

ACCJC Special Event: DE on the Front Burner - New Regulations, New Challenges and Accreditation

May 9, 2012

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Presenters:

- Barbara Beno, President, Accrediting Commission for Community and Junior Colleges
- Pamela K. Shay, Franklin University
- Sharyl Thompson, American College of Education
- James Glapa-Grossklag, Dean, College of the Canyons
- Susan Clifford, VP of Commission Operations, ACCJC
- Jack Pond, VP of Team Operations and Communication, ACCJC
- Krista Johns, VP for Policy and Research, ACCJC
- Patricia James, Dean, Mt. San Jacinto College
- · Moderator: Micah Orloff, Director, @ONE







Purposes of the Webinar

- To provide member institutions with information about federal regulations, accreditation quality standards and reviews, and emerging issues of concern in Distance Education
- Let institutions know what accreditors are doing to assess quality
- Stimulate institutional efforts to meet new federal regulatory requirements and associated deadlines



Introductory Facts

- . National and Federal Interest in Growth
 - Significant increases in numbers of institutions offering DE
 - Increases in programs offered via DE
 - Growth in student enrollments in DE
 - 2008 regulations reduced the limits on federal aid for students enrolled in Distance Education
- Associated Quality Issues in Federal Regulations
 - Integrity: Student Authentication
 - Accreditation: Quality reviews, assurances
 - Financial Aid Fraud: Preventing or minimizing fraud



Benefits of Distance Education

The Recognized Utility of Distance Education

- Providing "access" to students who would otherwise not have it
 - Non-traditional students, geographically remote students
 - Students who travel for work, or are posted away from home, such as military students, others with such jobs
 - Student convenience taking classes when they can "get to the computer"
- Presumed efficiency of DE classes an electronic system can be scaled up, or replicated, at minimal costs
- Addressing pedagogical issues and student learning diversity
- Enrollments institutions can get more students w/o buildings



Concerns about Distance Education

- *Federal and National Concerns
 - A few cases of significant institutional growth and transformation triggered Congressional concerns with exploitation of institutions, students
 - Growing amount of federal student aid funds, proportion going to private institutions and for profit institutions offering DE
 - Financial aid fraud for which Distance Education may be particularly suited
 - Growing number of degree mills that operate as "distance only" institutions leading to problems for transfer institutions, employers



ACCJC Concerns about DE

- Growth in enrollments, programs
 - 129/134 of member institutions offer Distance Education
 - Enrollments range from 12 to 6749

Quality

- DE programs must meet all accreditation standards for quality
- Planning for growth in Distance Education (scaling up) has not always occurred
- Student outcome differentials between DE and face to face
- Substantive Change Approval process not always followed, ACCJC records incomplete



What You Should Gain from the Webinar

- Detailed information about the new federal regulations and your institutional responsibility
- Detailed information about what the ACCJC will be expecting of your institution when it undergoes review
- Some interesting examples of issues writ large
- A chance for questions and discussion with some of the experts we've asked to participate in the webinar

Enjoy and Learn!

State Authorization: Managing for Success

Presenters

Dr. Pamela K Shay, DBA

- Vice President for Accreditation & Institutional Effectiveness
- Franklin University non-profit, private institution
- Online & onsite academic offerings
- Students in 48-50 states at any point in time

Sharyl Thompson, MS

- Vice President, Regulatory Affairs and Compliance
- American College of Education for-profit, online institution
- Students in many states

Purpose of Presentation

- Share our combined years of experience in managing state authorizations for two different types of institutions
- Share best practices of the management of state authorization processes
- Provide insights and experience on approaches to successfully navigate the state authorization environment



STATE AUTHORIZATION

"If an institution is offering postsecondary education through distance education or correspondence education to students in a state in which it is not physically located, or in which it is otherwise subject to State jurisdiction as determined by the State, the institution must meet any State requirement for it to be legally offering postsecondary distance or correspondence education in that state."

34 C.F.R. § 600.9(c).3



ACCREDITOR RESPONSIBILITY DERIVED

- Federal regulations require accreditors to look at student complaint records and processes when undertaking a comprehensive review, and also require:
- "The institution must make readily available to students the names of associations, agencies or governmental bodies that accredit, approve or license the institution ... and a copy of the documents describing the institution's accreditation and its State, Federal or Tribal approval, and contact information for filing complaints with its accreditor and its State approval or licensing entity."

34 C.F.R. § 668.43



THE ACCJC WILL REQUIRE

- Evidence that the institution has State Authority
- Evidence that the institution has given the required information on state authority and contact information for filing complaints to students as appropriate

The federal deadline for implementation of this regulation has been extended to July 1, 2014!

Background

Federal government published new regulations

Exposed existing requirements for state authorization

Institutions

Many unaware they are regulated

States

Unaware of institutions operating in their jurisdiction

Result

Confusion and degree of panic for institutions

Recent Activity

District court "vacating" portion of regs; DOE appeal

Triggers for Authorization

- Misconception that authorization is required only for distance education
- There are a number of triggers, including but not limited to:
 - Students residing in a state
 - Faculty residing in a state
 - Recruiting and advertising
 - Testing sites
 - Internships, practica, or clinicals
 - Branch campuses located in a state

Guidance for Successful Navigation of State Authorization Processes

Read & Compare Regulations

- Start with official regulations
 - Multiple resources are now available, but the foundation is what the regulations say
 - Regulations are not always clear and are subject to interpretation
- If, where, and how to seek authorization depends on several factors including:
 - Type of institution
 - Delivery formats
 - Types of activities conducted within states' borders
- · Create your own table

Regulations - Start with Definitions

- Understand the states' terminology
- Adjust your terminology to match the states'



Exemption provisions

Team Approach - A, B, C

- Have multiple people providing information
- Need one overall "manager"

| Manager | | |
|---|---|--|
| A | В | C |
| Detail oriented Multi-tasker Strong project management skills Typing and formatting skills | Strong understanding of entire institution Connected with people across institution Condenses large volume of info into useable documents/ sections | Strategic perspective Facilitates decision making regarding gray areas Participates in risk analysis |

Build Internal Relationships

Need information from all areas of the institution, including (not exhaustive list):



Build External Relationships

- Develop relationships with state regulators
- First review regulations and requirements, then approach with specific questions
- Understand regulators' work load and perspective (consumer protection and enforcement of regulations)

Relationships II: External

- Attend regulatory meetings and conferences (federal, state, agency)
- Volunteer to serve on state/national task forces
- Represent your institution at meetings and conferences (WCET, CHEA, AIUCO, NASASPS)
- Network across agencies and institutions

Cost/Benefit Analysis

- Number of students in a state
- Activities institution wants/needs to conduct (internships, recruiting, advertising)
- Fees for initial approvals, renewals, bonds, etc.
- Cost of not serving existing students
- Cost of monitoring and maintaining authorizations
- These are strategic decisions and involve risk assessment

Maintenance

- Ongoing authorization work
 - Reauthorizations
 - New program approvals
 - Enrollment/revenue reporting
 - Surety bond updates
 - Agent licenses and renewals
- Ongoing work for exemptions
 - Fees, enrollment reporting, reapplication
- Develop a system of regular review

Other Questions?

Contact Information

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"On the Internet, nobody knows you're a dog."

Student Authentication



From Flickr by Jk5854

Academic Integrity and Authentication

Higher Education Opportunity Act (HEOA)

- Signed August 2008
- Updated Higher Education Act
- Rulemaking completed in May 2009

Academic Integrity and Authentication

HEOA requires accreditors to require institutions "to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit" (emphasis added)

Examples of Processes and Practices

- Require all online classes to use the college LMS
- Require all DE classes have to require one proctored assessment
- Add statement to LMS log-in page:

Through the entry of my username and password I affirm that I am the student who enrolled in this course. Furthermore, I affirm that I understand and agree to follow the regulations regarding academic integrity and the use of student data as described in the Student Conduct Code that governs student rights and responsibilities. Failure to abide by the regulations may result in disciplinary action up to expulsion from the college.

- Add academic integrity component to DE training for faculty
- 5) Utilize plagiarism detection software



STUDENT VERIFICATION

ACCREDITORS MUST VERIFY THAT:

- Institutions have processes through which they establish that a student who registers in a DE/CE course is:
 - The same person who participates each time
 - The same person who completes the course/program
 - The same person who receives credit

34 C.F.R. § 602.17.(g)(1)

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STUDENT VERIFICATION

ACCREDITORS MUST ALSO VERIFY THAT:

 Institutions have appropriate policies that protect student privacy and notify students of any projected additional student charges associated with verification of student identity at the time of registration or enrollment.

34 C.F.R. § 602.17.(g)(2)



METHODS FOR ENSURING STUDENT IDENTITY

- Secure log-in and password
- Proctored examinations
- New or other technologies and/or practices that are developed and effective in verifying each student's identification
- Monitoring regular and effective engagement between students and instructors



METHODS FOR ENSURING STUDENT IDENTITY

- LMS that tracks when instructors and students are online and follows their experiences (regular and substantial interaction)
- Systems that allow colleges to verify regular attendance
- Software that monitors the syntax of written work submitted by students
- Careful thought to what writing assignments faculty are giving
- Careful thought to what centers are approved to proctor exams

Last Date of Attendance



Last Date Of Attendance! LDA

- LDA is the date an institution is expected to use to calculate the amount of Title IV refund when a student withdraws from a program.
- The later the LDA the less refund.

The Tip of The Iceberg

Michael Goldstein, Dow Lohnes PLLC

Friday, October 28, 2011

Issue: Last Date of Attendence

■ The Problem:

Recently, without the issuance of regulations or formal guidance, ED has taken the position that documenting the student's LDA in an "academically related activity" requires more than attendance in the student's electronic classroom.

How do we determine Last Date of Attendance and Why?

Under both the current and proposed Dept. of Ed. rules, if an institution is not required and does not voluntarily take attendance, the institution may either use the mid-point of the financial aid payment period as the effective withdrawal date or it may document the student's actual LDA as determined by his or her last known "academically related activity."

For DE...

- Traditionally we calculate LDA in online programs based on the last day a student entered a secure classroom site.
- Dept. of Ed. has taken the position that documenting the student's LDA in an "academically related activity" requires more than attendance in the student's electronic classroom.

LDA continued:

 Guidance included with the new regulations requires evidence of "academic engagement" for online enrollments...

presence in the classroom for the face to face

programs.

Implications for DE

Academic Engagement Defined:

Dept. of Ed. has begun retroactively enforcing this heightened standard that requires documentation of "regular and substantive interaction between the students and faculty," through discussion board posts, completed assignments, or electronic conversations with faculty.

Ouch-comes?

- Dept, of Ed. Admits that there is NO prior general guidance supporting it's position
- However, it has retroactively applied the new standard to prior year's program practices.
- •The Ultimate Bad outcome: An audit that finds that your program lacked sufficient engagement and should be classified as "correspondence study" which could make them ineligible to participate in the Title IV Programs.

Michael Goldstein, Dow Lohnes PLLC Friday, October 28, 2011

Pre-emptive Solutions?

- Make it clear to online teaching faculty that CMS statistics are not enough.
- Regular Effective Contact is defined and enforced
- LDA policy is created and enforced that includes academic engagement (activity).
- Instructors save work of the student dropped and document when the activity stopped.
- Institutional definition of Excessive Absences



Sample LDA Policy—Comments?

- When a student has not participated in discussions or other forms of communication and/or has not submitted assignments for two consecutive weeks, the instructor will attempt to contact the student and notify them that they have 5 days to complete the missing work or be dropped from the course.
- The instructor will document the student's work until the point of dropping the student.



EVALUATING DISTANCE EDUCATION

- The college knows where its DE students come from and identifies where the college should seek state authorization.
- There is a policy that defines "regular and substantive interaction" for DE courses.
- Required qualifications, training, evaluation, and professional development exist for DE faculty.

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EVALUATING DISTANCE EDUCATION

CONTINUED

- The college prepares and monitors DE students to be successful.
- There should be evidence that DE students:
 - Use college support services
 - Undergo student identity validation
 - Use learning and support programs/services
 - Have regular and effective contact between peer students and faculty

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EVALUATING DISTANCE EDUCATION

CONTINUED

- There are policies that dictate satisfactory progress.
- DE student support services are comparable to those services offered to face-to-face students.
- Colleges analyze data for DE and face-to-face students and compare student achievement and attainment of expected learning outcomes.
- Sufficient college resources (human, technology, facilities, and financial) are available to sustain DE.

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The 42 Million Dollar Question

Is your program Distance Education or Correspondence Education? Some learning from a recent case.



Distance Education (DE)

- Instruction delivered to students who are separated from the instructor
- Regular and substantive interaction between students and the instructor
- May use Internet, one- or two-way transmissions, audio/video conferencing, DVDs or CD-ROMs

34 C.F.R. § 602.3 (Definitions).



Correspondence Education (CE)

- Instructional material provided by mail or electronic transmission (including examinations) to students who are separated from the instructor
- Limited interaction between student and instructor and primarily initiated by students
- A course that is typically self-paced

34 C.F.R. § 602.3 (Definitions).



Saint Mary-of-the-Woods Audit

Elements of the case pertinent here: Undergraduate courses and Teacher Licensure courses online marketed under the college's "Woods External Degree (WED)" program.

Courses offered on a Learning Management System, with assigned instructors, scheduled for a full semester with option for 3-month extension if work incomplete at semester's end.



the auditors reviewed:

- Program descriptions on college website, materials in catalog (handbook) and brochures.
- Interviews with administrators, instructors and students.
- Course syllabi picked by auditors from across the disciplines, sections which had large enrollments.
- Course content online and records of student and instructor activity on the Learning Management System.



Elements considered in the decision of distance education or correspondence ed:

- System had features for participating in discussion boards, chat rooms, and viewing videos, but these were not required.
- Grading was based upon submission of assignments and tests, not on any online communication/interaction.



Elements considered, continued

- Instructors graded assignments and returned them online, were available to answer questions, and periodically sent messages to students if the students were not submitting assignments.
- Instructors did not deliver lectures or initiate discussions with students; tutoring and other instructional resources were provided at the student's discretion.



Elements considered, continued

- Syllabi described the reading and assignments, and offered suggested schedules for student completion of the work.
- Syllabi did not describe any mandatory or regular and substantive interaction between students and instructors.
- Student posts and discussion forums were student driven; grades were not affected if students did not use the features.



Conclusion:

"We concluded the College was not eligible to participate in [federal financial aid] because 50% or more of its students were enrolled in correspondence courses... We recommend... require the college to return to the U.S. Department of Education the \$42,362,291 in Title IV funds disbursed..."

Final Audit Report, Executive Summary



Implications for Colleges

- Effective practice is required at the course level: USDE audits can include examination of syllabi, student and faculty interviews, and usage patterns on the Learning Management System by faculty and students.
- Courses which largely consist of written work completed and submitted by students and graded by instructors, and/or completion of tests, will fit the definition of correspondence education rather than distance education.



Of note for online-aided on-site courses

Correspondence course:

- (1) A course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and student is limited, is not regular and substantive, and is primarily initiated by the student. Correspondence courses are typically self-paced.
- (2) If a course is part correspondence and part residential training, the Secretary considers the course to be a correspondence course.
- (3) A correspondence course is not distance education.



Advice for online-aided on-site courses

Classes which are on-site, but which include independent online student work for some portion of the instructional hours, should ensure the online portion of the class has elements of instruction and teacher-to-student interactivity, so as to avoid having the entire course defined as correspondence education.



Regular and substantive interaction between student and teacher

- Is central in determining whether a course is distance education rather than correspondence education.
- Is needed in every course that is fully online and in the online elements of courses otherwise on-site.
- Must be demonstrable and documented.
- Is vital to a college's relationship with the U.S.
 Department of Education for student financial aid eligibility.
- Is key to quality education and the student outcomes required by the ACCJC Accreditation Standards.



Final Note on Role of Accreditor

Saint Mary-of-the-Woods College was accredited by the Higher Learning Commission (HLC).

The HLC completed a substantive change review for the college in 2009 and changed the program in question to distance education from correspondence, based upon the college's plan to transition from correspondence to online delivery by January 2010.

Auditors found this did not absolve the previous activity of the college. "HLC did not reexamine the program as offered in the past. In addition, HLC's determination that the WED program was no longer a correspondence program is not binding on the U.S. Department of Education."

From Final Audit Report ED-OIG-A05K0012



The Triad for College Accountability

Financial responsibility/ administrative capability for financial aid

STATES

Authorization to operate and consumer complaints

Quality Assurance and institutional improvement, portability of credits and credentials

ACCREDITORS



Some USDE regulations for Colleges with classes online

- Institutions are ineligible to offer federal financial aid if, for the last full year, more than 50% of courses are correspondence education, or more than 50% of regularly enrolled students are enrolled in correspondence ed. courses. 34 C.F.R. § 600.7.
- Institutions must meet the definition of distance education for their online courses to not have them counted as correspondence ed. 34 C.F.R. § 602.3.



Some USDE regulations, Continued

- Institutions must verify the identity of students participating in class or coursework online (authentication). 34 C.F.R. § 602.17.
- Institutions must ensure the quality of distance education or correspondence education, as to student support services, curriculum, faculty, equipment, and student success. 34 C.F.R. §602.16.
- Institutions must establish and maintain records to document fulfillment of college and program eligibility under Title IV. 34 C.F.R. §668.24.



QUESTIONS?

THANK YOU FOR YOUR ATTENTION

Dr. Barbara A. Beno, ACCJC President

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