REGULAR & SUBSTANTIVE INTERACTION

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What is Regular & Substantive Interaction?

One of the most important characteristics that distinguishes between the federal definitions of distance education and correspondence education is that distance education must include **regular and substantive interaction.** Historically this phrase, although critical, has not been well defined in regulations or guidance. In 2020, however, the Department of Education released new regulatory language around distance education that is to go into effect on July 1, 2021. This new language includes, for the first time, clarification of regular and substantive interaction.

Regular and substantive interaction is the distinguishing feature of distance education versus correspondence education. Institutions risk losing access to student financial aid if more than 50 percent of their courses are classified as correspondence courses or more than 50 percent of their students are enrolled in correspondence courses. If an institution is audited by the Department's Office of Inspector General or as part of a periodic Departmental financial aid program review and found to exceed those 50 percent levels for correspondence courses or enrollments, then that institution may be required to repay financial aid for those courses or enrollments.

This document provides a brief overview of regular and substantive interaction as well as answers to several frequently asked questions. It is not meant to be a comprehensive document, however, and any additional questions should be directed to the Department of Education.

The Regulatory Definition of "Distance Education," Including Regular and Substantive Interaction, 34 C.F.R. 600.2

*The following definition takes effect on July 1, 2021, for all institutions. The **items in bold** refer specifically to regular and substantive interaction.*

(1)   Education that uses one or more of the technologies listed in paragraphs (2) (i) through (iv) of this definition 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.

(2)   The technologies that may be used to offer distance education include--
(i) The Internet;

   (ii) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber options, satellite, or wireless communications devices;

   (iii) Audio conference; or

   (iv) Other media used in a course in conjunction with any of the technologies listed in paragraph (2) (i) through (iii) of this definition.

(3)   For purposes of this definition, an instructor is an individual responsible for delivering course content and who meets the qualifications for instruction established by an institution's accrediting agency.

(4)   For purposes of this definition, substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also include at least two of the following—

   (i)   Providing direct instruction;

   (ii)   Assessing or providing feedback on a student's coursework;

   (iii) Providing information or responding to questions about the content of a course or competency;

   (iv) Facilitating a group discussion regarding the content of a course or competency; or

   (v)   Other instructional activities approved by the institution's or program's accrediting agency.

(5)   An institution ensures regular interaction between a student and an instructor or instructors by, prior to the student's completion of a course or competency—

   (i)   Providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency; and

   (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.

Prior to August 24, 2020, there was no formal regulatory definition of regular and substantive interaction, but that changed with the new regulatory definition of distance education. Regular and substantive interactions must be:

- be with an instructor as defined by the institution's accreditor;
- be initiated by the instructor;
- be scheduled and predictable;
- be academic in nature and relevant to the course;
- ensure that instructors are promptly and proactively engaging students in substantive interaction; and
- include at least two of the following:

  - direct instruction,
  - coursework assessment or feedback,
  - information about the course content,
  - group discussion of the course content, or
  - other instructional methods approved by the institution's accreditor.

Frequently Asked Questions

Who counts as an instructor? DO TAs count or does it depend on what they do?

It is up to your institutional accreditor. for most of them, they accept TAs who are doing instruction, grading tests, or facilitating breakout sessions. Check with your accreditor.

Is video lecture considered direct instruction?

A real-time video lecture would count. A recorded lecture would likely not count, but, remember, "direct instruction" is only one of a set of criteria options for substantive interaction. Therefore, one could still use recorded video lectures in a course that meets the overall definition of regular and substantive interaction if combined with other interaction activities.

Do assignments/assessments created by the instructor count as direct action?

A faculty member providing assignments would likely be part of direct instruction. Assessments would be part of the definition of "substantive interaction" which is "Assessing or providing feedback on a student's coursework." Please remember that the creation of assignments or assessments alone is not enough to satisfy the "substantive interaction" definition. Institutions must provide at least two of the listed opportunities for interaction such as providing direct instruction, feedback on coursework, responding to course questions, facilitating course discussion, or other instructional activities recognized by the institution's accreditor.

Frequently Asked Questions

What would be examples of direct instruction?

The Department does not define "direct instruction" as it believes that such a definition is beyond its purview. We believe that "direct instruction" would likely include participating in discussions, providing feedback, synchronous lectures, and office hour interactions with students focused on the subject of the class.

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Does asynchronous (video, prose, discussion stems, etc.) instruction count as originating from the instructor?

Yes, but asynchronous instruction alone is not enough to satisfy the "substantive interaction" definition. Institutions must also provide other opportunities for interaction such as providing feedback on coursework, facilitating a discussion about the course content, or other instructional activities recognized by the institution's accreditor. Additionally, there must be "predictable and scheduled" opportunities for interaction between students and the instructor(s).

In the past there has been a focus on whether the course is self-paced thus making it correspondence education. For example, a faculty person might record a series of videos for a course. If all the videos are released on the first day of class and students can view as they wish, the course is likely self-paced. However, if the same videos are released on a schedule throughout the term AND there are accompanying opportunities for interaction as outlined above, then those same videos are no longer a part of a self-paced course.

Frequently Asked Questions

How does regular interaction that is predictable and scheduled work in a direct-assessment model?

The very few institutions that are eligible to use the direct-assessment financial aid model are subject to those rules. Your financial aid office will know if you are a direct assessment institution. Institutions that use the much more typical credit or clock hour version of administering federal financial aid and offer competency-based education or adaptive learning have indicated that they may introduce a few regular contact points with students, such as reaching out to students at scheduled times or the creative use of office hours to comply with the definition of regular interaction.

Is the measure of faculty interaction standards based over the length of the course or based on a weekly instructional week?

It is based over the length of the course. There is not an exact standard like "once a week." In a course there may be sound academic reasons for not having interaction in a given week, but you should be able to show a syllabus that outlines when activities will happen that are course appropriate.

Is the presence of interactive activities enough or do they need to be required?

According to the commentary the Department released with its final regulations, it is not necessary that students attend office hours for those hours to fulfill the regulatory requirements for "regular," i.e. "predictable and scheduled" interaction. The Department writes, "The requirement could be met if instructors made themselves available at a specific time and through a specific modality... regardless of whether the students chose to make use of this opportunity or interact with the instructor." (*Federal Register, https://www/federalregister.gov/documents/2020/09/02/2020-18636/distance-education-and-innovation*)

Frequently Asked Questions

Would interactive assessments such as coding problems with feedback be considered substantive interaction?

Feedback on assessments, especially interactive assessments, would be considered a form of substantive interaction.

Would discussion posts related to a recorded video count as substantive interaction?

Yes, unless the recorded videos were part of a whole course that is self-paced.

Does the Department define "academic engagement"?

Elsewhere in 34 CFR 600.2, "academic engagement" is defined as the "active participation by a student in an instructional activity related to the student's course of study." These activities must be accreditor approved and include, but are not limited to, attending a synchronous academic activity where there is the opportunity to interact with the instructor; submitting an academic assignment; taking an assessment; participating in interactive computer-assisted instruction; participating in a study group, group project, or online discussion; or interacting with an instructor about academic matters.