAH)	<ul style="list-style-type: none">• Madison (shared with AAM)• Cullman (shared with AAM and ATSU)• Jackson (shared with AAM)• Marshall (shared with AAM)• Morgan (shared with AAM and ATSU)
University of Montevallo (UM)	<ul style="list-style-type: none">• Shelby• Bibb (shared with UA and UAB)• Chilton• Coosa• Talladega (shared with JSU)• St. Clair (shared with JSU and UAB)
University of North Alabama (UNA)	<ul style="list-style-type: none">• Lauderdale• Colbert• Franklin• Lawrence (shared with ATSU)• Marion• Winston

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University of South Alabama (USA)	<ul style="list-style-type: none">• Mobile• Baldwin• Clarke (shared with UWA)• Escambia• Monroe• Washington
University of West Alabama (UWA)	<ul style="list-style-type: none">• Sumter• Choctaw• Greene (shared with UA)• Marengo• Perry• Pickens (shared with UA)• Wilcox• Clarke (shared with USA)

~~**Author:** William O. Blow~~

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

~~**History: New Attachments:** Filed May 7, 2007; effective June 11, 2007.~~

~~Attachment To Rule 300-2-1-.09-~~
~~Guidelines For The Review And Approval Of The Consolidation Or~~
~~Merger Of Two-Tear Postsecondary Institutions~~
~~Alabama State Board Of Education Resolution-~~
~~Passed January 25, 1996~~
~~CONSOLIDATION OR MERGER OF POSTSECONDARY-~~
~~INSTITUTIONS-~~

~~WHEREAS, a recommendation that all colleges in The Alabama College System be given the opportunity to become community colleges was passed by The Alabama College System President's Association and accepted by the Chancellor of the Alabama College System; and WHEREAS, on May 26, 1989, the Chancellor instructed all technical colleges then accredited by the Commission on Educational Institutions of the Southern Association of Colleges and Schools to become accredited by the Commission on College of the Southern Association of Colleges and Schools; and~~
~~WHEREAS, the Chancellor is responsible for the development of guidelines and criteria to be met by institutions of the Alabama College System in changing status; and~~
~~WHEREAS, the Chancellor, upon the occasion of an institution's having met the guidelines and criteria specified for changing status may recommend approval of such change in status to the Alabama State Board of Education; and~~
~~WHEREAS, the Alabama State Board of Education wishes to reaffirm its commitment to peer accreditation processes and its support, without reservation, of the need for and importance of such reviews; and~~
~~WHEREAS, the Alabama State Board of Education expresses its desire that colleges under its supervision communicate with the Commission on Colleges of the Southern Association of Colleges and Schools and the Alabama Commission on Higher Education in a timely and appropriate manner; and~~
~~WHEREAS, it is the expectation of the Chancellor that institutes involved in consolidation or merger shall undertake deliberate planning processes in accordance with the requirements of The Criteria for Accreditation of the Commission on Colleges of the Southern Association of Colleges and Schools and requirement of the Alabama Commission on Higher Education;~~
~~NOW, THEREFORE, BE IT RESOLVED, That the Chancellor may cause two or more institutions within the Alabama College System to consolidate or merge for the purpose of forming a comprehensive community college by presenting for approval, first to the Alabama Commission on Higher Education for review, comments and/or action, and then to the Alabama State Board of Education a Statement of Intent to Consolidate or Merge which shall incorporate and conform to the following stipulations and provisions:-~~

- ~~1. A description of the institutions to be consolidated or merged and the designation of a name for the newly created comprehensive community college;~~
- ~~2. A statement of personnel assurances addressing the individual identities, missions, and histories of the affected institutions; the status, right, privileges, and benefits of employees of both the consolidated or merged institutions and the new community college; the status, rights, and privileges of students of both the consolidated or merged institutions and the new community college; employment practices and related and relevant matters of law; and such other information as the Chancellor shall deem appropriate;~~
- ~~3. Assurance that personnel at the institutions to be consolidated or merged have been involved in the preparation of the Statement of Intent to Consolidate or Merge, and that close consultation between personnel at the institutions to be consolidated or merged and staff members will continue during the consolidation or merger process;~~
- ~~4. A description of the benefits to be derived from the consolidation or merger in terms of enhancement of programs and services available to residents of the new college service area;~~
- ~~5. A description of the benefits to be derived from the consolidation or merger in terms of efficiency of management, leadership, and coordination of instructional and student support activities;~~
- ~~6. A plan to secure and/or maintain appropriate accreditation for the newly formed community college, including the Prospectus for Substantive Change as required by the Commission on Colleges of the Southern Association of Colleges and Schools;~~
- ~~7. The results of an audit of the effectiveness of educational programs at each of the affected institutions, and especially a description of the impact of the consolidation or merger upon existing and/or potential occupational/technical programs to be used to provide entry-level job training skills to residents of the new college service area;~~
- ~~8. A description of library/learning resources to support the programs at the newly consolidated or merged institution;~~
- ~~9. A description of the impact of the consolidation or merger upon the ability of the new community college to provide training for business and industry within the college service area;~~
- ~~10. A description of the impact of the consolidation or merger upon the ability of the new community college to provide community service and continuing education opportunities to the residents of the service area;~~

- ~~11. A student population projection and student demographic analysis for the new community college;~~
- ~~12. A disposition of existing facilities, equipment, and supplies for the consolidated or merged institution as it affects the new community college;~~
- ~~13. A description of the fiscal support available for the new community college, including a copy of the most recent financial audits of the affected institutions and a financial impact statement regarding their consolidation or merger;~~
- ~~14. A plan setting forth the steps to be taken and time lines to achieve the administrative and programmatic consolidation or merger of the institutions involved into a single comprehensive community college, developed with input from and consultation between personnel at the institutions to be consolidated or merged;
 - ~~A. The consolidation or merger of institutions shall proceed in two phases, commencing with an administrative consolidation or merger, for which a detailed plan shall be developed which shall contain a description of the administrative organization for the new institution, and a specific time line noting the initiation and completion dates of the administrative phase of the consolidation or merger;~~
 - ~~B. A detailed plan for the final phase of the consolidation or merger, the programmatic phase, shall be developed and shall contain a description of the educational program at the new institution, including an inventory of programs, as well as other specific information related to programmatic realignments, and a specific time line noting the initiation and completion dates of the programmatic phase of the consolidation or merger;~~~~
- ~~15. Provisions for planned professional development to enhance and support the growth of the new comprehensive community college;~~
- ~~16. A description of the geographic area to be served by the new community college;~~
- ~~17. A specific time line defining the entire consolidation or merger process;~~
- ~~18. The Commission on Colleges of the Southern Association of Colleges and Schools and the Alabama Commission on Higher Education shall be notified at the beginning of the planning process for consolidations or merges and at least six months in advance of the designated date for final approval, in accordance with its provisions for substantive change; and~~
- ~~19. The Alabama State Board of Education directs the president(s) and the Chancellor, when necessary, to visit the Southern Association of Colleges and Schools personally to~~

~~assure understanding and communication concerning pending consolidations or merges.~~

~~BE IT FURTHER RESOLVED, That the consolidation or merger of institutions shall be recommended only after public meetings concerning the proposed consolidation or merger are held in each community where an affected institution is located; that the Chancellor shall approve all elements of the transition plan for carrying out the consolidation or merger of institutions and monitor all actions taken and evaluate their effectiveness; that consolidated or merged institutions shall not be recognized as one institution until the administrative and programmatic phases are completed, the Commission on Colleges of the Southern Association of Colleges and Schools and the Alabama Commission on Higher Education have recognized and approved the consolidation or merger; and the Alabama State Board of Education has rendered final approval; and that the Chancellor shall report annually for the first three years to the Alabama State Board of Education concerning the programs of the consolidation or merger including elements of fiscal, program, and administrative accountability.~~

~~BE IT FURTHER RESOLVED, That the colleges are instructed to submit copies of all correspondence with and materials provided to and received from the Commission on Colleges of the Southern Association of Colleges and Schools to the Alabama Department of Postsecondary Education for conveyance to the Alabama State Board of Education.~~

~~CHANCELLOR'S GUIDELINES AND TIMETABLE FOR
MERGER OR CONSOLIDATION~~

- ~~1. Approval of Statement of Intent to Consolidate or Merge by the Alabama Commission on Higher Education;~~
- ~~2. Approval of Statement of Intent to Consolidate or Merge and of personnel assurances by the Alabama State Board of Education (initial action);~~
- ~~3. Institutional notification of pending change to the Commission on Colleges of the Southern Association of Colleges and Schools (immediately after initial action);~~
- ~~4. Preparation and submission of Prospectus for Substantive Change (as required by the Commission on Colleges of the Southern Association of Colleges and Schools);~~
- ~~5. Visit by Substantive Change Committee (varies);~~
- ~~6. Approval of change by the Commission on Colleges of the Southern Association of Colleges and Schools (varies);~~
- ~~7. Approval of formal request for administrative consolidation by the Alabama Commission on Higher Education;~~
- ~~8. Final approval of change by the Alabama State Board of Education subject to acceptance of the prospectus by the Commission on Colleges of the Southern Association of Colleges and Schools (six months after initial action);~~
- ~~9. Recognition of programmatic change;~~
- ~~10. First year progress report;~~
- ~~11. Second year progress report;~~
- ~~12. Third year progress report.~~

Author: William O. Blow

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

History: New Rule: Filed April 6, 1998; effective May 11, 1998.

Repealed: Published _____ ; effective _____ .