

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12230

DEPUTY COMMISSIONER FOR
HIGHER AND PROFESSIONAL EDUCATION

June 15, 1982

CEO #82-5

MEMORANDUM TO CHIEF EXECUTIVE OFFICERS
OF POSTSECONDARY INSTITUTIONS IN NEW YORK STATE

SUBJECT: THE ATTENDANCE REGULATION: AN ADDENDUM TO THE
OCTOBER 1981 REVISED GUIDELINES

In October 1981, the State Education Department issued CEO #81-12 on the subject of Revised Guidelines Concerning Program Pursuit and Satisfactory Academic Progress, and the Supplemental Tuition Assistance Program. One section of the Revised Guidelines dealt with the attendance regulation, reinstated by the Regents in response to legislative action in July 1981. The purpose of this memorandum is to provide information on recent developments that affect the implementation of the attendance regulation. The procedures outlined here replace those described in the Revised Guidelines.

Should you have any questions concerning this memorandum or implementation of Commissioner's Regulations on State student aid, please write to Mr. Daniel W. Szetela, Chief, Bureau of Academic Information and Reports, State Education Department, Room 5B35, Cultural Education Center, Albany, New York 12230. Phone calls can be directed to Mr. Szetela at (518) 473-1215.



Donald J. Nolan
Deputy Commissioner for
Higher and Professional Education

THE ATTENDANCE REGULATION

An Addendum To the October 1981 Revised Guidelines

Background

The State Education Department's October 1981 Revised Guidelines informed institutions that as a result of the enactment of Chapter 724 of the Laws of 1981, Commissioner's Regulations on program pursuit and satisfactory academic progress scheduled to take effect in the fall of 1981 would apply only to students receiving State awards for the first time during the 1981-82 academic year or thereafter. The attendance and good academic standing requirements, which were to have been replaced by program pursuit and satisfactory academic progress, would continue to apply to students who received their first State award prior to the 1981-82 academic year.

With the continued existence of the attendance regulation, it became necessary to inform institutions of an interpretation by the Commissioner of Education that students who withdrew from all coursework before the end of a term were not in attendance and therefore would lose eligibility to retain their awards for that term. Although the Commissioner had made his interpretation more than three years earlier in response to a request from the Office of the State Comptroller, the interpretation had not been publicized, since the State Education Department was in the process of repealing the attendance regulation (to be replaced by program pursuit). However, as a result of the legislative action in the summer of 1981, the attendance regulation which was to have been repealed effective September 1, 1981, remained in effect. The Office of the State Comptroller then indicated its intention to begin enforcing the Commissioner's earlier interpretation. We therefore included an explanation of the attendance requirement in the Revised Guidelines.

Recent Developments

Following publication of the Revised Guidelines, many institutions informed the Department of serious concerns about the attendance regulation and its implementation. In response to these expressions of concern, the Commissioner asked that the State Interagency Group, composed of the State Education Department, the Higher Education Services Corporation, the Division of the Budget and the Office of the State Comptroller, review the attendance regulation and its implementation and enforcement. The Group met on January 22, 1982; discussion led to an agreement which addressed the concerns institutions had expressed. The agreement was announced in HESC President Dolores Cross' February 1, 1982 letter to Chief Executive Officers. In her letter, President Cross indicated that the State Education Department would issue a clarification of procedures for implementing the attendance regulation.

Revised Guidelines Clarification

According to the agreement reached, all students will be treated equally with respect to the loss of eligibility, whether the student is subject to the attendance regulation or to the new requirements of program pursuit and satisfactory academic progress. Failure to satisfy either set of requirements will result in a prospective loss of eligibility. Thus, any student subject to the attendance requirement who withdraws from all coursework during the spring 1982 term or thereafter will be ineligible to receive his subsequent award. No student who loses eligibility based on failure to satisfy the attendance regulation will be required to return an award already received. This information replaces the information on attendance contained on page 2 of the Revised Guidelines issued as CEO #81-12 in October 1981.

In implementing the attendance regulation, institutions may establish waiver policies and procedures similar to those used under the new requirements of pursuit and progress. Thus a student subject to attendance who withdraws from all coursework and who normally would not be eligible for his next award could continue to receive aid if the attendance requirement is waived. Institutions wishing to excuse a student's failure to meet attendance should develop and publish policies which include clearly stated criteria and procedures for the granting of waivers. Waivers should only be granted after an investigation of the facts concerning a student's failure to meet the attendance requirement. A complete case record should be maintained for students who receive the waiver. Failure on the part of an institution to adhere to published policies, criteria, and procedures for the granting of waivers, or to maintain necessary documentation, may result in an audit disallowance.

The 1981 Revised Guidelines stated that institutions wishing to avoid the complexities of having two sets of standards -- one for pre-1981 awardees and another for students receiving their first State award in the 1981-82 academic year or thereafter -- may choose to adopt program pursuit and satisfactory academic progress as their institutional standard of good academic standing for prior awardees. Institutions which elect this approach need not be concerned with the attendance regulation. The use of the pursuit requirement can substitute for attendance since both requirements address the same concern, i.e., effort. If an institution adopts program pursuit and satisfactory academic progress for prior awardees, however, it must also follow the provisions in the regulations and guidelines concerning the granting of waivers for failure to pursue and/or maintain progress, i.e., only one waiver is allowed for an undergraduate, and one for a graduate student.

Institutions should take appropriate measures to assure that each student is aware of the specific requirements he must meet in order to maintain eligibility for a State award.