

108TH CONGRESS
1ST SESSION

H. R. 2913

To amend the Higher Education Act of 1965 regarding distance education,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. ANDREWS (for himself and Mr. KILDEE) introduced the following bill;
which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 regarding
distance education, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Distance Education and
5 Online Learning Act of 2003”.

6 **SEC. 2. STUDENT ELIGIBILITY.**

7 Section 484(l)(1) of the Higher Education Act of
8 1965 (20 U.S.C. 1091(l)(1)) is amended—

9 (1) in subparagraph (A)—

1 (A) by striking “in whole or in part” and
 2 inserting “predominantly”;

3 (B) by striking “of 1 year or longer”; and

4 (C) by striking “unless” and all that fol-
 5 lows through “all courses at the institution”;
 6 and

7 (2) by amending subparagraph (B) to read as
 8 follows:

9 “(B) REQUIREMENT.—An institution of
 10 higher education referred to in subparagraph
 11 (A) is an institution of higher education that is
 12 not an institution or school described in section
 13 3(3)(C) of the Carl D. Perkins Vocational and
 14 Technical Education Act of 1998.”.

15 **SEC. 3. DEFINITION OF ELIGIBLE PROGRAM.**

16 Section 481(b) of the Higher Education Act of 1965
 17 (20 U.S.C. 1088(b)) is amended by adding at the end the
 18 following:

19 “(3) DISTANCE EDUCATION PROGRAMS.—

20 “(A) IN GENERAL.—A program that is of-
 21 fered predominantly through distance education
 22 methods and processes (other than correspond-
 23 ence courses) is an eligible program for pur-
 24 poses of this title if—

1 “(i) the program was reviewed and
2 approved by an accrediting agency or asso-
3 ciation that—

4 “(I) is recognized by the Sec-
5 retary under subpart 2 of part H; and

6 “(II) has evaluation of distance
7 education programs within the scope
8 of its recognition; and

9 “(ii) the institution offering the pro-
10 gram complies with clause (i) or clause (ii)
11 of subparagraph (B).

12 “(B) ADDITIONAL CRITERIA BASED ON DU-
13 RATION OF CERTIFICATION.—

14 “(i) CERTIFIED FOR AT LEAST 4
15 YEARS.—An institution complies with this
16 clause if the institution has been certified
17 as eligible to participate in programs under
18 this title for at least four years and—

19 “(I) has not had its participation
20 in programs under this title limited,
21 suspended, or terminated within the
22 preceding 5 years;

23 “(II) has not had or failed to re-
24 solve an audit finding or program re-
25 view finding under this Act during the

1 preceding 2 years that resulted in the
2 institution being required to repay an
3 amount that is greater than 5 percent
4 of the total funds the institution re-
5 ceived under the programs authorized
6 by this title for any award year cov-
7 ered by the audit or program review;

8 “(III) has not been found by the
9 Secretary during the preceding 5
10 years to be in material noncompliance
11 with the provisions of this Act related
12 to the submission of acceptable and
13 timely audit reports required under
14 this title; and

15 “(IV) is determined to be finan-
16 cially responsible under regulations
17 promulgated by the Secretary pursu-
18 ant to section 498(c).

19 “(ii) CERTIFIED FOR LESS THAN 4
20 YEARS.—An institution complies with this
21 clause if the institution has been certified
22 as eligible to participate in programs under
23 this title for less than four years, meets
24 the requirements of clause (i), and—

1 “(I) the institution has not been
2 subject to any action to suspend, re-
3 voke, withdraw, or terminate its au-
4 thority to operate by a state;

5 “(II) the institution has not been
6 subject to any action to suspend, re-
7 voke, withdraw, or terminate its ac-
8 creditation and has not been placed
9 on probation or an equivalent status
10 by a recognized accrediting agency;

11 “(III) neither the institution nor
12 any person who exercises substantial
13 control over the institution have been
14 administratively or judicially deter-
15 mined to have committed fraud or any
16 other material violation of law involv-
17 ing the use of federal, state or local
18 government funds; and

19 “(IV) no person who exercises
20 substantial control over the institution
21 has been directly or indirectly affili-
22 ated with an institution that has lost
23 or been denied accreditation, has lost
24 or been denied authority to operate by
25 a state, has lost or been denied eligi-

1 bility to participate in programs au-
2 thorized under this title, has filed for
3 bankruptcy, or has closed owing a li-
4 ability for a program requirement
5 under this Act.

6 “(C) CONSEQUENCES OF WITHDRAWAL OF
7 APPROVAL.—If the accreditation agency or as-
8 sociation withdraws approval of the program
9 described in subparagraph (A)(i), or the institu-
10 tion fails to meet any of the requirements de-
11 scribed in clause (i) or (ii) of subparagraph (B)
12 (whichever is applicable), or both, then the pro-
13 gram shall cease to be an eligible program at
14 the end of the award year in which such with-
15 drawal of approval or failure to meet such re-
16 quirements occurs. The program shall not be an
17 eligible program for any subsequent award year
18 until the institution obtains such approval or
19 corrects such failure, or both.”.

20 **SEC. 4. RECOGNITION OF ACCREDITING AGENCY OR ASSO-**
21 **CIATION.**

22 Section 496 of the Higher Education Act of 1965 (20
23 U.S.C. 1099b) is amended—

24 (1) in subsection (n)(3), by striking the last
25 sentence and inserting the following: “If the agency

1 or association requests that the evaluation of institu-
2 tions offering distance education programs be in-
3 cluded within its scope of recognition, and dem-
4 onstrates that the agency or association meets the
5 requirements of subsection (p), then the Secretary
6 shall include the accreditation of institutions offering
7 distance education programs within the agency's or
8 association's scope of recognition.”; and

9 (2) by adding at the end the following:

10 “(p) DISTANCE EDUCATION PROGRAMS.—An agency
11 or association that seeks to evaluate the quality of institu-
12 tions offering distance education programs within its scope
13 of recognition shall, in addition to meeting the other re-
14 quirements of this subpart, demonstrate to the Secretary
15 that the agency or association assesses—

16 “(1) measures of student achievement of stu-
17 dents enrolled in distance education programs, in-
18 cluding State licensing examination results, and suc-
19 cess in preparing students for entry into and ad-
20 vancement in the work force;

21 “(2) measures of program completion and re-
22 tention rates of students in distance education pro-
23 grams, including monitoring such rates throughout
24 the accreditation period;

1 “(3) the preparation of faculty and students to
2 participate in distance education programs;

3 “(4) the quality and frequency of interaction
4 between faculty and students in distance education
5 programs;

6 “(5) the availability of current and recognized
7 learning resources and support services for students
8 in distance education programs; and

9 “(6) measures to ensure the integrity of student
10 and faculty participation in distance education pro-
11 grams.”.

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