

**Commission on Regulation of Postsecondary Distance Education  
Draft Findings, Principles, and Recommendations**

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***Mission and Purpose of the Commission***

The Commission on Regulation of Postsecondary Distance Education ("the Commission") was established to develop and provide recommendations that will address the costs and inefficiencies faced by postsecondary institutions that must comply with multiple (often inconsistent) state laws and regulations as they endeavor to provide educational opportunities to students in multiple state jurisdictions. In that context, the Commission has addressed key issues associated with appropriate government oversight, consumer protection, and educational quality related to distance education offered by institutions in the United States. After considering multiple strategies and potential solutions, the Commission has focused on grounded, principled, and practical recommendations that reflect the core aims of efficiently ensuring quality programs and consumer protection in a rapidly changing education landscape.

*Forthcoming: Composition of the Commission, process overview, glossary of terms, and Executive Summary that includes an outline of all recommendations.*

**Summary of Recommendations**

1. **Interstate Reciprocity and Physical Presence**

1.1. Interstate Reciprocity

- A. States should participate in a system of interstate reciprocity to reduce the regulatory burden on institutions providing distance learning opportunities to students in multiple states. States should opt into the reciprocity agreement through their existing participation in regional compacts. Those states that are not current members of a regional compact should be able to request membership in a regional compact for the limited purpose of participating in the reciprocity agreement.<sup>1</sup> (Regional compacts are discussed fully in Recommendation 2.1.)

1.2. Physical Presence

- A. Within the terms of the interstate reciprocity, the definition of "physical presence" should be limited to the occupation of an actual physical location for instructional purposes or the maintenance of an administrative office (including a mailing address) in the state.
- B. Institutional activities in a state that meet the definition of physical presence should require the institution to seek authorization by that state, both for the general authority to offer instruction in that state and for authority to participate in the system of interstate reciprocity.
- C. Institutions that have physical presence in more than one state should designate a "primary residence" for purposes of the interstate reciprocity agreement. Once designated, the primary residence state should have responsibility for authorizing the institution for purposes of interstate reciprocity (described fully in Recommendation 4.2). (These institutions would continue to need general state authorization, outside the scope of interstate reciprocity, in all states in which they have physical presence.)
- D. For purposes of interstate reciprocity, institutions delivering pure distance education courses (online or by mail) and conducting no other activities in a state should not be deemed to be physically present. These institutions, therefore, should have to seek authorization for purposes of interstate reciprocity only from the state in which they are physically present or have primary residence. Other institutional activities that should not trigger physical presence requirements include advertising,

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<sup>1</sup> These states are New Jersey, New York, and Pennsylvania.

contractual arrangements in states (e.g., procurement contracts), experiential learning opportunities (e.g., clinical education, practicums, and internships), courses on military installations, faculty residing in the state but not meeting students in that state, field trips, proctored exams held in the state, operation of a server or other electronic service device, and short courses (20 classroom hours or less).

## 2. A Regional Approach for Governing Interstate Reciprocity

### 2.1. Role of the Regional Compacts

- A. As a preliminary step, all four regional compacts should agree to adhere to the standards and responsibilities involved in the interstate reciprocity agreement as identified by the Commission's recommendations.
- B. To implement the interstate reciprocity agreement, regional compacts should accept state requests to join the agreement and admit states that have adopted the appropriate legislation and/or regulations to facilitate compliance with the requirements of the reciprocity agreement.
- C. After the agreement has been implemented, regional compacts should perform the following functions: (1) maintain a public list – easily accessible to students – of states and institutions that are part of the agreement; (2) facilitate the agreement's continued growth and expansion to more participating states; (3) monitor institutions' compliance with the reciprocity agreement, including admitting and expelling institutions from the agreement (States would continue to investigate and resolve student complaints.); and (4) establish a uniform, reasonable fee structure for participating institutions, working with the national advisory board for the interstate reciprocity agreement (described below in Recommendation 2.2).

### 2.2. Role of the National Advisory Board

- A. The national advisory board's role should be limited to ensuring inter-regional alignment with the reciprocity agreement. An advisory board, comprised of members representing the full spectrum of the higher education community, should manage state participation and resolve conflicts between states in the reciprocity agreement. Members should be nominated by the regional compacts and be drawn from institutions (including for-profits and community colleges), regional and national accreditation agencies, and state higher education agencies. Meetings would occur at least once a year and be limited to discussion around the advisory board's defined role.
- B. The national advisory board should establish a mechanism to resolve disputes between regional compacts about interpretation and enforcement of the agreement when they arise. This may involve an executive committee made up of heads of each of the regional compacts, a separate dispute resolution body, or other structure that the board may determine.

## 3. Accreditation and Institutional Quality

- A. Based on accreditors' compliance with federal regulations and specific review of distance education programs in light of recognized quality standards, states should view institutional accreditation by a federally-recognized accreditor as a sufficient guarantee of academic quality in distance education programs. To participate in the reciprocity agreement, states should require that institutions demonstrate institutional quality by attaining accreditation by a federally-recognized accreditation agency.
- B. Federally-recognized accreditors that accredit institutions participating in the reciprocity agreement should focus on the unique facets of distance education as part of a comprehensive review of institutional quality, for example, by adopting the guidelines specific to distance education, such as those established by C-RAC.

#### 4. Consumer Protection

##### 4.1. Reporting Requirements

- A. States should verify that institutions whose primary residence is in their state are in fact providing to IPEDS the information that is required for Title IV reporting.
- B. If an institution does not participate in Title IV, its authorizing state should require the institution to post the same information required by IPEDS on the institution's website as a condition for participating in the interstate reciprocity agreement.

##### 4.2. Complaint Mechanisms

- A. A state should agree to investigate and resolve consumer protection complaints filed against institutions that the state authorized for purposes of interstate reciprocity. In so doing, the state should not limit the jurisdiction of other involved states (e.g., the student's home state), but agree to serve as the default forum for student complaints. States that are designated as the primary residence of an institution for purposes of interstate reciprocity should serve as this default forum. Other involved states and accrediting agencies should remain free to receive and resolve consumer complaints as well.
- B. A state should verify that the institutions that it authorized for purposes of the reciprocity agreement are in fact providing students in distance education programs with clear information about how to file a complaint and with what entities complaints may be filed. At a minimum, this information should be provided when the student enrolls in a distance education program authorized as part of the reciprocity agreement.
- C. To respond effectively to complaints and ensure transparency, states should communicate and share complaint histories with other states and accrediting agencies involved in the reciprocity agreement.

#### 5. Institutional Fiscal Viability

- A. States should require institutions that they authorize for purposes of interstate reciprocity to demonstrate fiscal viability through a two step process: 1) the institution must attain a rating of 1.5 on the financial viability index used by the Department, and 2) the institution must verify fiscal stability by providing their authorizing state with financial information collected by its federally-recognized accreditor. The two parts of the evaluation should give the state a more accurate picture of financial stability and allow institutions impacted by sudden financial stress to still have an opportunity to attain authorization.
- B. If an institution does not participate in Title IV, its authorizing state should require the institution to submit to the state the same financial information required for Title IV compliance as a condition for participating in the interstate reciprocity agreement. The state should analyze the information and determine fiscal viability in a manner that is the same as or substantively similar to what would have been computed using the Department's financial viability index.
- C. If accrediting agencies do not already do so, they should share with states information collected through the accreditation process related to an institution's fiscal stability.

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## I. Introduction Regarding Distance Education Programs: The Legal and Policy Context

### A. Overview

The advent of large scale distance education programs has led to the unprecedented availability of educational opportunities to students across the United States. The regulation of distance education is of growing significance as distance education providers work in more than one state – and often in many states. Complexity, confusion, and costs of compliance can be reduced if state laws and regulations embody common principles and/or if rules are established that narrow compliance obligations (i.e., requiring compliance with the rules of a single jurisdiction), while working to assure appropriate consumer protection and quality of service. State and federal oversight of distance education is important but such oversight cannot overly burden multi-state distance education providers. Unless alternatives are developed to the current 50+ state compliance system, many providers may choose to limit the states where distance education is offered, thereby denying access to students who otherwise would not have those educational opportunities.

Moreover, concerns persist regarding possible abuses in the delivery of distance education that may require specific forms of government oversight that is not now being consistently and coherently provided. The current system – in which states seek to protect their citizens as consumers (in various ways) and the U.S. Department of Education ("the Department") continues to be engaged in protecting the investment and quality of Pell Grants and student loans through its regulations and compliance activities – lacks an overarching, coherent framework and focus.

### B. Distance Education Today

Postsecondary distance education programs expand educational opportunities for students by providing a flexible, accessible method to acquire new skills and fulfill degree requirements. Postsecondary institutions increasingly depend on distance education to advance the goals of raising college completion rates and preparing students for 21st century careers. With over five million students using online technology to access postsecondary courses, distance education has emerged as a viable alternative and supplement to the traditional in-classroom university experience.<sup>2</sup>

Distance education can provide enhanced and expanded academic options for all students – nearly 30% of college and university students take at least one online course<sup>3</sup> – with non-traditional students, including military personnel, having especially benefited from the surge in online educational offerings.<sup>4</sup> A central value for students taking online courses is the ability to tap into an expanded universe of course offerings and find the programs or courses that best meet their interests and schedules, regardless of geographical location. (Institutions providing distance education typically do not limit student enrollment by geographic area.) According to a 2008 survey by the Department, higher education institutions offered distance education primarily to meet student demands for flexible scheduling and to

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<sup>2</sup> I. Elaine Allen and Jeff Seaman, *Class Differences: Online Education in the United States*, Babson Survey Research Group and The Sloan Consortium, November 2010, p. 2.

<sup>3</sup> *Id.*

<sup>4</sup> While federal monitoring and research on distance education programs is in its nascent phase, data collected by the U.S. Government Accountability Office (GAO) shows that distance education is creating educational opportunities for many traditionally underserved students including older students, military personnel, working students, and students with families. U.S. Government Accountability Office, GAO-12-39, *Higher Education: Use of New Data Could Help Improve Oversight of Distance Education* (2011).

expand college access for underserved students.<sup>5</sup> In addition, institutions of higher education appear to focus on the potential of distance learning to address a variety of other student and institutional needs, from student expectations for easy access to curricular materials, to the generation of increased revenues, to the enhancement of their reputation and “brands.”

The “borderless” nature of distance education has resulted in many institutions serving students from a large number of states. An institution may have national reach but only serve a small number of students in any given state through online courses. As such, the oversight methods used by individual states to monitor traditional on-campus, in-classroom courses may not appropriately cover the operations of these multi-state distance education providers.

The rapid growth of distance education programs has outpaced the ability of states and the federal government to provide a coherent and comprehensive system of regulation appropriately attentive to issues of consumer protection and quality that, at the same time, reflects the unique features of distance education. One result is that education providers face a patchwork of individual state regulations with different requirements and varying degrees of complexity and costs. And the demand that distance education providers operating in multiple states comply with any applicable state requirements for offering postsecondary distance education casts a glaring light on that challenge, and its potential consequences.<sup>6</sup> The current inconsistent and burdensome regulatory scheme ultimately can act to hinder students’ access to valuable postsecondary opportunities if institutions choose to limit their operations to a fewer number of states because of those hurdles—a prospect notably at odds with national postsecondary education goals and national needs.

### C. Legal and Policy Background

#### 1. State Law and Policy Regarding Distance Education

State laws and regulations governing institutions of higher education have typically only addressed the conduct of institutions physically located within the state, with state authorization requirements generally having provided a gatekeeper function to protect citizens from fraud and poor quality programs.<sup>7</sup> The emergence of online educational services has complicated the regulatory environment and requires states to determine how to best regulate out-of-state providers delivering educational services to students in their states primarily through the Internet.

Over the last two decades or more, states have adopted and adapted varying approaches to the authorization of online providers, with some states requiring institutions to acquire authorization regardless of physical presence in the state and others making no substantive reference to out-of-state providers of distance education at all.<sup>8</sup> *[Forthcoming: succinct statement of physical presence issue as illustrative of the burden and complexity of regulations.]*

The lack of uniformity across state regulations has led to limited inter-state and multi-state reciprocity compacts, in which member states agree to recognize each other’s institutional authorization decisions. At least one of the four

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<sup>5</sup> *Id.* at pp. 9-10.

<sup>6</sup> Most visibly articulating this reality (as is reflected in certain state requirements), the U.S. Department of Education (USED) on October 29, 2010 issued “Program Integrity Rules” promulgated under the Higher Education Act. Among other things, and as described in more detail below, these Rules required that institutions of higher education offering distance education comply with requirements in each state in which their students are located. As explained below, these rules are in current limbo, given a federal court ruling in June of 2012.

<sup>7</sup> Presidents’ Forum Task Force, “Aligning State Approval and Regional Accreditation for Online Postsecondary Institutions: A National Strategy” (Fall 2009).

<sup>8</sup> Eduventures, “Online Learning Across State Borders: Assessing State Regulation of Out-of-State Schools,” available at [http://www.accet.org/downloads/program\\_integrity/state\\_reg\\_report\\_jan11.pdf](http://www.accet.org/downloads/program_integrity/state_reg_report_jan11.pdf) (Jan. 2011).

regional compacts, the Southern Regional Education Board's Electronic Campus, gives students the opportunity to choose online courses from over 300 colleges and universities across 16 member states.

## 2. Federal Law and Policy Regarding Distance Education

The federal government's oversight power over distance education providers emanates from its management of student aid programs.<sup>9</sup> Even though the federal role is limited in scope, much of the recent growth in distance education can actually be attributed to significant changes in the provisions of the Higher Education Act (HEA) in 2006 and the Higher Education Opportunity Act (HEOA) of 2008. The 2006 amendments to the HEA excluded distance education programs from a 1992 rule stating that schools were not eligible for federal student aid programs if more than 50% of their courses were offered by correspondence or if more than 50% of their students were enrolled in correspondence courses.<sup>10</sup> The HEOA also clarified accrediting agency duties in regard to distance education. Agencies are not required to have separate standards for evaluating distance education and recognized agencies are not required to obtain approval to expand their scope of accreditation to include distance education, if notice is provided to the Department.<sup>11</sup>

Prompted by "the rapid growth of enrollment, debt load, and default rates" at some institutions, in 2009, the Department initiated a Negotiated Rulemaking process to develop new regulations under the HEA.<sup>12</sup> In June 2010, the Department released a proposed set of rules, including provisions regarding state authorization requirements for institutions. In October 2010, the Department issued final "Program Integrity" rules promulgated under the HEA.<sup>13</sup> The rules included the following provision (codified at 34 C.F.R. § 600.9 (c)) which was not included in the proposed rules:

If an institution is offering postsecondary education through distance 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 requirements for it to be legally offering postsecondary distance or correspondence education in that State. An institution must be able to document to the Secretary the State's approval upon request.<sup>14</sup>

The Department further explained that the provision "in no way preempt[ed] any State laws, regulations, or other requirements established by any State regarding reciprocal agreements, distance education, or correspondence study."<sup>15</sup> The Department declined to regulate or require federal authorization for reciprocal agreements. The final rules also included a provision requiring institutions to provide current and future students with contact information

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<sup>9</sup> Regulation of higher education has traditionally been understood to be under the constitutional purview of the states. As the Presidents' Forum 2009 Task Force Report explains, the federal government had "virtually no role in the oversight of colleges and universities" until the passage of the post-World War II GI Bill. The Higher Education Act of 1965 established the first federal student financial aid program thereby granting the federal government a more meaningful role in oversight as colleges and universities must agree to certain requirements and comply with federal law as a condition of receiving federal funds for students. Presidents' Forum Task Force, "Aligning State Approval and Regional Accreditation for Online Postsecondary Institutions: A National Strategy" at p. 5 (Fall 2009).

<sup>10</sup> Higher Education Reconciliation Act of 2005, Pub. L. No. 109-171, Title VIII, Subtitle A, 120 Stat. 4, 155 (2006).

<sup>11</sup> 20 U.S.C. § 1099b(a)(4)(B)(i)(I), (II).

<sup>12</sup> U.S. Department of Education, "Department of Education Establishes New Student Aid Rules to Protect Borrowers and Taxpayers," available at <http://www.ed.gov/news/press-releases/department-education-establishes-new-student-aid-rules-protect-borrowers-and-tax> (last retrieved May 30, 2012).

<sup>13</sup> Reciprocity and Distance Education, 75 Fed. Reg. 66,866-67 (Oct. 29, 2010) (to be encoded 34 C.F.R. § 600.9).

<sup>14</sup> 34 C.F.R. § 600.9 (c).

<sup>15</sup> 75 Fed. Reg. 66867 (Oct. 29, 2010).

for filing complaints with the institution's accrediting agency and the appropriate state agency that would handle the student's complaint.<sup>16</sup> The final Program Integrity rules went into effect on July 1, 2011.<sup>17</sup>

Following the release of the final Program Integrity Rules, the Association of Private Sector Colleges and Universities sued the Department arguing that interested parties were not given sufficient notice and an opportunity to comment on the state authorization rule. In *Career College Association v. Duncan*, 34 C.F.R. § 600.9 (c) was vacated on the grounds that the Department did not provide proper notice-and-comment as required by the Administrative Procedure Act.<sup>18</sup> On appeal, the District of Columbia Court of Appeals, in June 2012, upheld the lower court's decision and ruled that § 600.9 (c) was "not a logical outgrowth" of the Department's proposed Program Integrity rules.<sup>19</sup> Although the Department has not yet indicated what next steps will be, the decision would appear to require that the Department engage in some form of notice and comment in the event that it decides to reissue the state authorization rule (or some variant thereof).<sup>20</sup>

### 3. The State Regulatory Landscape after the State Authorization Rule

The promulgation of the federal state authorization regulation (§600.9 (c)) and resulting focus on state authorization has called attention to and elevated the dialogue regarding the inconsistent state regulatory scheme surrounding multi-state distance education providers. Notably, these state requirements existed before the rule and will continue to impact multi-state providers, regardless of future U.S. Department of Education action.<sup>21</sup>

As described herein, the pronounced variability among state laws regarding authorization makes compliance, in a national or even regional sense, an extremely time-consuming and expensive task. Some states require any distance education provider, regardless of physical presence in the state, to seek authorization from the state before offering courses to students. For states that require institutions with a physical presence to seek authorization, there are numerous legal definitions regarding what constitutes a "physical presence" – dependent upon, for example, whether the providers owns actual property in the state, advertises its operations in the state, or engages in recruiting

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<sup>16</sup> 34 C.F.R. §668.43 (b).

<sup>17</sup> In March 2011, the Department released a "Dear Colleague" letter intended to provide guidance for the Program Integrity Rules. The guidance established that for the 2011-12 award year, the Department would consider institutions to be making a "good-faith effort" at compliance with the regulation if the institution met certain conditions. See Eduardo M. Ochoa, Office of Postsecondary Educ., U.S. Dep't of Educ., Implementation of Program Integrity Regulations, at 6 (Mar. 17, 2011). In a later April 2011 "Dear Colleague" letter, the Department clarified that it would not initiate any enforcement action to require repayment or limit student eligibility before July 1, 2014. See Eduardo M. Ochoa, Office of Postsecondary Educ., U.S. Dep't of Educ., State authorization under the Program Integrity Regulations, at 2 (May 6, 2011).

<sup>18</sup> *Career Coll. Ass'n v. Duncan*, 796 F.Supp.2d 108 (D.D.C. 2011).

<sup>19</sup> *Ass'n of Private Sector Colls. and Univs. V. Duncan*, No. 11-5174, slip op. at 5 (D.C. Cir. June 5, 2012).

<sup>20</sup> See generally Kelly Field, "Appellate Court Sides with For-Profit Colleges on Tossing Out a Controversial Rule," *The Chronicle of Higher Education*, June 5, 2012. In this context, it bears noting that both the U.S. House of Representatives and the U.S. Senate have also taken action to repeal 34 C.F.R. § 600.9 (c). The House passed H.R. 2117 (the Protecting Academic Freedom in Higher Education Act) in February 2012. The bill would repeal several of the state authorization regulations including § 600.9. A companion bill in the Senate, S. 1297, was introduced in June 2011 but has not moved out of the Senate Committee on Health, Education, Labor, and Pensions. President Obama has indicated that he would not support the repeal of the rules as they "help ensure the integrity" of the federal student aid programs. Kelly Field, "House Votes to Repeal Two Controversial Education Department Rules," *The Chronicle of Higher Education*, February 28, 2012.

<sup>21</sup> As the Department's March 2011 guidance notes, "[a]n out-of-State institution offering distance education, including online education or correspondence study to students in a State that regulates these offerings, was *always* required to have determined whether State approval was necessary and to have sought approval from the State" (emphasis added) prior to awarding title IV funds. The guidance goes on to explain that § 600.9 (c) "merely reinforces" the need for State approval in all states where a provider operates. See also, Paul E. Lingenfelter, "The Federalization of Higher Education?," presented at the Presidents' Forum Conference, March 28, 2011.

activities in the state. In addition, some states require providers to seek accreditation while others do not. Finally, almost every state requires an institutional fee for the authorization process, which may vary based on the type of program and number of students being served. All of these requirements may be further complicated by the type of programs (degree vs. non-degree) and provider (public, private, for-profit, religious/tribal) seeking authorization.<sup>22</sup> Institutions also must constantly monitor state regulations to ensure that they are meeting current requirements in a policy environment of consistent change. Removing this patchwork of conflicting, constantly changing state laws and regulations is the principle motivation for the recommendations that follow.

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<sup>22</sup> States may have different approval requirements for degree and non-degree programs and may further distinguish requirements if the program is in a specialty area (such as nursing or education). This differentiation may require a provider to follow multiple authorization procedures in one state.



**II. Draft Findings, Principles, and Recommendations of the Commission**  
*(framed in the current context of Commission discussion – introduction will change when recommendations are finalized)*

The Commission held its second meeting on September 12, 2012, in Washington, D.C. The Commission considered a number of issues in its work to develop recommendations to improve the current patchwork system of state authorization for distance education providers. As part of this work, the Commission reviewed and discussed current reciprocity agreement proposals from the Western Interstate Commission for Higher Education (WICHE), and the Council of State Governments (CSG)/Presidents' Forum, as well as comments to the Commission from the A\*P\*L\*U – AASCU Advisory Committee and additional feedback received since the June meeting. The draft recommendations in this document result from observations and reactions to these existing proposals and comments. Because the Commission was able to reflect and build on work of WICHE, CSG, and the Presidents' Forum, it offers recommendations that are specific and intended to frame a concrete, consensus-based action agenda.

Each recommendation (with accompanying relevant findings and principles) emerged from discussions during the Commission's past two meetings and represents a potential path forward to address the needs of states, institutions, and students in regard to distance education. To assist discussion among Commission members, each recommendation is accompanied by a list of outstanding issues. The draft recommendations are structured within the following five topics:

1. Interstate Reciprocity and Physical Presence
2. A Regional Approach for Governing Interstate Reciprocity
3. Accreditation and Institutional Quality
4. Consumer Protection
5. Institutional Fiscal Viability

These topics were ordered so that readers first understand the core concept of interstate reciprocity (including our definition of physical presence). Then the recommendations explain the governing structure for supporting the proposed system of interstate reciprocity. Finally, the recommendations explain how the governing structure protects three key interests in the system of interstate reciprocity (institutional quality, consumer protection, and institutional fiscal viability).

**1. Interstate Reciprocity and Physical Presence**

**Findings:** State laws and regulations governing institutions of higher education have typically only addressed the conduct of institutions physically located within the state, with state authorization requirements generally providing a gatekeeper function to protect citizens from fraud and poor quality programs offered by those institutions.

The emergence of distance education has complicated the regulatory environment and now requires states to determine how best to regulate out-of-state providers delivering educational services to students in their states (primarily through the Internet). Over the last two decades or more, states have adopted and adapted varying approaches to the authorization of online providers.<sup>23</sup> Most regulatory activity has involved defining the concept of "physical presence" by identifying which institutional activities constitute a sufficiently robust relationship with the state to warrant a requirement that the institution seek state authorization to operate. The spectrum of state requirements on physical presence falls along four categories:

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<sup>23</sup> Eduventures, "Online Learning Across State Borders: Assessing State Regulation of Out-of-State Schools," available at [http://www.accet.org/downloads/program\\_integrity/state\\_reg\\_report\\_jan11.pdf](http://www.accet.org/downloads/program_integrity/state_reg_report_jan11.pdf) (Jan. 2011).

1. All online providers must acquire state authorization regardless of physical location.<sup>24</sup>
2. Online providers must acquire state authorization when physical presence is triggered.<sup>25</sup>
3. Online providers must seek an express exemption from state authorization even if the provider has no physical presence in the state.<sup>26</sup>
4. No particular requirement exists for out-of-state online providers, provided that they are accredited.<sup>27</sup>

This lack of uniformity in state policy has created confusion for institutions seeking to offer distance education across state lines. Institutions that seek a national presence face the burdensome and expensive process of seeking authorization in multiple states. Institutions depend on directories and lists developed by the distance education community (which may not always be accurate) and, in some cases, expend inordinate amounts of their own time and resources in order to determine and comply with variable authorization requirements.

**Principles:** A system of interstate reciprocity, based on a uniform set of standards for state authorization, can ensure that institutions can easily operate distance education programs in multiple states with the prospect of allowing students to enjoy increased access to higher education opportunities. An interstate reciprocity agreement can provide appropriate quality control of distance education and alleviate the need for states to monitor distance education activities of institutions authorized outside of the state.

Institutions offering instruction to students must be authorized by the state, regardless of whether that instruction takes place in a traditional classroom or through a distance education program. Authorization can take two forms: authorization based on the institution's physical presence in the state and authorization through the interstate reciprocity agreement. The interstate reciprocity agreement, therefore, must provide a rational definition of physical presence that clearly differentiates these two means for institutions to attain state authorization.

## **Recommendations:**

### **1.1. Interstate Reciprocity**

- A. States should participate in a system of interstate reciprocity to reduce the regulatory burden on institutions providing distance learning opportunities to students in multiple states. States should opt into the reciprocity agreement through their existing participation in regional compacts. Those states that are not current members of a regional compact should be able to request membership in a regional compact for the limited purpose of participating in the reciprocity agreement.<sup>28</sup> (Regional compacts are discussed fully in Recommendation 2.1.)**

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<sup>24</sup> According to a survey performed by the State Higher Education Executive Officers (SHEEO), 8 state agencies (Alabama, Arkansas, Massachusetts, Minnesota, Montana, Wisconsin, and Wyoming) expressly require all online education providers to acquire state authorization regardless of whether the provider is physically located in the state. Almost every institution will be required to seek authorizations in these states regardless of the number of students enrolled at the institution. Marianne Boeke & Sharmila Basu Conger, "Webinar: The SHEEO State Authorization Survey," available at <http://www.sheeo.org/pcn/Topic.aspx?id=1055> (last accessed Oct. 24, 2012).

<sup>25</sup> Fifty-three state agencies (77% total agencies surveyed – note that some states have more than one relevant agency) regulate distance education providers with a physical presence in the state. Physical presence triggers include face-to-face instructional activities, internships/externships, recruitment activities, actual facilities (may house administrative offices or equipment), staff or faculty employed in the state, third-party contracts for services administered in the state, and advertising. *Id.*

<sup>26</sup> Four state agencies (Alaska, Illinois, Oregon, and Utah) fit into the "exempt status" category. These exemptions may require the provider to provide evidence of national or regional accreditation as a quality assurance check. *Id.*

<sup>27</sup> Two state agencies fall into this category. *Id.*

<sup>28</sup> These states are New Jersey, New York, and Pennsylvania.

Remaining Issues

- Other?

**1.2. Physical Presence**

- A. For purposes of the interstate reciprocity agreement, the definition of "physical presence" should be limited to the occupation of an actual physical location for instructional purposes or the maintenance of an administrative office (including a mailing address) in the state.
- B. Institutional activities in a state that meet the definition of physical presence should require the institution to seek authorization by that state, both for the general authority to offer instruction in that state and for authority to participate in the system of interstate reciprocity.
- C. Institutions that have physical presence in more than one state should designate only one of those states as a "primary residence" for purposes of the interstate reciprocity agreement. Once designated, the primary residence state should have responsibility for authorizing the institution for purposes of interstate reciprocity and be the default forum for consumer complaints (described fully in Recommendation 4.2). (These institutions would continue to need general state authorization, outside the scope of interstate reciprocity, in all states in which they have physical presence.)
- D. For purposes of the interstate reciprocity agreement, institutions delivering pure distance education courses (online or by mail) and conducting no other activities in a state should not be deemed to be physically present. These institutions, therefore, should have to seek authorization for purposes of interstate reciprocity only from the state in which they are physically present or have primary residence. Other institutional activities that should not trigger physical presence requirements include advertising, contractual arrangements in states (e.g., procurement contracts), experiential learning opportunities (e.g., clinical education, practicums, and internships), courses on military installations, faculty residing in the state but not meeting students in that state, field trips, proctored exams held in the state, operation of a server or other electronic service device, and short courses (20 classroom hours or less).

Remaining Issues

- Is the list of non-triggering activities too narrow or too broad?
- Does the "primary residence" recommendation in 1.2(C) adequately address the issue of institutions that have physical presence in more than one state?
- For states not participating in the agreement, how can the Commission encourage a more reasonable approach to physical presence requirements?
- Other?

**2. A Regional Approach for Governing Interstate Reciprocity**

**Findings:** The WICHE proposal recommends that the interstate reciprocity agreement be formed through state participation in the four existing regional compacts. These compacts are the Midwestern Higher Education Compact (MHEC), the New England Board of Higher Education (NEBHE), the Southern Regional Education Board (SREB), and WICHE itself. These compacts were created to encourage resource-sharing and collective action among member higher education systems. These compacts have strong, existing relationships with states and institutions and provide infrastructure for communication, collaboration, and collective action.<sup>29</sup>

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<sup>29</sup> One of the most visible activities in which all compacts currently engage is a regional academic "common market" that allows students to receive discounted tuition at an out-of-state institution within the compact to pursue a degree program not available to that student in his or her home state.

Full membership in the compacts is limited to states within each region.<sup>30</sup> Limited membership for states outside a compact's region is available for certain programs. MHEC, for example, allows states not within its region to be affiliate members (collaborative relationships based on mutual interests with no set fees) or associate members (broader participation allowed, e.g., in procurement activities, for an annual payment of \$50,000).<sup>31</sup> Under WICHE's leadership, these four compacts have engaged with the issue of interstate reciprocity for distance education and appear prepared to support such a system.

**Principles:** While a national system is essential for the viability of the interstate reciprocity agreement, establishing and maintaining an entirely new national structure would likely be too time- and resource-intensive and potentially too bureaucratic to be viable. The regional compacts can act as the agents of a national reciprocity agreement between states. Using regional compacts as the vehicle for the interstate reciprocity agreement has the advantages of limiting costs, utilizing existing structures, and working within established relationships.

Still, some oversight body for the interstate reciprocity agreement will be necessary to ensure efficiencies in systems and monitor existing mechanisms for effective implementation. Additionally, some forum will be necessary to address possible conflicts among regional compacts about interpretation and enforcement of the reciprocity agreement. A national advisory board made up of stakeholders from each of the regional compacts and representatives from participating states and institutions can ensure that all perspectives are represented to ensure fundamental, nationwide alignment with the reciprocity agreement's requirements.

**Figure 1: Proposed Governance Structure for the Interstate Reciprocity Agreement**



## 2.1. Role of the Regional Compacts

- A. As a preliminary step, all four regional compacts should agree to adhere to the standards and responsibilities involved in the interstate reciprocity agreement as identified by the Commission's recommendations.**

<sup>30</sup> MHEC has 12 member states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin). NEBHE has six member states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont). SREB has 16 member states (Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia). WICHE has 15 member states (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming).

<sup>31</sup> MHEC, Member States, <http://www.mhec.org/memberstates> (last accessed Oct. 24, 2012).

- B. To implement the interstate reciprocity agreement, regional compacts should accept state requests to join the agreement and admit states that have adopted the appropriate legislation and/or regulations to facilitate compliance with the requirements of the reciprocity agreement.**
- C. After the agreement has been implemented, regional compacts should perform the following functions: (1) maintain a public list – easily accessible to students – of states and institutions that are part of the agreement; (2) facilitate the agreement's continued growth and expansion to more participating states; (3) monitor institutions' compliance with the reciprocity agreement, including admitting and expelling institutions from the agreement (States would continue to investigate and resolve student complaints.); and (4) establish a uniform, reasonable fee structure for participating institutions, working with the national advisory board for the interstate reciprocity agreement (described below in Recommendation 2.2).**

Remaining Issues

- What is an appropriate fee structure for participating states and/or institutions?
- What would the fees go toward?
- Other?

**2.2. Role of the National Advisory Board**

- A. The national advisory board's role should be limited to ensuring inter-regional alignment with the reciprocity agreement. An advisory board, comprised of members representing the full spectrum of the higher education community, should manage state participation and resolve conflicts between states in the reciprocity agreement. Members should be nominated by the regional compacts and be drawn from institutions (including for-profits and community colleges), regional and national accreditation agencies, and state higher education agencies. Meetings would occur at least once a year and be limited to discussion around the advisory board's defined role.**
- B. The national advisory board should establish a mechanism to resolve disputes between regional compacts about interpretation and enforcement of the agreement when they arise. This may involve an executive committee made up of heads of each of the regional compacts, a separate dispute resolution body, or other structure that the board may determine.**

Remaining Issues

- Could the advisory board be housed in an existing organization (e.g., WICHE)?
- How will the advisory board members be chosen?
- How will the advisory board be funded? Would an allocation of fees paid to the regional compacts be sufficient?
- What level of authority (if any) should the advisory board have in "signing off" on a state's entry into the agreement?
- Other?

**3. Accreditation and Institutional Quality**

**Findings:** Federal recognition is the means used by the Department to identify accrediting agencies that are reliable authorities on the quality of education or training offered by the institutions or programs they accredit.<sup>32</sup>

To receive federal recognition, accrediting agencies must comply with numerous requirements under Department regulations.<sup>33</sup> An accrediting agency must (among other things):

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<sup>32</sup> 34 CFR § 602.1(a).

- Demonstrate its link to federal programs by establishing that institutions it accredits rely on its accreditation for participation in those programs.<sup>34</sup>
- Have a qualifying geographic scope of accrediting activities (must be a state government agency or accredit regionally or nationally).<sup>35</sup>
- Have accrediting experience.<sup>36</sup>
- Be accepted by educators, educational institutions, licensing bodies, practitioners, and employers within the fields of instruction offered at institutions they accredit.<sup>37</sup>
- Have the administrative and fiscal capacity to carry out accreditation activities within their identified scope.<sup>38</sup>
- Have sufficiently rigorous standards for determining academic quality at an institution – including the quality of distance education programs – and have effective means of determining compliance with these standards.<sup>39</sup>
- Make decisions in a way that is consistent and take into account institutional mission.<sup>40</sup>
- Monitor, re-evaluate, and (when necessary) take enforcement action against institutions that they accredit.<sup>41</sup>

Federal recognition also entails several distance education-specific requirements. An accrediting agency must:

- Evaluate distance education offerings by institutions both during full review for accreditation or re-accreditation and between full reviews when an institution offers new distance education programs that constitute a change in scope of its program offerings (any such change in scope must be reported to the Department by the accrediting agency).<sup>42</sup>
- Ensure that institutions offering distance education have processes in place to ensure that the student who registers for the distance education course is the same student who completes requirements for that course.<sup>43</sup>

In response to new federal requirements and the quickly expanding world of online learning, the accreditation community has made significant progress toward meeting the need for accreditation standards specific to distance education. The *Guidelines for the Evaluation of Distance Education (Online Learning)* have been established by the Council of Regional Accreditors (C-RAC) and provide a basis or example for ensuring quality in such programs.<sup>44</sup> The *Guidelines* have been endorsed by all regional accrediting organizations in the United States and establish nine hallmarks of quality for distance education:

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<sup>33</sup> 20 USC 1099b; 34 CFR § 602.1 et seq. (2010).

<sup>34</sup> 34 CFR § 602.10.

<sup>35</sup> 34 CFR §§ 602.11.

<sup>36</sup> 34 CFR § 602.12.

<sup>37</sup> 34 CFR §602.13.

<sup>38</sup> 34 CFR § 602.15.

<sup>39</sup> 34 CFR §§ 602.16(a), (b), 602.17(a).

<sup>40</sup> 34 CFR §602.18.

<sup>41</sup> 34 CFR §§ 602.19, 602.20.

<sup>42</sup> 34 CFR §§ 602.19(e); 602.27(a)(5).

<sup>43</sup> 34 CFR § 602.17(g).

<sup>44</sup> Council of Regional Accrediting Commissions, *Interregional Guidelines for the Evaluation of Distance Education (Online Learning)* (2011), available at: <http://www.msche.org/publications/Guidelines-for-the-Evaluation-of-Distance-Education-Programs.pdf>.

1. Online learning is appropriate to the institution's mission and purposes.
2. The institution's plans for developing, sustaining, and, if appropriate, expanding online learning offerings are integrated into its regular planning and evaluation processes
3. Online learning is incorporated into the institution's systems of governance and academic oversight.
4. Curricula for the institution's online learning offerings are coherent, cohesive, and comparable in academic rigor to programs offered in traditional instructional formats.
5. The institution evaluates the effectiveness of its online learning offerings, including the extent to which the online learning goals are achieved, and uses the results of its evaluations to enhance the attainment of the goals.
6. Faculty responsible for delivering the online learning curricula and evaluating the students' success in achieve the online learning goals are appropriately qualified and effectively supported.
7. The institution provides effective student and academic services to support students enrolling in online learning offerings.
8. The institution provides sufficient resources to support and, if appropriate, expand its online learning offerings.
9. The institution assures the integrity of its online learning offerings.

**Principles:** The reciprocity agreement will not create redundant requirements when well-established structures and requirements that ensure institutional quality already exist. Accreditation by a federally-recognized accreditation agency will provide sufficient evidence of institutional quality for purposes of interstate reciprocity, give students a clear indicator of quality when selecting an institution, and help to eliminate low-quality institutions from the institutional marketplace as states increase the rigor of the authorization process. Correspondingly, the accrediting agencies and institutions must provide the necessary transparency in process and rigor that wins the confidence of the higher education community at large and of the broader public, with . . . *[Forthcoming: detailed list of actions and policies accreditors can adopt to work toward this goal]*

**Recommendations:**

- A. Based on accreditors' compliance with federal regulations and specific review of distance education programs in light of recognized quality standards, states should view institutional accreditation by a federally-recognized accreditor as a sufficient guarantee of academic quality in distance education programs. To participate in the reciprocity agreement, states should require that institutions demonstrate institutional quality by attaining accreditation by a federally-recognized accreditation agency.**
- B. Federally-recognized accreditors that accredit institutions participating in the reciprocity agreement should focus on the unique facets of distance education as part of a comprehensive review of institutional quality, for example, by adopting the guidelines specific to distance education, such as those established by C-RAC.**

Remaining Issues

- If states receive verification from the accreditor that an institution is duly accredited, will this serve as sufficient evidence for purposes of fulfilling the reciprocity agreement's requirements?
- Are accreditation standards for distance education, though still developing, nevertheless sufficient for purposes of reciprocity? Or should a uniform set of accreditation standards for distance education (perhaps building on the C-RAC *Guidelines*) be established, and all federally-recognized accrediting agencies required to use these standards, when evaluating distance education programs?
- Other?

#### 4. Consumer Protection

**Findings:** A recognition that consumer protection begins with consumers having access to accurate, complete, and timely information about the institutions they attend or plan to attend, federal Title IV programs require institutions to disclose the following information to the Integrated Postsecondary Data System (IPEDS) on an annual basis:<sup>45</sup>

- Institutional characteristics: Basic contact information, room and board charges, institutional control or affiliation, type of calendar system, level of credentials offered, types of programs, and admissions requirements.
- Institutional prices: Tuition and fees, estimated student budgets.
- Enrollment: Fall enrollment, residence of first-time students, age data, 12-month head counts, total entering class, and total credit hours delivered by the institution in a 12-month period
- Student financial aid: Number of full-time, first-time degree/certificate-seeking undergraduate students who receive different types of student financial aid, average dollar amount of aid received by students, and the average net price for the following two groups: (1) full-time, first-time degree/certificate-seeking undergraduate students who receive grant and scholarship aid; and (2) full-time, first-time degree/certificate-seeking undergraduate students who receive Title IV federal student aid.
- Degrees and certificates conferred: Completion rates by type of program and type of credential awarded.
- Student persistence and success: First year retention rates and graduation rates.
- Institutional resources: institutional human resources (positions, salaries, and staff) and finances (revenues, expenditures by category, and assets and liabilities).

Effective starting in 2012-13, IPEDS also requires institutions to report the following distance education-related information:

- Institutional characteristics: Whether distance education opportunities are offered and at what student level (undergraduate, graduate).
- Completion: Indication if a program is available to be completed completely through distance education.
- Fall Enrollment: The number of students enrolled in any distance education and the number of students enrolled exclusively in distance education. Data will be broken out by student level (undergraduate, graduate) and student location (in same state as institution, in U.S. but not in same state, outside U.S.).<sup>46</sup>

More than 7,500 institutions complete IPEDS surveys every year.<sup>47</sup> IPEDS houses all reported information in its College Navigator database, which is freely accessible to the public on the IPEDS website and provides all information in institution-specific entries.

A grounding purpose for these federally mandated disclosures is to help students and parents make informed decisions before enrolling at an institution and to continue to provide useful information after students enroll. When students or their parents want to file a complaint against an institution, however, they usually look to the states, which historically have fulfilled the role of protecting consumers from fraud and misrepresentation in postsecondary education. This is a role states are well-positioned to play as the initial authorizing body for institutions and the source of investigative and enforcement authority.

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<sup>45</sup> Title IV of the Higher Education Act of 1965, as amended, 20 USC 1094, § 487(a)(17); 34 CFR § 668.14(b)(19).

<sup>46</sup> IPEDS, Changes to 2012-13 Data Collection, <https://surveys.nces.ed.gov/ipeds/ViewContent.aspx?contentId=17> (last accessed Oct. 24, 2012).

<sup>47</sup> IPEDS, About IPEDS, <http://nces.ed.gov/ipeds/about/> (last accessed Oct. 24, 2012).



A state's core responsibility for protecting consumers is investigating complaints from students residing in the state. When an institution enrolling a student is based primarily in another state than the student's residence, the state must either assert its authority over that institution or rely on other means for addressing the issue. As a result, responsibility for resolving complaints that relate to distance education often involves overlapping jurisdiction between different states because jurisdiction over a possible claim is held by both the state in which the distance education program is delivered (the student's home state) and the state in which the institution delivering the distance education has its primary residence. Accrediting agencies also hear complaints related to the institutions they accredit. Students may be unaware of or confused by the avenues for filing a complaint, particularly when they take part in distance education programs.

**Principles:** Both current and prospective students need access to accurate, complete, and current information about the institutions they attend or are considering attending. Because this information is already reported to IPEDS by a large majority of institutions, an additional reporting requirement will only be necessary for institutions that do not participate in Title IV programs but that seek to participate in the reciprocity agreement.

Interstate reciprocity provides a means for states to focus on the institutions with a physical presence within the state, and to rely on the authority and responsible regulation of the primary residence state for out of state institutions offering instruction to its residents.

**Recommendations:**

**4.1. Reporting Requirements**

- A. States should verify that institutions whose primary residence is in their state are in fact providing to IPEDS the information that is required for Title IV reporting.
- B. If an institution does not participate in Title IV, its authorizing state should require the institution to post the same information required by IPEDS on the institution's website as a condition for participating in the interstate reciprocity agreement.

Remaining Issues

- Are existing reporting requirements, at different levels, sufficient? Are there core requirements that should be surfaced?
- How can states and regulators verify that institutions are reporting sufficient information to protect consumers? Is reporting in the IPEDS College Navigator database sufficient? Should institutions be required to post this information on their websites as well?
- Other?

**4.2. Complaint Mechanisms**

- A. A state should agree to investigate and resolve consumer protection complaints filed against institutions that the state authorized for purposes of interstate reciprocity. In so doing, the state should not limit the jurisdiction of other involved states (e.g., the student's home state), but agree to serve as the default forum for student complaints. States that are designated as the primary residence of an institution for purposes of interstate reciprocity should serve as this default forum for that institution. Other involved states and accrediting agencies should remain free to receive and resolve consumer complaints as well.
- B. A state should verify that the institutions that it authorized for purposes of the reciprocity agreement are in fact providing students in distance education programs with clear information about how to file a complaint and with what entities complaints may be filed. At a minimum, this information should be provided when the student enrolls in a distance education program authorized as part of the reciprocity agreement.

- C. To respond effectively to complaints and ensure transparency, states should communicate and share complaint histories with other states and accrediting agencies involved in the reciprocity agreement.**

Remaining Issues

- Can (and should) states form information-sharing relationships with accrediting bodies for enhanced monitoring of consumer protection complaints?
- Are states willing to accept this significant change from current practice (instead of monitoring distance education providers operating within the state, the state will monitor the distance education activities of institutions physically present within their borders)?
- Other?

**5. Institutional Fiscal Viability**

**Findings:** Title IV of the Higher Education Opportunity Act requires institutions to demonstrate fiscal stability to participate in student financial aid programs.<sup>48</sup> The U.S. Department of Education (the Department) uses a financial viability index that provides sufficient evaluation of an institution's financial health and determines a score on a range between -1.0 and 3.0. The Department has identified a score of 1.5 or greater as an indication that an institution is financially responsible. In 2009-2010 (the last period for which the Department has provided information on institutions' composite scores, prompted by a Freedom of Information Act request from the *Chronicle of Higher Education*), 385 institutions of higher education had scores less than 1.5, of which 150 were non-profit organizations and 30 were for-profit colleges.<sup>49</sup>

Financial information also is collected through the accreditation process and can provide a more complete view of an institution's financial health. Most of this information, however, is not available to states or the public.

**Principles:** The reciprocity agreement avoids creating new requirements when sufficient structures already exist, but it also encourages transparency among members of the triad. Because Title IV reporting requirements and the accreditation process adequately examine institutional fiscal viability, the interstate reciprocity agreement should not impose any new or duplicative requirements other than encouraging transparency. Participating states can rely on the composite score system used by the Department to determine if an institution qualifies for Title IV program participation as an indicator of a participating institution's fiscal stability, a detail that is verifiable with accrediting agencies.

**Recommendations:**

- A. States should require institutions that they authorize for purposes of interstate reciprocity to demonstrate fiscal viability through a two step process: 1) the institution must attain a rating of 1.5 on the financial viability index used by the Department, and 2) the institution must verify fiscal stability by providing their**

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<sup>48</sup> Title IV of the Higher Education Act of 1965, as amended, 20 USC 1094, § 498 (c) (requires for-profit and non-profit institutions to submit annually audited financial statements to the Department to demonstrate they are maintaining the standards of financial responsibility necessary to participate in the Title IV programs). To reach the score, the Department uses a composite of three ratios derived from an institution's audited financial statements – a primary reserve ratio, an equity ratio, and a net income ratio. Federal Student Aid, Financial Responsibility Composite Scores, <http://studentaid.ed.gov/about/data-center/school/composite-scores> (last accessed Oct. 24, 2012).

<sup>49</sup> Kelly Field & Alex Richards, 180 Private Colleges Fail Education Dept's Latest Financial-Responsibility Test, *The Chronicle of Higher Educ.* (Oct. 12, 2011), <http://chronicle.com/article/180-Private-Colleges-Fail/129356/>. A list of scores for all participating institutions is available at Federal Student Aid, Financial Responsibility Composite Scores, <http://studentaid.ed.gov/about/data-center/school/composite-scores> (last accessed Oct. 24, 2012).

**authorizing state with financial information collected by its federally-recognized accreditor. The two parts of the evaluation should give the state a more accurate picture of financial stability and allow institutions impacted by sudden financial stress to still have an opportunity to attain authorization.**

- B. If an institution does not participate in Title IV, its authorizing state should require the institution to submit to the state the same financial information required for Title IV compliance as a condition for participating in the interstate reciprocity agreement. The state should analyze the information and determine fiscal viability in a manner that is the same as or substantively similar to what would have been computed using the Department's financial viability index.**
- C. If accrediting agencies do not already do so, they should share with states information collected through the accreditation process related to an institution's fiscal stability.**

Remaining Issues

- Should the Commission adopt the 1.5 composite score cut-off or develop its own threshold for composite score under the USED index?
- Recommendations 5(B) and (C) place some burden on states that may be unfeasible given current capacity constraints. Do Commissioners have alternate ideas for addressing the issue of institutions that are accredited but do not participate in Title IV programs?
- For Recommendation 5(B), could the national advisory board and/or the regional compacts determine a methodology for determining the financial viability of institutions that are accredited but do not participate in Title IV programs?
- Is Recommendation 5(C) feasible given the current capacity of federally-recognized accrediting agencies? Do current rules prevent accrediting agencies from doing this without a request from the state?
- Other?