

Proposal from Jillian Klein (Proprietary Institutions of Higher Education) and Robyn Smith and Sophie Laing (Legal Assistance Organizations) to Collect Distance Education Status by Title IV Student

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As discussed during negotiations this week, the Department does not currently collect data from institutions regarding which of their Title IV-receiving students are enrolled entirely in distance education programs, entirely in brick-and-mortar programs, or as hybrid students studying through both modalities. That limits access to important information, like the outcomes of students disaggregated by the modality of instruction, which could help inform consumer information tools like the College Scorecard. The language proposed below (highlighted in yellow) to the Department's existing regulatory proposal (seen in the red text) would ensure that institutions report distance-education status at the student level.

Proposed Language for 34 C.F.R. Sec. 600.9

(c)(1)

- (i) If an institution that meets the requirements under paragraph (a)(1) or (b) of this section offers postsecondary education through distance education or correspondence courses to students located in a State in which the institution is not physically located or in which the institution is otherwise subject to that State's jurisdiction as determined by that State, except as provided in paragraph (c)(1)(ii) of this section, the institution must meet any of that State's requirements for it to be legally offering postsecondary distance education or correspondence courses in that State. The institution must, upon request, document the State's approval to the Secretary; or
- (ii) If an institution that meets the requirements under paragraph (a)(1) or (b) of this section offers postsecondary education through distance education or correspondence courses in a State that participates in a State authorization reciprocity agreement, and the institution is covered by such agreement, the institution is considered to meet State requirements for it to be legally offering postsecondary distance education or correspondence courses in that State, subject to any limitations in that agreement and to any additional requirements of that State not relating to State authorization of distance education. The institution must, upon request, document its coverage under such an agreement to the Secretary.

(2)

- (i) For purposes of this section, an institution must make a determination, in accordance with the institution's policies or procedures, regarding the State in which a student is located, which must be applied consistently to all students.
- (ii) The institution must, upon request, provide the Secretary with written documentation of its determination of a student's location, including the basis for such determination.
- (iii) An institution must make a determination regarding the State in which a student is located at the time of the student's initial enrollment in an educational program and, if applicable, upon formal receipt of information from the student, in accordance with the institution's procedures, that the student's location has changed to another State.

(iv) For all Title IV-receiving students, the institution must report whether each student is enrolled 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.

- (3)(i) A State authorization reciprocity agreement must include a process for communicating information received on complaints regarding institutions or programs subject to the State reciprocity agreement to the State in which a student is located at the time of the student's initial enrollment, as determined in accordance with paragraph (c)(2) of this section.
- (ii) If a State authorization reciprocity agreement is administered by an organization, the agreement must require that complaints received by States from institutions subject to the State reciprocity agreement are communicated to the organization. The organization must make information received on complaints public at least annually, including but not limited to the number and type of complaints by institution that is subject to the State reciprocity agreement.