

DEPARTMENT OF EDUCATION**34 CFR Part 668****RIN 1840-AB44****Student Assistance General Provisions****AGENCY:** Department of Education.**ACTION:** Final rule.

SUMMARY: The Secretary amends the Student Assistance General Provisions. These amendments are necessary to implement the Student Right-to-Know Act, as amended by the Higher Education Amendments of 1991, and the Higher Education Technical Amendments of 1993. These final regulations require an institution that participates in any student financial assistance program under Title IV of the Higher Education Act of 1965, as amended (title IV, HEA program) to disclose information about graduation or completion rates to current and prospective students. The final regulations also require an institution that participates in any title IV, HEA program and awards athletically-related student aid to provide certain types of data regarding the institution's student population, and the graduation or completion rates of categories of student-athletes, to potential student-athletes, and to the athletes' parents, coaches, and high school counselors.

EFFECTIVE DATE: These regulations take effect on July 1, 1996, and apply to the 1996-1997 and subsequent award years. However, affected parties do not have to comply with the information requirements in § 668.41, § 668.46, and § 668.49 until the Department of Education publishes in the Federal Register the control numbers assigned by the Office of Management and Budget (OMB) to these information collection requirements. Publication of the control numbers notifies the public that OMB has approved these information requirements under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Paula Husselmann or Mr. David Lorenzo, U.S. Department of Education, 600 Independence Avenue, S.W., Regional Office Building 3, Room 3053, Washington, D.C. 20202. Telephone: (202) 708-7888. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern time Monday through Friday.

SUPPLEMENTARY INFORMATION: The Student Assistance General Provisions (34 CFR part 668) apply to all institutions that participate in the

student financial assistance programs authorized by Title IV of the Higher Education Act of 1965 as amended (HEA). These final regulations are necessary to implement changes to the HEA made by the Student Right-to-Know Act, Pub. L. 101-542, as amended by the Higher Education Technical Amendments of 1991, Pub. L. 102-26, and the Higher Education Technical Amendments of 1993, Pub. L. 103-208. The Secretary published a proposed rule on July 10, 1992 to implement the Student Right-to-Know and Campus Security Act. Over three hundred commenters responded to those proposed rules. Final regulations implementing the Campus Security Act were published separately on April 29, 1994. A second proposed rule addressing the Student Right-to-Know portion of Pub. L. 101-542 was published on September 21, 1995.

Background

The September 21, 1995 Notice of Proposed Rulemaking (NPRM) contained regulations that would implement the Student Right-to-Know portion of Pub. L. 101-542 for consumer information purposes only. In that NPRM the Secretary emphasized that the proposed regulations were meant to provide flexibility and create a minimum of burden to institutions, while generating useful and comparable data for student consumer information purposes. The Secretary's discussion and solicitation of comments on these and related issues are contained in 60 FR 49156-49157.

The September 21, 1995 NPRM also included a discussion of major issues regarding the proposed regulations that will not be repeated here. The following list summarizes those issues and identifies the pages of the preamble to the NPRM on which a discussion of those issues can be found.

Disclosure of information on graduation or completion rates for the general student population contained in § 668.41(a) (page 49157).

Disclosure of information on the general student population, and on the completion or graduation rates of various categories of student athletes, and the report of that information to the Secretary, contained in § 668.41(b) (page 49157).

Issues concerning the definitions of "full-time," "normal time," "athletically-related student aid," and "prospective student," as contained in § 668.41(a) (pages 49157-49158).

Issues concerning the composition of students who make up the denominator of the institution's graduation or

completion rate fraction, as contained in § 668.46(a) (page 49158).

Issues concerning the tracking of students, related to § 668.46(a) (page 49158).

Issues concerning the latest dates on which institutions must disclose their completion or graduation rate information, contained in § 668.46(a)(2) (pages 49158-49159).

The students an institution may include in the numerator of its completion or graduation rate fraction, and issues related to the documentation of those students, as contained in § 668.46(b) (pages 49159-49160).

The students who may be excluded from the institution's calculation of a completion or graduation rate, as contained in § 668.46(b)(2) (page 49160).

The disclosure of the components of the numerator of the institution's completion or graduation rate fraction, as contained in § 668.46(c) (page 49160).

The provisions for waivers for institutions that are members of athletic conferences or associations that provide substantially comparable data, as contained in § 668.46(d) (page 49160).

The requirement that institutions that award athletically-related student aid disclose data regarding the completion or graduation rates of student athletes, and other general information, to a student offered athletically-related student aid, and to his or her parents, coaches, and high school counselors, and send a report of that data to the Secretary, as contained in § 668.49(a) (page 49160).

The requirement that such institutions report and disclose that data by July 1 of every year, beginning July 1, 1997, as contained in § 668.49(a) (page 49160).

The kinds of general data to be reported and disclosed, and the categories of students for whom completion or graduation rates are to be calculated, reported, and disclosed, as contained in § 668.41(a) (pages 49160-49161).

The definition of "sport", as contained in § 668.49(a)(2) (page 49161).

The requirement that completion or graduation rates be calculated in the same manner as specified in § 668.46 (b) and (c), as contained in § 668.49(b).

The provision that an institution, if it wishes, may provide information to potential student-athletes and the Secretary regarding the completion or graduation rate of students who transfer into the institution, and the number of students who transfer out of the institution, as contained in § 668.49(c) (page 49161).

The provision that allows institutions that are members of athletic conferences