

USED Offers Waiver of Institutional Approval to Offer Distance Education

March 19, 2020

Issue

Title IV of the Higher Education Act imposes regulations on institutions that implement or expand distance learning. On March 5, [USED released a memo providing regulatory flexibility](#) for institutions and accreditors in an attempt to serve students affected by COVID-19.

Impacted

This issue impacts an institution's administrators in charge of accreditation, regulatory compliance, financial aid, and academic affairs.

Effective Dates

According to USED, “this flexibility only applies to a program during a payment period that includes March 5 or the following payment period.”

Background

When an institution decides to use or expand distance learning programs, Title IV of the Higher Education Act may impose regulations requiring Departmental approval. On March 5, USED’s [office of postsecondary education issued a memo](#) explaining that that the department “is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in which they are currently enrolled.” Because of the important role that accreditors play in Title IV compliance, the department is “also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19.”

Recommended Action(s)

- **Put students first:** When transitioning students abruptly into distance learning, the Department reminds us that “distance learning does not require the use of sophisticated learning management systems or online platforms.” But it does state that “instructors must initiate substantive communication with students, either individually or collectively, on a regular basis.”
- **Keep a written record:** “We [USED] recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19.”
- **Don’t forget about the states and professional licensing boards:** These requirements are still enforceable and are unchanged by this memo.

Applicable regulations

[The USED Memo of March 5](#) references the germane policies and regulations.

