July 1, 2022

Dr. Juliana Pearson
PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division
Office of Chief Data Officer
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202

RE: Integrated Postsecondary Education Data System (IPEDS) 2022-23 through 2024-25
(Docket: ED–2022–SCC–0026)

Dear Dr. Pearson:

The Center for Academic Innovation (Academic Innovation) at the University of Michigan (U-M) works to further the mission of U-M by partnering with academic units to expand access to quality education while reshaping learning experiences to be more personalized, engaged, and lifelong. Academic Innovation manages a portfolio of online learning experiences offered through both external portals such as Coursera, edX, and FutureLearn, and an internally developed platform, Michigan Online Global Classroom. While this portfolio includes online and hybrid degree programs and certain credit-pathway opportunities, a significant portion of the overall portfolio is composed of noncredit learning experiences such as Massive Open Online Courses (MOOCs).

We are grateful for this opportunity to submit comments in response to the notice of proposed revisions to information collection, titled *Integrated Postsecondary Education Data System (IPEDS) 2022-23 through 2024-25*, which was posted in the Federal Register on June 1, 2022.

A. *Overview*

We agree that the proposed additions of dual enrollment and noncredit enrollment information can prove valuable to advancing education research and policy. The Department asks how it might "enhance the quality, utility, and clarity of the information to be collected," which we hope to address with this Comment.

With regard to noncredit enrollment reporting, specifically, we have concerns over the implementation timeline and believe the proposed definitions may generate substantial confusion as institutions attempt to identify qualifying experiences and enrolled learners.

B. Noncredit Activities at U-M: "Learners," "Students," and Third-Party Platforms

Each year, U-M provides hundreds of open online learning experiences to millions of learners who are not otherwise affiliated with traditional academic programs offered by U-M schools and colleges. Learners may register through a variety of U-M processes or those existing with a third party (e.g., Coursera, edX, and FutureLearn) depending on the experience involved. Generally, these learners pay no tuition or fees unless seeking a certificate of completion.

In the vast majority of cases, learners do register and make payments (when applicable) through one of these third-party vendors. U-M does not serve as the "owner" of learner data in such cases despite having control over the curriculum and content for the noncredit course or program involved. Such data does not enter any central database maintained by U-M and the learners themselves are not considered "students" despite their participation in experiences with materials created by U-M instructors.

As noted, learners may also engage in similar noncredit activities (e.g., MOOCs), offered via an in-house learning platform where U-M would have direct access to and control over registration data. The collection of personal information is kept to a minimum, however, and data that are collected are still not included within a centrally maintained database. Likewise, these learners are still not considered "students" for other intents and purposes (e.g., they would not receive student services and benefits and are not asked to pay associated fees).

Finally, U-M has been a pioneering institution in offering what are called "Teach-Outs" on topics of public interest that bring together subject matter experts, including U-M faculty, as part of organized learning experiences that are completely free, easily accessible (i.e., they may not require registration to engage), and are open to the public. These can be offered through various third-party portals or over social media platforms as well as U-M controlled platforms. They can also be offered as cross-platform experiences. Other short-form content, which may be more or less formal in terms of curriculum, registration, and course components, are also available to learners, with such activities expected to grow in the coming years. The degree to which U-M would have access to learner data for Teach-Outs and other short-form content varies considerably depending on the platform used.

C. Concerns with Proposed Noncredit Definitions and Reporting Directions

On page 51 of the 12 Month Enrollment Package (ED-2022-SCC-0026-0003, attachment 7), the criteria for noncredit education for which enrollment should be reported includes the following—with a note, however, that not all criteria must be satisfied:

- Noncredit education should consist of formalized instructional activity, typically packaged as a course or sequence of educational activities.
- Noncredit education typically has an identified time period for instructional activity (i.e., start and end dates), documented learning objectives (e.g., skills, competencies, or proficiencies to be learned or developed), and a planned curriculum (e.g., course units, modules).
- Students go through a formalized enrollment process (e.g., application, sign-up, rostered course) even if the process is different than for-credit enrollment.
- There are institutional administrative elements that establish and manage noncredit education (e.g., division, dean, program manager).

When attempting to apply these guidelines, we are not confident in determining whether enrollments associated with some or perhaps all of the experiences described in Section B of this Comment would be considered reportable. On the one hand, all of these experiences are "open" and therefore lack formal application processes with admissions criteria, which might suggest that participating learners should not be counted; while on the other, many of the remaining descriptions (e.g., arrangement in courses or series, planned curriculum, learning objectives, start-and-end dates, etc.) could apply, suggesting these types of experiences are covered within the scope of noncredit education.

Due to this ambiguity, we believe the application of these guidelines will be inconsistent from one institution to the next and result in inaccurate or potentially misleading results. As comments submitted during a previous public comment window have also suggested, one could even interpret these guidelines to include faculty and staff training and professional development, which may not be at all what NCES is looking for with this data collection request. Ultimately, we believe many institutions will want to avoid adding burden unnecessarily and adopt a more narrow reading. Such institutions may even consider changing their noncredit experiences to avoid employing too many of the criteria, which could negatively impact the quality of these offerings, to avoid having to take on the additional collection and reporting burden. Meanwhile, other institutions may wish to report as many enrollments as possible as a way to highlight the popularity of their programs. Ultimately, reporting based on a universal understanding and application of the criteria would be unlikely given the diversity of noncredit activities and the discretion afforded to institutions when interpreting these guidelines.

If the Department wishes to encourage apples-to-apples comparisons, we suggest that NCES revise this language to create more limited and explicit criteria. For example, NCES might consider limiting criteria to include only activities where an enrollment or registration process specifically occurs at the institution (i.e., exempting courses and programs offered through partnerships with MOOC aggregators such as Coursera) or to include only experiences with a formal application and admissions process. These suggestions may also help ensure institutions would actually have access to relevant learner information and can cross-reference enrollments with for-credit datasets.

With any reading of these guidelines, however, accurately identifying all potentially covered noncredit activities across U-M's nineteen largely independent schools and colleges—let alone obtaining details about noncredit students or learners participating in those experiences—would require substantial updates to data infrastructure and significant time and effort to build awareness (as is outlined in Section D, below). We believe the burden estimates and suggested implementation timeline, where tracking this noncredit activity would need to somehow begin in just a couple of months, are unrealistic for large, complex institutions. We therefore request at least one additional year to begin implementing these IPEDS changes if they are approved.

Alternatively, we believe it may be beneficial to instead employ a voluntary pilot program approach where institutions opting to report noncredit enrollments would be given the opportunity to also detail their assumptions and any challenges encountered. This exercise may inform new, more precise definitions and guidelines to share with institutions, resulting in more consistent approaches that could enhance the quality, utility, and clarity of the information being requested.

D. Concerns with Data Collection and Reporting

In each of the examples listed in Section B of this Comment, participation in the learning experience would not depend in any way on a learner's ability to meet certain admission criteria or provide personal information similar to what would be requested in a formal application to a for-credit program at U-M. Currently enrolled U-M students, along with U-M alumni, faculty, and staff, could be among the participants but are treated no differently with regard to data collection and processing. While more information about U-M affiliated learners would theoretically be obtainable, our current practice is to not link registration in these activities with student or employee files. This practice was established to prioritize data privacy and security principles. For participants with no U-M affiliation, the opportunities for data collection or access would vary by the nature of the experience and applicable contractual arrangements with vendors hosting our learning experiences on their platforms.

Assuming all relevant activities could be identified, it is not clear whether that data could be centrally maintained and what unique identifiers might be applied that could be used consistently across each noncredit learning environment to avoid producing duplicated headcounts. Such a system would also need to track noncredit enrollments alongside for-credit student counts to ensure any students with both for-credit and noncredit designations could be reported in the for-credit rather than noncredit enrollment section, per the instructions in the 12 Month Enrollment Package. Names and emails used may differ based on the activity selected, further complicating these efforts, and it ultimately seems unlikely that data could be accurately produced without significant cost and burden (e.g., investing in the unique tools, creating unique course codes, determining census dates, training staff, and updating procedures to ensure consistency).

Regarding the proposed request to track these experiences as "clock hour" or "other"—with a requirement to provide more information when choosing the latter—we are unsure what the

expectations are for this request given that numerous different approaches would be used across potentially hundreds of unique qualifying activities. Additionally, we believe it is likely that many qualifying experiences would not employ any formal method to estimate effort. We therefore request that this requirement either be removed or some combination of "multiple calculation methods used," "not applicable," or "unknown" options be added.

Additionally, determining *when* "enrollment" occurs may also prove to be a challenge. Would institutions have flexibility in determining a reasonable census date to count registrants as having enrolled? Must a learner complete an assignment or have otherwise demonstrated academic engagement prior to being considered enrolled? Without further direction, it is likely that learners who sign up but never actually engage with an experience would be counted regardless of what NCES may have actually intended. Once again, institutions may also apply different interpretations to their reporting, leading to data that is not very usable for institutional comparisons and not viewed as particularly helpful to future policymaking efforts.

Finally, we have concerns regarding how the Part D noncredit reporting section might be expanded in future years. The supplemental materials provided note that race/ethnicity and gender information could later be requested for consistency with Higher Education Emergency Relief Fund reporting criteria, which would already result in significant changes to Part D as currently outlined. Adding these or other collection categories (e.g., other 12-month enrollment requirements[1]) would subject what may be millions of learners at our institution alone to sharing sensitive personal information not otherwise necessary for or relevant to the learning experiences they have signed up for. We agree that collecting demographic information may be valuable for research and policymaking purposes, but we ask that NCES weigh those benefits against data sharing concerns learners may have and also consider how such requests may add burden to registration processes for both learners and institutions.

E. Applicability of Federal Rules and Accreditor Expectations

If the definition of a "student" were expanded for IPEDS purposes, this could raise new questions regarding the applicability of Title IV provisions and other federal requirements, such as those in the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations. For example:

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[1] The IPEDS Glossary has previously and would continue to ask institutions to "report an unduplicated head count for the total number of students by gender, attendance status (full-time, part-time), race/ethnicity, level (undergraduate, graduate, first-professional), first-time (entering), transfer-in (non-first-time entering), continuing/returning, and degree/certificate-seeking statuses enrolled throughout the reporting period. Students included are those enrolled in any courses leading to a degree or other recognized postsecondary credential, as well as those enrolled in courses that are part of a terminal vocational or occupational program. Institutions also report the total instructional activity for the same 12-month period for both undergraduate and graduate programs. Instructional activity data are reported in units of clock hours or credit hours." "Starting with the 2023-24 data collection, institutions will also report data on noncredit enrollment and dual enrollment," would be added to the bottom of the above-quoted text. ED-2022-SCC-0026-0003, IPEDS Glossary 2022-23 through 2024-25, Attachment 12, p. 3.

- Would MOOC learners who participate in experiences that may not be considered "distance education" now be countable as "correspondence students," potentially jeopardizing an institution's eligibility for Title IV funding?[2]
- How might a lack of prior credentials such as a high-school diploma be viewed under these same eligibility requirements with regard to noncredit education?
- Will learners become students for accreditation purposes with access to internal and external complaint procedures?
- Must noncredit programs meet the same expectations for quality and rigor as for-credit online degree and certificate programs, including expectations codified in quality frameworks used by national accreditors?
- Would a noncredit learner who has not otherwise been "in attendance" at the institution now receive FERPA protections[3] if the institution is required to maintain education records relating to the learner exclusively for IPEDS purposes?

While much of the existing regulatory framework for distance learning distinguishes between noncredit and for-credit or Title IV-eligible and non-eligible programs, there are also regulations that apply to the institution itself rather than individual programs or activities. We believe that it is therefore important to first determine how the inclusion of noncredit enrollments would be viewed by the Department and other enforcement agencies when interpreting applicable laws and regulations and to consider whether updates may be needed prior to requiring institutions to provide this information.

F. Summary and Recommendations

While we believe the inclusion of noncredit enrollments could prove beneficial to future research and policymaking efforts, we also believe that the language used in the current proposal could also have wide-ranging consequences for institutions and may create considerable confusion leading to flawed data reporting. In particular, we request clarification as to:

1. Whether there are certain parameters around which *individuals* (as opposed to *activities*) should be counted as enrolled in noncredit education when considering the unique data relationships that may exist between noncredit learners and the institutions offering these experiences; and

2. Whether expanded data collection with regard to noncredit activities and enrollments could have broader compliance implications with regard to federal, state, and accreditor

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[2] Among the conditions for institutional eligibility under § 34 CFR 600.7, institutions can lose eligibility for having too many incarcerated students, correspondence students, or students who haven't received a high-school diploma or the equivalent. These provisions do not appear to distinguish between for-credit and noncredit enrollment but would presumably rely on IPEDS enrollment totals as the only federally required source of enrollment data with regard to enforcement actions.

[3] FERPA defines a "student" as follows: "For the purposes of this section, the term 'student' includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution." 20 U.S.C. 1232g(a)(6).

requirements that apply to "students" and "enrollments" but may not have been intended for noncredit learning environments.

Additionally, we ask the Department to consider asking NCES to limit the scope of its noncredit reporting criteria to ensure all institutions are reporting the same data, and to either:

1. Delay implementation of any noncredit enrollment reporting changes for at least one additional year so that institutions can update data collection systems and reporting procedures; or
2. Make the noncredit enrollment reporting requirement voluntary for an initial pilot period of at least one year and update guidelines and definitions using results and feedback.

Academic Innovation appreciates this opportunity to comment on these complex issues. Please direct any correspondence pertaining to this comment to:

James DeVaney
Academic Innovation
Harlan Hatcher Graduate Library
913 South University Avenue
Ann Arbor, MI 48109

Sincerely,

James DeVaney

Associate Vice Provost for Academic Innovation
Academic Innovation
University of Michigan