

108TH CONGRESS  
1ST SESSION

# H. R. 2913

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

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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

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## 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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