commenters maintained that only a mandatory system would generate meaningful, comparable, and useful consumer information, and that this goal would be met with the least burden by requiring the use of the GRS rather than the imposition of another, different methodology. These commenters noted that all institutions would soon be required to report to the NCES through the GRS.

Many others asked that the Secretary give serious consideration to following the recommendations of the report on graduation rates and other statistics the Joint Commission on Accountability Reporting (JCAR) is now developing. These commenters argued that (1) graduation rate statistics alone are not meaningful consumer information, and that the JCAR survey will provide better information in the form of statistics on graduation, completion, transfers, advancement, and persistence, and (2) the JCAR statistics are fair, consistent among all institutions, and easy to calculate.

A number of commenters asked that the GRS, the JCAR survey, or the National Collegiate Athletic Association (NCAA) survey be approved as ways of meeting the requirements of this statute. One commenter asked that the IPEDS GRS be adopted as the model methodology. One commenter asked that the Secretary implement final regulations that would provide consistency among those reports and the report required by this statute.

Several commenters maintained that the simple model the Secretary put forth would lead to meaningless or dishonest reporting, in that it attempts to condense necessary information into a single statistic. One of these commenters argued that the type of information needed for student consumers was more complex than that required by other types of consumers, and that such information could only be gathered by closely scrutinizing an institution's mission and programs in the context of the student's own interests, abilities, and willingness to complete a program.

Discussion: The Secretary continues to believe that the provision of graduation rate data will provide meaningful information to student consumers, and that a degree of flexibility is consonant with generating useful consumer information. However, the Secretary has been persuaded by the number and nature of comments that the degree of flexibility contained in the proposed rules may present problems of comparability.

Therefore, based on these comments, the Secretary is making changes to the

final regulations that address problems of comparability. The Secretary requires institutions to use the definitions of "certificate- or degree-seeking students," "first time students," and "undergraduate students" that are based on those definitions as they are published in the IPEDS GRS Glossary, NCES 95-822. These definitions have been changed slightly from the IPEDS definition to conform to the statute, but are the functional equivalent of the **IPEDS** definitions. Because institutions will in the future be required to report these data according to these definitions under IPEDS, the Secretary believes that using definitions based on the IPEDS definitions that are slightly changed to fit the requirements of the statute, will increase comparability without increasing burden.

Also in the interests of comparability, the Secretary has removed from the definitions the flexible definition of "full-time students" included in the proposed rules. Institutions must instead use the definition of "full-time student" as defined in § 668.2 of the Student Assistance General Provisions regulations. This definition that is functionally equivalent to the definition found in the IPEDS Glossary.

In order to increase comparability and to decrease the possibility that institutions will need to calculate duplicate graduation or completion rates, the Department will work with organizations such as the NCES, the JCAR, athletic conferences or associations, and state agencies, or other organizations that are attempting to gather completion or graduation rate data, to help those organizations develop protocols that will generate data substantially comparable to the data required by the statute and these regulations. If these organizations do develop such protocols that meet the methodological and definitional standards set by the statute and regulations, the Secretary will inform institutions that the use of those protocols meet the requirements for the compilation of these data under the statute and the regulations. The Secretary, however, will not accept the protocols of these organizations for these purposes, nor grant waivers to athletic associations or conferences for their protocols, nor deem the protocols of any organization or institution to be in compliance with the statute and these regulations, if those protocols fail to incorporate the provisions of the statute and regulations.

Changes: Section 668.41(c) has been changed to include definitions of "degree- or certificate-seeking student" and "first-time freshman student" that are based on the definitions published by IPEDS. "Full-time student" is defined in accordance with the definition in § 668.2.

Comments: Many commenters expressed concern that these proposed rules would create another set of reporting criteria that institutions must meet, in addition to other reports on the same topic now required of institutions by the NCES, the NCAA, JCAR, and accrediting agencies, and that therefore these proposed rules were overly burdensome. Some of these commenters maintained that smaller institutions, which employ small staffs, would find it impossible to meet any new reporting requirements in addition to those which they must already meet. Some commenters reported that their institutions already were collecting information based on the NCAA model (in which completion or graduation rates are calculated for a cohort of firsttime, full-time, baccalaureate students who enter an institution during the institution's fall term), the model set forth in the 1991 Dear Colleague letter, or another system, and that to force them to change systems to comply with new regulations would be prohibitively expensive and extremely burdensome. One commenter asked that the final rules not differ significantly from the guidance provided by Dear Colleague Letter GEN-91-27. One commenter reported that the flexibility of the rules allowing institutions to set their own definitions would prevent coordinating bodies from collecting information from groups of institutions.

One commenter believed that the provision of graduation rate information as a regulatory issue was moot, given that several athletic associations and news publications now provide statistics, and expressed the belief that a regulatory system for providing this information would only add to the current confusion.

Discussion: The Secretary recognizes that the calculation of these rates in different ways as required by different organizations would represent a burden on institutions. However, the Secretary is bound by statute to require that these rates be calculated and published, and that they be calculated according to statutory requirements. Insofar as is possible within the terms of the statute, the Secretary is providing flexibility for institutions to report according to protocols by which institutions will be required to calculate completion or graduation rates in the future, notwithstanding these regulations, e.g., the IPEDS GRS and the JCAR survey, as well as surveys by state agencies and the NCAA. However, if any particular