

NOTICE OF PROPOSED CHANGES DEALING WITH INSTITUTIONAL
AUTHORIZATION TO OPERATE
IN THE REGULATIONS OF THE ALASKA COMMISSION ON
POSTSECONDARY EDUCATION

BRIEF DESCRIPTION

The Alaska Commission on Postsecondary Education (the commission) proposes to change regulations in Title 20, Chapter 17 of the Alaska Administrative Code dealing with authorization of postsecondary education institutions to operate in Alaska. The proposed changes to these regulations streamline the authorization processes, align fees with services, and provide greater oversight of institutional financial health, student consumer protection, and monitoring of changes. This project includes regulations that are being amended, repealed and readopted and repealed.

The Alaska Commission on Postsecondary Education (the commission) proposes to adopt regulation changes in Title 20, Chapter 17 of the Alaska Administrative Code, dealing with authorization of postsecondary education institutions to operate in Alaska, including the following:

- (1) 20 AAC 17.015 is proposed to be changed by reorganizing the section, updating AAC references to conform with renumbering and updating reference to fees. The proposed regulation increases the timeframe for most exemption renewals and adds new exemptions for programs that are regulated by another state agency or political subdivision of the state, paid on-the-job training or apprenticeship programs, and online or distance delivered program. Language will be added regarding providing false information and defining a short course of study.
- (2) 20 AAC 17.020 is proposed to be changed by reorganizing subsections, updating references for fees, the application process, and the initial authorization period. A new subsection will be added giving the commission authority to require an institution to undergo and pay for an academic soundness evaluation by a third party.
- (3) 20 AAC 17.025 is proposed to be changed by increasing the maximum renewal authorization period and updating details for the application process for renewal of authorization, such as notification of application deficiencies, deferral of incomplete and late applications, on-site evaluation requirements, and references to fees.
- (4) 20 AAC 17.030 is proposed to be changed by specifying independent recruiters must apply to the commission for an agent's permit, updating references to fees, and outlining the application process for agent's permits.
- (5) 20 AAC 17.040 will be amended by updating references to fees, updating institutional status changes requiring commission notification, and updating timing requirements for such notification. Amendments clarify that institutional authorization is restricted to courses or study indicated in the authorization application at the approved location. Any changes require a program amendment application and commission approval. A new subsection is proposed to define

- “ownership” for the purposes of this section.
- (6) 20 AAC 17.045 will be amended to remove the option for a cash deposit to meet bonding requirements and to change how the amount of the bond is determined. Subsections (h), (i), (j) will be repealed and moved to what is proposed as 20 AAC 17.102 (Financial Soundness). Pay-As-You-Go-School bond amounts will be repealed.
 - (7) 20 AAC 17.055 will be amended by replacing the set application fee amounts with a fee schedule reviewed and adopted by the Commission annually. Subsections (b) and (c) will be repealed, removing set application fees and a waiver for institutions that are tax-exempt under U.S.C 501(c)(3) with annual enrollment of less than 30.
 - (8) 20 AAC 17.060 will be amended to include a requirement for institutions to document prospective students’ generally accepted prerequisites for licensing and employment standards for their field of study before enrollment. Subsections (b), (i), (j), (k), and (l) will be repealed. Subsection (b) is moved to what is proposed as 20 AAC 17.040(e) and subsections (i), (j), (k) and (l) to what is proposed as 20 AAC 17.102 (Financial Soundness).
 - (9) 20 AAC 17.062 is proposed to be changed by reorganizing and renaming the section, establishing annual reporting requirements for institutions not reporting to the Integrated Postsecondary Education Data System (IPEDS), revising reporting categories for career technical or vocational institutions, and adding a statement that data collected could be made publicly available along with a requirement for certain institutions to provide a written explanation and plan for improvement to the commission.
 - (10) 20 AAC 17.070 is proposed to be changed by requiring disclosure of course delivery methods and percentage of courses delivered online and by adding a new subsection prohibiting institutions from advertising that a program prepares a student for employment unless the program meets application licensure requirements.
 - (11) 20 AAC 17.075 will be amended to include requirements for institutions to disclose a description of its facility or campus and the cost for any testing and licensure requirements.
 - (12) 20 AAC 17.090 will be amended to include provisions that a supervisor of an institution is directly responsible for the operation of the online education learning management system and must be competent in the use of any online education learning management system, if applicable.
 - (13) 20 AAC 17.095 will be amended by adding a new subsection requiring that institutions have adequate technology and infrastructure to support management, operations, academic programs, and support services and providing the commission authority to request demonstrations.
 - (14) 20 AAC 17.102 will be a new section that defines institutional financial soundness and reporting requirements and includes provisions proposed to be repealed in 20 AAC 17.045 and 20 AAC 17.060, which deal with bonding requirements and general operating standards.
 - (15) 20 AAC 17.110 is proposed to be reorganized to create data subcategories for record retention and changed to add a requirement for institutions to provide the commission with student transcripts upon closure.

- (16) 20 AAC 17.115(a) will be amended to increase the amount institutions can charge for an application fee.
- (17) 20 AAC 17.205 will be amended to update Alaska Administrative Code references.
- (18) 20 AAC 17.210 is proposed to be changed by removing references to regional and national centers and updating associations the commission may seek guidance from for degree program criteria.
- (19) 20 AAC 17.225 will be amended to require degree programs to adhere to the standards of the institution's accreditor and online or distance delivered programs to meet the requirements of campus-based programs. Subsections (b) and (c) will be repealed, removing specified content on standards for degree programs, as well as specified credit hour and year requirements for awarding degrees.
- (20) 20 AAC 17.230 will be amended to update references to record retention guidance documents and remove references to specific financial and record keeping requirements. Instead, institutions must comply with accreditor's requirements.
- (21) 20 AAC 17.235 will be amended to require an institution comply with accreditor's standards for learning resources, such as a library and academic support services. Subsections (b), (c), (d) and the Editor's Note will be repealed, removing other standards and information relating to learning resource programs and cooperative agreements.
- (22) 20 AAC 17.245 is proposed to be changed by removing requirements for institutions to comply with specific faculty standards; instead, institutions must comply with their accreditor's standards.
- (23) 20 AAC 17.255 will be a new section that specifies accreditor actions that institutions must report to the commission.
- (24) 20 AAC 17.900 is proposed to be changed by alphabetizing definitions, updating the "physical presence" definition, and adding a definition for Integrated Postsecondary Education Data System (IPEDS).
- (25) 20 AAC 17.910(a) will be amended to update the reference to fees.

The commission invites the public to submit written comments during the written comment period, which begins with the date of this notice and ends on September 20, 2021, at 4:30 p.m.

All written comments must be received not later than 4:30 p.m. on September 20, 2021.

The written comment period closes prior to the fall quarterly meeting of the Alaska Commission of Postsecondary Education at which the commission will consider the adoption of the proposed regulations. This allows the commission an opportunity to prepare changes based on written comment and to distribute any proposed changes to the commission for its consideration prior to the meeting.

You may comment on the proposed regulation changes, including the potential costs to private persons in complying with the proposed changes, by submitting written comments to the Executive Director of the Alaska Commission on Postsecondary Education at P. O. Box 110505, Juneau, Alaska 99811-0505. Additionally, the commission will accept comments by facsimile at (907) 465-5316 and by electronic mail at EED.ACPE-ExecDirector@Alaska.gov. Comments may also

be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link.

Oral or written comments also may be submitted at a hearing to be held on August 26, 2021 from 2:20 p.m. to 3:00 p.m. The time for public comment might be extended to accommodate those present before 3:00 p.m. who did not have an opportunity to comment. The hearing will originate from the commission's office at 3030 Vintage Blvd, Juneau, AK 99801. You may join the meeting online via Zoom virtual platform at <https://us06web.zoom.us/j/82684649290?pwd=YzlsajB0YzdZaUclSENwdWpoY0Q0dz09> or by entering Meeting ID 826 8464 9290, Access Code ACPE_ISEC. You may also participate via teleconference by calling (888)788-0099, entering the Meeting ID noted above and selecting *9 on your phone's keypad.

You may also submit oral comments only to the commission at its quarterly meeting on October 20, 2021. Written comments will not be accepted at this meeting. The meeting will originate from the commission's office at 3030 Vintage Blvd, Juneau, AK 99801. Public comment will be held from approximately 10:15 a.m. to 10:30 a.m. The time for public comment might be extended to accommodate those present before 10:30 a.m. who did not have an opportunity to comment. You may join the meeting online via Zoom virtual platform at <https://us06web.zoom.us/j/94976859815?pwd=TkVud09qS2RORXlFVTJodnZsVXVvQT09> or by entering Meeting ID 949 7685 9815, Access Code ACPE. You may also participate via teleconference by calling (888)788-0099, entering the Meeting ID noted above and selecting *9 on your phone's keypad.

To mitigate the spread of the COVID-19 virus, in person attendance will not be permitted at either meeting.

You may submit written questions relevant to the proposed action to the Executive Director of the commission at P. O. Box 110505, Juneau, Alaska 99811-0505, or by email at EED.ACPE-ExecDirector@Alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The commission will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at www.acpe.alaska.gov.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kordel Thompson at (907) 465-6718 or by email at kordel.thompson@alaska.gov no later than September 10, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, the commission's website at https://acpe.alaska.gov/Public_Notices and by contacting Kordel Thompson at (907) 465-6718 or email at kordel.thompson@alaska.gov.

After the public comment period ends, the commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The commission will consider adoption of these proposed changes at its October 20,

2021, meeting. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 14.42.030; AS 14.48.020; AS 14.48.030; AS 14.48.050; AS 14.48.070; AS 14.48.090.

Statutes being implemented, interpreted, or made specific: AS 14.48.060; AS 14.48.080; AS 14.48.100; AS 14.48.150; AS 14.48.165; AS 14.48.210.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Alaska Commission on Postsecondary Education keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the commission's notices of proposed regulation changes. To be added to or removed from the list, send a request to the commission at kordel.thompson@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: August 17, 2021



Sana Efird, Executive Director