Date: March 5, 2024
To: U.S. Department of Education
From: Jo Blondin and Michael Cioce, Community Colleges
Scott Dolan, Private-Nonprofit Institutions of Higher Education
Michale McComis, Institutional Accrediting Agencies Recognized by the Secretary
JoEllen Price and Zachary Goodwin, Financial Aid Representatives
Jillian Klein, Proprietary Institutions of Higher Education

Re: Issue Paper 3—Distance Education

The Department of Education has proposed modifications to 34 C.F.R. § 600.2, Definitions, that propose removing asynchronous learning as an option in clock hour programs. Given that the Department’s proposal will impact nearly 8000 programs and their students and as an means to address the Department’s concerns regarding the oversight of asynchronous learning in clock hour programs, Institutional accreditors have offered to include a review in this area where applicable. As a means to assess and ensure a review of these programs, negotiators propose the addition of the following language in Section 602.17(i):

602.17(i) If the agency allows asynchronous distance education delivery methods for clock hours programs, the agency must:

1. Limit the allowance for asynchronous distance education delivery methods to only those portions of the programs that do not include hands-on learning objectives;

2. Require the institution to demonstrate that the asynchronous distance education delivery methods are comparable to synchronous distance education delivery methods in student engagement, objectives, effectiveness, and educational outcomes;

3. Require institutions to use student identity practices required in Section 602.17(g).