of students who completed or graduated within 150% of the normal time for completion or graduation from their programs as of June 30 of the preceding year.

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

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

(2) Students who have completed a transfer program as described in § 668.8(b)(1)(ii) within 150% of normal time for completion from that program may be counted as completers.

- (c)(1) In calculating the transfer-out rate under section paragraph (a) of this section, an institution shall count as students who have transferred out those 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;
- (2) An institution shall document that its program provided substantial preparation to a student by obtaining a copy of any of the following:
- (i) Certification letter from the receiving institution stating that a student is enrolled in that institution;
- (ii) Electronic certification from the receiving institution stating that a student is enrolled in that institution;
- (iii) Confirmation of enrollment data from a legally-authorized statewide or regional tracking system (or shared information from those systems) confirming that a student has enrolled in another institution;
- (iv) Institutional data exchange information confirming that a student as enrolled in another institution; or
- (v) An equivalent level of documentation.
- (d) For the purpose of calculating a completion or graduation rate and a transfer-out rate, an institution may exclude from the calculation of its completion or graduation rate and its transfer-out rate students who—

- (1) Have left school to serve in the Armed Forces;
- (2) Have left school to serve on official church missions:
- (3) Have left school to serve with a foreign aid service of the Federal Government, such as the Peace Corps; or

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

(e)(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 that receives a waiver of the requirements of this section must still comply with the requirements of §§ 668.41(a)(3) and 668.41(b) of this subpart.

(3) An institution, or athletic association or conference applying on behalf of an institution that seeks a waiver under paragraph (e)(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 every year 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 and transfer-out rate of all the entering,

- certificate- or degree-seeking, full-time, undergraduate students described in § 668.46(a) (1), (2), (3) and (4).
- (iv) The completion or graduation rate and transfer-out rate of the entering students described in § 668.46(a) (1), (2), (3) and (4) who received athletically-related student aid, categorized by race and gender within each sport.
- (v) The average completion or graduation rate and transfer-out rate for the four most recent completing or graduating classes of entering students described in § 668.46(a) (2), (3), and (4) categorized by race and gender. If an institution has completion or graduation rates and transfer-out 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.
- (3) If a category of students identified in paragraph (a)(1)(iv) above contains five or fewer students, the institution need not disclose information on that category of students.
- (b) The provisions of § 668.46 (a), (b) and (c) apply for purposes of calculating the completion or graduation rates and transfer-out 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—
- (1) The graduation or completion rate of the students who transferred into the institution; and
- (2) 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)

[FR Doc. 95–29181 Filed 11–30–95; 8:45 am] BILLING CODE 4000–01–P