

Texas Workforce Commission

A Member of Texas Workforce Solutions

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May 25, 2007

Dear School Director:

As you are aware, the 79th Legislature enacted *Section 132.065 of the Texas Education Code*, which provides that certain Title IV career schools are not required to take attendance but must verify enrollment by documenting students' participation in academically related activities at certain points in time. The option for not taking attendance and the associated requirements associated with enrollment only apply to a career school or college that is eligible to participate in student financial aid programs under Title IV, Higher Education Act of 1965 (20 U.S.C. *Section 1070 et seq.*).

As a result of the legislation, TWC adopted rules that state that a Title IV school that does not take attendance shall terminate the enrollment of a student if the student's participation in an academically related activity cannot be documented at the end of the first week, the end of the first month, the midpoint and the end of each semester or other academic term. The relevant provisions of the Education Code and TWC rules are attached.

A question has recently arisen as to how documentation of academically related activity occurs and when verification occurs relative to the four specified periods in statute and rules. An academically related activity must occur and be documented at the identified time periods and consistent with the student's schedule. For example, at the end of the first week the institution would verify the student's participation in an academically related activity occurring during that week. At the end of the first month, the institution would verify the student's participation in an academically related activity after the first week. At the midpoint of the institution's academic term, the institution would verify the student's participation in an academically related activity after the end of the first month. At the end of the institution's academic term, the institution would verify the student's participation in an academically related activity after the midpoint of the academic term. The sequence of these periods may change and/or a period(s) be eliminated if academic terms are less than eight weeks in length.

In adopting the most recent career school rules, the Commission stated its intent that the term "academically related activity" be interpreted broadly to allow for a variety of appropriately documented activities and not just those listed in the definition. We will be glad to advise any school that has a question about the type of communications or activity appropriate for use in documenting attendance during the periods noted above.

As a reminder, the Education Code requires career colleges and schools who do not take attendance to notify students of the school's policies and the students' responsibilities relating to program interruption.

School Director
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If you have any questions feel free to contact Michael De Long or me:

- via email at michael.delong@twc.state.tx.us or by phone at 512.936.3104
- via email at elizabeth.gregowicz@twc.state.tx.us or by phone at 512.936.3141

Sincerely,

A handwritten signature in blue ink that reads "E. Gregowicz". The signature is written in a cursive style with a horizontal line extending from the end.

Elizabeth Gregowicz, Director
Career Schools & Colleges

Enclosure: Applicable Citations from Statute and Rule (2 pages)

TEC §132.065 - Schools Not Required to Take Attendance

- (a) A career school or college that is eligible to participate in student financial aid programs under Title IV, Higher Education Act of 1965 (20 U.S.C. Section 1070 et seq), is not required to take attendance.
- (b) Before a student begins a program offered by a career school or college to which Subsection (a) applies, the school or college shall provide to the student written notice of all policies related to program interruption occurring before the student's completion of the program. The career school or college shall also notify each student in writing that if the student withdraws from the program, it is the student's responsibility to inform the school or college of the student's withdrawal.
- (c) A student attending a program offered by a career school or college to which Subsection (a) applies may not be required to pay tuition to the school or college during the first week of the program. Except as otherwise provided by this subsection, the career school or college shall verify the student's enrollment in the program by documenting the student's participation in an academically related activity of the program at the end of the first week of each semester or other academic term of the program, at the end of the first month of each semester or other academic term of the program, at the midpoint of each semester or other academic term of the program, and at the end of each semester or other academic term of the program. If the career school or college is unable to verify the student's enrollment in the program at any of those times, the student is considered to have withdrawn from the program. The date on which the career school or college was first unable to verify the student's enrollment in the program is the date of the student's withdrawal for refund purposes, and the school or college is not required to verify the student's enrollment in the program after that date.

TAC §807.2 - Definitions

- (3) **Academic term** -- An academic quarter, or other progress evaluation period.
- (4) **Academically related activity** -- An exam, tutorial, computer-assisted instruction, academic counseling, academic advisement, turning in a class assignment, or attending a study group that is assigned by the institution, or other activity as determined by the Commission.

TAC §807.243 - Termination of Enrollment

- (b) A Title IV school that does not voluntarily take attendance shall terminate the enrollment of a student if the student's participation in an academically related activity cannot be documented:

- (1) at the end of the first week of the academic term;
- (2) at the end of the first month of the academic term;
- (3) at the midpoint of each academic term; and
- (4) at the end of each academic term.

(c) For purposes of this section, "month" is defined as four weeks.

TAC §807.263 - Refund Requirements for Residence Schools

(d) A non-Title IV school, or a Title IV school voluntarily taking attendance, shall calculate refunds for students based upon scheduled hours of classes through the last date of attendance. A Title IV school shall calculate refunds for students based upon scheduled hours of classes through the last documented day of an academically related activity. Neither type of school shall count leaves of absence, suspensions, school holidays, days when classes are not offered, and summer vacations for purposes of calculating a student's refund.

TAC §807.283 - Attendance Record Keeping

(b) The following requirements are for Title IV schools:

- (1) The school shall maintain a form signed and dated by the student to document the student's participation in an academically related activity. An e-mail sent from the student's e-mail account listed on the enrollment agreement fulfills this requirement.
- (2) The school shall maintain a master record for each student that clearly indicates the student's class schedule as well as the number of scheduled hours for each class day. For synchronous distance education students, the record shall indicate the number of scheduled hours for each week.

(c) Nothing in this chapter prevents a Title IV school from voluntarily using attendance as a manner of fulfilling the requirements of this chapter.