

THE CITY UNIVERSITY OF NEW YORK

*Office of the General Counsel and Vice Chancellor for Legal Affairs*

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**ADMINISTRATIVE ADVISORY  
MEMORANDUM NO. 12**

January 28, 1992

Memorandum

To: College Presidents  
From: Robert E. Diaz  
Re: Federal Student Right-to-Know Legislation

This memorandum, in a question and answer format, will serve as a briefing on the new federal law known as the "Student Right-to-Know Act" (20 U.S.C.A. §1092 (a & e)).

1. What information has already been sent to the colleges on the Student Right-to-Know Act?

Two "Dear Colleague" letters dated March, 1991 and August, 1991 were distributed by the U.S. Department of Education to all college presidents, registrars and financial aid administrators setting forth the interim requirements of the Student Right-to-Know Act pending the issuance of regulations. If you do not have a copy of the August, 1991 letter (DCL GEN-91-27), one will be provided on request.

2. When will proposed regulations be issued by the Department of Education and what should be done with them?

Proposed federal regulations to implement the law were to be issued for comment in September, 1991, but have been delayed. A Notice of Proposed Rule-Making and Final Regulations will probably be issued within the next several months. When they are issued, the Department of Education will request comments. This office will coordinate the University's comments. All suggested comments should be mailed to the Deputy General Counsel, Roy Moskowitz.

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

The Student Right-To-Know Act requires the dissemination to current students, and to each prospective student who has requested information concerning admission, of information describing the "completion or graduation rates of certificate or degree-seeking, full-time undergraduate students" entering the college, hereinafter referred to as "graduation rates." Information regarding part-time undergraduate students or any graduate students is not mandated.

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

The Student Right-To-Know Act is directed at the concerns that have been expressed in recent years 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 which requires the recipient to participate in a program of intercollegiate athletics in order to be eligible to receive such assistance. Colleges providing athletically related student aid must provide graduation rates broken down by race, sex, and different sports, as well as four year average rates.

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

With two exceptions, the CUNY colleges will 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." A copy of the statutory provisions regarding athletic scholarships will be sent to those colleges which are members of NCAA Divisions I or II and therefore may be providing such athletically related financial aid.

6. When must the colleges begin providing information on the graduation rates of full-time undergraduate students?

Information must be made available beginning on July 1, 1993 to prospective and current students, and cover the one year period ending on June 30, of the proceeding year, i.e., for the academic year July 1, 1991 through June 30, 1992. In lieu of graduation rates, however, until July 1, 1995 for the community colleges, and July 1, 1998 for the senior colleges, colleges will provide persistence rates for the cohort established for the period July 1, 1991 through June 30, 1992. A college whose programs vary in length (i.e., grants both associate and baccalaureate degrees), would not be required to provide all graduation rates until the time for the program of greatest length, i.e. July 1, 1998 (DCL GEN 91-27, at pp. 6-7), although by July 1, 1995 the college's statistics would include graduation rates for associate degree students.

7. 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 graduation if, within 150 percent of the normal time for graduation from the program, the student has graduated from the program, or enrolled in any 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). (DCL GEN-91-27, at p. 5).

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

Colleges may exclude from the graduation rates students who leave college to serve in the armed services, on official church missions, or with a recognized foreign aid service of the federal government.

9. How frequently must the graduation information be updated?

The graduation information must be updated annually.

10. What do the colleges do for the first year, since we have not kept statistics in the manner now required by the federal government?

For the first disclosures on July 1, 1993, colleges should establish a cohort of degree-seeking full-time undergraduate students entering the college. The cohort should be established using the Fall 1991 enrollment,

including any students who enrolled on or after July 1, 1991 and who continued into the Fall 1991 as students. (DCL GEN-91-27, at p. 3)

11. What constitutes a degree-seeking full-time student?

A degree-seeking student is a student enrolled for the purpose of obtaining a degree. A full-time student is defined, as per the Pell Grant Program regulations, 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. (DCL GEN-91-27, at p. 3)

12. 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. (DCL GEN-91-27, at p. 4) Transfer students do not count in the cohort.

13. 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. (DCL GEN-91-27, at p. 5) 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.

14. 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. (DCL GEN-91-27, at p. 5). 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.

## 15. What are the persistence rates?

The Department of Education has recognized that the publication of a graduation rate on July 1, 1993 (for the period July 1, 1991 through June 30, 1992) will not be possible for colleges for which 150% of normal time for completion or graduation will obviously not have elapsed since July 1, 1991. Therefore, in lieu of a graduation rate, colleges will be required to publish a persistence rate to permit a gradual implementation of the Student Right-to-Know Act. The persistence rate is the percentage of the students in the cohort who re-enrolled each successive year until graduation. In order to be counted in the persistence rate, a member of the cohort must re-enroll for the period for which the following cohort will be established. For each year thereafter, the college should follow the 1991 cohort and be able to provide a persistence rate until such time as the college is able to provide the required graduation rate. The 1992 and successive cohorts would be tracked in a similar manner. (DCL GEN-91-27, at p. 6)

16. What will be the first persistence rate required to be published by the colleges.

On July 1, 1993, the college must publish the persistence rate for the 1991 cohort consisting of degree-seeking full-time undergraduate students who enrolled for the first time in the Fall 1991 measured by whether they continued as students during the Fall 1992 semester.

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

Although colleges required to provide athletically related student aid must report annually to the Secretary of Education beginning on July 1, 1993, there are no reporting requirements on general graduation or persistence 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.

c: Cabinet

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