

## Proposal on the Department's Proposed Definition of Distance Education Course

### **Submitted by:**

Jillian Klein (Proprietary Institutions of Higher Education)  
Jo Alice Blondin (Public Two-Year Institutions of Higher Education)  
Michael Cioce (Public Two-Year Institutions of Higher Education)  
Jason Lorgan (Public Four-Year Institutions of Higher Education)  
Alyssa Dobson (Public Four-Year Institutions of Higher Education)  
Erika Linden (Private Nonprofit Institutions of Higher Education)  
Scott Dolan (Private Nonprofit Institutions of Higher Education)  
Dom Chase (Business Officers from Institutions of Higher Education)

Submitted February 15, 2024

During the February 6 session, the Department suggested that it would consider defining “distance education course” and invited negotiators to provide feedback as to the Department’s proposal. The language below includes proposed modifications (red text) to the proposal that was circulated during the negotiation session. The proposed modifications are intended to account for additional face-to-face experiences that are included in some distance education courses and to ensure consistency with other regulatory provisions.

### **Proposed Language:**

*Distance Education Course:* A distance education course is a course that follows from the definition of “distance education” found in 600.2 ~~and~~ **in which** instruction takes place exclusively at a distance notwithstanding face-to-face engagement for orientation, testing, ~~and~~ **academic support services, residency and training experiences.**

### **Rationale:**

Any definition of “distance education course” should be carefully crafted to account for the varying types of distance education programs offered by institutions, as well as the interaction between any such definition and other regulatory provisions. The modifications proposed above are intended to accomplish these goals.

Although many distance education programs have no face-to-face components, the Department’s existing definition of “distance education” neither prohibits nor excludes face-to-face experiences.<sup>1</sup> As the Department recognizes, licensure-track programs may be delivered through distance education; indeed, beginning this July, institutions must determine that their programs satisfy the applicable educational requirements for professional licensure in the states in which the institution enrolls students in distance education courses.<sup>2</sup>

---

<sup>1</sup> See 34 C.F.R. § 600.2 (defining “distance education”).

<sup>2</sup> See 34 C.F.R. § 668.14(b)(32)(ii).

To meet such requirements, many licensure-track programs include residency and other in-person training, such as practicum, internships, and clinical experiences. These site-based learning experiences are also required by programmatic accreditation standards. Program accreditation is required to meet professional license requirements in several states and disciplines. The Department recognizes this, as it recently promulgated new administrative capability standards that, among other things, address the geographic accessibility of clinical or externship opportunities that may be required for licensure in a recognized occupation.<sup>3</sup> Similarly, the Department’s proposed definition of “virtual location” excludes “requirements for students to complete on-campus or residential periods of 90 days or less.” Any definition of “distance education course” should account for these types of face-to-face experiences.

---

<sup>3</sup> See 34 C.F.R. § 668.16(r).