



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF POSTSECONDARY EDUCATION

Issue Paper 3: Distance Education
Session 2: February 5-8, 2024

Issue: Virtual Locations and Asynchronous Learning in Distance Education

Statutory cites: §§ 103(7) and 484(l) of the Higher Education Act of 1965, as amended (HEA)

Regulatory cites: 34 CFR 600.2

Proposed Regulations Redline:

§ 600.2 Definitions.

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Additional location:

(1) A physical facility that is geographically separate from the main campus of the institution and within the same ownership structure of the institution, at which the institution offers at least 50 percent of an educational program. An additional location participates in the title IV, HEA programs only through the certification of the main campus.

(2) A Federal, State, or local penitentiary, prison, jail, reformatory, work farm, juvenile justice facility, or other similar correctional institution is considered to be an additional location even if a student receives instruction primarily through distance education or correspondence courses at that location.

(3) A virtual location through which the institution 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.

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Clock hour:

(1) A period of time consisting of—

- (i) A 50- to 60-minute class, lecture, or recitation in a 60-minute period;
- (ii) A 50- to 60-minute faculty-supervised laboratory, shop training, or internship in a 60-minute period;
- (iii) Sixty minutes of preparation in a correspondence course; or
- (iv) In distance education, 50 to 60 minutes in a 60-minute period of attendance in—
~~(A) A a synchronous or asynchronous~~ class, lecture, or recitation where there is opportunity for direct interaction between the instructor and students; ~~or~~

~~(B) An asynchronous learning activity involving academic engagement in which the student interacts with technology that can monitor and document the amount of time that the student participates in the activity.~~

(2) A clock hour in a distance education program does not meet the requirements of this definition if it does not meet all accrediting agency and State requirements or if it exceeds an agency's or State's restrictions on the number of clock hours in a program that may be offered through distance education.

(3) An institution must be capable of monitoring a student's attendance in 50 out of 60 minutes for each clock hour under this definition.

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§ 668.3 Academic year.

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(b) *Definitions.* For purposes of paragraph (a) of this section—

(1) A week is a consecutive seven-day period;

(2) A week of instructional time is any week in which—

(i) At least one day of regularly scheduled instruction or examinations occurs, or, after the last scheduled day of classes for a term or payment period, at least one day of study for final examinations occurs; or

(ii)

(A) In a credit-hour program offered using asynchronous coursework through distance education or correspondence courses, the institution makes available the instructional materials, other resources, and instructor support necessary for academic engagement and completion of course objectives; and

(B) In a credit-hour program offered using asynchronous coursework through distance education, the institution expects enrolled students to perform educational activities demonstrating academic engagement during the week; and

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