TO: Higher Education and Professional Practice Committees

FROM: John L. D'Agati

                         Douglas E. Lentivech

SUBJECT: Distance Education in Higher Education in New York
                         State

DATE: October 2, 2012

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

      This item is presented for discussion and information.

Reason(s) for Consideration

      For discussion.

Proposed Handling

      This item will come before a joint meeting of the Higher Education Committee and the Professional Practice Committee at its October 2012 meeting for discussion.

Procedural History

      The Regents have discussed online education in higher education on several previous occasions, e.g., March 2010, and October 2010, in the context of Regents coordination of higher education.

<u>Background Information</u>

The attached paper provides background information to help inform the present discussion. It includes an overview of the characteristics of online programs offered by New York State institutions, their distribution by sector, and how proposed online programs are reviewed. It also touches upon the issue of online programs offered by out-of-state institutions in which New York State residents may enroll.

Attachment

Distance Education in Higher Education in New York State

A preliminary note on terminology: "Distance education" uses a range of technologies to deliver instruction to students who are separated from the instructor; it implies a regular and substantive interaction between the students and the instructor, which may be either synchronous or asynchronous.[1] Today, the vast majority of distance education takes place through an Internet-based technology, and is thus also known as "online education."

Current OHE Policy

Current policy for New York State institutions requires registration of a **program** in the distance education format when an institution offers a majority of the program online or through some other distance technology. A majority of the program is defined as more than 50 percent of the credit hours being delivered through one or more distance technologies. As a result, anywhere from 50 up to 100 percent of a particular program may be online, and the proportion of coursework offered online in any given program may vary from semester to semester. In essence, therefore, programs can be completely online or blended, i.e., they can be completed by taking a combination of traditional classroom and online courses.

Since the Department only registers complete programs, not individual courses, the Department does not know what proportion of any particular program, beyond the 50 percent threshold, may be offered online or how many students take one or more online courses in a given term.

Aside from the elements pertaining specifically to the online components of a registered degree program, it is important to remember that *all programs*, *whether offered in the classroom, hybrid or blended mode, or completely online*, must meet the quality standards set forth in Part 52.2 of the Commissioner's Regulations, "Standards for the Registration of Undergraduate and Graduate Curricula."[2]

Review Process

Institutions use the same application form whether to add distance education format to a currently registered program, or to apply to offer a new program in that format at the start. The application addresses five elements of online programs, i.e., the institution's level of commitment to its online programs, learner support, learning design, outcomes assessment, and program evaluation.

---

[1] "Synchronous" means happening at the same time, "in real time," e.g., live video streamed over the Internet; "asynchronous" means not happening at the same time, e.g., posting comments on an online discussion board.

[2] These standards include: program content and requirements, program schedule, institutional criteria for evaluation of program quality, library and other academic resources, existing and projected full- and part-time faculty with qualifications and teaching assignments, and admission requirements.

The elements are divided into two categories, those that ask about the institution's overall capacity in online programming, and those that deal with the particular program under review at the time. In reviewing the applications, staff look for a strong institutional commitment that includes how the college handles administrative processes at a distance, training for faculty who will teach online courses, and resources, support services, and orientation opportunities available to online students.

The second segment of the application deals with the particular program which the institution wishes to offer online. These questions address the program's learning design, outcomes and assessment, and program evaluation. Staff look for assurance that the institution is applying the same academic standards and requirements for the proposed online version of the program as those applied in the classroom version. In addition, reviewers look to see what safeguards the college has put in place to help ensure that students are doing their own work.

These evaluations include a review of faculty and their qualifications. A list of courses and a suggested sequence of courses student can take to ensure that they can graduate on time. We review syllabi to ensure it meets academic standards consistent with other programs. We also ask on-line colleges to provide methods to ensure the integrity of their program, which include:

- Use of proctored exams
- Secure log-in and password, as one of several techniques
- Use of remote testing facilities with photo ID of student
- Training for faculty in recognizing individual student's writing style, typical errors, thought patterns, level of knowledge, etc.
- Use of "Turnitin," etc. to spot plagiarism
- Technological tools such as Acxiom, retinal scans
- Required one-on-one Skype sessions to check understanding of material
- Comparison of photo ID of students at enrollment with Skype sessions
- Copy of statement on honesty in course submissions, penalties (N.B. Password-protected course Web site alone is not adequate evidence, as student may give password to someone to participate in his/her stead)

These functions are carried out with minimal staff – there are only seven evaluators in the Office of College and University Evaluation, down from 14 in 2009.

In addition to an indepth review of the application, a reviewer may also ask the institution to provide screen shots or links to the training and orientation materials, or a log-in to a sample course. This allows the reviewer to see exactly what students see when they log in to view an orientation video, or to view their syllabus or discussion board on the course web site.

For programs seeking approval as license qualifying in the State of New York, the Office of the Professions applies the standards found in Part 52 of the Commissioner's Regulations, and the same general procedures and distance education criteria as the Office of Higher Education. In addition, the review process for programs in a licensed profession includes an in-depth review of required laboratory and/or clinical experiences. For example, a program which converts a typical campus-based electrical

engineering laboratory into an online, computer-interface lab might require a simulated demonstration in order to ensure that the course meets registration standards, and fully prepares graduates for the duties of that profession. Although didactic courses may be offered online, generally speaking, the experiential component of clinical health and counseling related programs is delivered in a traditional format with on-site supervision and evaluation by qualified professionals. For this reason, clinical and health-related distance education programs often require additional assurances and evidence to ensure that clinical internships and preceptorships are properly structured and monitored, and include appropriate settings, activities, and supervisory oversight.

Some Program Characteristics

Of the approximately 27,500 degree programs offered in New York State, there are currently 1,375 programs on the Department's Inventory of Registered Programs that are registered with the distance education format. The vast majority of these are also offered in a classroom setting which affords students the flexibility of taking their courses either online or in the classroom.

Generally, the programs offered online are in occupationally-related fields. Nearly 45 percent are in business-related and health-related disciplines; less than 20 percent are in fields traditionally regarded as part of the liberal arts and sciences. Nearly two-thirds are undergraduate. The 1,375[3] programs include:

- 364 certificate and advanced certificate programs,
- 357 associate degree programs,
- 265 baccalaureate programs,
- 365 master's degree programs,
- 21 first-professional degree programs, and
- 3 doctoral programs.

The three doctoral programs are the following:

- Doctor of Professional Studies (D.P.S.) in Bioethics, Albany Medical College; offered in both distance and on-ground modes;
- Doctor of Professional Studies (D.P.S.) in Information Management, Syracuse University; offered exclusively in the distance education format;

- Ph.D. in Nursing, SUNY Buffalo; offered exclusively in the distance education format. (Parallel to this program, there is a separately registered on-ground Ph.D. in Nursing as well, whose curriculum differs slightly due to the difference in format.)

The 1,375 distance education programs represent only about 5 percent of all registered degree and certificate programs. This is up from 1.8 percent in 2004 and 3.2 percent in 2009. The vast majority of these programs are also offered in a classroom setting; it is estimated that less than 200 are offered exclusively online, with no on-campus version.

---

[3] This figure represents the number of distance education programs offered by New York State institutions and does not include the approximately two dozen registered distance education programs offered by out-of-state institutions (exclusively licensure-qualifying programs).

In fall 2012, independent institutions offered 689 distance education programs (50.1 percent of the total), followed by SUNY campuses and community colleges (545, or 39.6 percent), proprietary institutions (122 or 8.9 percent), and CUNY colleges (19 or 1.4 percent).

<u>Distance Education/Online Programs Offered by Institutions Outside of New York State</u>

In 2004, the Department developed a Physical Presence policy concerning online programs offered by institutions outside of New York State. The policy is posted on the Department's Web site at: http://www.highered.nysed.gov/ocue/ded/policies.html; it lays out the conditions under which out-of-state institutions need to apply for permission to operate in New York State, based on whether they intend to have a physical presence in the State.

In short, out-of-state institutions **DO NOT** need to apply for approval from the NYS Education Department if they merely:

- Communicate electronically with students in New York State (e.g., by computer or broadcast) in ways that do NOT involve an instructional site or an organized group activity;
- Advertise in New York State media;
- Recruit students, e.g., at college fairs, job fairs, or trade shows;
- Conduct alumni activities within the State, such as alumni clubs.

They **DO** need to apply for approval if they do any of the following:

- Operate an instructional site (a physical location at which instruction is given by a faculty member to a group of students) in New York State.
- Sponsor organized activities within New York State that are related to the academic program (e.g., advising, mentoring, study groups, examination administration for groups of students).
- Have a representative, whether paid or not, acting on their behalf within New York State to arrange or conduct instructional or academic support activities.
- Place students in clinical internships related to certain licensed professions (e.g., nursing, mental health counseling, respiratory therapy), the practices of which are typically restricted to licensed persons or students enrolled in educational programs approved or registered by the Department.

Aside from the clinical internships cited above, internships in other disciplines, including student teaching practica, are not considered to constitute physical presence in the State. When a student completes a teacher education program from an out-of-state online institution and seeks to obtain a teacher or school leader certificate in New York State, he/she must go through an individual evaluation. This evaluation will include the applicants academic credentials (must graduate from an accredited program) and transcript before issuing an initial certificate. He/she will also be required to pass all New York State Teacher Certification Examinations.

<u>Recent United States Department of Education Regulations</u>

Citing a concern for unregulated or under-regulated online programs, in October 2010, the USDE promulgated a new regulation (known as State Authorization) regarding cross-border distance education programs and the conditions under which they would need to be approved by the various state authorities. Although implementation of this regulation was put on hold the following year due to a lawsuit and subsequent court decision, it has opened up discussion on program integrity issues at a national level. The language of the regulation is as follows:

> *"If an institution is offering postsecondary education through distance or correspondence education to students in a State in which it is not physically located or in which it is otherwise subject to State jurisdiction as determined by the State, the institution must meet any State requirements for it to be legally offering postsecondary distance or correspondence education in that State. An institution must be able to document to the Secretary the State's approval upon request."*

Although the USDE has said that it will not enforce this regulation at the present time, many experts believe that this regulation or something similar will be presented again at a later date. As of this writing, the Office of College and University Evaluation has received over 600 inquiries from out-of-state institutions asking whether they need to seek approval from NYSED in order to enroll New York State residents in their online programs.

Given the multiple issues that arise when examining online education emanating either from New York State's own institutions of higher education or those in other states that wish to enroll New York residents in their programs, the Regents may wish to consider the following issues for discussion:

- Should the Board consider convening another Task Force similar to the one that assisted the Department in developing the current policy on Distance Higher Education? Such a Task Force would provide valuable feedback from the field on the rapidly evolving and increasingly technological environment in which today's students move and learn.
- How can the Department and the BOR inform and/or protect New York State residents from potential abuses of online education offered by out-of-state institutions, whether for-profit or not-for-profit?