Date: January 17, 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

In Issue #3, the Department proposes creating "a virtual location for institutions that includes all students who are being instructed primarily through distance education." This proposal opens the opportunity to create some definitions that could be used in this section and other sections in regulations.

Rationale

In March of last year, WCET performed a review of "distance education" definitions in federal, state, and accreditation policy. In that document, three different definitions for distance education. Later in the year, they remembered a fourth:

- Distance education definition in 34 CFR 600.2, which includes the notion of "regular and substantive interaction."
- Distance education for accreditation purposes, which (currently) says that any program that is offered at a distance "in whole or in part" is to be reviewed by the institutional accreditation agency.
- Distance education for IPEDS, which defines it as 100% courses at a distance with exceptions for face-to-face orientation, testing, or advising.
- The fourth is the issue we will address below for distance education for programs offered by institutions using clock hour financial aid.

This is an opportunity to define distance education for a program and for a course. Such definitions would also clarify the interactions between the current definitions.

WCET also has survey results that show that institutions and their students are struggling with the definitions that vary across federal and state agencies, accreditors, and instituitons. The Department taking the lead on setting definitions would help students who are confused by terms that are used inconsistently by institutions.

Proposed Redline Language

We propose adding four new definitions in 600.2:

Distance education course: A distance education course is a course that follows the definition of "distance education" found in 34 CFR 600.2 and instruction takes place exclusively at a distance not withstanding face-to-face engagement for orientation, testing, and academic support services.
<<Note: This is the IPEDS definition.>>

Distance education program: A distance education program is an academic program in which all required coursework is able to be completed via distance education courses, notwithstanding requirements for students to complete on-campus or residential periods of 90 days or less. Such a program must be designated by the institution as a distance education program.
<<Note this substantially uses the language that the Department proposes in Issue Paper #3. The additional sentence excludes instances in which a student pieces together courses to create a distance program, but that was not the institution's design of the curriculum.>>

We also propose changing the Department's proposed language in Issue Paper #3 to:

"(3) A virtual location through which the institution enrolls students in distance education programs as defined in 34 CFR 600.2. ~~offers 100 percent of an educational program through distance education or correspondence courses, notwithstanding requirements for students to complete on-campus or residential periods of 90 days or less.~~

Regarding the Klein, Smith, and Laing Proposal

On January 11, 2024, Jillian Klein (Proprietary Institutions of Higher Education) and Robyn Smith and Sophie Laing (Legal Assistance Organizations) submitted a proposal to "Collect Distance Education Status by Title IV Student."

We propose altering their language, but not the intent to:

(iv) For all Title IV-receiving students, the institution must report whether each student is enrolled in a distance education program, hybrid program, or not enrolled in any distance education courses~~exclusively online, exclusively as a brick-and-mortar student, or as a hybrid student in both online and brick-and-mortar instruction~~, in accordance with the Department's reporting requirements.

<<Note: The above proposal uses the new definitions for distance and hybrid programs. The "not enrolled in any distance education courses" is phrasing taken by IPEDS. This is in line with our goal to harmonize definitions.>>

Finally, we do not believe that the Klien, Smith, and Laing language is properly placed in the state authorization section as this reporting is absent any state oversight role. We support the proposal, but are not sure what the proper regulatory placing should be nor are we sure which sections of the regulations are open for this language to be located.