

# Proposal to University Senate

**April 9, 2018**

## **IMPLEMENTATION OF REPORTING FOR NON-ATTENDANCE – Fall 2018**

Title 34 CFR (Code of Federal Regulations) 668.21

§668.21 Treatment of title IV grant and loan funds if the recipient does not begin attendance at the institution. (See attached for full regulation)

(c) For purposes of this section, the Secretary considers that a student has not begun attendance in a payment period or period of enrollment if the institution is unable to document the student's attendance at any class during the payment period or period of enrollment.

- After the start of classes, FSA funds should not be disbursed without schools confirming that recipients have begun attendance.
- A student is considered not to have begun attendance if a school is unable to document his attendance in any class.

In order to comply with Federal Regulations, the University of Kentucky must implement reporting for non-attendance, prior to disbursement of FSA funds.

Faculty will report students for non-attendance in the two week period beginning after the last day to add a class via the class roster only. The verification prompt will be initiated after the last day to add has passed.

Faculty will report students that never attended between first class day and the last day to add. Faculty selecting and submitting a student for non-attendance, will result in the student being dropped from the course in SAP (system of record). Canvas will be updated accordingly (currently almost real-time).

By policy (Senate Rule 5.1.8.1) Unilateral Removal for Failure to Attend First Two Class Periods

Students who miss the first two class periods of a course without notifying the department of their intention to attend may be reported by the department to the dean who shall remove the students from the class role and notify the Registrar that the student has been removed from the class roll. The Registrar will inform such students that they have been removed. The students will have no record of the class appear on their transcripts. [US: 12/12/77; US: 9/20/93]

If a student is incorrectly dropped, student must communicate with instructor of record to be reinstated.

Once a student is dropped for non-attendance, FSA funds will not be disbursed for those hours.

The ACT platform will be utilized to push notifications to students, faculty members and the Registrar's Office, once a student is dropped for non-attendance.

Communication prior to beginning of fall 2018 semester:

- To students to remind them of the importance of class participation and the related impact on FSA awards.
- To faculty to remind them to monitor class participation in academically related activities for reporting after the last day to add.

Authorizations for reporting students for non-attendance – anyone with appraisal relationship access or attached in event planning.

Part of Term classes will be accommodated in this process

Submitted by Kim Taylor, University Registrar

April 9, 2018

## ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of April 4, 2018

Title 34 → Subtitle B → Chapter VI → Part 668 → Subpart B → §668.21

Title 34: Education

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

Subpart B—Standards for Participation in Title IV, HEA Programs

**§668.21 Treatment of title IV grant and loan funds if the recipient does not begin attendance at the institution.**

(a) If a student does not begin attendance in a payment period or period of enrollment—

(1) The institution must return all title IV, HEA program funds that were credited to the student's account at the institution or disbursed directly to the student for that payment period or period of enrollment, for Federal Perkins Loan, FSEOG TEACH Grant, Federal Pell Grant, ACG, and National SMART Grant program funds; and

(2) For FFEL and Direct Loan funds—

(i)(A) The institution must return all FFEL and Direct Loan funds that were credited to the student's account at the institution for that payment period or period of enrollment; and

(B) The institution must return the amount of payments made directly by or on behalf of the student to the institution for that payment period or period of enrollment, up to the total amount of the loan funds disbursed;

(ii) For remaining amounts of FFEL or Direct Loan funds disbursed directly to the student for that payment period or period of enrollment, including funds that are disbursed directly to the student by the lender for a study-abroad program in accordance with §682.207(b)(1)(v)(C)(1) or for a student enrolled in a foreign school in accordance with §682.207(b)(1)(v)(D), the institution is not responsible for returning the funds, but must immediately notify the lender or the Secretary, as appropriate, when it becomes aware that the student will not or has not begun attendance so that the lender or Secretary will issue a final demand letter to the borrower in accordance with 34 CFR 682.412 or 34 CFR 685.211, as appropriate; and

(iii) Notwithstanding paragraph (a)(2)(ii) of this section, if an institution knew that a student would not begin attendance prior to disbursing FFEL or Direct Loan funds directly to the student for that payment period or period of enrollment (e.g., the student notified the institution that he or she would not attend, or the institution expelled the student), the institution must return those funds.

(b) The institution must return those funds for which it is responsible under paragraph (a) of this section to the respective title IV, HEA program as soon as possible, but no later than 30 days after the date that the institution becomes aware that the student will not or has not begun attendance.

(c) For purposes of this section, the Secretary considers that a student has not begun attendance in a payment period or period of enrollment if the institution is unable to document the student's attendance at any class during the payment period or period of enrollment.

(d) In accordance with procedures established by the Secretary or FFEL Program lender, an institution returns title IV, HEA funds timely if—

(1) The institution deposits or transfers the funds into the bank account it maintains under §668.163 as soon as possible, but no later than 30 days after the date that the institution becomes aware that the student will not or has not begun attendance;

(2) The institution initiates an electronic funds transfer (EFT) as soon as possible, but no later than 30 days after the date that the institution becomes aware that the student will not or has not begun attendance;

(3) The institution initiates an electronic transaction, as soon as possible, but no later than 30 days after the date that the institution becomes aware that the student will not or has not begun attendance, that informs an FFEL lender to adjust the borrower's loan account for the amount returned; or

(4) The institution issues a check as soon as possible, but no later than 30 days after the date that the institution becomes aware that the student will not or has not begun attendance. An institution does not satisfy this requirement if—

(i) The institution's records show that the check was issued more than 30 days after the date that the institution becomes aware that the student will not or has not begun attendance; or

(ii) The date on the cancelled check shows that the bank used by the Secretary or FFEL Program lender endorsed that check more than 45 days after the date that the institution becomes aware that the student will not or has not begun attendance.

(Authority: 20 U.S.C. 1070g, 1094)

[72 FR 62027, Nov. 1, 2007, as amended at 73 FR 35493, June 23, 2008]

Need assistance?

**Academic Attendance**

34 CFR 668.22(l)(7)

**Counting Excused Absences  
As Days in Attendance**

A school may only count as days in attendance excused absences that are followed by some class attendance. That is, a school may not include as days attended any excused absences that occur after a student's last day of actual attendance.

**Academic attendance and attendance at an academically related activity**

For a school that is required to take attendance, the withdrawal date is always the last date of academic attendance as determined by the school from its attendance records. A school that is not required to take attendance may always use as a withdrawal date a student's last date of attendance at an academically related activity.



Moreover, the school (not the student) must document

- ◆ that the activity is academic or academically related, and
- ◆ the student's attendance at the activity.

Academically related activities include but are not limited to the following:

- ◆ physically attending a class where there is an opportunity for direct interaction between the instructor and students;
- ◆ submitting an academic assignment;
- ◆ taking an exam, completing an interactive tutorial, or participating in computer-assisted instruction;
- ◆ attending a study group that is assigned by the school;
- ◆ participating in an online discussion about academic matters; and
- ◆ initiating contact with a faculty member to ask a question about the academic subject studied in the course.

A school that is required to take attendance may use the school's records of attendance at these activities as evidence of attendance, provided there is no conflict with the requirements of an outside entity that requires the school to take attendance or, if applicable, the school's own requirements.

Academically related activities do not include activities where a student may be present but not academically engaged, such as:

- ◆ living in institutional housing,
- ◆ participating in the school's meal plan,
- ◆ logging into an online class without active participation,
- ◆ participating in academic counseling or advisement.

**Participation in academic counseling and advising are not considered to be academic attendance or attendance at an academically related activity.**



## Documenting attendance when students are enrolled in distance education courses



In a distance education context, documenting that a student has logged into an online class is not sufficient, by itself, to demonstrate academic attendance by the student. A school must demonstrate that a student participated in class or was otherwise engaged in an academically related activity, such as by contributing to an online discussion or initiating contact with a faculty member to ask a course-related question.

Examples of acceptable evidence of academic attendance and attendance at an academically-related activity in a distance education program include:

- ◆ student submission of an academic assignment,
- ◆ student submission of an exam,
- ◆ documented student participation in an interactive tutorial or computer-assisted instruction,
- ◆ a posting by the student showing the student's participation in an online study group that is assigned by the institution,
- ◆ a posting by the student in a discussion forum showing the student's participation in an online discussion about academic matters, and
- ◆ an e-mail from the student or other documentation showing that the student initiated contact with a faculty member to ask a question about the academic subject studied in the course.

### Documentation of a withdrawal date

A school must document a student's withdrawal date and maintain that documentation as of the date of the school's determination that the student withdrew. A school must determine the attendance records that most accurately support its determination of a student's withdrawal date and the school's use of one date over another if the school has conflicting information. The determination of a student's withdrawal date is the responsibility of the school. A student's certification of attendance that is not supported by institutional documentation is not acceptable. If a school is required to take attendance, it is up to the school to ensure that accurate attendance records are kept for purposes of identifying a student's last date of academic attendance.

As with other Title IV program records, documentation must be retained and available for examination in accordance with the regulatory provisions for recordkeeping (34 CFR 668.24).



### Maintaining Records

A school must determine and maintain the records that most accurately support its determination of a student's withdrawal date and the school's use of one withdrawal date over another if the school has conflicting information.

At a school that is not required to take attendance, but is using a last date of attendance at an academically related activity as a withdrawal date, it is up to the school to ensure that accurate records are kept for purposes of identifying a student's last date of academic attendance or last date of attendance at an academically related activity.

---

### Documenting a student's withdrawal date

34 CFR 668.22(b)(2)

34 CFR 668.22(c)(4)

---

### Determining a student's withdrawal date at a school that is not required to take attendance

34 CFR 668.22(c)