

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Friday, December 8, 2023, and filed with the agency secretary on Tuesday, December 12, 2023.

AGENCY NAME: Alabama Commission on Higher Education Planning and Coordination

INTENDED ACTION: Amend

RULE NO.: 300-2-1-.10

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) **300-2-1-.10(4)(a)**

RULE TITLE: Distance Education

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes. The definition of Distance Education was expanded for clarification.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLI, ISSUE NO. 12, AAM,
DATED FRIDAY, SEPTEMBER 29, 2023.

STATUTORY RULEMAKING AUTHORITY: Code of Ala. 1975, §§16-5-1 et seq.

(Date Filed)
(For LRS Use Only)

REC'D & FILED
DEC 12, 2023
LEGISLATIVE SVC AGENCY

Stephanie C. Dolan

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Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

300-2-1-.10 Distance Education.

(1) **Purpose.** This section is intended to ensure consistency around implementation of distance education programs.

(2) **Commission Responsibility.** Programs of instruction offered by Alabama public institutions, including distance education offerings, are subject to Commission approval per the Code of Ala. 1975, Section 16-5-8.

(3) **Scope.** This policy applies to programs of instruction offered by public colleges and universities headquartered in Alabama. It does not apply to programs of instruction offered by private institutions or by institutions with no physical presence in Alabama.

(4) **Definitions.** The following definitions pertain to this rule:

(a) **Delivery Modality:** Technology or method used to deliver instruction ~~within courses required for~~ or assess student progress toward program completion, such as in-person/face-to-face instruction, distance education, competency-based education, or a combination thereof. In addition, an academic program may be offered in multiple modalities.

(b) **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, distance learning, and e-learning are recognized by the Commission as being synonymous terms.

(c) **Distance Education Program:** An academic program for which required instructional activities can be completed entirely through distance education modalities. A distance education program may have in-person requirements that are non-instructional (e.g., orientation, practicum).

(d) **State Authorization Reciprocity Agreements (SARA):** An interstate distance education compact coordinated through the National Council for State Authorization Reciprocity Agreements (NC-SARA). Institutional membership in SARA establishes recognition of comparable standards in the interstate delivery of postsecondary distance education courses and programs and streamlines authorization to enroll non-Alabama residents.

(5) **Tuition for Distance Education Programs.** Institutions are to set tuition for distance education offerings, ensuring that they meet statutory requirements under Code of Ala. 1975, §16-64-1 et seq.

(6) **Expectations for Compliance.**

(a) Institutions providing distance education courses or programs are expected to be in full compliance with the standards and/or requirements of any appropriate governing, authorization, or accreditation authorities.

(b) Academic degree 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.

(7) **Configuration of Programs for Distance Education.**

(a) Programs of instruction listed in the Commission's Academic Program Inventory 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.

(b) Institutions intending to deliver a new program of instruction as a distance education program are to note this on the program proposal so that no further notification is needed prior to implementation.

(c) The Commission on Higher Education does not require prior notification of distance education in the following cases:

1. Configuration of individual courses for distance education.
2. Programs of instruction where less than 100% of the coursework is delivered through distance education modalities.

Author: Leonard Lock; Robin McGill

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

History: New Rule: Filed December 11, 2018; effective January 25, 2019. **Amended:** Filed ~~-----, 2023; effective -----~~ December 15, 2023; effective February 12, 2024.

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