

Approval for Distance Education and Other Modalities

Policy Change Adopted on Single Reading

The Higher Learning Commission (HLC) Board of Trustees (“the Board”) adopted this policy on single reading at its meeting on November 2, 2023.

Background

In June 2023, the Department of Education released a Dear Colleague Letter regarding distance education to institutions and accreditors. In summary, the guidance requires that an institution seek and receive accreditor approval at two moments. First, an institution must receive accreditor approval to offer distance education when it initially offers the modality. Second, an institution must receive accreditor approval when it does any one of the following:

1. Offers at least 50% of a program through distance education;
2. Enrolls at least 50% of its students through distance education (with a student being defined as being enrolled in distance education if they take one distance education course), or;
3. Offers at least 50% of its courses through distance education.

Per the guidance, once an institution has received accreditor approval for any one of these three options, the accreditor does not need to further approve the institution if it subsequently meets either of the other two thresholds.

The adopted policy changes align with this framework and streamline HLC’s requirements for when and how an institution receives HLC approval for distance education, correspondence education or other alternate method of delivery. These policy changes outline the revised requirements for when an institution must notify HLC regarding its use of various modalities of instruction.

Because these policy changes are required by federal regulatory guidance, the changes were adopted by the Board on single reading.

Implementation

This policy is effective immediately.

Adopted Policy Change

Wording that was deleted or revised is shown as strikethrough (~~old wording~~); new language, whether through addition or revision, is shown in bold (**new wording**). Wording that was moved is shown with a double underline in its new location (moved to) and a double strikethrough in its previous location (~~~~moved from~~~~). These revisions have been made on HLC's website at hlcommission.org/policies.

Policy Title: **Substantive Change**

Number: **INST.G.10.010**

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Substantive Change Requiring Notification or Approval

1. Changes in actual or apparent mission of the institution or its educational objectives require prior **HLC APPROVAL**.
2. Significant changes in the character or nature of the student body of the institution, particularly, but not limited to, those changes involved in seeking international students for the first time or acquiring students being taught-out of programs provided by a closing institution require prior **HLC APPROVAL**.
3. Initiation of new academic program(s) or major(s) other than those listed below, or cancellation or suspension of academic programs requires **HLC NOTIFICATION**. The following changes **each** require prior **HLC APPROVAL**:
 - a. ~~The a~~**Addition of academic program(s) at a degree or credential level not previously included in the institution's accreditation by HLC;**
 - b. ~~The a~~**Addition of academic program(s), including Title IV-eligible Certificate programs not related to existing degree programs, that represent a *significant departure* from programs previously included in the institution's accreditation;**
 - c. ~~The a~~**Addition of a direct assessment program or the addition of competency-based programs wherein the academic program is organized around competencies;**¹

- d. ~~The a~~ Addition of academic programs that require allocation of substantial financial investment or resources;
 - e. ~~The a~~ Addition of academic programs outside stipulations imposed by a previous HLC action limiting such activity without prior approval.
4. ~~A change in one or more of the following~~ **Each of the following changes** requires **HLC NOTIFICATION OR prior HLC APPROVAL**:
- a. Change from clock to credit hours in one or more institutional programs;
 - b. Substantial increase or decrease in the number of clock or credit hours required for successful completion of an academic program;
 - c. Change in term length (e.g. semesters to quarters or semesters to a five-week compressed term) that affects 25% or more of all the institution's courses or programs;
 - d. Increase or decrease in the number of credit hours per course in 25% or more of the courses in the institution's curriculum; ~~and~~.
 - e. ~~a e~~ Change in the manner(s) in which an institution measures student progress, regardless of method.
5. ~~Change in the method of delivery of~~ **Offering** courses or **educational** programs **through the modality of distance education** requires prior HLC APPROVAL for each of the following:
- ~~a. The initial offering of academic programs through distance, correspondence or other alternate delivery wherein 50% or more of the courses or credits in the program are provided through the alternate delivery;~~
 - ~~b. a.~~ **The initial offering of courses through distance education, correspondence or other alternate delivery if the institution is not already approved to offer programs through that delivery mechanism; and**
 - ~~c. Programs offered for the first time by an institution are subject to review and approval, if required, by HLC as a new program (see #3 of this section) prior to being reviewed as distance or correspondence education.~~
 - b. Any of the following thresholds: offering 50% or more of an institution's courses through distance education; enrolling 50% or more of an institution's students in distance education (with a student being defined as being enrolled in distance education if they take**

one distance education course); or offering 50% or more of the courses or credits in an educational program through distance education. Once an institution has received prior HLC APPROVAL for one of these thresholds, additional approval for the other thresholds is not required.

6. Offering courses or educational programs through the modality of correspondence education requires prior HLC APPROVAL for each of the following:
 - a. Initial offering of courses through correspondence education.
 - b. Offering 50% or more of one program through correspondence education.
 - c. Offering 50% or more of multiple programs through correspondence education.
- ~~6. 7.~~ The establishment of a campus, including a branch campus, or an additional location, including for purposes of providing teach out, requires prior HLC APPROVAL unless the institution has been approved for access to the Notification Program for Additional Locations as outlined in INST.G.10.020.
- ~~7. 8.~~ Closure or suspension for more than one semester of ~~any of the following~~ **an additional location or a campus, including a branch campus**, requires HLC NOTIFICATION:
 - ~~a. an additional location, or~~
 - ~~b. a campus, including a branch campus.~~
- ~~8. 9.~~ The initiation of a contractual or other arrangement wherein an institution outsources some portion of one or more of its educational programs to ~~any of the following parties:~~ **certain other parties** (an unaccredited institution; an institution that is not accredited by an accreditor recognized by the U.S. Department of Education; or a corporation or other entity) **requires HLC NOTIFICATION OR prior HLC APPROVAL:**
 - a. Less than 25% of any educational program outsourced to the other party requires **prior HLC APPROVAL** for institutions that are currently on a sanction or under a Show-Cause Order or that have been on a sanction or under a Show-Cause Order in the prior three academic years and requires HLC NOTIFICATION for all other institutions;
 - b. 25%-50% of any educational program outsourced to the other party requires prior HLC APPROVAL.

- c. More than 50% of any educational program outsourced to the other party will receive intense scrutiny and will not be approved by HLC except in exceptional circumstances. (Note that federal regulations provides that educational programs provided through contractual arrangements between an accredited institution and an ineligible entity wherein more than 50% of the educational program is being provided by the ineligible entity will not receive Title IV assistance even if approved by the accreditor.)

~~9.~~ **10.** ~~The~~ **Each of the** following changes requires HLC NOTIFICATION within thirty (30) days:

- a. ~~A~~ **e**Change in an existing program’s method of delivery.
- b. ~~An a~~ **A**Aggregate change of 25% or more of the clock hours, credit hours, or content of a program since the agency’s most recent accreditation review.
- c. ~~The d~~ **D**evelopment of customized pathways or abbreviated or modified courses or programs to:
 - i. Accommodate and recognize a student’s existing knowledge, such as knowledge attained through employment or military service; and
 - ii. Close competency gaps between demonstrated prior knowledge or competency and the full requirements of a particular course or program.
- d. ~~The i~~ **I**nitiation of a contractual or other arrangement wherein an institution outsources some portion of one or more of its educational programs to any of the following parties: an unaccredited institution; an institution that is not accredited by an accreditor recognized by the U.S. Department of Education; or a corporation or other entity.

~~10.~~ **11.** Beginning with institutions placed on a sanction or under a Show-Cause Order with HLC after July 1, 2020, or placed under a provisional certification with the U.S. Department of Education as of that same date, **each of** the changes detailed above in ~~#8 and #9~~ **#9 and #10** require **prior HLC APPROVAL** for institutions that (1) are currently, or in the prior three years have been, on a sanction or are under a Show-Cause Order with HLC, or (2) are currently under a provisional certification with the U.S. Department of Education.

~~11.~~ **12.** **A** Change of Control, Structure or Organization as defined by these policies requires prior HLC **APPROVAL**.

1 For institutions that offered competency-based programs prior to December 1, 2014, HLC will validate the ongoing approval of the programs and their inclusion in the accreditation of the institution.

Policy Number Key

Section INST: Institutional Processes

Chapter G: Substantive Change, Including Change of Control

Part 10: General

Last Revised: November 2023

First Adopted: June 2010

Revision History: November 2011, November 2012, April 2013, November 2013, February 2014, February 2016, February 2020, June 2020, June 2022, June 2023, November 2023

Notes: Policies combined November 2012 - 3.2(a), 3.2(b), 3.2(b)1. In February 2021, references to the Higher Learning Commission as “the Commission” were replaced with the term “HLC.” Policy renumbered in June 2023 (former policy number INST.F.20.040).

Related Policies: FDCR.B.10.010 HLC Approval of Institutional Teach-Out Arrangements, INST.G.20.010 Change of Control, Structure or Organization, INST.G.20.020 Processes for Seeking Approval of Change of Control, Structure or Organization, INST.G.20.030 Monitoring Related to Change of Control, Structure or Organization, COMM.B.10.040 Non-Substantive Changes in the Accreditation Relationship Between an Institution and HLC