

Bureau for Private Postsecondary Education

Distance Education Information Overview

The California Education Code (CEC) §94834 defines “distance education” to mean the transmission of instruction to students at a location separate from the institution. The Bureau further defines distance education in California Code of Regulations, Title 5 (5 CCR), §71715(d) as not requiring the physical presence of students and faculty at the same location but providing for interaction between students and faculty by such means as telecommunication, correspondence, electronic and computer augmented educational services, postal service, and facsimile transmission. Institutions seeking to offer distance education programs should be aware of the specific statutory and regulatory requirements applicable to distance education.

Bureau approval is required. Unless otherwise exempt, a person seeking to operate an institution that includes an educational program with a distance education component must obtain specific approval from the Bureau for Private Postsecondary Education (Bureau) to offer the program through distance education (CEC §94886).

- An institution granted approval through the traditional process is approved to offer distance education programs upon Bureau approval of an application that identifies distance learning as the method of instruction for the program (5 C.C.R. §71210(c)(5)).
- An institution that is granted an approval from the Bureau by means of accreditation (BMOA Approval) must provide verification that the institution is approved by the accrediting agency to offer the educational program through distance education (5 C.C.R. §71390(b)).

An institution may participate in a consortium agreement where another institution is conducting the distance education portion of the program; however the institution must still obtain Bureau approval for the distance education portion of the educational program. Depending on the means by which approval is granted by the Bureau, the institution must either seek traditional approval of the program with the distance education component, or provide evidence of approval from the accrediting agency for a distance education component of the program, as noted above.

Minimum operating standards apply. Institutions offering distance education must meet specific minimum operating standards for instruction (5 C.C.R. §71715).

- Ensure that the educational program offered through distance education is appropriate for delivery through distance education methods;
- Assess each student, prior to admission, in order to determine whether each student has the skills and competencies to succeed in a distance education environment;
- Ensure that the materials and programs are current, well organized, designed by faculty competent in distance education techniques and delivered using readily available, reliable technology;
- Provide for meaningful interaction with faculty who are qualified to teach using distance education methods;
- Maintain clear standards for satisfactory academic progress;

- Complete timely student evaluations of learning outcomes by duly qualified faculty, which are appropriate for use with the distance education methods used, and evaluated by duly qualified faculty;
- Employ a sufficient number of faculty to assure that the institution's response to, or evaluation of, each student lesson is returned to the student within 10 days after the lesson is received by the institution; and, the institution's response to, or evaluation of, each student project or dissertation is returned to the student within the time disclosed in the catalog; and
- Maintain a record of the dates on which lessons, projects, and dissertations were received and responses were returned to each student.

Institutions offering a distance education program where the instruction is not offered in real time are required to meet specific standards (5 C.C.R. §71716).

- Transmit the first lesson and any materials to any student within seven days after the institution accepts the student for admission;
- Provide the student the right to cancel the agreement and receive a full refund before the first lesson and materials are received;
- Transmit all of the lessons and other materials to the student if the student has fully paid for the educational program, and after having received the first lesson and initial materials, requests in writing that all of the material be sent.
- Ensure the enrollment agreement discloses the institution and student's rights and duties.

Disclosure to students is required. Institutions must disclose to the student in the school catalog if a program contains a distance education component. Specifically, institutions are required to disclose a description of the educational program including the instruction provided (CEC §94909(a)(5)) and the location of courses offered (CEC §94909(a)(4)). Institutions participating in a consortium agreement should also disclose the entity with which the institution is contracting for the educational program. If appropriate, an institution may disclose in the catalog that the method of delivery would be either in-class or distance depending on enrollment needs.

Approval is required for changes in method of delivery. Pursuant to CEC §94898(c), if an institution enrolls a student in a program that is conducted at a specific site, the institution may not subsequently convert the program to distance education, unless the student was notified in writing during the enrollment process that the program contained a distance education component. The institution must have Bureau approval for the distance education component of the educational program.

Please refer to the California Private Postsecondary Education Act of 2009 and the California Code of Regulations, Title 5, Division 7.5 for additional information and requirements.