Date: January 18, 2024

To: U.S. Department of Education

From: Erika Linden and Scott Dolan, Private-Nonprofit Institutions of Higher Education

Re: Issue Paper 3—Distance Education (Data Request)

The Department of Education has proposed modifications to 34 C.F.R. § 600.2, Definitions, that looks to remove asynchronous learning as an option in clock hour programs. The department notes that the proposed changes will strengthen the Department's ability to monitor clock hour programs offered programs offered via distance education, including the Department's ability to protect students from, and keep taxpayer funds from going to programs failing to provide the required training. Further the department has become aware of instances in which clock-hour programs offered through distance education have not complied with this requirement and students have not received the required training"

In the summary of issues, the Department expresses concerns about the ability of institutions to monitor academic engagement in asynchronous delivery, "because it requires technical expertise and the Department has limited information on which clock-hour programs are offered via distance education, including whether a program is offered through synchronous or asynchronous instruction."

Data Request

We are asking for the Department to provide additional data, research and/or clarification regarding the following:

1) How many clock hour programs currently qualify for Title IV financial aid? How many of these programs currently include asynchronous learning?
2) While cosmetology and scuba classes were highlighted during negotiated rulemaking discussions, can the Department provide a better overview of the types of programs that are typically offered in clock hour format? How many are using asynchronous learning?
3) What challenges does the Department have with enforcing the current regulations that require institutions to use technology that can adequately measure academic engagement? What makes this difficult to enforce? With accreditors? With institutions?
4) Can the Department provide better data on the total number and/or percentage of institutions that are out of compliance with the requirement to track hours using technology? Is there a potential to estimate the impact on taxpayer dollars?
5) How has the Department communicated its expectation around compliance monitoring on this topic to independent auditors? Via audit guides? Other sub-regulatory guidance or mechanisms?