

organization on this list fails to develop protocols that accord with the statute and these regulations, the Secretary cannot simply waive the requirements of this statute or change the specifics of the statutory calculation to fit those circumstances. Institutions must calculate and publish these rates, and do so in accordance with the statute and regulations.

With regard to the particular case of the GRS survey to be conducted by the NCES, the Secretary appreciates that while the Statement of Educational Impact contained below is technically correct in maintaining that no agency of the federal government is currently gathering this information, commenters were concerned that the forthcoming NCES GRS and these regulations may in the future require institutions to submit the same types of information, compiled in different ways, to the Federal Government. Because the NCES is a federal entity, the Secretary will insure that the results of future NCES GRS surveys will be acceptable for purposes of this statute and these regulations.

The Secretary also notes that the definitions and suggested protocols included in these final regulations substantially mirror the provisions of Dear Colleague Letter GEN-91-27.

Changes: None.

Comments: Several commenters suggested that the Secretary encourage institutions to supply additional information to place their graduation rate reports in context, as a way of providing greater comparability and usefulness without significantly increasing burden. One commenter asked that all institutions be required to provide such contextual information.

Discussion: The Secretary strongly encourages institutions to provide contextual information. There is, however, no statutory authority to require institutions to provide such information.

Changes: None.

Comments: Several commenters asked that the disclosure requirements for short-term programs at proprietary schools regarding job placement, licensure requirement, and licensure pass rate information that had been previously included in the Student Assistance General Provisions regulations be reinstated as part of these final regulations. One of these commenters argued that the types of students who enter these programs tended to be the consumers most in need of information and protection. This commenter maintained that such provisions would embody the spirit and intent of both the statute and other Congressional commentary on consumer

information issues regarding short-term programs. This commenter also recommended that the information generated by such requirements be reported to a government agency to be compiled and published.

Discussion: Because these provisions are no longer included in the statute, the Secretary will not include them in these regulations.

Changes: None.

Section 668.41 Information Disclosure

Comments: Several commenters proposed that the Department mandate the Campus Security model for the placement of this information in publications. These commenters maintained that this model was not burdensome.

Several commenters opposed the Campus Security model. Several commenters opposed any regulation of the placement of this information, besides the general requirement that it be published in publications that students and prospective students receive. These commenters maintained that each individual institution was the best judge of where such information be published. One commenter believed that no regulation was necessary so long as institutions provided the information before the student entered into any financial obligation. One commenter asked that nonbinding guidance rather than regulations be promulgated in this matter. One commenter objected to the Campus Security model as now formulated in the regulations, in that it requires the distribution of information.

One commenter asked that the Department mandate publication in the institution's catalog or other similar publication that provides meaningful context to this information. One commenter maintained that trade schools be required to publish this information in their catalog. One commenter asked that the Secretary clarify that publication in a catalog or other such publication meets the requirements of the statute.

One commenter maintained that the requirement to make this information available through publications and mailing to prospective students would be overly burdensome. This commenter argued that general availability through literature racks and provision upon request should be deemed as fulfilling the requirements of this statute.

Discussion: The Secretary agrees that the level of specificity contained in the Campus Security model of disclosure need not apply to these regulations. The Secretary believes that such publications as catalogs, admission literature, or other similar types of

publication are appropriate places for this material. Because the statute requires that this material be available in "appropriate mailings," the Secretary disagrees that the mere maintenance of this material in literature racks would satisfy the requirements of the statute.

Changes: None.

Comments: One commenter maintained that the suggestion that institutions also provide this information to secondary schools and guidance counselors was too expensive and burdensome.

Discussion: The Secretary will not require institutions to provide this information automatically to secondary schools and guidance counselors, but strongly encourages institutions to provide this information on request to parties such as guidance counselors.

Changes: None.

Comments: One commenter asked for a clarification of the standard that students have this information before they enter into "financial obligation," and inquired whether payment of an application fee would count as a financial obligation, as opposed, for example, to the payment of tuition. This commenter argued that if the former were the case, insurmountable problems would arise, since some students apply for admission without first contacting the institution.

Discussion: The Secretary interprets "financial obligation" to mean any agreement that obliges the student to pay significant sums of money. This would include, for example, tuition or room and board deposits, advance payments for tuition, room and board, and books and supplies. The Secretary does not interpret the tacit agreement to pay an application fee when submitting an application to fall within the scope of "financial obligation" as that term is used in the statute.

Changes: None.

Section 668.41 Disclosures of Information on Student-Athletes

Comments: One commenter asked the Secretary to reformulate the requirement that institutions provide the graduation rate data for athletes to the student's parents, given that locating and providing materials to both parents in cases of separation or divorce was very burdensome. This commenter recommended that the relevant language be changed to indicate that provision of these data to a single parent or a guardian, when appropriate, would satisfy this requirement.

Several commenters asked that only general guidelines regarding the medium in which the information is transmitted be promulgated, as