



VETERANS EDUCATION SUCCESS

May 4, 2020

Gregory Martin
U.S. Department of Education
400 Maryland Avenue SW
Mail Stop 294-42
Washington, DC 20202
Submitted via online portal

Re: Distance Education and Innovation, Docket ID: ED-2018-OPE-0076-0845

Dear Mr. Martin:

Thank you for the opportunity to comment on proposed regulatory changes related to distance education and innovation. As a result of the COVID-19 crisis and colleges' transitioning to online modalities, we are concerned about attempts to reduce the protections against low-quality distance programs currently in place.

Veterans and military-connected students have a particular interest in ensuring quality in online education. As you know, the quality of online education varies dramatically. Due to the 90/10 loophole and other incentives, military-connected students are often targeted by low-quality distance education programs. A number of the top recipients of GI Bill benefits have recently been subject to law enforcement investigations and settlements, illustrating the depth and pervasiveness of this problem. These schools have received billions of dollars of GI Bill benefits over the last ten years and are already operating mostly online. It is essential to ensure that there are common-sense safeguards in place so that student veterans and military-connected students receive worthwhile educations and that taxpayer dollars are not wasted. We appreciate the Department of Education's preserving many important protections in its proposal and we hope it will maintain this language moving forward.

34 CFR 600.2 Definitions - Credit Hour and Distance Education

We support the definition of credit hour agreed upon during the negotiated rulemaking and in the proposed regulations. We ask that the Department add back in the language in the accreditation rule the Department removed last year, which required accrediting agencies to create standards around the credit hour (34 CFR 602.24(f) and 603.24(c)). The current credit hour definition already has enough flexibility to account for different kinds of programs. It already gives schools multiple ways (time, evidence-based learning, etc.) to define credit hour.

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Eliminating or weakening the current regulations would not allow for innovation. Instead, it would allow unchecked manipulation, credit hour inflation, and would ultimately end up hurting students.

Similarly, we support the proposed definition of distance education which ensures there is “regular and substantive interaction” in distance learning courses. We want to again reiterate that the Department should not weaken or discard this language, which was implemented to distinguish distance learning from correspondence courses. There has been a long history of correspondence courses’ targeting veterans. Many of the requirements distinguishing distance education from correspondence courses were implemented as a result of unscrupulous programs’ targeting veterans for their GI Bill benefits. Meaningful interaction between students and teachers is necessary for students to receive a worthwhile online education.

34 CFR 668.5 - Written Arrangements to Provide Educational Programs

Ensuring that colleges are unable to enter into written agreements to outsource all of the actual instruction of students to unaccredited and unaccountable third-party providers is essential to maintaining common-sense standards. Students expect a college to provide the education students pay for. To allow a college to outsource its education is a “bait and switch” from the student’s viewpoint. We agree with the Department’s decision not to weaken the regulation allowing institutions to outsource only up to 50% of programs to unaccredited companies (with accreditor approval needed above 25% of a program). We hope the Department abides by the consensus and its NPRM to ensure this limit remains in place to prevent third-party companies of questionable quality from providing all of an institution’s programs.

34 CFR 668.14 - Program Participation Agreement

We support the consensus language that requires a program to demonstrate a reasonable relationship between the program length and the entry-level requirements for the recognized occupation the student is being trained for. There is a potential for fraud if institutions are able to inflate the length of programs in order to charge higher prices. Under the consensus language, if a federal agency or a state in which the program is located has established a minimum number of clock hours required for training, programs cannot exceed 150% of this number and still be in compliance. In addition, the consensus language allows these programs to fulfill the reasonable relationship requirement if they meet the minimum clock hour requirement in an adjacent state.

34 CFR 668.10 - Direct Assessment Programs



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We oppose the Department's proposed change to the approval process for direct assessment programs. Currently, Congress requires each individual direct assessment program at an institution to be approved by the Secretary. The proposed regulations would allow for institutions to gain approval for all of their direct assessment programs once a single program has been approved. This runs counter to common sense and Congressional intent. It is vital to ensure that all of these programs offer students value and meet the Department's standards.

We urge the Department to maintain these necessary provisions and to abide by the consensus language on these topics.

Veterans need to know that they will be receiving actual instruction and a valuable education when enrolling in distance education programs. We hope that, with the ongoing COVID-19 crisis, the Department will work to maintain the necessary regulations to ensure student veterans are not subject to additional problems that would inevitably follow removing these basic requirements.

Sincerely,

James Haynes
Federal Policy Manager
Veterans Education Success