

An institution of higher education, including a college district, may offer off-campus courses for credit within the state or distance learning courses only with specific prior approval of the Coordinating Board. An institution must certify to the Coordinating Board that a course offered for credit outside the state meets the Coordinating Board's academic criteria. An institution shall include the certification in submitting any other reports required by the Coordinating Board. *Education Code 61.0512(g)*

Definitions

Continuing
Education Course

A "continuing education course" is a non-credit higher education technical course offered for continuing education units, has specific occupational and/or apprenticeship training objectives, and provides a quick and flexible response to business, industry, and student needs for intensive preparatory, supplemental, or upgrade training and education. *19 TAC 4.257(5)*

Distance Education

"Distance education" is the formal education process that occurs when students and instructors are not in the same physical setting for the majority (more than 50 percent) of instruction. *19 TAC 4.257(8)*

Distance Education
Course

A "distance education course" refers to a course in which a majority (more than 50 percent) of the instruction occurs when the student(s) and instructor(s) are not in the same place. Two categories of distance education courses are defined as follows:

1. Fully Distance Education Course: A course that may have mandatory face-to-face sessions totaling no more than 15 percent of the instructional time. Examples of face-to-face sessions include orientation, laboratory, exam review, or an in-person test.
2. Hybrid/Blended Course: A course in which a majority (more than 50 percent but less than 85 percent) of the planned instruction occurs when the students and instructor(s) are not in the same place.

19 TAC 4.257(9)

Non-credit Course

A "non-credit course" is a course that results in the award of continuing education units (CEUs) as specified by International Association for Continuing Education and Training (IACET) criteria. Only courses that result in the award of CEUs may be submitted for state funding. *19 TAC 4.257(17)*

Self-Supporting
Courses and
Programs

"Self-supporting courses and programs" are academic credit courses and programs (formerly defined as extension courses or programs) whose semester credit hours are not submitted for formula funding. *19 TAC 4.257(24)*

ALTERNATE METHODS OF INSTRUCTION
DISTANCE EDUCATION

EBA
(LEGAL)

Workforce
Continuing
Education Course

A “workforce continuing education course” is a course offered for CEUs with an occupationally specific objective and supported by state funding. A career technical/workforce continuing education course differs from a community service course offered for recreational or avocational purposes which is not supported by state funding. *19 TAC 4.257(26)*

**Applicability of
Subchapter P**

The provisions of 19 Administrative Code Chapter 4, Subchapter P (addressing approval of distance education courses and programs) apply to academic credit courses, degree and certificate programs, and self-supporting courses and programs provided by all public institutions of higher education, including college districts, and formula-funded workforce credit courses and continuing education provided by a public community college, Lamar State College, or public technical college. These provisions do not apply to non-formula-funded continuing education provided by a public community college, Lamar State College, or public technical college. *19 TAC 4.258*

**Standards and
Criteria**

Generally

The following provisions apply to all institutions covered by 19 Administrative Code Chapter 4, Subchapter P, unless otherwise specified:

1. Institutions shall comply with the standards and criteria of the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
2. Institutions shall adhere to criteria outlined in Principles of Good Practice for Academic Degree and Certificate Programs and Credit Courses Offered Electronically.
3. Students shall be provided academic support services appropriate for distance education, such as advising, career counseling, library, and other learning resources.
4. Institutions shall report enrollments, courses, and graduates associated with distance education offerings as required by the commissioner.
5. If a non-Texas resident student enrolls in regular, on-campus courses for at least one-half of the normal full-time course load as determined by the institution, the institution may report that student’s fully distance education or hybrid/blended courses for formula-funding enrollments.

19 TAC 4.260

Out-of-State

If an institution offers postsecondary education through distance education or correspondence courses to students located in a state

in which the institution is not physically located or in which the institution is otherwise subject to that state's jurisdiction as determined by that state, the institution must meet any of that state's requirements for it to be legally offering postsecondary distance education or correspondence courses in that state. The institution must, upon request, document the state's approval to the U.S. Secretary of Education. *34 C.F.R. 600.9(c)(1)(i)*

Exception If an institution offers postsecondary education through distance education or correspondence courses in a state that participates in a state authorization reciprocity agreement, and the institution is covered by such agreement, the institution is considered to meet state requirements for it to be legally offering postsecondary distance education or correspondence courses in that state, subject to any limitations in that agreement and to any additional requirements of that state not relating to state authorization of distance education. The institution must, upon request, document its coverage under such an agreement to the U.S. Secretary of Education. *34 C.F.R. 600.9(c)(1)(i)(ii)*

Location For purposes of this 34 C.F.R. 600.9, an institution must make a determination, in accordance with the institution's policies or procedures, regarding the state in which a student is located, which must be applied consistently to all students. The institution must, upon request, provide the U.S. Secretary of Education with written documentation of its determination of a student's location, including the basis for such determination. An institution must make a determination regarding the state in which a student is located at the time of the student's initial enrollment in an educational program and, if applicable, upon formal receipt of information from the student, in accordance with the institution's procedures, that the student's location has changed to another state. *34 C.F.R. 600.9(c)(2)*

Definitions For purposes of the federal distance education provisions, "distance education" means education that uses one or more of the technologies listed below at items 1 through 4 to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies may include:

1. The internet;
2. One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
3. Audio conferencing; or

4. Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed at 1 through 3, above.

A “correspondence course” is a course provided by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor. Interaction between the instructor and the student is limited, is not regular and substantive, and is primarily initiated by the student. Correspondence courses are typically self-paced. A correspondence course is not distance education.

If a course is part correspondence and part residential training, the U.S. Secretary of Education considers the course to be a correspondence course.

34 C.F.R. 600.2

State
Authorization
Reciprocity
Agreement

State Authorization Reciprocity Agreement (SARA) is an agreement among its member states, districts, and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs.

Any public degree granting institution of higher education, including a college district, may apply to participate in SARA if its principle campus is located in Texas. All distance education content provided by SARA participants must originate in the United States or a U.S. territory. The institution must be accredited by an accrediting body recognized by the U.S. Department of Education.

All eligible institutions may apply to the Coordinating Board for admission to SARA under the signature of the institution’s chief academic officer as described by 19 Administrative Code 4.314.

19 TAC 4.312(11), .313–314

SARA participants must comply with the requirements of 19 Administrative Code Chapter 4, Subchapter S.

Distance Education
Programs

The following standards and criteria apply to programs offered under the provisions of 19 Administrative Code Chapter 4, Subchapter P:

1. Each program shall be within the role and mission of the institution responsible for offering the instruction and shall be on the inventory of approved programs.
2. Prior approval by the Coordinating Board may be required before an institution may offer programs in certain subject area

disciplines or under other conditions specified by the Coordinating Board or the commissioner.

3. An institution offering a degree or certificate program shall comply with the standards and criteria of any specialized accrediting agency or professional certification board.
4. Each degree program offered by distance education shall be approved by an institution's governing board or the board's institutional designee. Certification of approval shall be submitted to the Coordinating Board upon request.
5. An institution shall require that students, except for students in out-of-country programs, enrolled in a distance education degree program satisfy the same requirements for admission to the institution and the program as required of regular on-campus students. Students in degree programs to be offered collaboratively shall meet the admission standards of their home institution.
6. Out-of-country students shall meet equivalent standards for admission into programs and shall be assessed for academic guidance purposes in a manner determined by the admitting institution.

19 TAC 4.261

Distance Education
Courses

The following standards and criteria apply to courses offered under the provisions of 19 Administrative Code Chapter 4, Subchapter P:

1. Each course shall be within the role and mission of the institution responsible for offering the instruction and shall be on its inventory of approved courses.
2. All courses shall meet the quality standards applicable to on-campus courses.
3. Institutions shall report to the Coordinating Board, in accordance with Coordinating Board policy and procedures, all distance education courses and programs.
4. Students shall satisfy the same requirement for enrollment in an academic credit course as required of on-campus students, except that out-of-country students shall meet equivalent standards for enrollment in an academic credit course and shall be assessed for academic guidance purposes in a manner determined by the admitting institution.
5. The instructor of record shall bear responsibility for the delivery of instruction and for evaluation of student progress.

6. Prior Coordinating Board approval may be required before an institution may offer programs in certain subject area disciplines or under other conditions specified by the Coordinating Board or the commissioner.

19 TAC 4.262

**Distance Education
Faculty**

The following standards and criteria apply to faculty teaching in programs offered under the provisions of 19 Administrative Code, Chapter 4, Subchapter P:

1. Faculty shall be selected and evaluated by equivalent standards, review, and approval procedures used by the institution to select and evaluate faculty responsible for on-campus courses.
2. Institutions shall provide training and support to enhance the added skills required of the faculty teaching courses through electronic means.
3. The supervising, monitoring, and evaluating processes for faculty shall be equivalent to those for on-campus courses.

19 TAC 4.263

Institutional Plan

Prior to offering any distance education courses or programs for the first time, institutions of higher education, including college districts, shall submit an Institutional Plan for Distance Education to the Coordinating Board for approval. The commissioner shall provide guidelines for development of the report and a schedule for any periodic submission of updated reports.

Institutional academic and administrative policies shall reflect a commitment to maintain the quality of distance education courses and programs in accordance with the provisions of 19 Administrative Code Chapter 4, Subchapter P. An Institutional Plan for Distance Education shall conform to Coordinating Board guidelines and criteria of the SACSCOC in effect at the time of the Report's approval. These criteria shall include provisions relating to:

1. Institutional issues;
2. Educational programs;
3. Faculty;
4. Student support services; and
5. Distance education facilities and support.

19 TAC 4.259

Funding

Formula Funding

Institutions, including college districts, shall report distance education courses submitted for formula funding in accordance with the Coordinating Board's uniform reporting system and the provision of 19 Administrative Code Chapter 4, Subchapter P.

Institutions may submit for formula funding academic credit courses delivered by distance education to any student located in Texas or to Texas residents located out-of-state or out-of-country.

Institutions shall not submit for formula funding distance education courses taken by non-resident students who are located out-of-state or out-of-country, courses in out-of-state or out-of-country programs taken by any students, or self-supporting courses.

19 TAC 4.264(a)–(c)

Fees

For courses not submitted for formula funding, institutions shall charge fees that are equal or greater than Texas resident tuition and applicable fees and that are sufficient to cover the total cost of instruction and overhead, including administrative costs, benefits, computers and equipment, and other related costs.

Institutions shall report fees received for self-supporting and out-of-state/country courses in accordance with general institutional accounting practices.

19 TAC 4.264(d)

Note: For more information regarding distance education, including related approval processes, reporting deadlines, and forms, visit the Coordinating Board's [Distance Education Modifications and Requests](#)¹ website.

¹ Distance Education Modifications and Requests:
<https://www.highered.texas.gov/institutional-resources-programs/public-universities-health-related-institutions/academic-program-development-modifications/distance-education-resources/distance-education-modifications-requests/>