



April 30, 2020

Robert King
Assistant Secretary
Office of Postsecondary Education
U.S. Department of Education
400 Maryland Ave., SW
Mail Stop 294-42
Washington, DC 20202

RE: Office of Postsecondary Education, Department of Education, Notice of Proposed Rulemaking on Distance Education and Innovation under the Higher Education Act of 1965, as amended (Docket ID ED–2018–OPE–0076)

Dear Assistant Secretary King:

On behalf of the American Speech-Language-Hearing Association, I write to offer comments on the April 2, 2020, *Federal Register* notice of proposed rulemaking from the Office of Postsecondary Education, U.S. Department of Education (ED), on Distance Education and Innovation under the Higher Education Act of 1965 (HEA), as amended.

The American Speech-Language-Hearing Association (ASHA) is the national professional, scientific, and credentialing association for 211,000 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech language pathology support personnel; and students.

ASHA supports the pre-accreditation and accreditation of entry-level programs in the professions of audiology and speech-language pathology, which are conducted by the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA). The Secretary of Education has recognized the CAA as a programmatic (specialized) accrediting body since 1967.

ASHA provides the following comments and recommendations on distance education and related items for your consideration.

§ 600.2 Definitions

Academic engagement

Comments: ASHA supports the proposed definition of academic engagement as it emphasizes the transactional nature of engagement for learning through distance technologies.

Clock hour

Recommendation: ASHA recommends that ED includes in the definition of “clock hour” synchronous and asynchronous interactions between the students and instructor(s), by striking and making the following changes in bold:

(1)(iv) In distance education, 50 to 60 minutes in a 60-minute period of attendance in a synchronous **or asynchronous** class, lecture, or recitation where there is opportunity for ~~direct~~ interaction between the instructor and students.

Rationale: The proposed regulations would define a “clock hour in a distance education program” as 50 to 60 minutes in a 60-minute period of attendance in a “**synchronous** class, lecture, or recitation where there is an opportunity for direct interaction between the instructor and students.” This would limit the definition to only synchronous instruction where students have an opportunity to interact with instructors so that institutions can monitor a student’s participation during each hour, which is too restrictive. This definition omits “**asynchronous**” in the clock hour definition, which should be included as the proposed definition for distance education allows for “regular and substantive interaction between the students and the instructor or instructors, **either synchronously or asynchronously.**” If the definition for “distance education” allows for asynchronous interactions as well, ASHA recommends that the clock hour definition also reference asynchronous engagement and supports the expectation for an institution to monitor the student’s attendance during the allocated period for the course as outlined in the “clock hour” definition.

Credit hour

Comments: ASHA supports the proposed definition of credit hour as reframed by ED to support student learning and competency achievement. ASHA appreciates that the definition continues time allocations to ensure some measure of consistency across higher education.

Distance education

Comments: ASHA supports the proposed definition of distance education as the revisions include updated references to technologies (see in Distance education (2)) used in broader terms. ASHA also supports the proposed revisions in sections (3)(4)(5) that ensure qualified instructor(s) teach the course, meaningfully engage during the class, and the faculty provide substantive interactions on a regular and predictable basis for students and monitor students’ engagement and success.

Recommendation 1: Amend Distance education (2) by adding the following bolded language:

(2) The technologies that may be used to offer distance education **reflect up to date accessibility, are 508 compliant and** include—

Rationale: Technology can be a limiting factor for individuals with disabilities if the systems used are not accessible. Programs should ensure that technologies utilized are inclusive to individuals with disabilities to every extent feasible.

Recommendation 2: Modify (5)(ii) by adding the following bolded language:

(5)(ii) Monitoring the student’s academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student. **Instructors should be flexible and work with the student to determine the most appropriate communication mode to maximize the student’s ability to participate.**

Rationale: Individual variances in a student's ability to communicate (be it via text, phone, video chat, etc.) should not interfere with the ability to participate in distance education. Some students experience barriers due to technological obstacles while others may have different access needs based on ability. Instruction should not be limited by these factors. To ensure equal access, instructors should customize the program so that the content is being tested and not the ability to access technology.

§ 600.52 Foreign Institution

Comments: ASHA supports broadening the current limitation on a doctoral student enrolled in any course offered by a foreign institution in the United States (U.S.) to allow a doctoral student, having already completed more than 25% of his or her eligible program by taking coursework in the U.S., an additional full academic year to conduct independent research in the U.S. as well.

§ 668.5 Written Arrangements To Provide Educational Programs

Comments: ASHA supports the provision on institutions utilizing written arrangements that may align or modify their curriculum in order to meet the recommendations or requirements of industry advisory boards or industry-recognized credentialing bodies.

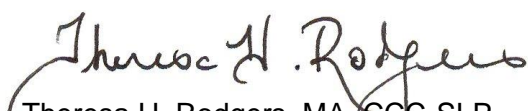
ASHA does not support the proposed provisions that provide flexibility to account for established industry standards in designing programs that would extend to institutional governance or decision making where an institution relies on such standards as an alternative to allowing or requiring faculty control or approval. Advisory board authority should not take precedence over faculty approval for designing new programs and curricular changes. Institutions, including their faculty, are the entities authorized to design and alter curricula and govern the institution. Just as input from external stakeholders (e.g., employers, industry) may inform an institution's decision-making process, so should the expertise of its faculty in participating in the design of the curriculum and governance of the institution.

Conclusion

ASHA supports the goals of these proposed regulations on distance education and innovation to reduce barriers to innovation in the way institutions deliver educational materials and opportunities to students and assess their knowledge and understanding, among other things. While ASHA generally supports ED's proposed regulations, its recommendations and comments offered here will strengthen the regulations and assist ED in meeting these goals.

Thank you for the opportunity to share these comments and recommendations on proposed regulations on distance education and innovation under HEA, as amended. If you or your staff have any questions, please contact Catherine D. Clarke, ASHA's director of education policy, at cclarke@asha.org.

Sincerely,


(Theresa H. Rodgers, MA, CCC-SLP
2020 ASHA President