



The Shifting Sands in Federal, State, & Accreditation Policies

WICHE Legislative Advisory Committee
Boise, ID
September 26, 2018



WCET is the leader in the
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technology-enhanced learning in
higher education

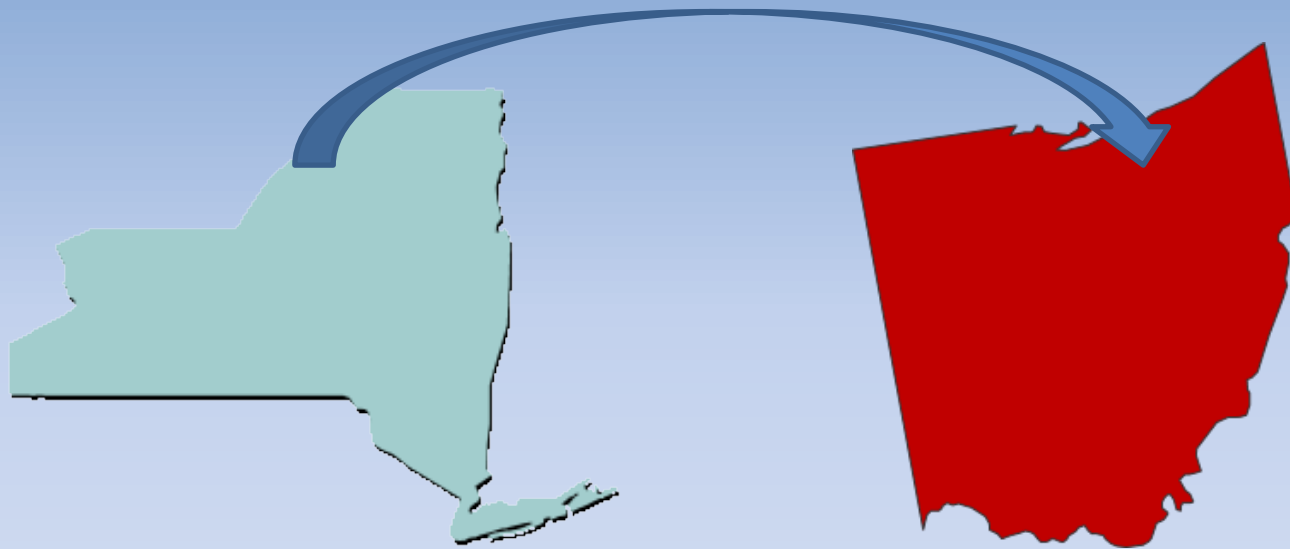


Federal (and State) Regulations: State Authorization



Federal (and State) Regulations

State Authorization



State authorization...
is something institutions should check if
crossing a state line to perform ANY activity.

Federal State Authorization Delay

- Original Effective Date:
July 1, 2018
- Delay Announced:
July 3, 2018
- New Effective Date:
July 1, 2020

DOCUMENT DETAILS

Printed version:
PDF

Publication Date:
07/03/2018


Agency:
Department of Education

Dates:
Effective June 29, 2018, the effective date for the amendments to 34 CFR 600.2, 600.9(c), 668.2, and the addition of 34 CFR 668.50, published December 19, 2016, at 81 FR 92236, is delayed until July 1, 2020.

Effective Date:
06/29/2018

<https://wcetfrontiers.org/2018/07/05/the-announcement-of-the-delay-was-delayed-but-the-result-is-a-delay>

Federal State Authorization Delay



On February 7, 2018, the Department received a letter from the Western Interstate Commission for Higher Education (WICHE) Cooperative for Educational Technologies, the National Council for State Authorization Reciprocity, and the Distance Education Accrediting Commission, all of which represent regulated parties (February 7 letter). In the letter, these entities stated that there is widespread concern and confusion in the higher education community regarding the implementation of the 2016 final regulations, particularly with respect to State authorization of distance education and related disclosures. The authors of the February 7 letter argued that the 2016 final

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State Authorization Delay

Ed Dept. Sued Over Delayed Rules for Online Colleges

By [Lindsay McKenzie](#) // August 24, 2018

1 COMMENT 

The U.S. Department of Education is being sued for "illegally" delaying state authorization rules designed to help college students determine in which online university to enroll.

Two union groups, the National Education Association and the California Teachers Association, allege that the department did not follow the correct process to implement the delay.

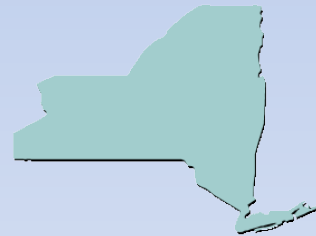
Federal (and State) Regulations

State Authorization

Remember...



state laws and regulations
predate any federal regulations
and remain in force

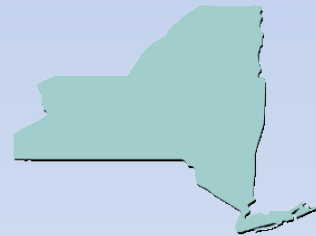


in the absence of federal regulations.

Federal (and State) Regulations State Authorization

Remember...

...and SARA member institutions are subject to the provisions of that agreement.





Federal Regulations: What's In the Works?



Federal Regulations

Higher Education Act



COMMITTEE ON
EDUCATION AND
THE WORKFORCE

PROSPER Act

Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act



Chair
Virginia Foxx

HR 4508

Federal Regulations Higher Education Act



Federal Regulations

Negotiated Rulemaking



FEDERAL REGISTER

The Daily Journal of the United States Government



PR Proposed Rule

Negotiated Rulemaking Committee; Public Hearings

A Proposed Rule by the [Education Department](#) on 07/31/2018

This document has a comment period that ends in 44 days. (09/14/2018)

SUBMIT A FORMAL COMMENT

PUBLISHED DOCUMENT

AGENCY:

Office of Postsecondary Education, Department of Education.

ACTION:

Intent to establish negotiated rulemaking committee.

DOCUMENT DETAILS

Printed version:

[PDF](#)

Publication Date:

07/31/2018

Agency:

[Department of Education](#)

Dates:

Release: July 31

Clarifying regs

Committee of
affected parties

Need to reach
“consensus”

Federal Regulations

Negotiated Rulemaking

Issues in this NegReg:

- Core functions of accreditation,
- State authorization,
- Definition: “regular & substantive interaction”,
- Definition of the term “credit hour”,
- The relationship between length of program and entry-level requirements for the recognized profession,



Federal Regulations

Negotiated Rulemaking

- Institution partnering with another institution or organization to provide part of a program,
- Responsibilities regarding teach-out processes,
- Barriers to innovation or student completion, graduation, employment....,
- Program requirements regarding TEACH grant,
- Competency Based Education, and
- Faith-based entities participating in Title IV.

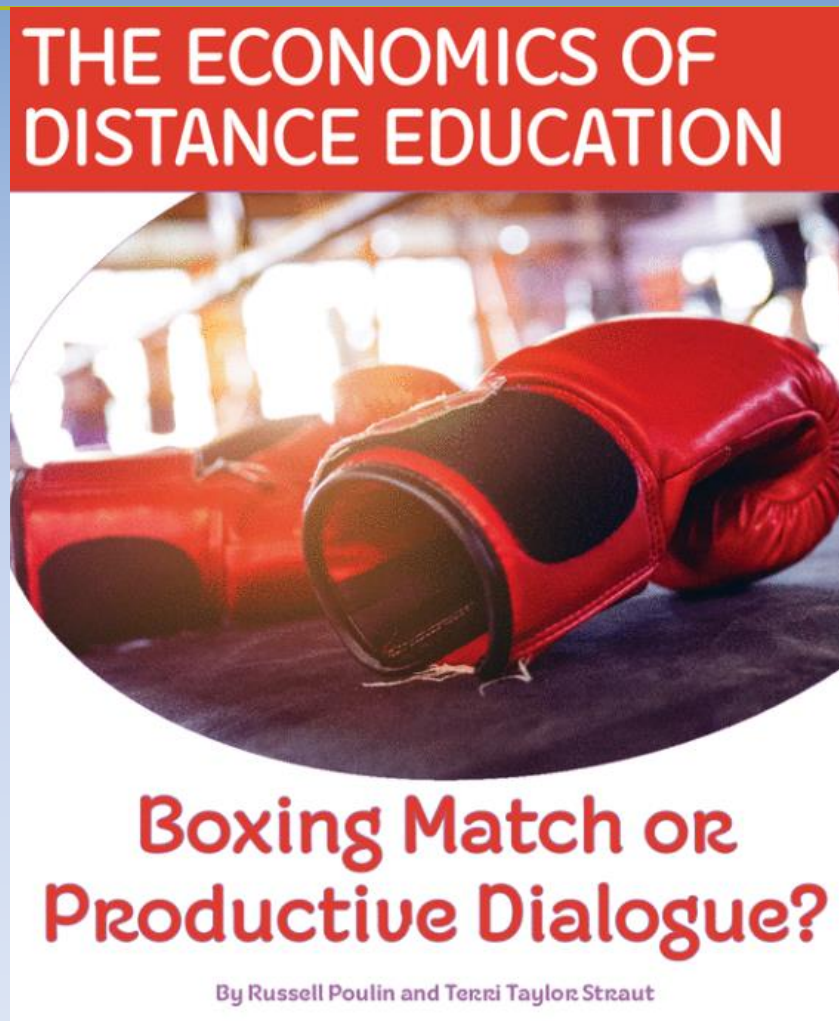


Federal Regulations

Big Questions for States and Feds...

- How handle “innovations”?
 - Freedom to innovate.
 - Quality assurance.
 - Student protection.
 - How withdraw support?
- What if federal regulations result in federal aid for “providers” not approved by a state?

Addendum on the Price & Cost of Distance Education





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