

TITLE IV RETURN FUNDS CURRENT AND NEW REGULATIONS

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TITLE IV RETURN FUNDS – CURRENTS AND NEW REGULATIONS

- **AGENDA:**

- **Effective date of new Title IV Return funds**

- **Current Regulations:**

- Definitions withdrawal

- Gen 00-24 – modules

- Passing grades policy

- **New Regulations:**

- Definitions

- When student is considered a withdrawal

- Written confirmation

- Institution that is required take attendance

- Total number of days in a PP or POE

- Program offered in modules

- Academically relates activities

TITLE IV RETURN FUNDS – CURRENTS AND NEW REGULATIONS

How Does the 7/1/11 Effective Date Apply?

The changes in 34 CFR 668.22 apply to Students who withdraw from PP or POE that BEGIN on or after July 1, 2011.

- Therefore, do *not* apply to crossover PP that began prior to the effective date.

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

- **Current Regulations Current Rules – 34 CFR 668.22**
- When a recipient ceases attendance before the scheduled end of the program for which he/she received Title IV, HEA aid
 - The institution is required to determine the amount of aid that the student earned
 - The institution also determines the unearned portion

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

Current Regulations Current Rules – 34 CFR 668.22

- GEN-00-24 – (Dec. 2000) – we said when a student is in a modular program within a standard term and the student completes at least one of the modules, then R2T4 does not apply:
 1. If a student withdraws from an institution after completing at least one course in one module within the term, the student is not considered to have withdrawn and the requirements of 34 CFR 668.22 for the Return of Title IV aid do not apply. Note, however, other regulatory provisions concerning recalculation may apply (e.g., 34 CFR 690.80, 682.604, and 685.303).

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

Current Regulations Current Rules – 34 CFR 668.22

2. If a student withdraws from the institution before completing at least one course in one module, the student is considered to have withdrawn and the requirements for the Return of Title IV aid apply unless the institution has obtained a confirmation from the student that the student intends to continue in the program by attending a module later in the term. For confirmation, a school may not rely upon the student's previous registration. Rather, the confirmation from the student must be obtained at the time of or after the student's withdrawal. If a student indicates an intention to continue in a subsequent module in the term but does not return for that module, the student would be considered to have withdrawn and withdrawal date would be the withdrawal date that would have applied if the student had not indicated an intention to attend a module later in the term.

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

Current Regulations Current Rules – 34 CFR 668.22

3. When a student withdraws without completing at least one course in one module, the number of completed days used in the numerator in Step 2 of the Return calculation begins on the first day of the first module the student attended in the term, ends on the last day the student was in attendance, and includes only the period during which the student was in attendance. The payment period (the denominator in Step 2 of the Return calculation) includes all of the modules the student was scheduled to attend in the term.

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

When students fail to earn a passing grade in any of their classes

An institution must have a procedure for determining whether a Title IV recipient who began attendance during a period completed the period or should be treated as a withdrawal. We do not require that an institution use a specific procedure for making this determination.

1. If a student earns a passing grade in one or more of his or her classes offered over an entire period, for that class, an institution may presume that the student completed the course and thus completed the period. If a student who began attendance and has not officially withdrawn fails to earn a passing grade in at least one course offered over an entire period, the institution must assume, for Title IV purposes, that the student has unofficially withdrawn, unless the institution can document that the student completed the period.

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

When students fail to earn a passing grade in any of their classes

In some cases, a school may use its policy for awarding or reporting final grades to determine whether a student who failed to earn a passing grade in any of his or her classes completed the period. For example, a school might have an official grading policy that provides instructors with the ability to differentiate between those students who complete the course but failed to achieve the course objectives, and those students who did not complete the course. If so, the institution may use its academic policy for awarding final grades to determine that a student who did not receive at least one passing grade nevertheless completed the period. Another school might require instructors to report, for all students awarded a non-passing grade, the student's last day of attendance (LDA). The school may use this information to determine whether a student who received all "F" grades withdrew. If one instructor reports that the student attended through the end of the period, then the student is not a withdrawal.

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

When students fail to earn a passing grade in any of their classes

Example of a grading policy that could be used to determine whether a student unofficially withdrew:

1. F (Failing) Awarded to students who complete the course but fail to achieve the course objectives.
2. U (Unauthorized Incomplete) Awarded to students who did not officially withdraw from the course, but who failed to participate in course activities through the end of the period. It is used when, in the opinion of the instructor, completed assignments or course activities or both were insufficient to make normal evaluation of academic performance possible.

TITLE IV RETURN FUNDS – CURRENTS REGULATIONS

When students fail to earn a passing grade in any of their classes

Example of a grading policy that could be used to determine whether a student unofficially withdrew:

3. To serve as documentation that a student who received all “F” grades had not withdrawn, such a grading policy would have to require instructors to award the “F” (or equivalent grade) only to students who completed the course (but who failed to achieve the course objectives). In addition, the policy would have to require that instructors award an alternative grade, such as the “U” grade (in the example above), to students who failed to complete the course. If the system allows an instructor to indicate the date the student last participated in course activities, this date would be helpful if an institution chose to use attendance at an academically related activity as a student’s withdrawal date.

TITLE IV RETURN FUNDS – CURRENT REGULATIONS

When students fail to earn a passing grade in any of their classes

Example of a grading policy that could be used to determine whether a student unofficially withdrew:

4. At a school using such a grading policy, if a student received at least one grade of “F” the student would be considered to have completed the course and, like a student who received at least one passing grade, would not be treated as a withdrawal. A student who did not officially withdraw and did not receive either a passing grade or an “F” in at least one course must be considered to have unofficially withdrawn. As noted above, when a student unofficially withdraws from an institution that is not required to take attendance, the institution may use either the student’s last date of attendance at an academically related activity or the midpoint of the period as the student’s withdrawal date.

TITLE IV RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32)

10/29/10 - Effective date 7/1/11:

1. Definitions

a. Standard Terms

Semesters, trimesters – generally 14–17 weeks long,

Quarters – generally 10–12 weeks long

b. Non-standard terms – where all coursework is expected to begin and end within a set period of time that is not a semester, trimester, or quarter terms

c. Non-terms – all clock hour programs and credit hour programs that do not begin and end within a set time (self-paced), where courses overlap, where sequential courses do not begin, and end within a term

TITLE IV RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32)

10/29/10 - Effective date 7/1/11:

1. Definitions - “Week of instructional time”

- Any seven consecutive day period with at least one day in which scheduled instruction or examination occurs.
- Does not include homework time, vacation time, orientation, or counseling.

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32)

10/29/10 - Effective date 7/1/11:

1. Definitions - “Offered in modules”

If a course does not span the entire payment period (PP) or period of enrollment (POE)

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32)

10/29/10 - Effective date 7/1/11:

1. Definitions - “Offered in modules”

- If the student ceases attendance before the period for which aid was awarded, it is a withdrawal.
- The denominator of the *return* calculation includes the full number of weeks used to determine the aid award, absent any institutionally scheduled breaks of five or more consecutive days or periods of time that the student was on an approved LOA.

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32)

10/29/10 - Effective date 7/1/11:

1. Definitions - “Offered in modules” Example A:
 - Institution - Fall and Spring = standard terms
 - Never considered to be “offered in modules”
2. Summer = three 5-week sessions (combined to be a standard term)

Students can enroll in any of the summer sessions or all of them. Students enrolled in the 5-week sessions are considered in programs “offered in modules” since none of the sessions span the entire length of the term (the 15-week period).

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective date 7/1/11:

1. Definitions -“Offered in modules” Example A - Student #1:
Enrolls in all three summer sessions and ceases enrollment
on Day 5 in the first 5-week session.

The Results:

Step 1 – Recalculate Pell (690.80(b)(2)(ii))

Step 2 – Determine earned & unearned amounts of
Title IV aid (TIV)

Numerator = # of days attended in Course 1 (assume no
breaks) 5 days

Denominator = Start date of Course 1 thru end date of
Course 3 (less any scheduled break of 5 or more consecutive
days or approved LOAs) 105 days or .048 or 4.8%.

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32) 10/29/10

Effective date 7/1/11:

1. Definitions -“Offered in modules” Example A - Student #1:

| | | |
|----------------------|----------------------|----------------------|
| Session 1 5 weeks | Session 2 5 weeks | Session 3 5 weeks |
| 35 days | 35 days | 35 days |

Withdrawal Day 5 student also drops remaining sessions.
Institution Required to Take Attendance – WD = Day 5.
Denominator = 105 days. Per GEN 04-12, the institution must have a process to make this determination no later than 14 days after the LDA.

Institution not Required to Take Attendance – WD = 668.22(c). Denominator = 105 days.

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32)

10/29/10 - Effective date 7/1/11:

1. Definitions -“Offered in modules” – Example B Summer sessions include three 5-week sessions and 15-week sessions .

Session
5- week

Session
5-week

Session
5-week

Session 15- week

Student C enrolls in two 15-week courses – this student is not considered to be enrolled in a program offered in modules.

Student D enrolls in one 5-week module and one 15-week course – this student is considered to be enrolled in a program offered in modules.

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32)

10/29/10 - Effective date 7/1/11:

2. When a student is considered a withdrawal

- In a program measured in credit hours:

Student does not complete all the days scheduled to complete in the PP or POE

- In a program measured in clock hours

Student does not complete all the clock hrs & wks of instructional time scheduled to complete in the PP or POE

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective date 7/1/11:

2. When a student is considered a withdrawal:

In a non-term or non-standard term

- Student is not scheduled to begin another course within a PP or POE for more than 45 calendar days after the end of the module the student ceased attending

- Unless the student is on an approved LOA

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 Program -

Effective date 7/1/11:

2. When a student is considered a withdrawal



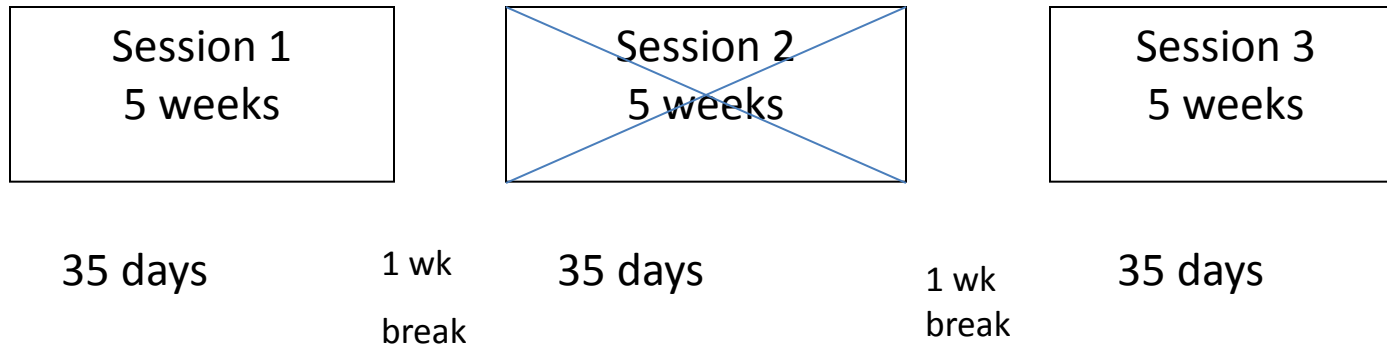
Isabel begins Module 1 in a non-term program, but withdraws on Day 5. She indicates that she wants to return at the beginning of Session 3 to resolve some health issues in the interim.

- What is her withdrawal date?

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective 7/1/11

2. When a student is considered a withdrawal



Isabel drops Session 2.

What is Isabel's withdrawal date?

Day 5 – it will be 79 days before Session 3 begins.

$(35-5=30+35+7+7=79)$

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 - - Effective 7/1/11 – 3. Written confirmation

For courses offered in modules

A student is not considered to have withdrawn if:

- For standard term programs, the institution obtains written confirmation that the student will return to complete a later module within the same PP or POE
- For non-term and non-standard terms – the institution obtains written confirmation that module begins no later than 45 calendar days after the end of the module the student ceased attendance

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 - Effective 7/1/11: 3. Written confirmation

Student can revise the date of return to a later module, if:

- Student does so in writing, between the time of the withdrawal, but prior to the return date.
- For non-term and non-standard term programs, the later module begins no later than 45 calendar days after the end of the module the student ceased attendance

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 - Effective 7/1/11 3. Written confirmation

Juan – Enrolls in all three summer sessions and ceases enrollment on Day 5 in the first 5-week session but provides written confirmation of future return The Results:

Step 1 – Recalculation of Pell

When the student indicates s/he will not be returning to take all the modules the Pell award was based upon

Step 2 – No *return* calculation due to the fact that the student provides written confirmation of her/his planned return between the time of the withdrawal and before the start of the third module

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 - Effective 7/1/11: 3. Written confirmation

Session 1
5 weeks

~~Session 2
5 weeks~~

Session 3
5 weeks

35 days

~~35 days~~

35 days

Day 5 – withdraws from Session 1 and provides written confirmation that student will return to Session 3.

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 - Effective 7/1/11: 3. Written confirmation

What happens when the student doesn't return for the future module?

The withdrawal date (WD) is:

At an institution required to take attendance = the last date of attendance (LDA)

At an institution not required to take attendance = midpoint or the last date of an academically-related activity

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 - Effective 7/1/11: 3. Written confirmation

What happens when a student *does* return to a later module within the same PP or POE?

- If this is a non-term program, the student reenters the same program – student is eligible for the same amount of Title IV, HEA funds prior to WD
- As long as the student returns within 180 days TIV is restored (see 668.4(f))

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 – Effective 7/1/11: 4. Institution Required take Attendance

An outside entity (accrediting agency, state) has a requirement to take attendance - (No change this is the current rule)

- If the outside entity has a requirement for attendance taking for a sub-group of students, then that sub-group are bound by the “Institution required to take attendance” rules in 668.22(b).
- If the outside entity has a requirement that attendance taking must occur for a limited time.

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 – effective 7/1/11: 4. Institution Required take Attendance

The institution has a requirement that attendance be taken:

- The regulations do not require institutions to take attendance
- If an institution requires its faculty to take attendance at the program, departmental, or institutional level
- If there is no institutional requirement, but an individual faculty member chooses to take attendance, those records could, but would not be required to be used (Therefore, the institution is not required to take attendance – 668.22(c))

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 – Effective 7/1/11: 4. Institution Required take Attendance

Institution or an outside entity has a requirement that can only be met by taking attendance for the program or a portion of the program:

- Remember the current regulations – an outside entity has a requirement that, as determined by the entity, the institution is required to take attendance.

If the institution is required to take attendance or requires attendance for only some students:

- The attendance records must be used to determine the withdrawal date

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 – Effective 7/1/11: 4. Institution Required take Attendance

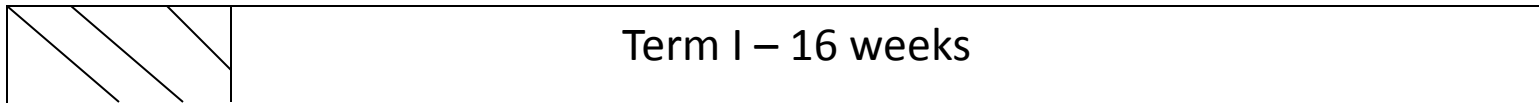
If the institution is required to take attendance or requires attendance for a limited period of time:

- The attendance records must be used to determine the withdrawal date for that limited period of time.
- A student in attendance on the last day of the limited period, who subsequently WDs – will be treated as a student at an institution not required to take attendance

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32) 10/29/10

- Effective 7/1/11: 4. Institution Required take Attendance



2 wks

PROGRAM A – DAILY ATTENDANCE TAKING IS REQUIRED FOR THE FIRST 2- WEEK PERIOD.

ALL STUDENTS WHO WITHDRAW DURING THE FIRST 2 WKS = INSTITUTION REQUIRED TO TAKE ATTENDANCE.

ALL STUDENTS WHO WITHDRAW AFTER THE 2-WK PERIOD = INSTITUTION NOT REQUIRED TO TAKE ATTENDANCE.

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 – Effective 7/1/11 - 4. Institution Required
take Attendance

Only required to take attendance for a single day

“Census” snap-shot

Not considered “An institution required to take attendance”

Follow the rules in 668.22(c)

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective 7/1/11: 5. Total # of Days in a PP or POE

Includes all the calendar days within the period that the student was scheduled to complete, except:

The number of institutionally scheduled breaks of five consecutive days or more are not included in the total calendar days used in the *return* calculation, or
The days in which the student was on an approved
LOA

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective 7/1/11: 5. Programs offer in Modules

For programs “offered in modules” the total number of days does not include –

- The days a student was on an approved LOA
- Any institutionally scheduled break of five or more consecutive days when the student was not scheduled to attend a module or other course offered during that time

RETURN FUNDS – NEW REGULATIONS

Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective 7/1/11: 6. Programs offered in modules

Module 1

Module 2

Module 3

Student enrolls for three modules within a term each 35 days in length and with a weekend in between modules 1 & 2 and 2 & 3.

Juana begins and completes Module 1 and doesn't return for Modules 2 & 3 and doesn't contact the institution.

Institution Required to Take Attendance – WD = LDA- last day she took a final exam. The denominator = 109 days (35 x3, plus 4 days between Modules).

Institution not Required to Take Attendance – WD = midpoint or last date of an academically-related activity. The denominator = 109 days (35 x 3, plus 4 days between Modules).

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective 7/1/11 7. Academically – Related Activity

Includes:

Examples of an academically-related activity

Physically attending a class with direct interaction between the instructor and students.

Submitting an academic assignment.

Taking an exam, an interactive tutorial, or computer-assisted instruction.

Attending a study group that is assigned by the institution.

Participating in an online discussion about academic matters.

Initiating contact with a faculty member to ask a question about the academic subject studied in the course.

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32) 10/29/10 - Effective 7/1/11: 7. Academically – Related Activity

What's Not Included

Effective 7/1/11 – you can no longer consider the following an academically-related activity for R2T4 purposes -

- Living in institutional housing
- Participating in the institution's meal plan
- Logging into an online class without active participation
- Participating in academic counseling or advisement

RETURN FUNDS – NEW REGULATIONS

1. Program Integrity – Final Regulations (75 FR 668.32)
10/29/10 - Effective 7/1/11: 7. Academically – Related Activity

Remember

- These events must be documented and retained by the institution in accordance with the recordkeeping requirements in 34 CFR 668.24.
- Student self-documentation of an academically-related activity will not meet the requirement.