

**Council on Postsecondary Education
State of Rhode Island**

Policy Number(s)

A-3

Policy Title

Distance Learning

Policy History

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PURPOSE

This document delineates the policy regarding the offering in Rhode Island by way of distance learning of postsecondary-level for-credit programs, degrees, or certificates.

PREMISE

With the expansion of telecommunications capabilities, the circumstances of learning in our society are witnessing profound changes, and the concept of distance learning is at the center of discussions about how those changes will affect postsecondary education. As distance education opportunities proliferate, it is prudent that the Rhode Island Council on Postsecondary Education (CPE) promulgate a policy on distance learning that will encourage the development of quality courses and programs; however, it is essential that this policy be workable and enforceable.

DEFINITIONS

The following definitions pertain to this policy:

1. Distance learning. Distance learning is a system and a process that connects learners with distributed learning resources. While distance learning takes a wide variety of forms, all distance learning is characterized by:
 - a. Separation of place and/or time between instructor and learner, among learners, and/or between learners and learning processes.
 - b. Interaction between the learner and the instructor, among learners, and/or between learners and learning resources conducted through one or more media; use of electronic media is not necessarily required.¹
2. Provider. The provider is the organization or entity that creates and facilitates the learning opportunity. Providers may include colleges and universities, schools, businesses and industries, professional organizations, labor unions, government agencies, the military, and other public and private organizations.²

¹ American Council on Education, *Guiding Principles for Distance Learning in a Learning Society*, Washington, D.C., 1996.

² Council of Regional Accrediting Commissions, *Interregional Guidelines for the Evaluation of Distance Education*, 2011.

3. The National Council - State Authorization Reciprocity Agreement (NC- SARA). NC-SARA is an agreement among member states, districts, and territories that establishes comparable national standards for interstate offerings of postsecondary distance education courses and programs.
4. The Rhode Island - State Authorization Reciprocity Agreement (RI - SARA). RI - SARA refers to in-state, degree-granting institutions which have been reviewed by the Office of the Postsecondary Commissioner (OPC) and authorized by the CPE through its authority as an NC-SARA portal agency. Participation in RI-SARA entails reciprocity for the institution in all other NC-SARA states through an agreement among member states, districts, and territories that establishes comparable national standards for interstate offerings of postsecondary distance education courses and programs.
5. Non-SARA institution. Any degree-granting institution that:
 - a. Is located in a state not affiliated with NC-SARA (non-portal state or territory); or
 - b. Is not authorized by its respective NC- SARA portal agency.
6. Degree-granting institution. Any higher education institution granting an associate or higher degree, accredited by a regional or national organization recognized by the U.S Department of Education.
7. Physical presence.
 - a. A provider has a “physical presence” if:
 1. It is physically located within the borders of Rhode Island; or
 2. It maintains or sends within the borders of Rhode Island employees or paid representatives whose purpose is to conduct any activities, including, but not limited to the following: advising of students, offering courses or programs, regular administration of examinations.
 - b. A provider with a legal domicile outside Rhode Island may be exempted from §a.2 under “physical presence,” if it meets both of the following criteria:
 1. The provider has been authorized by its home state to participate in NC-SARA or has been authorized by CPE as a non-SARA institution; and
 2. The provider does not engage in any activities in Rhode Island that constitute a physical presence as defined in the *NC-SARA Physical Presence Standard*.
8. Operating. For the purposes of distance learning, a provider is understood to be “operating” in Rhode Island if it meets either of the following criteria:
 - a. The provider has a physical presence in Rhode Island and offers distance learning to non-Rhode Island residents; or
 - b. The provider does not have a physical presence in Rhode Island and offers distance learning to Rhode Island residents.

POLICY

The Council on Postsecondary Education policy on distance learning applies to any provider operating or seeking to operate distance learning activities in Rhode Island.

1. Providers with a Physical Presence in Rhode Island.

a. Providers with a Physical Presence in Rhode Island Other than the Three Public Institutions of Higher Education:

If a provider has or seeks to establish a physical presence for the purpose of providing distance learning to the citizens of Rhode Island, it shall be subject to the appropriate set of CPE regulations and Rhode Island Office of the Postsecondary Commissioner (OPC) standards. These regulations and standards are detailed in the following:

- *Regulations Governing Institutions of Higher Education Operating in Rhode Island*
- *Regulations Governing Proprietary Schools in Rhode Island*
- *Correspondence Schools: Standards for Approval for Solicitation in Rhode Island*
- *NC-SARA Unified State Authorization Reciprocity Agreement.*

b. Institutions in the Rhode Island system of public higher education (Community College of Rhode Island, Rhode Island College, and University of Rhode Island) are subject to the *Regulations Governing Academic Changes in Rhode Island Public Institutions of Higher Education*, and to the following principles pertaining to the development and implementation of distance learning opportunities:

- i. The system and its institutions should strive to be leaders in the development and implementation of distance learning opportunities, building on established system and institutional missions and quality academic programs;
- ii. Distance learning should improve and increase accessibility of education opportunities (e.g., by allowing for more flexible scheduling of class time or location);
- iii. Distance learning should enhance students' educational opportunities (e.g., by providing courses and/or programs not otherwise available, by providing alternate modes of instruction to respond to different learning styles);
- iv. While distance learning should provide opportunities to use resources more efficiently, the commitment to maintaining academic quality must remain paramount. Institutions shall conduct the necessary oversight to guarantee the quality of the distance learning offerings;
- v. Whenever possible, distance learning opportunities should promote collaboration across the system (e.g., the sharing of courses, programs, and faculty).

c. Institutions approved as part of RI - SARA are governed by the policies, regulations, and procedures of the CPE, OPC and the laws of Rhode Island. NC- SARA Policies and Standards, including those for consumer protection and the resolution of complaints, apply to interstate distance education offered by participating NC - SARA institutions in other NC-SARA portal states.

2. Providers without a Physical Presence in Rhode Island.

a. Non-SARA institutions approved by the CPE to operate in Rhode Island for distance learning purposes are governed by the policies, regulations, and procedures of the

- CPE, OPC and pertinent laws of Rhode Island. In addition the provider shall adhere to the terms of the *NC-SARA Unified State Authorization Reciprocity Agreement*.
- b. Private for-profit, degree-granting institutions which do not have NC-SARA authorization and wish to offer distance learning activities for Rhode Island residents must seek specific legislative authorization pursuant to Chapter 40 of Title 16 of the Rhode Island General Laws.

ROLE OF THE COUNCIL ON POSTSECONDARY EDUCATION/OFFICE OF THE POSTSECONDARY COMMISSIONER AS SARA PORTAL AGENCY AND AS DISTANCE LEARNING AUTHORIZING AGENCY

R.I.G.L. § 16-59-6.

- a. RI-SARA. As a portal agency, the CPE/OPC has the responsibility and authority to enter into interstate reciprocity agreements regarding the provision of postsecondary distance education, to administer such agreements, and to approve or disapprove applications to voluntarily participate in such agreements from postsecondary institutions that have their principal place of business in Rhode Island, and to establish annual fees with the approval of the Council on Postsecondary Education for aforesaid applications to participate in an interstate postsecondary distance learning reciprocity agreement.
- The OPC will evaluate all applications for institutional participation in RI-SARA using the Council of Regional Accrediting Commissions (C-RAC) *Interregional Guidelines for the Evaluation of Distance Education* and the RI - SARA policies and standards.
- b. Non-SARA. As the authorizing agency for non-SARA distance learning providers, CPE/OPC has the authority to enter into agreements for distance learning with non-SARA postsecondary institutions and to approve or disapprove applications from non-SARA postsecondary institutions who voluntarily participate in such agreements. The OPC will evaluate all applications to operate in Rhode Island as a non-SARA institution using the Council of Regional Accrediting Commissions (C-RAC) *Interregional Guidelines for the Evaluation of Distance Education*, along with the policies, regulations, and procedures of the CPE and OPC and pertinent laws of Rhode Island.
- c. Renewal authorization for the Commissioner. The Commissioner of Postsecondary Education ("the Commissioner") shall have the authority to approve the requests for annual renewal of all RI- SARA and non-SARA institutions. In the event that the Commissioner has reservations concerning the ability of an institution to continue to meet the Rhode Island distance learning standards, the Commissioner shall have the discretion to grant an institution conditional approval for a period of one year or less. The granting of conditional approval shall be reported to the Council on Postsecondary Education at its next regularly scheduled meeting. During a period of conditional approval, the institution will be monitored to ascertain that the standards are being adequately met, and may be required to submit audited financial statements and other materials, and may be restricted from admitting any new students.