

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-.05
Rule Title: Review Of Off-Campus Instruction Offered By Public Postsecondary Institutions
Intended Action: Repeal and Replace

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-.05 Review Of Off-Campus Instruction
Offered By Public Postsecondary Institutions

INTENDED ACTION: Repeal and Replace

SUBSTANCE OF PROPOSED ACTION:

The proposed new rule is intended to address the following issues with existing rule §300-2-1-.05:

1. Rule title should be updated to include determination of service areas.
2. Rule needs to be reorganized to improve clarity. The proposed organization differs enough from the existing rule that it is preferable to repeal and provide a new rule, rather than amend the existing rule.
3. Sections on Off-Campus Programs should be revised to align with institutional accreditation substantive change processes for Off-Campus Instructional Sites.
4. New section should be added establishing a process for modifying institutional service areas.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may present views on the proposed new rule 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. A final version of the proposed new rule, with any amendments, 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,
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Robin E. McGill

Robin McGill

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

~~300-2-1-.05~~

~~**Review Of Off-Campus Instruction Offered By
Public Postsecondary Institutions.**~~

~~(1) Purpose: The purpose of reviewing and approving or disapproving off-campus offerings of public postsecondary institutions is to insure that such offerings meet the criteria and standards established by the Alabama Commission on Higher Education.~~

~~(2) Commission Responsibility: It is the responsibility of the Alabama Commission on Higher Education to establish policies and procedures for reviewing new or existing off-campus sites of public postsecondary institutions in Alabama, except for exempt sites delineated by the Commission's statute. (See the definition for Exempt Sites listed below at 4.)~~

~~(3) Definitions: For purposes of this rule, the following definitions apply:~~

~~(a) Off-Campus Site: the specific location where one or more courses are offered for academic credit geographically distant from the sponsoring institution's main campus.~~

~~(b) Off-Campus Facility: the actual physical plant in which instruction is conducted at an off-campus site.~~

~~(c) Branch: a degree-granting division of an institution located in a geographical setting separate from the sponsoring institution's main campus or central administration and authorized for a stated purpose in relation to the sponsoring institution and the area served. The branch offers all requirements for completing degree programs in two or more fields of study as classified by the CIP taxonomy at the 6 digit level. A branch provides the necessary administrative services, student services, financial resources, library, and physical facilities to provide adequate support for degree programs offered.~~

~~(d) Branch Campus: the physical boundaries of the location of an institution branch.~~

~~(e) Off-Campus Instruction: a course or program taken by a student or students at a location other than a Commission-recognized main or branch campus of the sponsoring institution. The Commission's policy on off-campus instruction applies to traditional instructional settings, i.e. face-to-face classroom instruction that occurs at a location away from the Commission-recognized main or branch campus of the institution. (Adapted from a Georgia Board of Regents definition; approved by the Commission on March 2, 2007.)~~

~~(f) Off-Campus Course: a course provided to any group of students for academic credit at a particular off-campus site in an organized classroom setting.~~

~~(g) Off-Campus Program: a program of instruction offered in its entirety at an off-campus site. A program of instruction is defined by the Commission as an organized set of courses~~

~~and related activities for which, upon satisfactory completion, some degree, diploma or certificate is awarded.~~
~~(h) Service Areas: (See attached service area tables.) For the purposes of off-campus instruction, service areas for the two-year colleges are those determined by the State Board of Education. Service areas for senior institutions are determined by the Commission, using the following considerations:~~

- ~~1. Proximity of the off-campus site to the sponsoring institution~~
- ~~2. Relationship of the off-campus site to the sponsoring institution based on student source reports that are produced using data from the Alabama Statewide Student Database; and~~
- ~~3. The mission of the institution.~~

~~(4) Exempt Sites: The following sites are exempt from Commission approval.~~

~~(a) Statutory Exemptions (Code of Ala.1975, 16-5-8 as amended):~~

- ~~1. Sites at which the Fall 1978 registrations exceeded 500 class enrollments.~~
- ~~2. University sites which were operated prior to 1960.~~
- ~~3. Sites located on military reservations.~~
- ~~4. Business and industry sites where only their employees are enrolled in the off-campus courses.~~

~~(b) Additional exemptions approved by the Commission:~~

- ~~1. Off-campus prison sites where courses are taught exclusively for inmates and prison employees.~~
- ~~2. Courses offered on an individual study basis.~~
- ~~3. Study abroad.~~
- ~~4. High school sites where courses are taught exclusively to high school students enrolled in early admission, accelerated, or dual enrollment/dual credit programs.~~
- ~~5. Two-year college sites located within their respective State Board of Education approved service areas.~~
- ~~6. University sites located within their respective service areas.~~

~~(c) The following stipulations apply to exemptions 4, 5, and 6 above.~~

- ~~1. Information items will be provided to the Commission for any new sites, i.e. sites which previously have not been recognized by the Commission either by formal approval or by information item.~~
- ~~2. Since there are instances in which two-year colleges and universities are located within overlapping areas, care must be taken to avoid the unnecessary duplication of lower division courses. For this reason, a university~~

~~shall not offer lower division courses in the home county of a two-year institution main campus which offers similar courses without the written consent of the two-year institution, while a two-year institution shall not offer courses in the home county of a university main campus which offers similar courses without the written consent of the university. This stipulation does not apply to situations in which a university and a two-year college are located in the same county. In these situations, each institution may offer courses within the shared area, but they should work together to avoid the unnecessary duplication of course offering.~~

~~3. A university shall not offer courses in the service area of another university which offers similar courses without the written consent of the resident university.~~

~~4. All universities which are located in the same county or which share service areas may offer courses within the shared area, but they should work together and in conjunction with the Commission to avoid the unnecessary duplication of course offerings.~~

~~5. It is desirable in most instances to have the closest qualified institution respond to off-campus credit course needs. [Based on a Georgia Board of Regents policy]~~

~~(5) Sites Subject to Regular Review: All sites which are not covered by one or more of the exemption categories above are subject to regular review and approval by the Commission. For these sites, the following regulations apply.~~

~~(a) New off-campus site proposals must be received by the Commission at least eight weeks in advance of the Commission meeting in which they will be considered.~~

~~(b) A list of courses from which each term's schedule will be developed will be submitted with each new site proposal.~~

~~(c) No off-campus site may be located nearer than 25 miles to a main campus of another institution which offers similar courses without the written consent of that institution.~~

~~(d) Once an off-campus site is approved it does not require approval in subsequent years, but annual reports are required.~~

~~(6) Compliance with Accreditation Guidelines and Criteria: All sites, exempt and non-exempt, must be in full compliance with the Southern Association of Colleges and Schools/Commission on Colleges (SACS/COC) guidelines and criteria pertaining to curriculum, faculty, administration, equipment, learning resources and student services. Council on Occupational Education (COE) guidelines will apply to institutions accredited by that agency.~~

~~(7) Annual Follow-up Report Requirement: Regardless of exemption status, institutions will submit an annual follow-up report for each off-campus site by July 1 each year. The Department of Postsecondary Education may submit a comprehensive follow-up report for the entire system. The Commission must be notified if a site is discontinued so that annual reports will not be expected.~~

~~(8) Limitation on Course Lists: Extensive course lists of upper division and graduate level courses that may constitute a program in any discipline will not be accepted. Should an institution desire to offer an extensive course list in a discipline, a proposal for an off-campus program should be submitted for Commission review and approval.~~

~~(9) Public Review of Off-Campus Course Proposals: All proposals for off-campus courses will be subject to a twenty-day public comment period prior to action or acceptance by the Commission. Proposals must be submitted electronically by the institutions and will be posted to the Commission website for public review and comment. At the end of the twenty-day period, the Commission staff will compile the comments and send them to the applicant institution for response.~~

~~(10) Compliance Monitoring Authority: The Commission retains the authority to monitor compliance with the guidelines. If infractions are found, they will be referred to the appropriate governing board for corrective action.~~

~~(11) Funding of Off-Campus Instruction: Off-campus instruction should be self-supporting; i.e. costs should be covered by tuition, fees, and extramural support. The Commission will not include credit hours and enrollment generated by off-campus instruction in its formula calculations in developing institutional budget recommendations.~~

~~(12) Review and Approval of Off-Campus Programs: In addition to all criteria stated for the approval of off-campus courses, the following additional criteria shall apply to the approval of off-campus instructional programs (approved by the Commission on March 2, 2007):~~

~~(a) Location of Programs: Complete degree programs may only be offered at Commission approved sites. Distance from the offering institution to the proposed off-campus sites will be a primary consideration in the delivery of off-campus programs, unless it can be demonstrated that the proposed program is the only one of its kind.~~

~~(b) Relationship to the Commission's Academic Program Inventory: All programs to be offered off-campus must be listed in the Commission's Academic Program Inventory for the proposing institution.~~

~~(c) Strength of the Existing On-Campus Program: Only programs which are academically strong and productive on the main campus should be offered off-campus. Information~~

~~related to the main campus program must be provided. This includes:~~

- ~~1. Headcount enrollment data for the preceding five academic years,~~
- ~~2. Completion rates for the preceding five academic years as reported to the National Center for Educational Statistics through the Integrated Postsecondary Education Data System (IPEDS), and~~
- ~~3. Current accreditation status, if programmatic accreditation is available.~~
- ~~4. If graduates of the program are required to pass a certification or licensure examination, the institution must provide documentation related to the performance of its graduates on such an examination.~~
- ~~5. The institution must also include data related to the placement rates of graduates of the program.~~
- ~~6. Exceptions to this rule may be considered, based on (d), (e), and (f) following.~~

~~(d) Adequate Student Demand: The institution must provide documentation of strong student demand, along with graduation projections for the first five years of operation at the proposed site. Post implementation conditions on enrollment, graduation rates and job placement similar to those placed on the approval of new academic programs will be placed on the approval of off campus programs. If a program is to be offered on a limited one-time basis, this must be stated. In such cases, student demand, enrollment projections, and graduation projections will be applied accordingly.~~

~~(e) Need for the Program: The institution must provide documentation that there is significant unmet need (employer demand) which cannot be met by the campus-based program or by other similar programs in the State.~~

~~(f) Effect on the Existing On-Campus Program: In supporting documentation, the institution must explain potential effects of the proposed off-campus program on the resources available to and the quality of the program on the main campus. The institution must also provide documentation that the Southern Association of Colleges and Schools and any professional accreditation agencies, if applicable, have been notified of the institution's intent to offer the proposed program off-campus. Documentation must be provided that required clearances have been received from the appropriate accreditation agencies.~~

~~(g) Clinical Sites: If the proposed program requires a clinical component (example: allied health programs), signed clinical agreements with appropriate agencies sufficient in number to accommodate the projected enrollment in the program must be provided. These agreements must indicate the~~

~~total number of clinical slots that will be available at each clinical site.~~

~~(h) Admission and Program Completion Requirements: Admission and program completion requirements for a proposed off-campus program must be the same as the requirements on the main campus.~~

~~(i) Public Review of Off-Campus Program Proposals: All proposals for off-campus programs will be subject to a twenty-day public comment period prior to action or acceptance by the Commission. Proposals must be submitted electronically by the institutions and will be posted to the Commission website for public review and comment. At the end of the twenty-day period, the Commission staff will compile the comments and send them to the applicant institution for response.~~

~~(j) Compliance Monitoring of Off-Campus Programs: If an institution is found to be offering an off-campus program without the approval of the Commission, the Commission staff will notify the institution in writing regarding the violation and may conduct an on-site visit to confirm the non-compliance with Commission policy, if necessary. Following this review, the Commission will take appropriate action concerning the violation.~~

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

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

~~**History: New Rule.** Filed on 7/11/95 to replace a repealed rule, "Review of Off-Campus Offerings of Postsecondary Institutions," which had the same rule number. **Effective:** August 31, 1995. This rule is based on policy adopted by the Commission on 6/22/79 and revised on 6/19/92 and 2/11/94. Extensive addition and revision adopted by the Commission on 6/30/95 necessitated the repeal of the former rule and the adoption of the current rule. **Amended:** Filed June 4, 1997; effective July 9, 1997. **Amended:** Filed April 6, 1998; effective May 11, 1998. **Repealed and New Rule:** Filed December 5, 2000; effective January 9, 2001. **Amended:** Filed May 7, 2007; effective June 11, 2007.~~

Review of Off-Campus Instruction Offered by
Public Postsecondary Institutions and
Determination of Service Areas (New Rule).

(1) Purpose: The purpose of reviewing and approving or disapproving off-campus offerings of public postsecondary institutions is to ensure that such offerings meet the criteria and standards established by the Alabama Commission on Higher Education and to ensure that educational needs across the state are being met, while maintaining the integrity of institutional service areas.

(2) Commission Responsibility: It is the responsibility of the Alabama Commission on Higher Education to monitor off-campus instructional offerings within the state of Alabama and establish policies and procedures for reviewing new or existing off-campus sites of public postsecondary institutions in Alabama, except for exempt sites delineated by the Commission's statute (see Code of Ala. 1975, §16-5-8[d]).

(3) Scope: This rule shall apply only to off-campus sites located within the state of Alabama. This rule does not apply to off-campus sites that are located out of state, nor does it apply to distance education offerings, non-credit offerings, courses offered on an individual study basis, or non-instructional sites.

(4) Definitions: For purposes of this rule, the following definitions apply:

(a) Off-Campus Site: The specific location where one or more courses are offered for academic credit geographically distant from the sponsoring institution's main campus. It does not include locations for in-person interactions that are non-instructional (e.g., outreach offices, research facilities, orientation sites, practicum sites). An off-campus site will be designated as exempt or non-exempt:

1. Exempt Sites: The following off-campus sites are exempt from Commission approval and require prior notification only, provided that institutions intend to offer only off-campus courses that do not constitute an off-campus program.

a. Sites at which the Fall 1978 registrations exceeded 500 class enrollments (exempted by statute, see Code of Ala. 1975, §16-5-8[d]).

b. University sites which were operated prior to 1960 (exempted by statute, see Code of Ala. 1975, §16-5-8[d]).

c. Sites located on military reservations (exempted by statute, see Code of Ala. 1975, §16-5-8[g]).

d. Business and industry sites where only their employees are enrolled in the off-campus courses (exempted by statute, see Code of Ala. 1975, §16-5-8[d]).

e. Off-campus prison sites where courses are taught exclusively for inmates and prison employees (exempted by Commission decision prior to August 18, 2000).

f. High school sites where courses are taught exclusively to high school students enrolled in early admission, accelerated, or dual enrollment/dual credit programs (exempted by Commission decision on August 18, 2000).

g. Two-year college sites located within their respective service areas (exempted by Commission decision on August 18, 2000).

h. University sites located within their respective service areas (exempted by Commission decision on August 18, 2000).

2. Non-Exempt Sites: Any off-campus site that does not fit within one of the exemptions enumerated above shall be considered non-exempt and will require Commission approval before instruction can be offered at the site.

(b) Branch Campus: A special type of off-campus instructional site that is geographically apart from an institution's main campus, where instruction is delivered, and that is independent of the main campus of an institution. An off-campus instructional site is independent of the main campus if it is permanent; offers courses in educational programs leading to a degree, diploma, certificate, or other for-credit credential; has its own faculty and administrative or supervisory organization; and has its own budgetary and hiring authority. See also §300-2-1-08 ("Operational Policy on the Designation of Branch Campus Sites").

(c) Off-Campus Instruction: A for-credit course or program taken by a student or students at a location other than a Commission-recognized main or branch campus of the sponsoring institution. The Commission's policy on off-campus instruction applies to traditional instructional settings, i.e., face-to-face classroom instruction that occurs at a location away from the Commission-recognized main or branch campus of the institution. Practicum, clinical training, internships, or other work-based learning activities are considered non-instructional and are excluded from this rule.

(d) Off-Campus Course: A course provided to any group of students for academic credit at a particular off-campus site in an organized classroom setting.

(e) Off-Campus Program: A program of instruction for which 50% or more of the instruction is delivered at an off-campus site.

(f) Service Area: The geographical area within the state of Alabama where an institution is recognized as a primary provider of for-credit postsecondary instruction.

(g) Graduate-Level Coursework: Coursework designed for programs of study beyond the bachelor's degree level, including courses that apply toward post-baccalaureate certificates (IPEDS Level 6), master's degrees (IPEDS Level 7), education specialist degrees and post-master's certificates (IPEDS Level 8), and doctoral degrees (IPEDS Levels 17, 18, and 19).

(h) Lower-Division Coursework: Undergraduate coursework designed for introductory- or intermediate-level study in a collegiate discipline, such as general education courses, major prerequisite courses, and program courses at the associate level.

(i) Upper-Division Coursework: Also known as "upper-level" coursework or "major" coursework, undergraduate coursework designed for more advanced study and is required to complete a baccalaureate program of study.

(5) Establishment of a New Off-Campus Site within an Institution's Own Service Area:

(a) Prior Notification Required: An institution seeking to offer instruction at an off-campus site within its recognized service area is exempted from Commission approval in most cases, but the institution must notify the Commission prior to delivering instruction at the proposed site.

(b) Documentation Required for New Off-Campus Site: Institutions must submit the following documentation to the Commission as part of their notification for a new off-campus site:

1. Off-Campus Course List: A list of courses from which each term's schedule will be developed will be submitted with each new site notification. If the list includes upper-division or graduate-level courses, the institution shall include information about how the courses will be applied to specific academic program requirements.

2. Off-Campus Program List, if applicable: A list of programs for which 50% or more of the program coursework will be delivered at the off-campus site. Institutions planning to offer one or more off-campus programs will be required to seek Commission approval for the site, unless the site is exempted by statute.

3. Summary of Funding of Off-Campus Instruction: Off-campus instruction should be self-supporting, i.e., costs should be covered by tuition, fees, and extramural support. If an institution plans to reallocate its own funds to support instruction at an off-campus site (such

as for new equipment or lease of the facility), budget projections must accompany the site notification.

(c) Coordination of Instructional Offerings: The Commission recognizes that institutions often share service areas, and the following guidelines are intended to support coordination of instructional offerings:

1. All universities which are located in the same county or which share service areas may offer courses within the shared area, but they should work together and in conjunction with the Commission to avoid the unnecessary duplication of course offerings.

2. Since there are instances in which two-year colleges and universities are located within overlapping areas, care must be taken to avoid the unnecessary duplication of lower-division courses. For this reason, a university shall not offer lower-division courses in the home county of a two-year institution main campus which offers similar courses without the written consent of the two-year institution, while a two-year institution shall not offer courses in the home county of a university main campus which offers similar courses without the written consent of the university. This stipulation does not apply to situations in which a university and a two-year college are located in the same county. In these situations, each institution may offer courses within the shared area, but they should work together to avoid the unnecessary duplication of course offering.

(6) Establishment of a New Exempt Off-Campus Site outside an Institution's Service Area:

(a) Prior Notification Required: An institution seeking to offer instruction at an exempt off-campus site located outside its recognized service area is exempted from Commission approval in most cases, but the institution must notify the Commission prior to delivering instruction at the proposed site.

(b) Documentation Required: Institutions must submit the following documentation to the Commission as part of their notification for a new exempt off-campus site located outside their recognized service area:

1. Off-Campus Course List: A list of courses from which each term's schedule will be developed will be submitted with each new site notification. If the list includes upper-division or graduate-level courses, the institution shall include information about how the courses will be applied to specific academic program requirements.

2. Off-Campus Program List, if applicable: A list of programs for which 50% or more of the program coursework

will be delivered at the off-campus site. Institutions planning to offer one or more off-campus programs will be required to seek Commission approval for the site, unless the site is exempted by statute.

3. Summary of Funding of Off-Campus Instruction: Off-campus instruction should be self-supporting, i.e., costs should be covered by tuition, fees, and extramural support. If an institution plans to reallocate its own funds to support instruction at an off-campus site (such as for new equipment or lease of the facility), budget projections must accompany the site notification.

4. Written Consent: Since it is desirable in most instances to have the closest qualified institution respond to off-campus credit course needs, the Commission requires that institutions seeking to offer instruction at a new site outside their recognized service area obtain written consent from institutions whose service area includes the proposed site, except in the following circumstances:

a. Written consent is not required when the proposed site falls under one of the exemptions provided for in statute (see above §(4) (a)1 a-d).

b. Written consent is not required when the institutions within the service area do not offer similar courses to proposed off-campus instruction.

(7) Establishment of a New Non-Exempt Off-Campus Site:

(a) Commission Approval Required: An institution seeking to offer instruction at a non-exempt off-campus site must receive Commission approval prior to delivering instruction at the proposed site, regardless of whether off-campus programs will be offered.

(b) Documentation Required: Institutions must submit the following documentation to the Commission as part of their proposal for a new non-exempt off-campus site:

1. Off-Campus Course List: A list of courses from which each term's schedule will be developed will be submitted with each new site notification. If the list includes upper-division or graduate-level courses, the institution shall include information about how the courses will be applied to specific academic program requirements.

2. Off-Campus Program List, if applicable: A list of programs for which 50% or more of the program coursework will be delivered at the off-campus site.

3. Summary of Funding of Off-Campus Instruction: Off-campus instruction should be self-supporting, i.e., costs should be covered by tuition, fees, and extramural support. If an institution plans to reallocate its own funds to support instruction at an off-campus site (such

as for new equipment or lease of the facility), budget projections must accompany the site proposal.

4. Written Consent: Since it is desirable in most instances to have the closest qualified institution respond to off-campus credit course needs, the Commission requires that institutions seeking to offer instruction at a non-exempt site obtain written consent from institutions whose service area includes the proposed site.

(8) Compliance with Accreditation Requirements: All off-campus instructional sites, exempt and non-exempt, must be in full compliance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) guidelines and policies pertaining to substantive change, along with curriculum, faculty, administration, equipment, learning resources, and student services. Council on Occupational Education (COE) guidelines will apply to institutions accredited by that agency.

(9) Annual Follow-up Report Requirement: Institutions must submit an annual follow-up report for each off-campus site, regardless of its exemption status. The Alabama Community College System (ACCS) may submit a comprehensive follow-up report for the entire system.

(10) Discontinuation of an Off-Campus Site: The Commission must be notified if a site is discontinued so that annual reports will not be expected.

(11) Modification of an Off-Campus Site: Modifications to existing off-campus sites may be considered substantive—requiring approval, substantive—requiring notification, or non-substantive.

(a) Substantive, requiring approval: Commission approval is required before an institution can add a new off-campus program at an existing off-campus site, unless the site is exempted by statute.

(b) Substantive, requiring notification: An institution must notify the Commission prior to implementing any of the following changes to an existing off-campus site:

1. Modification of the site's course list to include additional upper-division or graduate-level coursework.
2. Discontinuation of an off-campus program.
3. Change of address.

(c) Non-substantive: An institution may make the following changes to an off-campus site without prior notification to the Commission. Such changes must be noted on the institution's annual follow-up report for the site:

1. Addition of lower-division courses to the site's course list.
2. Deletion of courses from the site's course list.

(12) Compliance Monitoring Authority: The Commission retains the authority to monitor compliance with the guidelines. If infractions are found, they will be referred to the appropriate governing board for corrective action.

(13) Determination of Service Areas:

(a) Under its authority to authorize and regulate off-campus offerings, the Commission shall determine service areas for public institutions within the state. All geographic areas of the state must be served by at least one senior institution and one two-year institution.

(b) Commission approval is required to modify the geographical boundaries of an institution's service area. The Commission will use all of the following criteria to evaluate and approve or disapprove requests for modification of institutional service area:

1. Appropriateness for the institution's mission, including support of the institution's governing board;
2. Institutional readiness (defined as institutional commitment, resources, and facilities to support the target service area);
3. Rationale for the change in service area, specifically to include advancement of state and/or regional strategic interests;
4. No adverse impact on access to public postsecondary education for any geographical area of the state;
5. Written consent of public institution(s) operating within the target service area;
6. Demonstrated support of community and industry stakeholders within the target service area; and
7. Accreditation considerations, as appropriate.

Author: Robin E. McGill

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

History: New Rule. Filed on 7/11/95 to replace a repealed rule, "Review of Off-Campus Offerings of Postsecondary Institutions," which had the same rule number. Effective: August 31, 1995. This rule is based on policy adopted by the Commission on 6/22/79 and revised on 6/19/92 and 2/11/94. Extensive addition and revision adopted by the Commission on 6/30/95 necessitated the repeal of the former rule and the adoption of the current rule. Amended: Filed June 4, 1997; effective July 9, 1997. Amended: Filed April 6, 1998; effective May 11, 1998. Repealed and New Rule: Filed December 5, 2000; effective January 9, 2001. Amended: Filed May 7, 2007; effective June 11, 2007. Repealed and New Rule: Published _____; effective _____.