

Policies and procedures for ensuring the student who registers in a distance education course and program is the same student who participates in the course and receives credit

Evidence

- Code of Federal Regulations: (Title 34, Part 602, Section 17)
- Higher Education Opportunity Act (distance education excerpts)

This content is from the eCFR and is authoritative but unofficial.

Title 34 – Education

Subtitle B – Regulations of the Offices of the Department of Education

Chapter VI – Office of Postsecondary Education, Department of Education

Part 602 – The Secretary's Recognition of Accrediting Agencies

Subpart B – The Criteria for Recognition

Required Standards and Their Application

Authority: 20 U.S.C. 1099b, unless otherwise noted.

Source: 64 FR 56617, Oct. 20, 1999, unless otherwise noted.

§ 602.17 Application of standards in reaching accreditation decisions.

The agency must have effective mechanisms for evaluating an institution's or program's compliance with the agency's standards before reaching a decision to accredit or preaccredit the institution or program. The agency meets this requirement if the agency demonstrates that it—

- (a) Evaluates whether an institution or program—
 - (1) Maintains clearly specified educational objectives that are consistent with its mission and appropriate in light of the degrees or certificates awarded;
 - (2) Is successful in achieving its stated objectives at both the institutional and program levels; and
 - (3) Maintains requirements that at least conform to commonly accepted academic standards, or the equivalent, including pilot programs in § 602.18(b);
- (b) Requires the institution or program to engage in a self-study process that assesses the institution's or program's education quality and success in meeting its mission and objectives, highlights opportunities for improvement, and includes a plan for making those improvements;
- (c) Conducts at least one on-site review of the institution or program during which it obtains sufficient information to determine if the institution or program complies with the agency's standards;
- (d) Allows the institution or program the opportunity to respond in writing to the report of the on-site review;
- (e) Conducts its own analysis of the self-study and supporting documentation furnished by the institution or program, the report of the on-site review, the institution's or program's response to the report, and any other information substantiated by the agency from other sources to determine whether the institution or program complies with the agency's standards;
- (f) Provides the institution or program with a detailed written report that assesses the institution's or program's compliance with the agency's standards, including areas needing improvement, and the institution's or program's performance with respect to student achievement;
- (g) Requires institutions to have processes in place through which the institution establishes that a student who registers in any course offered via distance education or correspondence is the same student who academically engages in the course or program; and

- (h) Makes clear in writing that institutions must use processes that protect student privacy and notify students of any projected additional student charges associated with the verification of student identity at the time of registration or enrollment.

(Authority: 20 U.S.C. 1099b)

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HIGHER EDUCATION OPPORTUNITY ACT

equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.”;

(4) by striking subsection (j);

(5) by striking subsection (l) and inserting the following:

“(1) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

“(1) RELATION TO CORRESPONDENCE COURSES.—

“(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or recognized associate, recognized baccalaureate, or recognized graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

“(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

“(2) REDUCTIONS OF FINANCIAL AID.—A student’s eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

“(3) SPECIAL RULE.—For award years beginning prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action based on a violation of this subsection against a student or an eligible institution when such action arises out of such institution’s prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.”;

(6) by striking subsection (q) and inserting the following:

“(q) USE OF INCOME DATA.—

“(1) MATCHING WITH IRS.—The Secretary, in cooperation with the Secretary of the Treasury, is authorized to obtain from the Internal Revenue Service such information reported on Federal income tax returns by applicants, or by any other person whose financial information is required to be provided on the Federal student financial aid application, as the Secretary determines is necessary for the purpose of—

“(A) prepopulating the Federal student financial aid application described in section 483; or

“(B) verifying the information reported on such student financial aid applications.

“(2) CONSENT.—The Secretary may require that applicants for financial assistance under this title provide a consent to the disclosure of the data described in paragraph (1) as a condition of the student receiving assistance under this title. The parents of an applicant, in the case of a dependent student, or the spouse of an applicant, in the case of an applicant who is married but files separately, may also be required to provide consent as a condition of the student receiving assistance under this title.”;

(7) in subsection (r)(2)—

(A) in subparagraph (A), by striking “or” at the end of clause (ii);

for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).”

(b) **CONFORMING AMENDMENTS.**—Subsections (a)(1), (b), and (d)(6) of section 491 (20 U.S.C. 1098) are each amended by striking “Congress” and inserting “authorizing committees”.

SEC. 494D. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.

(a) **REGIONAL MEETINGS.**—Section 492(a) (20 U.S.C. 1098a(a)) is amended—

(1) in paragraph (1), by inserting “State student grant agencies,” after “institutions of higher education,”; and

(2) in paragraph (2), by striking “, as amended by the Higher Education Amendments of 1998”.

(b) **NEGOTIATED RULEMAKING.**—Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amended—

(1) in the first sentence, by striking “as amended by the Higher Education Amendments of 1998”; and

(2) in the third sentence—

(A) by striking “To the extent possible, the Secretary” and inserting “The Secretary”; and

(B) by inserting “with demonstrated expertise or experience in the relevant subjects under negotiation,” after “select individuals”.

SEC. 494E. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

Section 493A (20 U.S.C. 1098c) is repealed.

SEC. 494F. TECHNICAL AMENDMENT OF INCOME-BASED REPAYMENT.

Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is amended by striking “or is already in default” and inserting “or had been in default”.

PART H—PROGRAM INTEGRITY

SEC. 495. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

“(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education or correspondence courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

“(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

“(i) the agency or association’s standards effectively address the quality of an institution’s distance education

or correspondence education in the areas identified in paragraph (5), except that—

“(I) the agency or association shall not be required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education institutions or programs in order to meet the requirements of this subparagraph; and

“(II) in the case that the agency or association is recognized by the Secretary, the agency or association shall not be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education or correspondence education, provided that the agency or association notifies the Secretary in writing of the change in scope; and

Notification.

“(ii) the agency or association requires an institution that offers distance education or correspondence education to have processes through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives the academic credit;”;

(B) in paragraph (5), by amending subparagraph (A) to read as follows:

“(A) success with respect to student achievement in relation to the institution’s mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;”;

(C) by striking paragraph (6) and inserting the following:

“(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings, which comply with due process procedures that provide—

Procedures.

“(A) for adequate written specification of—

“(i) requirements, including clear standards for an institution of higher education or program to be accredited; and

“(ii) identified deficiencies at the institution or program examined;

“(B) for sufficient opportunity for a written response, by an institution or program, regarding any deficiencies identified by the agency or association to be considered by the agency or association—

“(i) within a timeframe determined by the agency or association; and

“(ii) prior to final action in the evaluation and withdrawal proceedings;

“(C) upon the written request of an institution or program, for an opportunity for the institution or program to appeal any adverse action under this section, including denial, withdrawal, suspension, or termination of accreditation, taken against the institution or program, prior to such action becoming final at a hearing before an appeals panel that—

made in connection with the action taken, together with the official comments of the affected institution; and

“(C) any other adverse action taken with respect to an institution or placement on probation of an institution;”;

(E) in paragraph (8) (as redesignated by subparagraph (B)), by striking the period and inserting “; and”; and

(F) by adding at the end the following:

“(9) confirms, as a part of the agency’s or association’s review for accreditation or reaccreditation, that the institution has transfer of credit policies—

“(A) that are publicly disclosed; and

“(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.”;

(3) in subsection (g), by adding at the end the following:

“Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution’s success with respect to student achievement.”;

(4) in subsection (o), by adding at the end the following:

“Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5).”; and

(5) by adding at the end the following new subsection:

“(p) **RULE OF CONSTRUCTION.**—Nothing in subsection (a)(5) shall be construed to restrict the ability of—

“(1) an accrediting agency or association to set, with the involvement of its members, and to apply, accreditation standards for or to institutions or programs that seek review by the agency or association; or

“(2) an institution to develop and use institutional standards to show its success with respect to student achievement, which achievement may be considered as part of any accreditation review.

“(q) **REVIEW OF SCOPE CHANGES.**—The Secretary shall require a review, at the next available meeting of the National Advisory Committee on Institutional Quality and Integrity, of any change in scope undertaken by an agency or association under subsection (a)(4)(B)(i)(II) if the enrollment of an institution that offers distance education or correspondence education that is accredited by such agency or association increases by 50 percent or more within any one institutional fiscal year.”.

SEC. 496. ELIGIBILITY AND CERTIFICATION PROCEDURES.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting “and” after the semicolon; and

(2) by adding at the end the following:

“(k) **TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.**—

“(1) **IN GENERAL.**—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out described in section 487(f), if such teach-out has been approved by the institution’s accrediting agency.

administrators with the skill and supports necessary to ensure the successful and smooth transition of students with disabilities from secondary school to postsecondary education.

“(C) SYNTHESIZING RESEARCH AND INFORMATION.—The synthesis of research and other information related to the provision of postsecondary educational services to students with disabilities, including data on the impact of a postsecondary education on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.

Public
information.

“(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the ability to provide accessible distance education programs or classes that would enhance the access of students with disabilities to postsecondary education, including the use of accessible curricula and electronic communication for instruction and advising.

“(E) DISABILITY CAREER PATHWAYS.—

“(i) IN GENERAL.—The provision of information, training, and technical assistance to secondary and postsecondary faculty, staff, and administrators with respect to disability-related fields that would enable such faculty, staff, and administrators to—

“(I) encourage interest and participation in such fields, among students with disabilities and other students;

“(II) enhance awareness and understanding of such fields among students with disabilities and other students;

“(III) provide educational opportunities in such fields for students with disabilities and other students;

“(IV) teach practical skills related to such fields to students with disabilities and other students; and

“(V) offer work-based opportunities in such fields to students with disabilities and other students.

“(ii) DEVELOPMENT.—The training and support described in subclauses (I) through (V) of clause (i) may include offering students—

“(I) — credit-bearing postsecondary-level coursework; and

“(II) career and educational counseling.

“(F) PROFESSIONAL DEVELOPMENT AND TRAINING SESSIONS.—The conduct of professional development and training sessions for postsecondary faculty, staff, and administrators from other institutions of higher education to enable such individuals to meet the educational needs of students with disabilities.

“(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development, consistent with the principles of universal design for learning.

including as a result of such an organization's representation of employees at a worksite at which the partnership proposes to conduct activities under this section.

“(B) STATE AND LOCAL BOARDS.—Notwithstanding subparagraph (A), if an institution of higher education that is participating in an eligible partnership under this section is located in a State that does not operate local boards, an eligible partnership may include a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)).

“(C) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an eligible partnership that is in existence on the date of enactment of the Higher Education Opportunity Act from applying for a grant under this section.

“(2) NONTRADITIONAL STUDENT.—The term ‘nontraditional student’ means a student—

“(A) who is an independent student, as defined in section 480(d);

“(B) who attends an institution of higher education—

“(i) on less than a full-time basis;

“(ii) via evening, weekend, modular, or compressed courses; or

“(iii) via distance education methods; and

“(C) who—

“(i) enrolled for the first time in an institution of higher education three or more years after completing high school; or

“(ii) works full-time.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

“PART D—CAPACITY FOR NURSING STUDENTS AND FACULTY

“SEC. 804. CAPACITY FOR NURSING STUDENTS AND FACULTY.

Grants.
20 USC 1161d.

“(a) AUTHORIZATION.—From the amounts appropriated under subsection (f), the Secretary shall award grants to institutions of higher education that offer—

“(1) an accredited registered nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional students in such program; or

“(2) an accredited graduate-level nursing program to accommodate advanced practice degrees for registered nurses or to accommodate students enrolled in such program to become teachers of nursing students.

“(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

“(1) determine, for the four academic years preceding the academic year for which the determination is made, the average number of matriculated nursing program students, in each of the institution's accredited associate, baccalaureate, or

shall conduct an analysis of proprietary institutions of higher education subject to section 487(a)(24) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(24)) and shall submit to the authorizing committees a report that provides the results of the analysis.

(b) CONTENTS OF REPORT.—The report shall provide—

(1) the number of institutions subject to section 487(a)(24) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(24));

(2) the number and percentage of such institutions each year that do not comply with such section;

(3) the number of such institutions that are in compliance with such section at the time of submission of the report; and

(4) in the case of institutions that are in compliance with such section at the time of submission of the report, information on the extent to which such institutions' revenue is derived from funds provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), including information on the number of such institutions that derive not less than 85 percent of their revenues from funds provided under such title.

SEC. 1106. ANALYSIS OF FEDERAL REGULATIONS ON INSTITUTIONS OF HIGHER EDUCATION.

Contracts.
Study.
Deadline.

The Secretary of Education shall enter into an agreement with the National Research Council of the National Academy of Sciences for the conduct of a study to ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply. The study shall be completed not later than two years after the date of enactment of this Act, and shall include information describing—

(1) by agency, the number of Federal regulations and reporting requirements affecting institutions of higher education;

(2) by agency, the estimated time required and costs to institutions of higher education (disaggregated by types of institutions) to comply with the regulations and reporting requirements described in paragraph (1); and

(3) by agency, recommendations for consolidating, streamlining, and eliminating redundant and burdensome Federal regulations and reporting requirements affecting institutions of higher education.

SEC. 1107. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

Contracts.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education can be assessed, which may include elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance education program success, with respect to student achievement, in relation to the mission of the institution of higher education;

(3) identification of the benefits and limitations of distance education programs and campus-based programs for different

students (including classification of types of students by age category) by assessing access, job placement rates, graduation rates, and other factors related to persistence, completion, and cost; and

(4) identification and analysis of factors that may make direct comparisons of distance education programs and campus-based education programs difficult.

(b) SCOPE.—The National Research Council shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The contract under subsection (a) shall require that the National Research Council submit to the authorizing committees—

Deadlines.

(1) an interim report regarding the evaluation under subsection (a) not later than June 30, 2009; and

(2) a final report regarding such evaluation not later than June 30, 2010.

SEC. 1108. REVIEW OF COSTS AND BENEFITS OF ENVIRONMENTAL, HEALTH, AND SAFETY STANDARDS.

(a) REVIEW OF STANDARDS.—The Secretary of Education shall enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a national study that—

Contracts.

(1) reviews, analyzes, and compares existing standards in environmental, health, and safety areas, for the regulation of—

(A) industrial research and development facilities; and

(B) research and teaching laboratories and facilities at institutions of higher education; and

(2) based upon the review in paragraph (1), develops recommended frameworks for alternative regulatory standards, if any, for research and teaching laboratories and facilities at institutions of higher education that—

(A) maintain the overall level of protection of the environment, and of the health and safety of those using such laboratories and facilities;

(B) reflect the need to ensure consistent application of Federal laws; and

(C) take into account the educational and research activities of institutions of higher education.

(b) REPORT.—The National Research Council shall report to Congress regarding the recommended frameworks for alternative regulatory standards developed under subsection (a). Such report shall contain recommendations for statutory or regulatory changes needed to implement the different standards described in subsection (a), and the projected costs and benefits resulting from the adoption of such standards.

SEC. 1109. STUDY OF MINORITY MALE ACADEMIC ACHIEVEMENT.

(a) STUDY REQUIRED.—The Secretary of Education shall carry out the following:

(1) Commission and ensure the conduct of a national study of underrepresented minority males (particularly African American, Hispanic American, Native American, Native Hawaiian, and Alaska Native males) completing high school, and entering