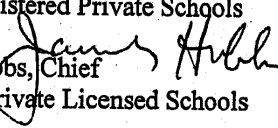


COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
September 15, 2000

SUBJECT: Private Licensed Schools Memorandum #54

TO: Chief Executive Officers/Directors
Licensed/Registered Private Schools

FROM: James G. Hobbs, Chief 
Division of Private Licensed Schools

Purpose of this Memorandum. The purpose of this memorandum is to address changes to the U.S. Department of Education's federal regulation regarding the Return of Title IV Funds – Definition of Withdrawal Date. This amendment was brought about by the enactment of the Higher Education Amendments of 1998, which may have implications for Title IV eligible private licensed schools. Institutions participating in the Title IV student financial assistance programs are required to implement the Department of Education's rules and regulations on return of Title IV funds by October 7, 2000.

Federal Regulation Citation. Thirty-four CFR Section 668.22 (b)(c).

The regulations rely on the requirements of "outside entities," such as accrediting agencies and state licensing authorities, to determine whether an institute is required to take attendance or not. Section 668.22(b)(3)(i) states that an institute is required to take attendance if the institution is so required "by an entity outside of the institution (such as the institution's accrediting agency or state agency)."

The Pennsylvania State Board of Private Licensed Schools thus recognizes that its private licensed schools are in need of guidance as to whether the Board's regulations require or mandate the taking of daily attendance. Both the Private Licensed Schools Act (Act 174 of 1986) and the Regulations of the State Board of Private Licensed Schools (Title 22. Education, Part III State Board of Private Licensed Schools, Chapter 73 General Provisions) do not require schools to take attendance. Therefore, it is the position of the State Board of Private Licensed Schools that schools licensed by the Board are not currently, nor have they in the past been, required or mandated to take daily attendance.

Further, the Board's position on the provision in the regulations under 22 Pa. Code §73.135 "Termination Date" stating that: "The termination date for refund computation purposes is the last day of recorded attendance of the resident student or the date the nonresident student requests cancellation", does not constitute a mandate by the Board to record daily attendance.

There are many ways of determining the last date of attendance other than by taking daily attendance. Examples of this are: required notification by a student either orally or in writing of his or her intent to withdraw, a student's documented attendance at an academically related activity such as taking an exam, turning in a class assignment, attending academic counseling or participating in a lab.

If you have any questions about this memorandum, please contact your Board Administrator at (717) 783-8228.