



**Date:** May 26, 2023  
**To:** Chief Executive Officers of Higher Education Institutions in New York State  
**From:** William Murphy, Deputy Commissioner, Office of Higher Education  
Sarah Benson, Deputy Commissioner, Office of the Professions  
**Subject:** Update on NYSED's Distance Education Policy

The purpose of this memo is to advise New York State's colleges and universities that the New York State Education Department (NYSED) is extending the current distance education flexibility (see previous memo from [April 2022](#)) until the end of the 2023-2024 academic year. This flexibility was granted during the COVID-19 pandemic. This extension permits institutions of higher education to continue to offer programs through distance education during the 2023-2024 academic year prior to registering those programs in the distance education format.

In order to continue to advertise and offer programs through distance education beyond September 1, 2024, such programs must be registered in the distance education format. As a reminder, NYSED's long-standing policy has been to require registration in the distance education format when a major portion (i.e., fifty percent or more) of the requirements for a program can be completed through study delivered by distance education<sup>1</sup>. In order to improve efficiencies without compromising our oversight responsibilities, NYSED will be revising its processes for reviewing and registering programs in the distance education format. An overview of the revised processes is provided below.

**General academic (non-licensure) programs**, including those that lead to teacher, school leader, or pupil personnel services certification are registered by the Office of College and University Evaluation (OCUE). Proposals submitted to OCUE for doctoral programs to be offered through distance education and for the institution's first distance education program will be required to include a completed distance education form. For proposals related to all other types of general academic programs, OCUE will be implementing streamlined processes to add the distance education format in the coming months. First, as part of the Inventory of Registered Programs (IRP) reconciliation process, eligible<sup>2</sup> institutions will be able to add the distance

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<sup>1</sup> *Distance education* means synchronous or asynchronous instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs.

<sup>2</sup> Eligible institutions are those that already have at least one program registered in the distance education format.

education format in bulk to programs below the doctoral level. The IRP reconciliation will take place this summer. Additionally, program registration applications will be modified to include an attestation regarding the inclusion of distance education in proposed programs. We expect that updated program registration forms will be posted to our [website](#) by early Fall 2023, giving colleges and universities ample time to identify and register programs in the distance education format prior to September 1, 2024.

**Licensure-qualifying** and related programs are registered by the Professional Education Program Review (PEPR) unit in the Office of the Professions (OP). PEPR reviews proposals for new and revised [Title VIII licensure](#) programs, including those in the distance education format. Because students who complete a NYS-approved program leading to licensure do not require individual evaluation in order to become licensed, it is critical that program offerings are consistent with laws and regulations for professional licensure and practice, whether instruction is in-person or through distance education. As such, PEPR continues to require the distance education application for professional education programs, and the application is available on the [website](#). PEPR is exploring ways to improve efficiencies and transparency in the approval process and will continue to work closely with institutions to ensure the quality of licensure-qualifying programs regardless of format.

Colleges and universities are reminded that, regardless of delivery modalities or formats, all academic programs offered by New York State degree-granting institutions are required to meet all New York State program registration standards, including all regulatory requirements related to clinical and other experiential and laboratory program components. Offering clinical courses in a licensure-qualifying program in an alternative format requires prior approval. Institutions are further reminded of the necessity to continue to comply with all requirements, including but not limited to those concerning the offering of programs via distance education, established by their accrediting agencies, the U.S. Department of Education, and the State Authorization Reciprocity Agreement (SARA) for postsecondary distance education.

Questions related to programs that lead to professional licensure and related programs should be directed to: [OPPROGS@nysed.gov](mailto:OPPROGS@nysed.gov). Questions related to all other programs, including those that lead to teacher, school leader, or pupil personnel services certification should be directed to: [OCUEINFO@nysed.gov](mailto:OCUEINFO@nysed.gov).