Experts mull eLearning's future

As online course agreement forms, some worry about the effects of state regulation

Dennis Carter, Assistant Editor

Colleges that offer online courses across state lines, after fighting a federal rule they call unnecessary and outdated, now are concerned about states' regulatory power in deciding how schools should comply with existing regulations.

Decision makers from hundreds of online colleges from across the country gathered Oct. 3 at the Presidents' Forum in Washington, D.C., where campus officials and policy experts parsed the State Authorization Reciprocity Agreement (SARA), pitched as a more reasonable approach to enforcing educational standards for schools that offer web-based classes in many states.

Online education advocates created SARA's provisions after the federal government's "state authorization" rules proved so onerous that schools nationwide said the costs of complying with state-by-state rules would force them to withdraw from some states.

Complying with state authorization rules would cost $143,000 per college or university, according to a WICHE survey of 230 institutions. Fifteen percent of school officials said the costs were too high, and six in 10 identified states they likely would not serve if state authorization rules were implemented. Twenty-nine schools said they would withdraw online

classes from Massachusetts, 16 said they would leave Minnesota, and 15 wouldn't serve college students in Arkansas.

Panelists and policy experts at the Presidents' Forum said there is lingering concern that even if all 50 states and four U.S. territories can come to an agreement on regulations for online education, the federal rules might just be replaced by equally burdensome state rules.

"We should not use [SARA] as a vehicle to create 54 new masters of accreditation," said Judith Eaton, president of the Council for Higher Education Accreditation (CHEA). Eaton said state governments, in the forming of SARA laws and bylaws, should not become "the arbiters of academic quality."

Colleges found to be issuing worthless degrees while skirting basic academic standards, Eaton said, is "a consumer protection issue," echoing the sentiment of many who have railed against federal efforts to regulate web-based schools.

Michael Goldstein of the D.C.-based law firm Dow Lohnes, a longtime opponent of federal regulations on online colleges, pointed to Maryland as a state that has shown its willingness to regulate in similarly to the U.S. Department of Education.

In April, the Democrat-controlled Maryland General Assembly passed a bill that will require online schools to report enrollment numbers, outlaw recruiter bonuses, and pay back current students if a school closes.

Any college that wants to offer courses to students in Maryland must register with the Maryland Higher Education Commission, securing the commission's approval before accredited classes begin.

"This is a problem that's only getting

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more significant," Goldstein said. "This will have implications for online schools."

Presidents' Forum panelists lauded progress toward a nationwide reciprocity agreement.

Terry Hartle, vice president of the American Council on Education (ACE), said 45 states have signed on to SARA, a number that, if announced a year ago, "would have made me tell you that you'd lost your mind."

"The current reality is simply an unacceptable reality," he said, referring to the national sentiment that state authorization would have stunted online learning growth. "The moment is now. … The status quo can no longer be the status quo. No solution is going to be the perfect solution, but there should be a balanced approach."

Higher-education officials have said any enforcement of costly regulations would hit schools particularly hard, as schools have seen budgets stagnate—and in some cases, shrink—during the economic downturn.

Cynthia Gallatin, associate vice president in for online programs at Quinnipiac College in Connecticut, has led the school's effort to comply with states' higher-education rules, and said while state regulators have been cooperative and helpful, the process has proved tedious and "very time-intensive."

"Many [colleges] are concerned with budgetary constraints while continuing to develop innovative methods for educating students," Gallatin said. "The cost and time to comply with state regulations will prohibit some institutions from participating in online learning … and this process may deter some higher-education institutions from continuing to develop innovative online models of education." *e*

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