**ATTENDANCE FOR TITLE IV**

**REGULATION**

*Current regulations:* Section 668.22(b)(3) provides the requirements for determining whether an institution is required to take attendance for an educational program. Under § 668.22(b)(3), an institution is required to take attendance if an outside entity

(such as the institution’s accrediting agency or a State agency) requires that the institution take attendance, as determined by the entity. In this case, the student’s withdrawal date is the last date of academic attendance, as determined by the institution from its attendance records.

*Proposed regulations:*

The proposed revisions to § 668.22(b)(3) would clarify the programs for which institutions are required to take attendance. An institution would be required to take attendance if an outside entity or the institution itself has a requirement that its instructors take attendance, or if the institution or an outside entity has a requirement that can only be met by taking attendance or a comparable process, including, but not limited to, requiring that students in a program demonstrate attendance in the classes of that program, or a portion of that program. In addition, the proposed regulations would remove the provisions in § 668.22(b)(3)(i) and (ii) that it is the entity that determines whether there is a requirement to take attendance since the new provision looks at the substance of the information being collected rather than the characterization of that information or process by the entity.

Proposed § 668.22(b)(3)(ii) would clarify that if an institution is required to take attendance by an outside entity or requires its instructors to take attendance for only some of its student, then it must use its attendance records to determine a withdrawal date for those students.

Proposed § 668.22(b)(3)(iii) would incorporate in the regulations current nonregulatory guidance regarding an institution that is required to take attendance, or requires that attendance be taken, for a limited period of time, such as for the first two weeks of courses or until a ‘‘census date.’’ These proposed provisions would specify that an institution must use its attendance records to determine a withdrawal date for a student who withdraws during that limited period. A student in attendance at the end of that limited period who subsequently stops attending during the payment period would be treated as a student for whom the institution was not required to take attendance.

Proposed § 668.22(b)(3)(iv) would also incorporate in the regulations current nonregulatory guidance that if an institution is required to take attendance, or requires that attendance be taken, on a specified date to meet a census reporting requirement, the institution is not considered to take attendance.

**CENTRAL ISSUES**

* The amount of Title IV funds are directly proportional to the length of time a student remains enrolled in at least one class during the term.
* For institutions required to take attendance, the withdrawal date is determined from the institutions attendance record.
* Regulations consider an institution required to take attendance if “an outside entity” (such as the institutions accrediting agency or a state agency) has a requirement that the institution take attendance.
* If an institution takes attendance (either voluntarily or because it is required to) for some students, the institution must use its attendance records to determine a withdrawal date for those students.
* If the institution itself has a requirement that its instructors take attendance or a comparable process (e.g. post responses on a bulletin board or chat), including but not limited to, requiring that students in a program demonstrate attendance in the classes of that program or a portion of that program (developmental math for all degree seeking students who do not demonstrate preparation for college level math), it is required to take attendance.
* The regulation is silent on the scenario when attendance is taken for some but not all courses in which a student is enrolled.
* Attendance records are used to calculate the amount of Return of Fund (ROF) and therefore only utilized until the student has earned 100% of Title IV aid, which is 9 weeks in a 15 week term. (Note – last day to withdraw is established at 10 weeks or at a proportional date for shorter terms).
* Return of Title IV funds are only required when a student who receives aid withdraws from all of his/herclasses in a term or receives a FX grade for all courses indicating that they stopped attending (confirmed with instructor).
* When a student is using Veterans benefits, the School Certifying Official is required to report changes in the student’s status (attendance) to the VA within 30 days of becoming aware of the change. The student’s eligibility and payments are adjusted as of the day the change i.e., the last day of attendance. When a student is issued a grade that indicates he/she has stopped attending the course, this must be reported to the VA. The institution has identified these grades as W, WP, WF, and FX.
* Currently the college does not confirm a student’s initial attendance or administratively withdrawal a student who does not attend a single class session.

**SUMMARY OF OPTIONS**

* ***Affirmative Daily Attendance***

***This option allows for both Title IV and Veteran Educational Benefits to be fully complied with including accurate and timely (30 days) calculation of return of funds and adjustments to VA benefits. In addition this option would allow for the development of “real-time” student success initiatives for those students who are not attending courses.***

* Affirmative Daily Attendance through 60% of class date

This option allows for compliance with Title IV financial aid. This option will be much harder to communicate with students and faculty because the last day of required attendance will vary based on the start and end date of the class. This option does not comply with VA requirements and will result in overpayment of some Veterans and require the student to pay back the Department of Veteran Affairs. The student receiving VA benefits who receives an FX grade in a course will have to have attendance dates confirmed. Approximately 1,000 students receiving VA benefits could be required to have attendance reported through a unique process such as marked roster or interim reports.

* Initial Attendance and Date of Last Attendance with Capture of Required Attendance

This option allows for compliance with Title IV financial aid. Like the previous option, this option will be very difficult to communicate clearly to all faculty and staff because only those class sections who are required to take attendance will be reporting attendance. This option does comply with VA requirements, to notify VA within 30 days of a schedule adjustment, but will result in overpayment of some Veterans who receive an FX grade.

* Initial Attendance Period Only

This option does not comply with Title IV requirements or comply with Veteran Educational Benefits as required. If the initial attendance period was 60% of the class than it would meet some requirements as noted above.

* Initial Attendance with Required Attendance and Last day of Attendance

This option does meet Title IV requirements. This option will be hard to communicate and administer because of the multiple start and end dates. This option does not allow us to meet VA requirements.

* Initial Attendance with Required Attendance

This option does meet Title IV requirements because the last day of attendance is not captured. Like the previous option it would be difficult to clearly communicate the attendance requirement. This option does not align with Veteran Educational Benefits requirements.

* Use Withdraw “W” Date (current practice)

This is the current practice and will not meet Title IV educational requirements after July 1, 2011. This practice requires post-semester confirmation of attendance and does result in overpayment of some Veterans accounts.

**IMPLEMENTATION**

* Development of electronic, Datatel-based system, by Fall 2011, that will allow faculty the ability to input-daily attendance.
* To Consider:
  + Communication to faculty regarding requirements and use of electronic system
  + Notification to Deans regarding non-reporting

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|  | ***Responds to daily attendance requirement*** | ***Allows for calculation of ROF*** | ***Clear for student and faculty to understand*** | ***Aligns with requirement for student to receive VA benefit*** | ***Captures initial attendance*** | ***Consistent with clock hour financial aid*** | ***Captures last day of attendance*** |
| ***Affirmative daily attendance for all class enrollments every day*** |  |  |  |  |  |  |  |
| ***Affirmative daily attendance for all enrollment through 60%*** |  |  |  |  |  |  |  |
| ***Initial attendance and date of last attendance with capture of required attendance*** |  |  |  |  |  |  |  |
| ***Initial attendance period only*** |  |  |  |  |  |  |  |
| ***Initial attendance with required attendance and last day of attendance*** |  |  |  |  |  |  |  |
| ***Use withdraw “W” date (current practice)*** |  |  |  |  |  |  |  |