

Richard Hershman, Director of Government Relations at the National Association of College Stores has identified an error in the guidance letter issued by the Department of Education on June 8, 2010. Briefly, the law does not require that the online course schedule include information about the number of students enrolled in a class or the maximum student enrollment for each class.

Mr. Hershman's more detailed explanation follows:

“The problem is the last sentence of the last paragraph that attempts to describe Section 133(e). The way the dear colleague letter reads online course schedules would need to have the maximum student enrollment and number of students enrolled. As many of you know, Section 133(e) has no such requirement –only addresses information from the institution to the campus bookstore. The intent of Section 133 (e) was for the institution to ensure that the campus bookstore has the information it needs from the class schedule and attendance and book adoption information from faculty so it can ensure the institution provides accurate and timely book information to students as well as factor such information into buyback and other cost reduction strategies. While it's true some schools have attendance information live and in more or less real time on their course schedule/registration sites, this is not required by the law in Section 133(e).”

“Here is the sentence with the error:

*For each course or class offered by the institution for the subsequent academic period, the institution's online course schedule must include information on the required and recommended textbooks and supplemental material, the number of students enrolled, and the maximum student enrollment for each class or section using the identified materials, to the maximum extent practicable.*”