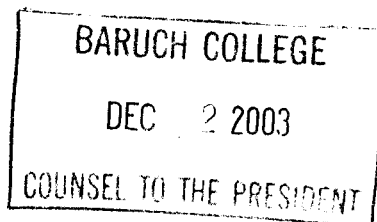


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STUDENT ADVISORY MEMORANDUM

November 21, 2003

To: College Presidents
From: Frederick P. Schaffer *FPS*
Re: Federal Student Right-to-Know Legislation

This memorandum, in a question and answer format, will serve as a briefing on the federal law known as the "Student Right-to-Know Act." (20 U.S.C.A. §1092 (a & e), 34 CFR 668.43, 44, 46) It supersedes the previous advisory on this subject dated January 28, 1992, and reflects the final regulations which have since been issued by the U.S. Department of Education. If you are following the previous advisory as you should be, this memorandum will not require any changes in your current reporting practices.

1. What does the Student Right-to-Know Act do?

The Student Right-To-Know Act requires the dissemination of information to all current students and to each prospective student who has requested information concerning admission, or information describing the institution's completion or graduation rate for certificate or degree-seeking full-time undergraduate students.

2. What cohort of students is used to calculate the school's completion or graduation rate?

Completion or graduation rates are determined by using a specific cohort of the general student body entering the same fall semester (including those who enter after July 1, and continue into the fall). This cohort is of certificate or degree-seeking, full-time, first-time undergraduate students. Information is not required for undergraduate students who entered part-time, or graduate students.

3. What constitutes a certificate or degree-seeking, full-time, first time undergraduate student?

A certificate or degree-seeking student is one enrolled in a course for credit who is recognized by the college as seeking a degree or certificate. A full-time student is defined as a student carrying a minimum of 12 semester hours or 12 quarter hours per academic term in a college using a semester, tri-semester, or quarter system. An undergraduate student is a student enrolled in a bachelor's degree program, an associate's degree program, or a vocational or technical program below the baccalaureate level. A first time undergraduate student is an entering undergraduate who has never attended an institution of higher education. A student enrolled in the fall term who attended a post secondary institution for the first time in the prior summer term, and a student who entered with advanced standing college credit earned before graduation from high school, is considered a first-time undergraduate student.

4. Under the Student Right-to-Know Act, which students are counted as having graduated?

The Student Right-to-Know Act provides that in calculating the graduation rates, a student shall be counted as a completion or a graduation if, within 150% of the normal time for completion or graduation from the program, the student has graduated from the program, or enrolled in any higher level program of an eligible institution for which the prior program provides substantial preparation. For a college whose programs are four years in length, 150% of normal time is six years (72 months). For a college whose programs are two years in length, 150% of normal time is three years (36 months).

5. May any entering full-time undergraduate freshmen be omitted from the graduation statistics?

Colleges may exclude from the reporting requirement for the completion or graduation rates of students, any student who leaves college to serve in the armed services, on official church missions, or with a recognized foreign aid service of the federal government.

6. When and how frequently must the graduation information be updated?

Information must be made available by July 1 of each year and cover the one year period ending on August 31 of the preceding year. The graduation information must be updated annually.

7. What about transfer students or students who have already earned some college credits, or a college degree?

Only a student who is enrolled for the first time at a college is counted. A student may not be counted if the student enters with earned credits, except those earned while enrolled in high school through advanced placement in postsecondary education, or earned in that college in the summer preceding the fall enrollment. Transfer students do not count in the cohort.

8. Can a student be counted as graduated if the student transfers to another college with a higher program?

A student is counted as having graduated if, within 150% of the normal time for completion, the student transfers from that college to a higher level program at another college for which the prior program provided substantial preparation. This would include associate degree students who are accepted into a baccalaureate program at a senior college, as well as students under some special programs who leave prior to graduation to attend law school.

9. What if a student switches majors or programs at the same college?

Once in a cohort, the student's change in program does not alter the student's presence in the cohort. Also, a student may only be counted as a graduation one time, even if the student later earns a second degree. If a student is admitted into an associate degree program, and later transfers to a baccalaureate program at the same college without first receiving an associate degree, the student should be transferred to the baccalaureate cohort.

10. What information must be reported to the U.S. Department of Education?

Although colleges that provide athletically related student aid must report annually to the Secretary of Education, there are no reporting requirements on general graduation rates for colleges which do not grant student financial assistance conditioned upon participation in athletics. The Secretary of Education may, however, request or audit the provision of such graduation information at any time.

11. What information does the Student Right-to-Know Act require for student athletes?

The Student Right-To-Know Act is directed at concerns about the academic performance of student athletes, especially student athletes receiving football and basketball scholarships. To this end, the Student Right-to-Know Act requires extensive disclosure and annual reporting to the Secretary of Education of graduation rates with respect to athletically related student aid, which is defined as any scholarship, grant, or other form of financial assistance, offered by an institution, the terms of which requires the recipient to participate in a program of intercollegiate athletics at the institution. Colleges providing athletically related student aid must provide graduation rates broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined as well as four year average rates. In addition, the college must provide the average completion or graduation rate for the most recent completing or graduating classes of students at the institution of higher education.

12. Will the CUNY colleges have to comply with the graduation information required for student athletes?

With one exception, the CUNY colleges should not be affected by these requirements because they do not provide athletic scholarships as defined by the statute. Athletically related student aid is not permitted by the rules of the athletic conferences and divisions to which most CUNY colleges belong and by the Board Policy on Intercollegiate Athletics, last revised on May 29, 1973, which states that "No privileges should be provided for athletes which are not available to students in any other area of college life." The statutory provisions regarding athletic scholarships are applicable only to those colleges that are members of NCAA Divisions I or II and therefore may be providing such athletically related financial aid. If your college has a team in Division I or II, you may need information on these provisions and should contact this office.

- c: Cabinet
Chief Academic Affairs Officers
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