



Innovations in Distance Education and Accreditation: Department of Education's Consensus Rules

KACC

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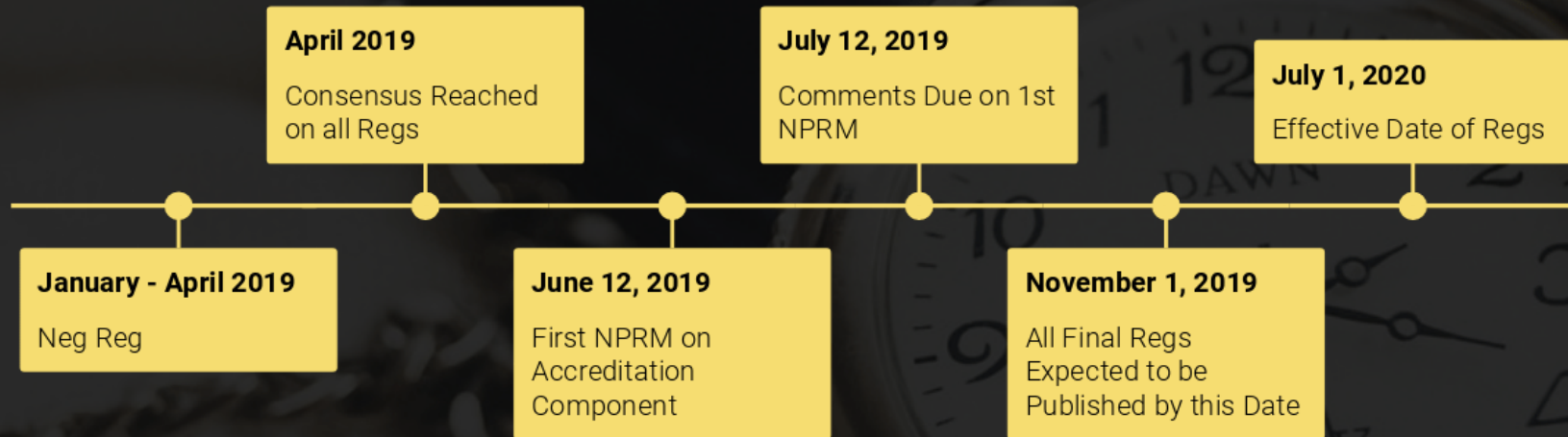
Accreditation Revisions

Rulemaking Mission Deregulation & Innovation



**Modernize Educational Measurements &
Institutional Partnering**

TIMELINE



Emphasis on Non-Traditional Delivery Models



Direct Assessment



Competency-Based Education



Subscription Programs



ED GOALS MET

Direct Assessment

34 CFR 668.3 & 668.10

- Replaced ED with the accreditor or the State as the adjudicator of the school's methodology for equating its modules to credit or clock hours.

Written Arrangements

34 CFR 668.5

Consensus:

- **Maintained** 25 & 50% limitations
- **Added** requirement that ineligible institution demonstrate experience in the delivery and assessment of the program and effectiveness in meeting the stated learning objectives.



Proposed:

- Eliminate the 25 & 50% limitations on the amount of a program an eligible institution can contract out to ineligible institution.



34 CFR 600.2

**REGULAR & SUBSTANTIVE INTERACTION
WITH INSTRUCTORS**

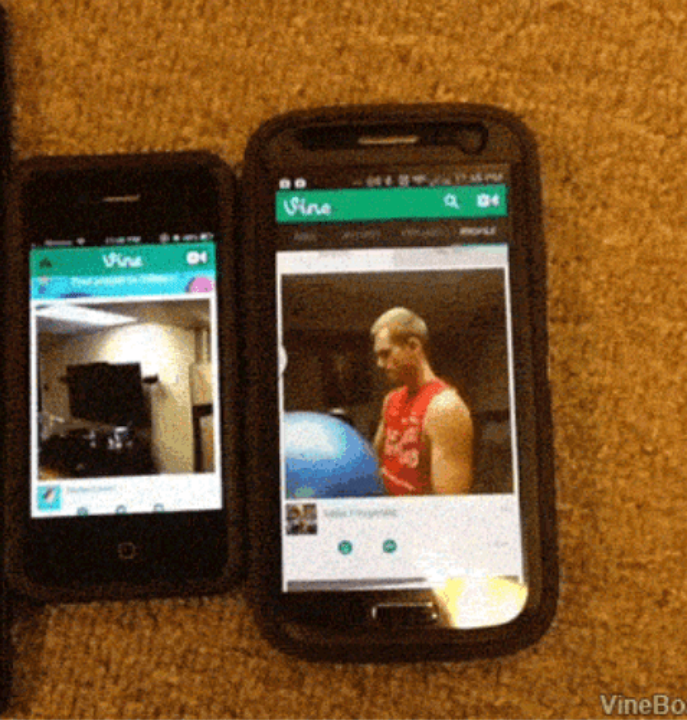
"Instructors"

34 CFR 600.2

Accreditor defines but
"instructor" must be:

- Individual responsible for actually "delivering course content" and
- Meet accreditor's established qualifications for instruction.





"Substantive" Interaction

34 CFR 600.2

Engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes **at least two** of the following:

- Providing direct instruction;
- Assessing or providing feedback on a student's coursework;
- Providing information **or responding to questions** about the content of a course or competency;
- Facilitating a group discussion regarding the content of a course or competency; or
- Other instructional activities approved by the institution's or program's accrediting agency.

"Regular" Interaction

34 CFR 600.2

Prior to student's completion of course or competency:

- **Providing the opportunity** for substantive interactions with student on predictable and regular basis commensurate with the length of time and the amount of content in the course or competency; and
- Monitoring student's academic engagement and success and ensuring that instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed, on the basis of such monitoring, or upon request by the student.





Employer Influence on Academics

34 CFR 668.5(f)

Workforce responsiveness. Nothing in this or any other section shall prohibit an institution utilizing written arrangements from aligning or modifying their curriculum or academic requirements in order to meet the recommendations or requirements of industry advisory boards that include employers who hire program graduates, widely recognized industry standards and organizations, or industry-recognized credentialing bodies, including making governance or decision-making changes as an alternative to allowing or requiring faculty control or approval or integrating industry-recognized credentials into existing degree programs

Employer Role With Accreditors



MAY:

- Include employers on its evaluation, policy, and decision-making bodies. (34 CFR 602.15(a)(4));
- Require institutions to meet the recommendations of employers. 34 CFR 602.16(g)(3);
- Allow an institution to be out of compliance with its standards, including placement standards, in cases where there are "[s]ignificant and documented local or national economic changes, such as an economic recession or closure of a large local employer." 34 CFR 602.18(c)(1)(iii).

MUST:

- Seek ED recognition for the first time, must present ED with letters of support from at least 3 employers or practitioners. 34 CFR 602.32(b)(1).



ACCREDITED

ACCREDITORS

EMPHASIS ON ACCREDITOR, NOT US DEPARTMENT OF EDUCATION AS EVALUATOR OF ACADEMIC SUFFICIENCY OF PROGRAM

The Department of Education Organization Act



No provision of a program administered by the Secretary or by any other officer of the Department shall be construed to authorize the Secretary or any such officer to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system.

EASED RECOGNITION REQUIREMENTS, BUT INCREASED OVERSIGHT FOR ACCREDITORS

- Increased Responsibility to:
 - Review and develop policies re Direct Assessment and Subscription-Based Programs
 - To consider employer role in developing programs
 - To assess "regular and substantive interaction with instructors."
 - To develop and implement policies re credit hour and "credit hour equivalency"
- Easing of:
 - Standards for ED recognition to "substantial compliance."
 - Ability to delegate decisions to staff for review of certain substantive changes, including new or modified programs



Return of Funds

34 CFR 668.22

For module-based program, student is not considered to have withdrawn if the student completed:

- 1) One module that includes 50 percent or more of the number of days in the payment period;
- 2) A combination of modules that when combined contain 50 percent or more of the number of days in the payment period; OR
- 3) Coursework equal to or greater than the coursework required for the institution's definition of a half-time student under 34 CFR 668.2 for the payment period.





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Yolanda Gallegos established her law firm, Gallegos Legal Group, over 20 years ago and has represented private sector schools throughout the country for 30 years. Her practice focuses on guiding postsecondary schools through critical events such as governmental and accreditor investigations and operational adjustments required in response to regulatory changes. She is a frequent speaker and writer on a variety of regulatory topics affecting higher education including her chapter on the Violence Against Woman Act regulations, which was published by Thomson Reuters in its book, "Emerging Issues in College and University Security."