

an institution shall disclose its graduation or completion rate information no later than the October 1 immediately following the point in time when 150% of the normal time for completion or graduation has elapsed for all the students in the group.

(ii) An institution shall disclose no later than October 1 each year thereafter its completion or graduation rate information for each succeeding group of students who, as of the preceding June 30, completed or graduated within 150% of normal time for completion or graduation from their programs.

(b)(1) In calculating the completion or graduation rate under paragraph (a) of this section, an institution shall count as completed or graduated—

(i) Students who have completed or graduated within 150% of the normal time for completion or graduation from their program;

(ii) Students who, within 150% of the normal time for completion or graduation from the program in which the student was enrolled, subsequently enroll in any program of an eligible institution for which the prior program provides substantial preparation; or

(iii) Students who are in good standing and still enrolled in a program of greater length than the length of the program on which the institution bases its reporting date, unless 150% of the normal time for graduation or completion from that longer program has elapsed by the reporting date.

(2) For the purpose of calculating a completion or graduation rate, an institution may exclude from the calculation of completion or graduation rates students who—

(i) Have left school to serve in the Armed Forces;

(ii) Have left school to serve on official church missions;

(iii) Have left school to serve with a foreign aid service of the Federal Government, such as the Peace Corps; or

(iv) Are deceased, or totally and permanently disabled.

(c) In reporting the graduation or completion rate as calculated in paragraph (b) of this section, the

institution shall, as part of its disclosure of its overall rate of graduation or completion rate, disclose the ratio of each of the following to the group:

(1) The number of students who graduated or completed, as described in paragraph (b)(1)(i) of this section.

(2) The number of students who transferred, as described in paragraph (b)(1)(ii) of this section.

(3) The number of students who are persisting in programs that are longer than the program on which the disclosure date is based, as described in paragraph (b)(1)(iii) of this section, if the institution includes these students in its graduation or completion rate.

(d)(1) The Secretary grants a waiver of the requirements of this section to any institution that is a member of an athletic association or conference that has voluntarily published completion or graduation rate data, or has agreed to publish data, that the Secretary determines are substantially comparable to the data required by this section.

(2) An institution, or athletic association or conference applying on behalf of an institution, that seeks a waiver under paragraph (d)(1) of this section shall submit a written application to the Secretary that explains why it believes the data the athletic association or conference publishes are accurate and substantially comparable to the information required by this section.

(Authority: 20 U.S.C. 1092)

4. Section 668.49 is added to subpart D, to read as follows:

§ 668.49 Report on completion or graduation rates for student-athletes

(a)(1) By July 1, 1997, and by every July 1 thereafter, each institution that is attended by students receiving athletically related student aid shall produce an annual report containing the following information:

(i) The number of students, categorized by race and gender, who attended that institution during the year prior to the submission of the report.

(ii) The number of students described in paragraph (a)(1)(i) of this section who

received athletically related student aid, categorized by race and gender within each sport.

(iii) The completion or graduation rate of all the entering, certificate- or degree-seeking, full-time, undergraduate students described in § 668.46(a)(1)(i) and § 668.46(a)(1)(ii), categorized by race and gender.

(iv) The completion or graduation rate of the entering students described in § 668.46(a)(1)(i) and § 668.46(a)(1)(ii) who received athletically related student aid, categorized by race and gender within each sport.

(v) The average completion or graduation rate for the four most recent completing or graduating classes of entering students described in § 668.46(a)(1)(i) and § 668.46(a)(1)(ii), categorized by race and gender. If an institution has completion or graduation rates for fewer than four of those classes, it shall disclose the average rate of those classes for which it has rates.

(2) For purposes of this section, *sport* means—

(i) Basketball;

(ii) Football;

(iii) Baseball;

(iv) Cross-country and track combined; and

(v) All other sports combined.

(b) The provisions of § 668.46(b) and (c) apply for purposes of calculating the completion or graduation rates required under paragraphs (a)(1)(iii), (a)(1)(iv), and (a)(1)(v) of this section.

(c) Each institution of higher education described in paragraph (a) of this section may also provide to students and the Secretary supplemental information containing—

(i) The graduation or completion rate of the students who transferred into the institution; and

(ii) The number of students who transferred out of the institution.

(d) Section 668.46(d) applies for purposes of this section.

(Authority: 20 U.S.C. 1092)

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