



The Honorable Arne Duncan  
Secretary of Education  
Office of the Secretary  
United States Department of Education  
400 Maryland Avenue S.W., Room 7W301  
Washington, DC 20202

January 30, 2015

Dear Secretary Duncan:

The member institutions of our three organizations are leaders in the practice of providing quality postsecondary distance education to students throughout the nation and the world. Our organizations represent the vast majority of institutions that are passionate about distance education across the country and across all higher education sectors.

For the second time our organizations are joining with one voice to comment on regulations proposed by the U.S. Department of Education. Our comments focus on the distance education components of the [Department's proposed system for States to assure teacher preparation program accountability](#).<sup>(1)</sup>

In addition to colleges located within their own borders, the regulations clarify that States are to report on performance of "distance learning programs that are being provided in the State." We are concerned that the meaning and impact of the inclusion of distance education was not understood by the Department in issuing the proposed regulations.

Based on review of public comments on the proposal, we are unaware of anyone else addressing the specific impact on distance education programs and their students. Therefore, our comments will focus mainly on the distance education issues that would arise from these new Teacher Preparation regulations.

## **The Burden on States and Institutions is Underestimated**

The [American Council on Education \(ACE\)](#)<sup>(2)</sup> and the [American Association of Colleges for Teacher Education \(AACTE\)](#)<sup>(3)</sup> published detailed accounts that the Department massively underestimated the burden on States and institutions in implementing the proposed Teacher Preparation accountability measures. In conversations with Dr. Sharmila Basu Mann of the State Higher Education Executive Officers, she conducted an unpublished analysis that reinforced the concern that the States are unprepared to assume the tasks assigned to them by the proposal.

We concur with these findings, which do not include any discussion of the impact of adding distance education programs. As we will show, the burden grows once the distance education components are included.

## **Few Distance Education Teacher Prep Programs are Currently Included in State Reports**

States are currently expected to submit data from teacher preparation programs in their State and assessments of the quality of those programs. We reviewed the [2011-12 State reports on teacher preparation](#).<sup>(4)</sup> We were surprised to find that very few out-of-state institutions offering their programs via distance education were listed in the reports. The very few that were found often had special relationships in the State, such as Western Governors University. We did not check every State, but began with three of the most populous States (California, New York, and Texas) and found almost no distance education teacher preparation programs listed. In addition, we checked a few smaller States where we knew institutions were offering distance teacher education programs. Again, instances of out-of-state institutions reporting were very rare.

The burden estimates for the Teacher Preparation regulations are based on the assumption that the States and institutions are already participating in this reporting structure. That is generally not the case.

In an analysis of fields of study as reported to IPEDS, a [Learning House report](#)<sup>(5)</sup> showed that in Fall 2012, 14 percent of undergraduate distance education students were enrolled in education programs. Presumably, many of these students were not located in the same State as the institution.

Sharyl Thompson, state authorization consultant and former compliance officer for the American College of Education, confirmed that only a few States require out-of-state

institutions to be approved by their Board of Education to offer Teacher Preparation degrees. She could cite only one State agency, the Wisconsin Education Approval Board, which currently collects employment data.

**Therefore:**

- The assumption that institutions are already reporting does not hold true for distance education programs. There will therefore be additional burdens that were not considered in the Department's analysis for distance education Teacher Preparation programs.
- For States:
  - States will need to identify out-of-state institutions and their Teacher Preparation programs serving students at a distance within their borders.
  - States will need to collect the data, analyze it, and provide assessments on the programs from other States. State agencies will likely require additional staff to perform these duties.
  - States often do not collect information from institutions over which they have no regulatory role. Will the States require more authority (either through regulatory decisions or legislation) to be enabled to conduct these tasks?
- For Teacher Preparation programs offered at a distance in other States:
  - Programs will need to identify themselves to each State in which they serve students at a distance.
  - Programs will need to submit the data required for each State. Since it is likely that each State will have differing requirements, additional staff will be required to understand the reporting needs, gather the data, submit it, follow the process in each State, and (possibly) file appeals in unfavorable assessments.
  - If States decide that they need more authority to collect the data, programs may also need to submit to new approval requirements.

When it released its state authorization for distance education regulation (§600.9(c)) in 2010, the Department staff assumed that the vast majority of institutions already had the appropriate approvals in each State in which it serves students. Four years later, that is still far from the case. A similar assumption for this regulation is also based upon lack of knowledge of the state of distance programs and State oversight of those programs. The burden (both for States and institutions) is greatly underestimated and the timeline is unrealistic.

## **Differing Measures by State Could Lead to Several Problems for Distance Programs**

The proposed regulation instructs States to assess each Teacher Preparation program and assign it one of the following ratings each year: "at-risk," "low-performing," or "exceptional." The method of assessing the program and assigning the ratings is left to each State. While leaving higher education regulation to the States is laudable, having them create measures (that differ by State) for the sole purpose of qualifying for federal aid (TEACH Grant and other Title IV funds) is counterintuitive.

### **Our concerns include:**

- *Confusion on who is eligible for aid...and where.* If an institution is "low-performing" in one State and "exceptional" in another, what is the impact on TEACH Grant funds? Will aid be State-dependent? This could become a problem for the transient student. If the Grants become State dependent, a student could be eligible in one State, but become ineligible in the State to which she or he moves. If a student loses eligibility in one State, could they continue to obtain aid by opening a post office box in another eligible State?
- *Confusion for the consumer.* It appears that the Department plans to post the results on its website using the specified grading categories for each program. It is likely that the consumer will assume that the measures used in each State will be comparable when they will likely vary greatly.
- *Discrimination against programs.* Some members of the Teacher Preparation establishment are opposed to distance education and/or alternative paths to teacher licensure. We believe that measures should be focused on outcomes (what are the skills and competencies of the new teacher) rather than inputs (how the student obtained those skills).
- *Discrimination against programs from other States.* Through state authorization, distance education programs are familiar with excessive barriers to entry in some States that are more intent on protecting in-State institutions than on protecting consumers. We predict that such behavior will repeat itself through these regulations.

## Our Recommendations:

Although we have expressed some objections, we also offer recommendations on how the Department of Education might address these issues:

***Recommendation 1: Include Distance Education Experts in Your Discussions.*** Working across State lines with a primarily adult audience creates challenges that are different than those faced with on-campus, traditional-aged students. We are here to help. Use our expertise.

***Recommendation 2: Encourage and Incentivize States to Work Cooperatively on Measures.*** Given the burden of implementing this regulation, the States would very much benefit from working in collaboration to develop the measures. The processes would not be mandated on the States, but those choosing to participate could develop a more robust and defensible system in a fraction of the time that it would take to do it alone. If federal funds are not available, there may be grant support to assure that quality measures are developed. The State Authorization Reciprocity Agreement (SARA) is an excellent example of states working collaboratively to resolve issues of quality assurance, consumer protection, and oversight of colleges.

***Recommendation 3: Consider a "Home State" Model.*** As we have witnessed with the State Authorization Reciprocity Agreement, it makes more sense for an institution's home State to oversee its activities regardless of the location of the student. Rather than developing ratings for each program in each State, having one overall rating that covers all of the programs would increase the reliability of the measure and lessen the student confusion caused by multiple measures.

***Recommendation 4: Require that the Measures for Each Criterion in Each State Be Based Upon Outcomes.*** Since measures could discriminate against the mode of instruction or the alternative nature of the program, States should be required to focus on performance measures and not on program characteristics. The Department's interest is in the effective teaching of K-12 students and not on how those teachers obtain their skills.

***Recommendation 5: Consider Using Readily-Available Financial Data for "Employment Outcomes."*** It is very difficult for institutions to conduct reliable and comprehensive employment surveys of their graduates. Alumni are difficult to track and they often have no incentive to answer the survey. This places one of the key criteria mostly outside of the control of the institution. In working on distance education academic integrity tools, one vendor used financial databases to create challenge questions for students. If you have a name and an

address for a person, the financial data vendor can tell you: where that person now lives, if the person is employed, the business sector (education, health, manufacturing, etc.) in which the person is employed, that person's salary, and many other demographic characteristics. By doing so, the institution could collect a robust data set on the employment outcomes of all of its graduates rather than relying on a sample of those who can be found and are willing to respond.

### **In Conclusion**

The members of our respective organizations are committed to improving and expanding distance education and to its quality, accessibility, and affordability. The proposed regulations have not sufficiently considered the ramifications for the growing community of students learning at a distance, nor for the State oversight agencies that will be severely impacted.

Our organizations are committed to provide any assistance that may prove helpful in addressing the Teacher Preparation regulations and we welcome the opportunity to speak with you and other members of the Department regarding the matters presented in this letter. Please let us know how we can provide assistance as you finalize these important regulations.



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***Additional Supporters:***

Ed Klonoski, Board Chair, Presidents' Forum (National Forum for Alternative Paths to Learning)

John G. Flores, Executive Director, United States Distance Learning Association

cc: Ted Mitchell, Under Secretary of Education, U.S. Department of Education

**The Online Learning Consortium (OLC)** is the leading professional organization devoted to advancing quality online learning by providing professional development, instruction, best practice publications and guidance to educators, online learning professionals and organizations around the world. <http://onlinelearningconsortium.org>

**UPCEA** is the leading association for professional, continuing, and online education. Founded in 1915, UPCEA now serves most of the leading public and private colleges and universities in North America. The association serves its members with innovative conferences and specialty seminars, research and benchmarking information, professional networking opportunities and timely publications. Based in Washington, D.C., UPCEA builds greater awareness of the vital link between adult learners and public policy issues. <http://www.upcea.edu>

**WCET** is the leading national organization devoted to advancing technology enhanced higher education working at the intersection of practice, policy and technology. WCET's mission is to accelerate the adoption of effective practices and policies, advancing excellence in technology-enhanced teaching and learning in higher education. <http://wcet.wiche.edu>

Footnotes:

- (1) <https://www.federalregister.gov/articles/2014/12/03/2014-28218/teacher-preparation-issues>
- (2) <http://www.acenet.edu/news-room/Documents/Comments-OMB-Teacher-Prep-Regs-Costs.pdf>
- (3) [https://secure.aacte.org/apps/rl/res\\_get.php?fid=1590&ref=res](https://secure.aacte.org/apps/rl/res_get.php?fid=1590&ref=res)
- (4) <https://title2.ed.gov/Public/Home.aspx>
- (5) <http://www.learninghouse.com/wp-content/uploads/2014/06/2014-Online-College-Students-Final.pdf>