

SHEEO State Authorization Inventory

Alabama

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Alabama Commission on Higher Education
Office of Institutional Effectiveness and Planning**
- o Description:
Under provisions of Ala. Code §16-5-10 (14) (1975), the Alabama Commission on Higher Education has programmatic jurisdiction over non-resident institutions defined as postsecondary institutions or corporations offering educational programs in Alabama with main campuses or headquarters located outside the state. Alabama is the only state within the United States where jurisdiction over private school licensure and programmatic review and approval of non-resident programs of higher education, postsecondary instruction is divided between two state agencies, the Alabama Department of Postsecondary Education (authority for all private postsecondary institutions) and the Alabama Commission on Higher Education (authority for all postsecondary institutions). To facilitate these dual agency assignments of responsibility, a Memorandum of Agreement between the Alabama Department of Postsecondary Education and the Commission provided for the integration of programmatic review of non-resident institutions with the licensure process.
 - o Contact:
Elizabeth C. French
Director
Alabama Commission on Higher Education
Office of Institutional Effectiveness and Planning
334-242-2179
elizabeth.french@ache.alabama.gov
 - o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
Same as above.

- b. Links:
 Link to agency: <http://www.ache.state.al.us/>
 Link to regulations: <http://www.ache.alabama.gov/Nonresident/AppReg.pdf>
- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.
 Alabama Department of Postsecondary Education
 Office of Private School Licensing Division
- d. If the division of responsibility among these agencies is not clear, please explain.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- No Public, in-state degree granting institutions
 Yes Public, out-of-state degree granting institutions
 No Private, in-state, not-for-profit degree granting institutions
 Yes Private, out-of-state, not-for-profit degree granting institutions
 No Private, in-state, for-profit degree granting institutions
 Yes Private, out-of-state, for-profit degree granting institutions
 No Public, in-state, non-degree granting institutions
 Yes Public, out-of-state, non-degree granting institutions
 ___ Non degree, not-for profit institutions
 ___ Non degree, for-profit institutions
 Yes Religious institutions/Out of state
 ___ Tribally-controlled institutions

Clarifying comments:

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.
 Out of state institutions are required to be “licensed” by the Alabama Department of Postsecondary Education and obtain a Certificate of Authority to operate as a foreign corporation from the Office of the Secretary of State.

- c. Is accreditation required for an institution to be authorized in your state?
For programmatic approval there is no requirement that the institution must be accredited, but programs proposed from unaccredited institutions are subject to external review.
- If yes, please explain:
 - If yes, what type of accreditation is required? Please, check all that apply as appropriate.
 - Regional
 - National
 - Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?
The Commission authorizes programs only.
- e. Programs in certain subject areas that may require separate approval.
Nursing/Undergraduate
Alabama Board of Nursing
770 Washington Avenue, Suite 250
Montgomery, AL 36130-3900.

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?
With respect to programmatic review, the Commission's statute provides for no exemptions. The Alabama Private School License Law administered by the Alabama Department of Postsecondary Education does provide for exemptions.
- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.
 - If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

If an institution is eligible for exemption under the Alabama Private School License Law, it is still subject to programmatic review by the Commission.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

With respect to programmatic review, the Commission's statute provides for no exemptions.

- Are all religious institutions exempt (please describe)?
- Are religious institutions that award only religious degrees or certificates exempt (please describe)?
- Are certain religious institutions exempt that meet other criteria (please describe)?

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

Yes.

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or "operating" standard?

5. Physical Presence Policy – Common "Triggers"

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

- b. Please specify whether any of the following activities would constitute a physical presence or signify "operating" in your state, assuming that the named activity is the institution's sole activity in your state. **Please answer "yes" or "no" to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?

- Does this apply only to distance education students or more generally?
- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
 - Does this apply only to distance education students or more generally?
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
 - What about adjunct faculty?
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
 - What about adjunct faculty?
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
- Advertising in local media sources that are largely viewed by residents of the state?
- Advertising in national media sources that can be accessed by residents of the state?
- Having computer servers or other equipment located in the state?
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?

- Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.

The Commission's programmatic review requires the submission of a five-part online application including general information about the institution and the institution's plan for operation in the state.

<http://www.ache.alabama.gov/Nonresident/ApplReg.pdf>

Separate applications are submitted to the Alabama Department of Postsecondary Education and the Office of Secretary of State.

To facilitate assignments of responsibility between the Alabama Department of Postsecondary Education and the Commission, a Memorandum of Agreement provides for the integration of programmatic review of non-resident institutions with the licensure process.

- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.

Provided that the application is complete, the Commission allows 60 days from the receipt of proposal to the completion of the review. If the application is incomplete and additional information is required, additional time is required following the submission of the requested material.

- c. What is the authorization duration?

Two years.

- d. What does an institution need to do to maintain authorization?

Submit periodic updates on previously approved programs and faculty.

- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
- f. Can an institution lose its authorized status? If so, how?
Yes. Failure to report changes of ownership and/or changes to administrative/organizational structures.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
Yes. Application for multiple institutions is posted on the Commission's website.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
Not likely, unless the multiple public systems were all teaching the same programs.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
Programs are processed in the order in which they are received.
- j. Is your agency currently planning to amend its application process by the end of 2011?
No substantive changes are anticipated.
 - o If yes, please provide a brief description of the anticipated change.
 - o If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
No fee.
- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?
- c. What are the costs, if any, to renew authorization?
- d. What costs are associated with receiving a waiver or exemption to authorization?

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
 - o If yes, please describe the process or provide a web link to the material that describes the complaint process.
Complaints for out of state institutions are referred to the licensing agency (ADPE) for response. For in-state institutions, contacts are posted to the ACHE website.
 - o If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?
 - o If available, please provide a web link to the complaint form.
 - o Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
None Anticipated.
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?
 - If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?