

**THE FOLLOWING ACT CREATED THE AGSC  
AND EXPANDED STARS STATEWIDE:**



**ACT 94-202**

**Enrolled, An Act**

To amend Section 16-5-8, Code of Alabama 1975, to provide for a uniform articulation agreement among all institutions of higher education and a statewide general studies curriculum; to provide for the computation of grade point averages of certain transferred students; to specify that this act shall not impede the objectives of historically black institutions; to provide for implementation conditioned on the participation of certain institutions; and to specify certain reporting requirements.

**BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

**Section 1.** Section 16-5-8, Code of Alabama 1975, is amended to read as follows:

**Section 16-5-8**

"(a) The commission on higher education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, and state legislature, its recommendations.

"(b) The commission shall seek through the use of advisory committees to study needless duplication of education, research, or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the governor, and the legislature that would strengthen the total program of higher education in the state.

"(c) The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the commission for its review, evaluation, and approval. Not state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the commission. Any plan submitted to the commission, or its staff, and not receiving final action by the commission within 10 months of submission shall be considered approved. The term 'new unit of instruction,' includes the establishment of a college, school, division, or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alternations of existing curricula, or programs which have a direct relationship to existing programs. The commission may, under its rulemaking power, define the character of the reasonable extensions and alterations.

"(d) The commission shall have the authority to authorize and regulate off-campus offerings, new or existing. An exception to this off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this chapter whose fall 1978

registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960, the commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the legislature before a public joint meeting of the education committees of the house and senate no later than the fifth legislative day of the 1981 regular session of the legislature. In making the recommendation, the commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or nonconcurrence on each recommendation of the commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of the time, it shall be mandatory that the president of the senate and the speaker of the house shall in their respective houses call for a recorded vote. The resolution by simple majority of both houses is required to affirm a commission recommendation. No more than one branch shall be continued or terminated in one resolution.

"(e) The computerized advisement system for students operated by Troy State University which includes a comprehensive undergraduate program and course information for all public two-year and four-year institutions of higher education, existing on the effective date of this amendatory act, shall ensure students at each two-year institution accredited by the Southern Association's Commissions on Colleges, the opportunity to enter into a contract with a four-year institution guaranteeing the transfer of credit earned for courses taken at the two-year institution pursuant to the terms of the contract provided the student is admitted to the four-year institution. Under this contract, all agreed upon credits transferred from a two-year institution to a four-year institution shall fulfill degree requirements at the four-year institution as if they were earned at the four-year institution. Information regarding this advisement and contracting program shall be included in the official catalog of each institution of higher education. All public two-year and four-year institutions in the state accredited by the Commission on Colleges shall participate in this system.

"In addition, there is created an articulation and general studies committee which shall consist of ten members composed as follows: two representing the state's regional universities, three representing the state's two-year colleges (one of whom shall be black), one representing each of the following: Auburn University, the University of Alabama System, the University of South Alabama, Alabama State University, and Alabama A&M University. The Executive Director of the Alabama Commission on Higher Education and the Director of the computerized advising system operated by Troy State University shall serve as nonvoting members.

"Unless provided by the governing board of the respective institution, the representatives to the articulation and general studies committee shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the committee. The State Board of Education shall select the representatives of the state's two-year colleges on the committee. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, Alabama State University, and Alabama A&M University shall each select the representative of their institutions on the committee. It is the intent of the Legislature that women be represented on the committee. This committee, utilizing whatever resources and task forces it deems appropriate, shall develop no later than September 1, 1998, a statewide freshman and sophomore level general studies curriculum to be taken at all colleges and universities. Nothing herein shall be interpreted as restricting any institution from requiring additional general studies courses beyond the statewide general studies curriculum.

"This committee shall also develop and adopt no later than September 1, 1999, for the freshman and sophomore years, a statewide articulation agreement for the transfer of credit among all public institutions of higher education. Under this articulation agreement, all applicable credits transferred from a two-year institution to a four-year institution shall fulfill degree requirements at

the four-year institution as if they were earned at the four-year institution. The committee shall further examine the need for a uniform course numbering system, course titles, and descriptions.

"A four-fifths vote of the entire voting membership of the committee shall be required for the adoption of the articulation agreement and general studies curriculum. Upon adoption of the articulation agreement and general studies curriculum, this committee shall continue its duty and authority prescribed herein. The committee shall meet at least annually, or at other times as convened by the chair. The committee shall elect annually a chair from its membership. The chair of the committee shall rotate annually between a representative of the four-year institutions and a representative of the two-year institutions.

"In case of problems in the administration or interpretation of the articulation agreement or the general studies curriculum, institutions shall present the problem to the articulation and general studies committee for resolution. A majority decision of the committee shall be final and binding.

"The budget recommendation of the commission shall not include an appropriation for institutions of higher education violating the stipulations of this section.

"(f) Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this state from seeking and securing by separate bill the approval of the legislature for any new unit or program of instruction, research or public service denied approval by the commission, in which case the action of the legislature, when approved by the governor or otherwise upon becoming law, is final.

"(g) Colleges and universities conducting off-campus offerings on military reservations are exempt from the commission's regulatory review and approval authority for those offerings on the military reservation."

**Section 2.** Nothing in this act shall be deemed to require a public institution to include any grades earned at another institution in the computation of a student's grade point average at that institution. However, if any public institution includes freshman and sophomore level course grades earned at any other public institution in the computation of a student's grade point average, all freshman and sophomore level course grades earned at all public institutions shall be included in the computation.

**Section 3.** Nothing in this act shall be interpreted or used in any way to discourage or impede the efforts or abilities of the historically black institutions or their officials to carry out the mandates and objectives of federal court decrees and to provide equal access for all citizens of Alabama to full benefits of higher education.

**Section 4.** It is the intent of the Legislature that all two- year and four-year institutions of higher education in the state comply with the intent of this act and the guidelines developed pursuant to it (unless otherwise exempted by this act). In the event of noncompliance by any institution governed by a board of trustees established by the Constitution with the statewide articulation agreement as provided in this act of the 1994 Regular Session amending Section 16-5-8 of the Code of Alabama 1975, no other two-year or four-year institution shall be required to comply with the statewide articulation agreement. These two-year and four- year institutions shall continue to comply with all other provisions of Section 16-5-8, Code of Alabama 1975. The Alabama Commission on Higher Education shall notify the Legislative council, the governing body of each four-year institution, and the State Board of Education within 30 days of any failure to comply with this act or guidelines.

**Section 5.** Pursuant to Section 16-5-7 and 16-5-8 of the Code of Alabama 1975, the Alabama Commission on Higher Education shall make regular reports to the Legislature regarding the implementation of this act.

**Section 6.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

**Section 7.** All laws or parts of the laws which conflict with this act are repealed.

**Section 8.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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**Senate** - March 10, 1994 - *Amended and Passed*

**House** - March 10, 1994 - *Concurred in Senate Amendment*

**Signed by Governor Jim Folsom**  
**March 17, 1994**