

108TH CONGRESS
1ST SESSION

S. 1203

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

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2003

Mr. ENZI (for himself, Mr. BINGAMAN, and Mr. CAMPBELL) introduced the
following bill; which was read twice and referred to the Committee on
Health, Education, Labor, and Pensions

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 the “Distance Education
5 and 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)(A) A program that is offered predomi-
 20 nantly through distance education methods and
 21 processes (other than correspondence courses) is an
 22 eligible program for purposes of this title if—

23 “(i) the program was reviewed and ap-
 24 proved by an accrediting agency or association
 25 that—

1 “(I) is recognized by the Secretary
2 under subpart 2 of part H; and

3 “(II) has evaluation of distance edu-
4 cation programs within the scope of its
5 recognition; and

6 “(ii) the institution offering the program—

7 “(I) has not had its participation in
8 programs under this title limited, sus-
9 pended, or terminated within the preceding
10 5 years;

11 “(II) has not had or failed to resolve
12 an audit finding or program review finding
13 under this Act during the preceding 2
14 years that resulted in the institution being
15 required to repay an amount that is great-
16 er than 10 percent of the total funds the
17 institution received under the programs
18 authorized by this title for any award year
19 covered by the audit or program review;

20 “(III) has not been found by the Sec-
21 retary during the preceding 5 years to be
22 in material noncompliance with the provi-
23 sions of this Act related to the submission
24 of acceptable and timely audit reports re-
25 quired under this title; and

1 “(IV) is determined to be financially
 2 responsible under regulations promulgated
 3 by the Secretary pursuant to section
 4 498(c).

5 “(B) If the accreditation agency or association
 6 withdraws approval of the program described in sub-
 7 paragraph (A)(i) or the institution fails to meet any
 8 of the requirements described in subparagraph
 9 (A)(ii), then the program shall cease to be an eligible
 10 program at the end of the award year in which such
 11 withdrawal of approval or failure to meet such re-
 12 quirements occurs. The program shall not be an eli-
 13 gible program until the provisions of subparagraph
 14 (A) (i) and (ii) are met again.

15 “(4) The Secretary shall promulgate regulations
 16 for determining whether a program that offers a de-
 17 gree or certificate on the basis of a competency as-
 18 sessment, that examines the content of the course
 19 work provided by the institution of higher education,
 20 is an eligible program for purposes of this title.”.

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

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

1 (1) in subsection (n)(3), by striking the last
2 sentence and inserting the following: “If the agency
3 or association requests that the evaluation of institu-
4 tions offering distance education programs be in-
5 cluded within its scope of recognition, and dem-
6 onstrates that the agency or association meets the
7 requirements of subsection (p), then the Secretary
8 shall include the accreditation of institutions offering
9 distance education programs within the agency’s or
10 association’s scope of recognition.”; and

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

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

18 “(1) measures of student achievement of stu-
19 dents enrolled in distance education programs;

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

22 “(3) the quality of interaction between faculty
23 and students in distance education programs;

1 “(4) the availability of learning resources and
2 support services for students in distance education
3 programs; and

4 “(5) measures to ensure the integrity of student
5 participation in distance education programs.”.

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