

# Defining “Distance Education” in Policy: *Differences Among Federal, State, and Accreditation Agencies*

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## INTRODUCTION

Online learning, hybrid learning, correspondence education, hyflex learning, blended learning, distance education. These terms and many more have been used by institutions, scholars, policymakers, accreditors, and more to describe the variety of course delivery options that are available today. These terms may often be used interchangeably or in ways that conflate their meaning. This creates a lack of clarity and understanding. The definitions of these terms have important policy implications as institutions must manage multiple and sometimes conflicting definitions and interpretations from regulators and accreditors.

This paper reviews the definitions of just one of these terms, *distance education*, as it is the most commonly used in policy references. There are an increasing number of terms (e.g., hybrid, blended, hyflex) used to describe the use of digital instructional tools. The focus on the definitional difficulties in policies for this one term serves as an indicator of how difficult oversight and compliance can become when additional terms come into play.

The purpose of this review is to highlight how, with so many sources of distance education definitions and related compliance requirements, compliance management is not only a substantial task but could potentially cause confusion to a number of stakeholders, and ultimately a risk to students. The review includes a sampling of policies and is not an exhaustive list, however the sample does include definitions from federal, state, institutional accreditation agencies, professional accrediting agencies, and other national sources. There are additional state and local cases beyond those included, but this paper highlights some of the more significant variations.

The purpose of this review is to highlight the challenges and risks associated with navigating multiple sources of “distance education” definitions in policy.

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## COPYRIGHT AND ADDITIONAL RESOURCES

For related resources, see <https://wcet.wiche.edu/practice/digital-learning-definitions/>

For inquiries or more information contact [wcetinfo@wiche.edu](mailto:wcetinfo@wiche.edu).

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### ***Why does this matter? What is the impact?***

Higher education is a highly regulated industry, with institutions from all sectors navigating legal and regulatory requirements from the state and federal level, in addition to standards and guidelines from institutional and programmatic accreditors, and internal institutional policies and procedures.

Every agency may apply a different definition for the same concept of distance education, which presents complications when it comes to developing institutional policies, procedures, standards, guidelines, or reports to ensure understanding of requirements and compliance with each entity to which it owes an obligation. Additionally, there are cases where the same agency is applying the concept of distance education in greatly different ways depending on the purpose of each specific compliance or data requirement.

#### *The impact on institutions*

Noncompliance could put institutions at risk of a variety of consequences from a number of agencies, including loss of access to student financial aid, repayment of student aid, accreditor sanctions, and more. Institutions risk misreporting data related to distance education due to confusing or conflicting definitions and an increase in expense due to tracking and reporting on different definitions.

When the Department of Education began collecting distance education enrollment counts, WCET staff heard from institutional researchers confused by the IPEDS survey definitions. Though they would not go on the record, some admitted that they reported the same enrollment numbers to the state, accrediting agency, and IPEDS, even though there were different thresholds as to which enrollments should be counted as distance education. They were aware of political and reputational pitfalls in publicly reporting different numbers for the same activity. They were also often aware of possible compliance consequences that could arise, but were willing to take that risk.

#### *The impact on state, federal, and accreditation oversight and policymaking*

The impact of these differences does not just fall on institutions. For states, the confusion that institutions may have could lead to administrative challenges for the state in terms of assuring its own standards are met and could lead to a lack of clarity in how the state's institutions stand with various federal regulatory agencies or accreditation bodies. States may also be challenged to ensure that their institutional data is accurate and could risk misreporting data.

The lack of uniformity and consistency also presents challenges to policymakers at the state, federal, or accreditor level to develop sound policies. A policymaker's potential lack of awareness of the various conflicting regulatory and reporting agencies presents risk of creating regulations or policies that will lead to confusion or reporting errors, which could result in policies being created based on faulty data.

### *The impact on students*

Lastly, but critically, students are at risk. Students shopping among programs would understandably think that the concept of distance education would be standardized by now. In reality, they may find that the instructional experiences may differ by institution or program within an institution.

In the important realm of consumer protection, institutional compliance errors could lead to a loss in student financial aid eligibility. If this were to occur, students may choose to leave their program, incur private debt, or transfer to a different program. Any of these options lead to students potentially losing credits (in the transfer process), incurring more expenses than originally accounted for, and additional time and effort lost in the process. Institutions bogged down in the compliance and policy challenges presented by complying with more than one definition could lose sight of the fact that students ultimately need to know what is expected of them to participate in a course.

## A BACKGROUND ON LEGAL AND REGULATORY COMPLIANCE IN HIGHER EDUCATION

Before discussing our review of definitions, let's give a background on the legal and regulatory landscape in higher education in the United States to give some context for just how broad the scope of compliance obligations can be for higher education institutions.

### ***Department of Education and Title IV Financial Aid***

The “triad” relies on the interconnected roles that states, the federal government, and accreditors play in the oversight of institutions of higher education. States have long had the authority to regulate institutions offering education within the state's boundaries, regardless of the modality (face-to-face, distance, hybrid) being used. The approval process is part of consumer protection for learners in the state.

The goal of accreditation, on the other hand, is to ensure that education provided by institutions of higher education meets acceptable levels of quality. The federal regulations from the Department of Education focus on the integrity of Title IV financial aid programs. Title IV participation requires institutions to be both recognized by a state and accredited by a Department of Education-recognized accreditor. Overall compliance with the Title IV regulations is tied to an institution's eligibility to receive Title IV funding.

### ***Department of Defense and Tuition Assistance for the Military***

Postsecondary institutions that receive federal funding for military-connected students' educational benefit programs must adhere to strict guidelines and regulations. These guidelines and regulations include:

- The Principles of Excellence (POE), which requires institutions receiving federal funds (through programs such as the Post-9/11 GI Bill®) to follow certain guidelines,
- The Department of Defense (DoD) Voluntary Education Partnership Memorandum of Understanding (MOU) requires educational institutions that wish to participate in the DoD Tuition Assistance (TA) Program to sign an MOU conveying the commitments and agreements between the educational institution and DoD prior to an educational institution receiving funds from an armed service's TA program. Among other conditions, this (MOU) requires participating institutions to comply with all state authorization requirements for providing distance education.

### ***Department of Veterans Affairs and the G.I. Bill***

According to the U.S. Department of Veterans Affairs (VA), a course taken solely online (through distance learning) must be certified to the VA as distance training.<sup>1</sup> The distinction between in-residence and distance training can determine how much housing allowance a student may receive. If a veteran takes all their courses at a distance in a term, then that student receives a greatly reduced housing allowance each month. The veteran's living costs are largely the same as an in-person student, it is only the instructional modality that differs.

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<sup>1</sup> See “When to Certify Courses as ‘Distance’” in the online [U.S. Department of Veterans Affairs School Certifying Handbook](#)

### ***Department of Homeland Security and International Students***

For purposes of international student regulations from the Department of Homeland Security,<sup>2</sup> a distance learning course is one “offered primarily through technology and does not require the student’s physical attendance for classes, examinations, or other purposes integral to completion of the class.” For an international student to maintain status as an F-1 student in the United States, only one distance learning class can count toward a full course of study during each term. And for a student to maintain their M-1 status, no distance learning classes may count toward the student’s full course of student requirement.

### ***State Laws***

For institutions offering distance education outside of the institution’s home state, compliance obligations increase. Institutions must follow the state laws of the state where the institution's activity takes place, such as enrolling and teaching a student. State requirements vary widely, including possible legal responsibilities to the multiple state agencies, such as state higher education agencies, state departments of labor, secretary of state, state licensing agencies, plus others.

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<sup>2</sup> Department of Homeland Security, Study in the States: [Full Course of Study](#).

## A REVIEW OF DISTANCE EDUCATION DEFINITIONS

Though the sheer volume of definitions of distance education may be daunting and there may be continued challenges moving forward, among the many definitions we reviewed, there are some common themes. We will start with these consistent themes to highlight areas of agreement and will later showcase some of the differences to show where the incongruity could present challenges for impacted institutions, their stakeholders, and students.

### **Common Themes**

#### *COMMON THEME 1: RELIANCE ON DEPARTMENT OF EDUCATION DEFINITIONS OF DISTANCE EDUCATION*

As many know, distance education is defined for Title IV financial aid purposes by statute and the United States Department of Education (USED). What may not be as well-known is that there is more than one citation to laws or regulations within the Department that define distance education.<sup>3</sup> The Department of Education, HEA, and Title IV definitions of distance education alone provide three different reference points and contain their own unique elements for institutions, organizations, and policymakers to understand, reconcile, and manage.

In the Department's definitions cited below, note the wide variations in expectations in classifying distance education for different purposes. At one extreme is a minimal "in whole or in part" as a distance threshold. At the other extreme is to count only those courses "delivered exclusively via distance education" with a few exceptions. As a result, the same course or program could be classified differently depending on which Department of Education definition is applied in each instance.

#### ***USED Distance Education Defined for Determining Title IV Financial Aid Eligibility: Distance vs. Correspondence Education***

The Higher Education Act (HEA) was originally enacted in 1965 and is the foundation for which the regulations are developed to manage higher education. [Section 103 of the HEA](#) defines distance education as instruction that occurs between students and instructors who are separated and that provides regular and substantive interaction between them via methods such as the internet, other electronic transmissions, audio conferencing, and videos.

Distance education means education that uses one or more of the technologies described in statute:

- To deliver instruction to students who are separated from the instructor; and
- To support regular and substantive interaction between the student and the instructor, synchronously or asynchronously

[SECTION 103 OF THE HIGHER EDUCATION ACT]

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<sup>3</sup> As discussed in the introduction, other federal agencies, such as the Department of Veterans Affairs and Department of Homeland Security, have regulations and requirements related to distance education. For purposes of this section, we are reviewing the definitions related to the U.S. Department of Education (USED) including the Higher Education Act, USED regulations, and IPEDS, as they were the most cited.

The Department of Education defines distance education in the department's regulations for purposes of Title IV eligibility at 34 CFR 600.2 (see Figure 1 below).

## Definition of Distance Education in 34 CFR 600.2

### Distance Education

Education that uses one or more of the technologies listed in paragraphs (2)(i) through (iv) of this definition to deliver instruction to students who are separated from the instructor or instructors and to support regular and substantive interaction between the students and the instructor or instructors, either synchronously or asynchronously.

### Technology

The technologies that may be used to offer distance education include:

- The internet;
- One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
- Audio conference; or
- Other media used in a course in conjunction with any of the technologies listed in paragraphs (2)(i) through (iii) of this definition.

### Instruction

An individual responsible for delivering course content and who meets the qualifications for instruction established by an institution's accrediting agency.

### Regular Interaction

An institution ensures regular interaction between a student and an instructor or instructors by, prior to the student's completion of a course or competency.

- Providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency; and,
- Monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.

### Substantive Interaction

Substantive interaction is "engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following:

- Providing direct instruction;
- Assessing or providing feedback on a student's coursework;
- Providing information or responding to questions about the content of a course or competency;
- Facilitating a group discussion regarding the content of a course or competency; or,
- Other instructional activities approved by the institution's or program's accrediting agency.

Figure 1

Distance education is distinguished from correspondence education and the differences are critical as distance education courses are eligible for Title IV financial aid whereas aid is limited for correspondence courses and programs.<sup>4</sup> The current regulations follow the elements of the statutory definition and is currently listed in five parts, each part including definitions of critical elements of distance education, such as technology, instructor, and regular and substantive interaction.

***USED Distance Education Defined for Determining Programs Requiring Accreditation Review: "In Whole or in Part"***

One additional federal definition of distance education relating to the HEA and Title IV regulations is 34 CFR 668.8(m).<sup>5</sup> That regulation states, that for purposes of participation in Title IV HEA programs, an institution that offers a program in whole or in part through telecommunications (an old term for distance education that is used in this current regulation), that the program must be accredited by an agency that has accreditation of distance education within its scope of recognition.<sup>6</sup>

***USED Integrated Postsecondary Education Data System (IPEDS) – Enrollment Reporting: Exclusively Via Distance Education***

The National Center for Education Statistics (NCES) is the primary federal entity for collecting and analyzing data related to education in the U.S. and other nations. NCES is located within the U.S. Department of Education and the Institute of Education Sciences.

In the [searchable glossary](#) of the National Center for Education Statistics Integrated Postsecondary Education System (IPEDS), you can find definitions of distance education, distance education course, and distance education program. For purposes of IPEDS, distance education is defined from the HEA (statutory) definition. The IPEDS definition, however, does not specifically cite the statute in its own definition. Note that the IPEDS focuses on courses and programs that are "exclusively" offered at a distance as opposed to the minimal "in whole or in part" threshold it requires for accreditation review.

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<sup>4</sup> Readers may recall that many of the courses of Western Governors University were determined to be correspondence courses in an audit. It was recommended that WGU repay more than \$700M in financial aid it had disbursed. This decision was later reversed by the Department.

<sup>5</sup> An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for title IV, HEA program purposes if the program is offered by an institution, other than a foreign institution, that has been evaluated and is accredited for its effective delivery of distance education programs by an accrediting agency or association that -

(1) Is recognized by the Secretary under subpart 2 of part H of the HEA; and  
(2) Has accreditation of distance education within the scope of its recognition.

<sup>6</sup> For more information on departmental guidance relating to this regulation, please read [Federal Distance/Digital Actions of the Outgoing Administration and Congress](#) (WCET Frontiers, January 2021).

## **IPEDS Definitions**

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### **Distance Education**

Education that uses one or more technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously.

Technologies used for instruction may include the following: Internet; one-way and two-way transmissions through open broadcasts, closed circuit, cable, microwave, broadband lines, fiber optics, satellite or wireless communication devices; audio conferencing; and video cassette, DVDs, and CD-ROMs, if the cassette, DVDs, and CD-ROMs are used in a course in conjunction with the technologies listed above.

### **Distance Education Course**

A course in which the instructional content is delivered exclusively via distance education.

Requirements for coming to campus for orientation, testing, or academic support services do not exclude a course from being classified as distance education.

### **Distance Education Program**

A program for which all the required coursework for program completion is able to be completed via distance education courses.

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## **Examples of Accrediting Agencies Relying on the USED Definitions**

In reviewing other sources of distance education definitions, a common theme was a reference back to and incorporation of one of the federal HEA and Title IV definitions. The examples we see range from referring to federal definition by citation to copying the federal language into the organization's own documents, definitions, manuals, etc. This is sometimes done without citation. As we will discuss, there are benefits and challenges to defining distance education in reference to one or more of the HEA and Title IV definitions.

### *Example 1: Commission on Collegiate Nursing Education (CCNE)*

In the glossary of the [Standards of Accreditation of Baccalaureate and Graduate Nursing Programs \(Amended 2018\)](#), the Commission on Collegiate Nursing Education (CCNE) specifically refers the definition of distance education "as defined by the Higher Education Opportunity Act of 2008" and copies that language verbatim into the CCNE's own glossary of terms.

*Examples 2-4: Higher Learning Commission (HLC), New England Commission of Higher Education (NECHE), and Northwest Commission on Colleges and Universities (NWCCU)*

In the Higher Learning Commission's [2022 Resource Guide](#), distance education is defined in the Glossary of HLC Terminology. The definition within the HLC Glossary notes that the definition of distance education that it is using is "based on the federal definition" and copies verbatim the language from the regulation at 34 CFR 600.2. The HLC Glossary does not specifically cite that regulation.

Similar to HLC, in the New England Commission of Higher Education's (NECHE) [Policy on the Review of Distance Education](#), NECHE notes that it defines distance education "consistent with federal regulations" and provides the language from the regulation at 34 CFR 600.2.

In addition, in the Northwest Commission on Colleges and Universities (NWCCU) [Policy on Distance Education](#), the Policy refers back to the U.S. Department of Education's definition of distance education at 34 CFR 600.2 with specific citation and by copying said language into NWCCU's policy.

*Example 5: Southern Association of Colleges and Schools Commission on Colleges (SACSCOC)*

In the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) [Distance Education and Correspondence Courses Policy Statement](#), SACSCOC indicates that, for the purposes of their accreditation review, "distance education is a formal educational process in which the majority of the instruction (interaction between students and instructors and among students) in a course occurs when students and instructors are not in the same place." The rest of the SACSCOC definition references that instruction may be synchronous or asynchronous and references that distance education courses may use one or more of the technologies listed in the current 34 CFR 600.2 (without direct citation).

*Example 6: Distance Education Accrediting Commission*

In the [DEAC Accreditation Handbook](#), DEAC states that, for purposes of the Handbook, "the term "distance education" is used throughout, whether the instructional model is correspondence, online, or direct assessment." However, as noted in the Handbook, DEAC's scope of accreditation includes both distance education and correspondence education. Accordingly, DEAC states that it "limits eligibility to participate in Federal Student Assistance programs to institutions that demonstrate substantive interaction between the students and instructor/faculty". DEAC references the U.S. Department of Education definition of distance education and applies that definition to its institutions that participate in Federal Student Assistance programs.

**Discussion of Theme 1**

It should be noted that accrediting agencies are bound to follow the Department's regulations and definitions because they are required to apply them as part of being a Department-recognized accrediting agency. In recent years, the Higher Learning Commission and the Middle States Commission on Higher Education have become agnostic regarding teaching modality. They expect the same level of instructional quality and student support whether the student is in-person or at a distance.

It is not surprising that the institutional accreditors tend to cite or otherwise model their definitions of distance education for their own policies and procedures after one or more of HEA and Title IV definitions. For purposes of participation in federal financial aid programs, institutions must be accredited by a U.S. Department of Education-recognized accreditor. The accreditors referenced above are Department-recognized accreditors. To maintain such status, the accreditors must abide by certain federal law and regulatory provisions. Citing and referencing those provisions, as applicable, makes sense for consistency and clarity. Citing an outside source also has the benefit of synthesizing the definitions used and minimizing variations in language.

Issues arise, however, when there are multiple statutory or regulatory definitions of the same term that could be cited. We see that even among the citations to the Department's authority, some cite to the statutory definition (CCNE and IPEDS), while the institutional accreditors tend to use the language from the federal regulation at 34 CFR 600.2. From an institutional perspective, this could be challenging to navigate which definition each entity is using and how to best reconcile any differences in interpretation that could result.

There is the potential for further confusion depending on how the definitions are cited and used by the other entity. For example, copying verbatim the language from the Department's definition presents potential issues. If that definition is changed, the copied language will need to be checked and updated to ensure that it is kept current. It might require official action by the entity to make the change. Accrediting agencies have had to take such formal actions. One could see the challenges that could present itself to institutions if there was a conflict between the two definitions.

Another issue that could arise lies in differing interpretations of the same language. When one entity uses the definitional language from another, will that same entity also utilize the same interpretations from that other entity? Or will it rely on its own interpretations? There could be possibilities that the U.S. Department of Education may issue guidance or otherwise interpret the definition in one way, but another entity, one which cited the federal definition, may choose to interpret it another way. This was recently observed with the interpretation of new requirements for "regular and substantive interaction." WCET staff noted the interpretation of "direct instruction" in verbal (unwritten) guidance by the Department personnel. Those same staff then noted an alternative interpretation by an accrediting agency and institutions informing faculty based on the accreditor's language. Conflicting interpretations could pose grave challenges when the institution is subject to a financial aid review or audit.

Lastly, though the examples provided largely utilized the federal language verbatim, some added an extra word or two that could result in different applications. In NECHE's definition, the Commission added a note that "a program using any of the technologies listed above for *any portion* of the program is considered a distance education program." [emphasis added]. By contrast, SACSCOC defined distance education as "a formal educational process in which *the majority of the instruction* (interaction between students and instructors and among students) in a course occurs when students and instructors are not in the same place." [emphasis added]. As one institutional colleague noted, institutional challenges may arise if accreditors take the position that moving one course online would amount to a substantive change in the program, especially if the modality changes that would trigger an institutional review process are at the program level rather than the course level.

## COMMON THEME 2: PHYSICAL SEPARATION OF STUDENT AND INSTRUCTOR

A theme that consistently came through in the many definitions we reviewed is the explicit emphasis on the physical separation of student and instructor.

### **Examples of Physical Separation of Student and Instructor**

In this section we will show some examples of accreditor and state definitions of distance education that emphasize the principle of physical separation of student and instructor in their respective definitions.

#### *Example 1: National Council for State Authorization Reciprocity Agreements (NC-SARA)*

The National Council for State Authorization Reciprocity Agreements (NC-SARA) is a private nonprofit organization [501(c)(3)] that provides national leadership over the reciprocity agreements for distance education regulation among U.S. member states. In the [State Authorization Reciprocity Agreements Policy Manual](#), distance education is defined to mean “instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video and correspondence courses or programs.”

#### *Example 2: Council of the Section of Legal Education and Admissions to the Bar, American Bar Association - (ABA)*

As used in the [Standards, Interpretations, and Rules of Procedures](#), the American Bar Association defines distance education course as “one in which students are separated from the faculty member or each other for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction among students and between the students and the faculty member, either synchronously or asynchronously.” This definition is like that of the federal HEA and Title IV definitions but is not as explicit on the technology that may be used as the federal definitions.

#### *Example 3: Commission on Accreditation for Marriage and Family Therapy Education*

On the [Frequently Asked Questions page](#) of the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), the COAMFTE defines distance education as “a method of instruction where the faculty and/or supervisors and the student engage in the teaching/learning process without being in the same physical location. The Commission may determine whether any program utilizes distance education.”

#### *Example 4: District of Columbia*

The Higher Education Licensure Commission (HELC or Commission) in the District of Columbia defined online instruction in [Chapter 83: Delivery of Online Instruction by a Postsecondary Educational Institution](#) as follows:

“Online Instruction” – education, whether known as “Virtual Class,” “Correspondence Course,” “Distance Learning” or a like term, where the learner and instructor are not physically in the same place at the same time, in whatever electronic medium such as, but not limited to, the Internet, Web-based, real time or recorded video or digital form, offered or provided by an educational institution to District residents who are physically present in the District.

#### *Example 5: Florida Commission*

In Florida, the [Florida’s Commission for Independent Education’s rules](#) define both distance education and distance learning. Distance education is defined as “planned learning that normally occurs in a different place from teaching and as a result requires special techniques in course design, special instructional techniques, special methods of communication by electronic and other technology, and special organizational and administrative arrangements.”

Relatedly, distance learning is defined as “a general term used to cover the broad range of teaching and learning events in which the student is separated (at a distance) from the instructor, or other fellow learners.”

#### *Example 6: Rhode Island Office of the Postsecondary Commissioner*

In the [Policy on Distance Learning](#), Rhode Island defines distance learning as “a system and a process that connects learners with distributed learning resources. The regulations acknowledge that distance learning can take a “wide variety of forms” but states that all distance learning is characterized by the following:

- “Separation of place and/or time between instructor and learner, among learners, and/or between learners and learning processes”; and
- “Interaction between the learner and the instructor, among learners, and/or between learners and learning resources conducted through one or more media; use of electronic media is not necessarily required.”

#### **Discussion of Theme 2**

Centering the concept of distance education around the physical separation of students and instructors appeared frequently and consistently throughout the definitions reviewed. Using this approach in discussing how to move forward toward a more unified or consistent approach would seem to be a good starting point.

The challenges lie in the variations that follow. As we saw in the previous sections and will see even more in the next section, though many entities may agree with this theme, we will see variations in the specificity of percentage of coursework or instruction that would constitute distance education. For example, as we saw in this section, the American Bar Association defined a distance education course as “one in which students are separated from the faculty member or each other for more than *one-third* of the instruction” [emphasis added].

A specific challenge presented by some of these state examples is how the inclusion of the term correspondence education into the definition of distance education may or may not pose conflict between state regulation and federal definitions of distance education and correspondence education. For example, the definition of online instruction in the District of Columbia incorporates like terms such as “Virtual Class,” “Correspondence Course,” “Distance Learning” in its definition.

As earlier mentioned, the distinction between distance education and correspondence education as defined by federal law and regulations is important for purposes of federal financial aid eligibility. In this definition from the District of Columbia, distance learning and correspondence course are seemingly lumped together as one in the same. However, in federal law, distance education and correspondence education are separately defined and the distinction between the two is important for purposes of federal financial aid eligibility. Distance education courses are defined to include regular and substantive interaction whereas correspondence courses do not include regular and substantive interaction.

## THE DIFFERENCES AND CHALLENGES

In reviewing definitions, the primary variations we observed related to:

- 1) the specificity of the percentage of coursework or instruction that would equate to a distance education course, and,
- 2) the scenarios or instances in which the definition at issue would apply.

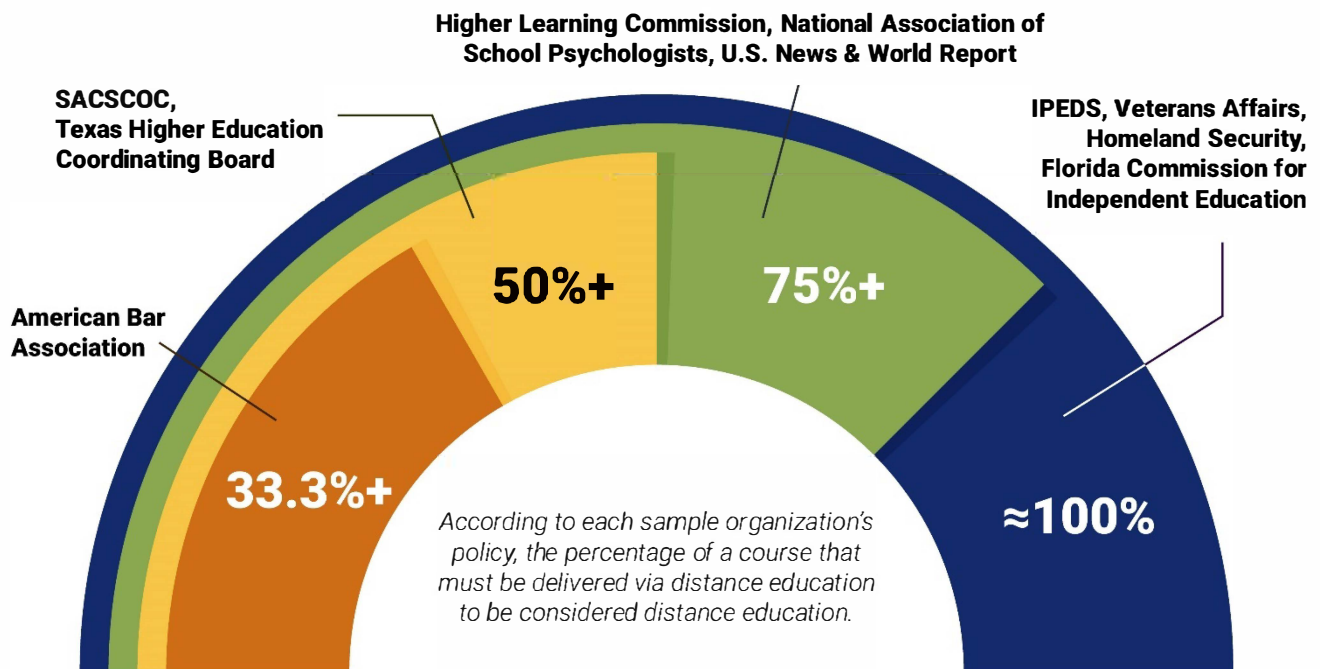
### **Example 1: Institutional Accreditors**

In an earlier section, we discussed how the institutional accretor definitions largely referenced federal statutory or regulatory language in their respective definitions of distance education. There were variations, however, in the percentage of a course (see Figure 2) or program (see Figure 3) that must be delivered via distance education to be considered distance education for purposes of the accretor's definition. See "Appendix 1 – Table of Percentages" for a table with a sample of percentages used to define distance education courses and programs.

In NECHE's definition, the Commission added a note that "a program using any of the technologies listed above for *any portion* of the program is considered a distance education program." [emphasis added]. By contrast, SACSCOC defined distance education as "a formal educational process in which *the majority of the instruction* (interaction between students and instructors and among students) in a course occurs when students and instructors are not in the same place." [emphasis added].

Furthermore, the Higher Learning Commission (HLC) has additional definitions of both distance education course and distance education program. A distance education course is one in which "at least 75% of the instruction and interaction occurs using one or more of the technologies listed in the definition of distance education, with the faculty and students physically separated from each other" [emphasis added]. Further, a distance education program is an academic program "offered *in whole or in part* through distance education, regardless of whether a face-to-face, on-ground or residential option is also available" [emphasis added]. The HLC's definition of distance education program uses similar terminology as used in one of the federal regulations referenced earlier at 34 CFR 668.8(m).

Figure 2.  
**Percentages in Policy to Define “Distance Education” Courses**



See Appendix 1 for a more complete table with a sample of percentages used to define distance education courses and programs.

**Examples 2: Professional Accreditors**

In its [CAEP Consolidated Handbook](#), the Council for the Accreditation of Educator Preparation (CAEP) defines distance education as “as instances when 50% or more of the coursework of a program is offered through a distance education mode of delivery” [emphasis added].

The National Association of School Psychologists (NASP) guidance states that it uses the Higher Learning Commission’s definitions of “distance-delivered courses” and “distance-delivered programs,” specifically:

- Distance-delivered courses are courses in which at least 75% of the instruction and interaction occurs via electronic communication, correspondence, or equivalent mechanisms, with the faculty and students physically separated from each other.
- Distance-delivered programs are certificate or degree programs in which 50% or more of the required courses may be taken as distance-delivered courses.

Further, the [Council of Social Work Education](#) defines distance education as any “curriculum delivery method in which there is a separation, in time or place, between the instructor(s) and student(s). In further defining these delivery methods, CSWE defines online as “a majority, 51% or more, of the curriculum is delivered online.”

Finally, in its [Glossary of Digital Learning Terms](#), the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) defines digital program delivery to mean that “a program delivers, collects, evaluates and/or stores *any portion* of its curriculum and learning activities using software and/or tele-communications tools” [emphasis added]. The definition also states that “these tools are also used to facilitate regular and substantive interaction or engagement among students and between students and instructor(s).” This is in-contrast to the definition of in-person program delivery, where “a program delivers, collects, evaluates and/or stores its entire curriculum and learning activities with no software and/or tele-communications tool” and regular and substantive interaction occurs in-person.

### **Example 3: Integrated Postsecondary Education Data System (IPEDS) – National Center for Education Statistics**

In addition to one of the definitions by IPEDS discussed earlier, IPEDS also defines distance education course and distance education program.

Unlike the other examples, IPEDS defines a distance education course as one in which the “instructional content is *delivered exclusively* via distance education” [emphasis added]. Similarly, IPEDS defines a distance education program as one in which *all the required coursework* for program completion can be completed via distance education courses [emphasis added].

### **Example 4: U.S. News and World Report**

U.S. News and World Report for ranking purposes defines a distance education program as one in which “the *vast majority* of required coursework for program completion is able to be completed via distance education courses that incorporate internet-based learning technologies” [emphasis added].

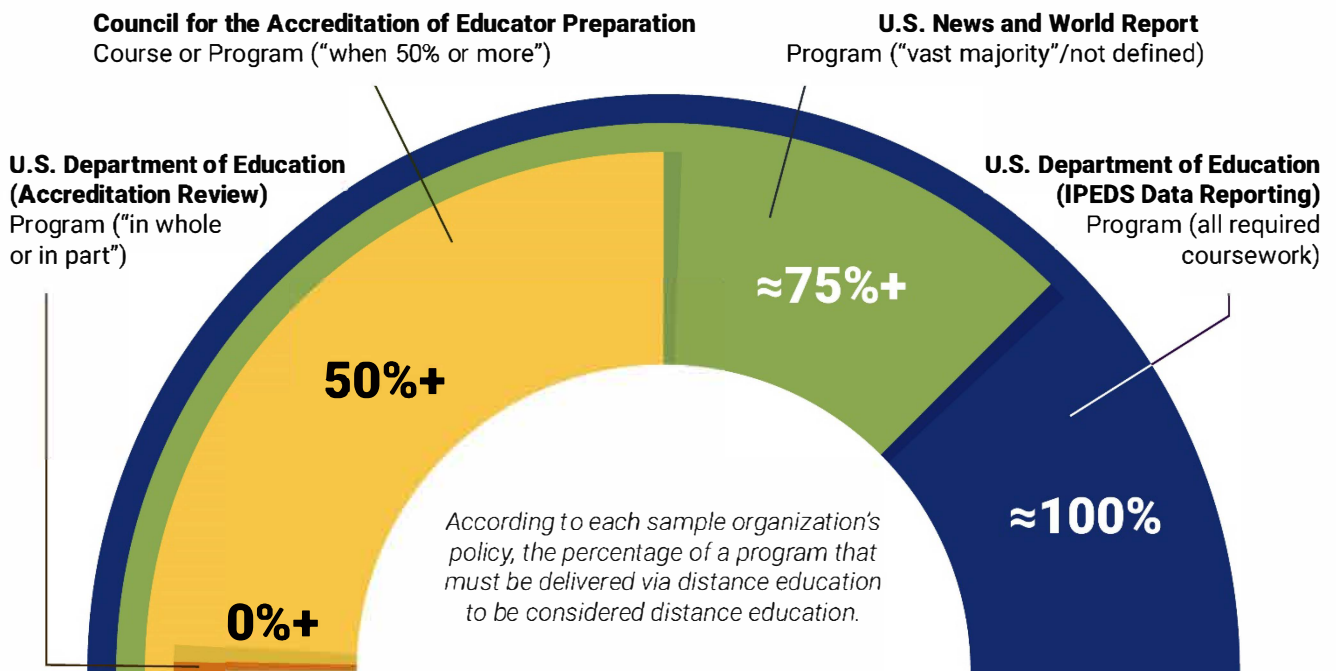
### **Example 5: Texas Higher Education Coordinating Board**

The [rules](#) of the Texas Higher Education Coordinating Board defines a distance education course as one with more than 50% of the instruction occurring when the faculty and student are not in the same physical location. Oddly, their definition also includes off-campus face-to-face instruction in the distance categorization. On the positive side, Texas is one of the only places that provides more specificity on subsets of the distance modality, such as fully distance education courses and hybrid/blended courses. A *fully* distance education course is a “course which may have mandatory face-to-face sessions totaling no more than 15% of the instructional time. Examples of face-to-face sessions include orientation, laboratory, exam review, or an in-person test.” A *hybrid/blended* course is a “course in which a majority (more than 50% but less than 85%), of the planned instruction occurs when the students and instructor(s) are not in the same place.”

### **Example 6: Variations in Different Contexts**

In illustrating this idea, we found an example from Alaska relating to advertising and solicitation requirements of a postsecondary education institution that conducts its instruction or otherwise offers a program substantially by distance education. According to 20 AAC 17.070(d), such an institution must make a clear and conspicuous disclosure that it is a distance education school or program. For purposes of this subsection, “a program is offered substantially by distance education if greater than 20 percent of the clock or credit hours are delivered by distance education.”

Figure 3.  
**Percentages in Policy to Define “Distance Education” Programs**



See Appendix 1 for a more complete table with a sample of percentages used to define distance education courses and programs.

## WHAT'S NEXT?

In conclusion, we want to highlight how institutions, researchers, and policymakers can move forward with the information in the foregoing discussion.

### ***Institutional Considerations***

Institutional perceptions of the risks posed by these variations will differ based on the specific definition that applies to that given institution and that institution's specific risk tolerance. A good place to start would be to pull together key stakeholders at the institution. For example, as noted by an institutional colleague, since these definitions should influence institutional course labeling/coding practices, an institution would do well to collaborate as the units that lead those practice will not necessarily be familiar with all these definitions.

Objectives for these stakeholder collaborations would be to determine the various distance education definitions that the institution is currently subject to, what department is responsible for any applicable compliance requirements, and discuss ways in which the institution could operationalize or maximize administrative efficiencies to reduce duplication of processes or disparate or confusing messaging to students. Thinking broadly about how compliance with the varying definitions of distance education may affect all student populations and avoiding unintended negative consequences that could disproportionately affect a specific subset or subsets of students are important goals.

Importantly, institutions should ensure transparency in course descriptions so that the student is clear on what the technology and meeting expectations are for the course. Students need to know what they must do to be successful in the course, which includes understanding what technology will be required, any required synchronous meeting times, requirements for in-person sessions, and other essential course information and logistics.

### ***Research Considerations***

[WCET recently funded a survey](#) [WCET recently funded a survey](#) to explore the meanings of the terms online and hybrid learning. Jeff Seaman from Bay View Analytics conducted the survey. Nicole Johnson from the Canadian Digital Learning Research Association analyzed the data and wrote the findings. As reported in [Defining Different Modes of Learning: Resolving Confusion and Contention Through Consensus](#)<sup>7</sup>, the survey showed widespread agreement among faculty and administrators about the definitions of common digital learning terms and provides a foundation for establishing common language and shared understandings for future research into online and hybrid course offerings and learning technologies. In that paper, Nicole Johnson also noted that we are moving from discrete definitions to a spectrum of learning modalities (Appendix 2) in which faculty have great discretion in selecting technologies and requirements for meeting either at the same time or in-person.

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<sup>7</sup> Johnson, N., Seaman, J., Poulin, R. (2022). Defining different modes of learning: Resolving confusion and contention through consensus. *Online Learning*, 26(3), 91-110. <https://wcet.wiche.edu/practice/digital-learning-definitions/>

Further research and collaboration are important next steps. The various stakeholders mentioned in this paper (institutions, states, policymakers, organization, and students) would be well-served to come together to determine a set of common goals and develop strategies to remove as many of these administrative inefficiencies as possible. It is important to consider how these varying definitions of distance education, and any proposed changes, would impact students. Policymaking and compliance planning decisions have very real impacts on students. We encourage those involved in future discussions to consider the value of diverse representation, informed data, and regular evaluation and impact assessments as part of these discussions to support thorough analysis and strategies and ensure equitable outcomes.

We note the following areas as opportunities for future research and discussion:

- **Application to Noncredit Enrollments.** As one institutional colleague noted to us, with the interest in including noncredit enrollments in IPEDS reporting, and possible accreditor interest in reviewing these noncredit experiences, applying quality standards designed for online, for-credit programs to free and low-cost continuing education courses could theoretically be very confusing for institutions to navigate and for state agencies to add to their review workload. There should be more discussion on how noncredit online education offered by institutions of higher education may or may not fit within the regulatory framework relating to definitions of distance education.
- **Institutional Implementation.** As noted in the survey report mentioned above, there are opportunities to research more into the practical application and implementation of these definitions by institutions. Some institutions utilize multiple definitions due to either various reporting requirements or based on the audience to whom it is communicated (ex. a technical definition for instructional designers, and other definition(s) for faculty and students). How are these definitions coded and implemented?
- **The student perspective.** As a consumer of higher education, the student perspective is vital to understand and incorporate into not only discussion of policy requirements, but also practice and implementation implications. What is their understanding of these definitions? What information do students deem critical in determining their course enrollments? How can institutions clearly and succinctly communicate this information to students?

### ***In Conclusion***

Distance education is an emerging field that is going through growing pains, but it is mature enough that professionals need to resolve some of these issues. It is also not surprising that policy lags innovation. Some policies reflect older practices. Note that the Department's definition of distance education was established in 1992 and was only changed at the margins until a major revision in 2019. Much happened in the intervening years.

Rather than the current categorization of education as being either in-person, distance education, or correspondence education, a whole new framing is required. The new framing will better reflect the post-pandemic digital education world. This paper reviewed the policy confusion in defining one term: distance education. There is now a host of other terms that dot the landscape, such as: online, hybrid, blended, and hyflex.

As reflected in the cited WCET-sponsored survey work analysis conducted by Nicole Johnson, higher education has moved beyond distinct categories to a spectrum (see Appendix 2 – Modes of Learning Spectrum) of use of digital technologies and expectations for synchronous or in-person meeting times.

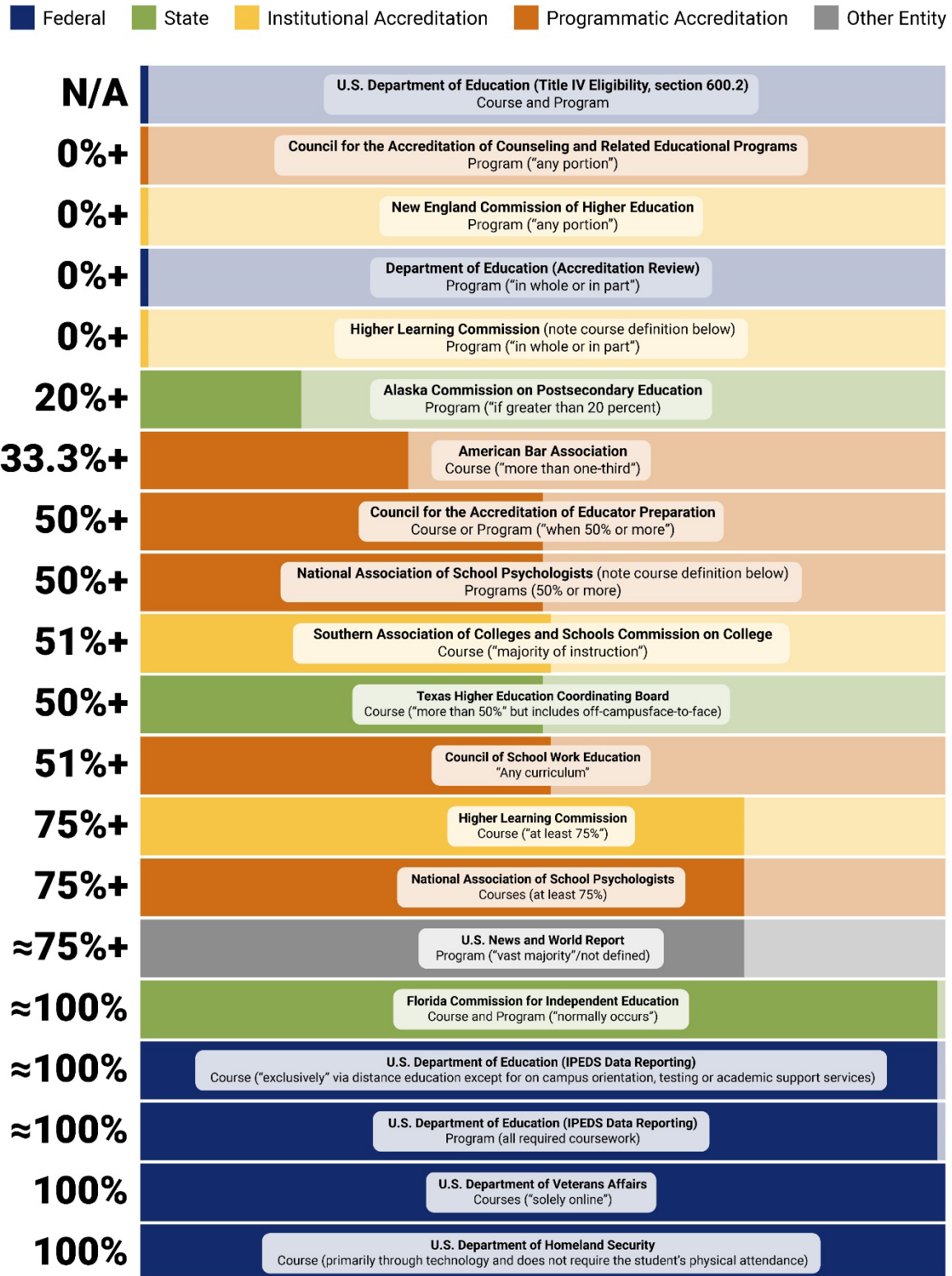
The ends of the spectrum start with absolutely no use of technologies (increasingly rare) to a completely online experience (increasingly more common) and every conceivable permutation in between. Federal, state, and accrediting policies need to catch up in protecting students and financial investments any time that students are engaged through a technical medium. The Higher Learning Commission and Middle States Commission on Higher Education have led the way in expecting the same quality of instruction and student support regardless of modality. Policies based on this conceptual framework will do more to protect students than the current extremely imprecise categorization.

WCET commits to continuing its work on these issues.

## Appendix 1.

### Percentages in Policy to Define Distance Education Courses and Programs A Sample of Federal, State, Accreditation, and Other Policies

Listing the Percentage of the Course or Program Activity that Defines It as "Distance Education"



### ***Color Index for the Sources of the Definition***

Note that the following do not use percentages:

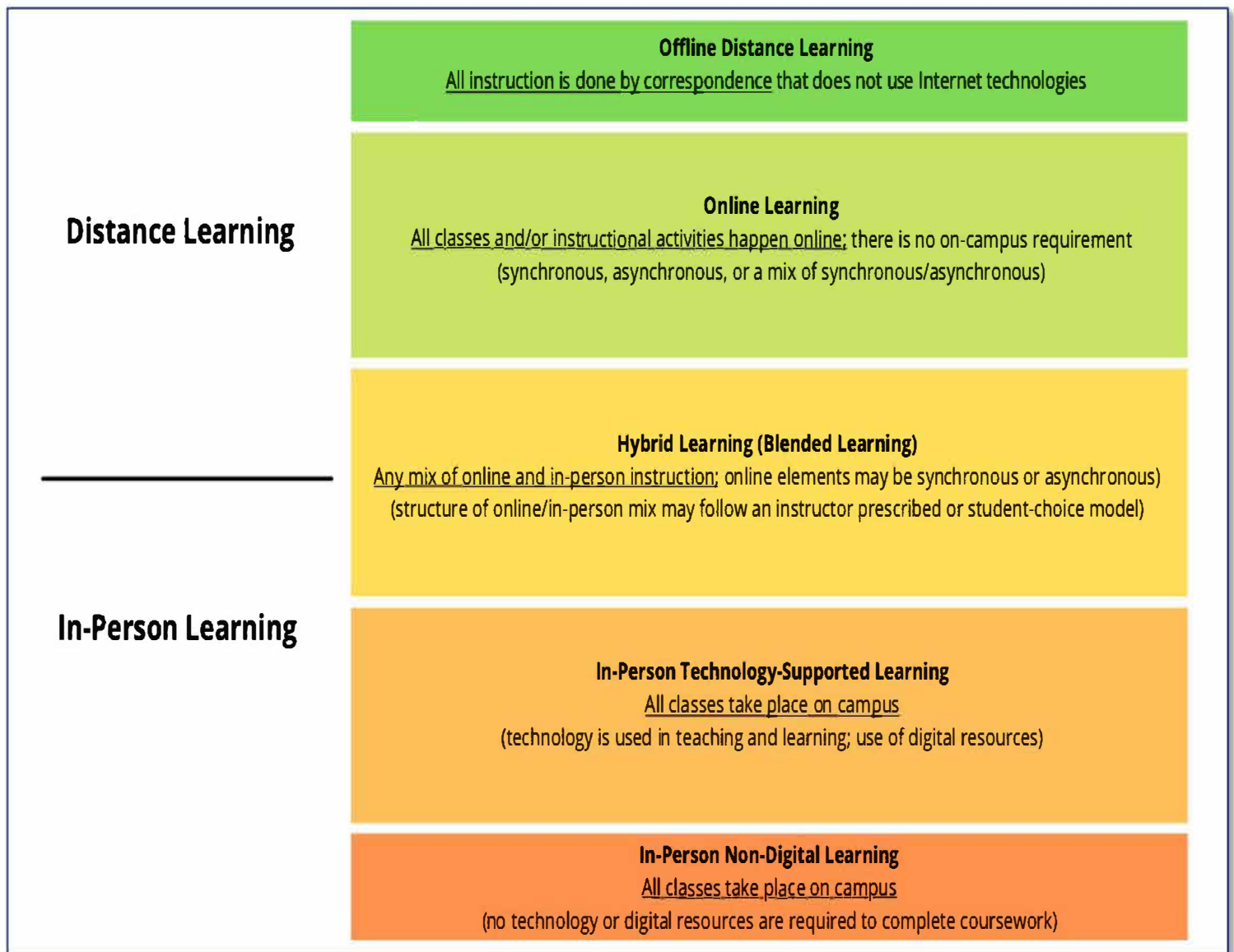
- National Council for State Authorization Reciprocity Agreements (NC-SARA) – focuses on the student and faculty member being in separate physical locations.
- Distance Education Accreditation Commission (DEAC) – includes correspondence, online, or direct assessment and demonstrates substantive interaction.
- Northwest Commission on Colleges and Universities (NWCCU) – copies Department of Education definition 34 600.2.
- District of Columbia – uses terms such as “virtual class,” “correspondence course,” and “distance learning” in its definition.

The Texas Higher Education Coordinating Board also has the following two categories for distance education courses as defined below. They also count off-campus face-to-face as distance education:

- Hybrid/blended course is one with “more than 50% but less than 85%” at a distance.
- A “fully distance education course...may have mandatory face-to-face sessions totaling no more than 15% of the instructional time.”

The definition used in this chart from the Alaska Commission on Postsecondary Education is from a subsection of regulations relating to advertisement and solicitation by postsecondary institutions.

APPENDIX 2 – MODES OF LEARNING SPECTRUM



Johnson, N., Seaman, J., Poulin, R. (2022). Defining different modes of learning: Resolving confusion and contention through consensus. *Online Learning*, 26(3), 91-110

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### **About WCET**

WCET – the WICHE Cooperative for Educational Technologies is the leader in the practice, policy, & advocacy of digital learning in higher education. We are a member-driven organization that brings together colleges, universities, higher education organizations, and companies to collectively improve the quality and reach of digital learning programs. Learn more at <https://wcet.wiche.edu/>.

### **About the State Authorization Network (SAN)**

The State Authorization Network, a division of WCET, is the leader for guidance and support for navigating state and federal regulatory compliance for out-of-state activities of postsecondary institutions. SAN provides deeper examination and strategy consideration for regulatory compliance including ancillary regulatory issues related to educational technologies. SAN members collaborate to address the problems, discuss solutions, and prepare for the future. Currently, SAN maintains more than 125 memberships that include more than 800 institutions nationwide. Learn more at <https://wcetsan.wiche.edu/>.

