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FOREIGN RELATIONS

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RULES AND ADMINISTRATION

United States Senate

WASHINGTON, DC 20510-0702

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Inspector General Kathleen S. Tighe
U.S. Department of Education
Office of Inspector General
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Tighe:

We are writing to request that the Inspector General conduct a review on the implementation and enforcement of Part 86 of the Education Department General Administration Regulations (EDGAR)—Drug and Alcohol Abuse Prevention. Given recent student deaths from drug and alcohol activity, we are concerned that these regulations are not being enforced by the Department of Education, nor taken seriously by many institutes of higher education (IHE) nationally. We ask you to examine if the Department of Education requires all IHEs to adopt and implement a drug and alcohol prevention program, how and whether the Department enforces these programs and whether those enforcement actions are consistently applied.

We first became aware of questions regarding IHEs' drug and alcohol prevention programs and the Department of Education's role in enforcing the Drug and Alcohol Abuse Prevention Program when Kristine Barbara Guest, a young woman from Connecticut, died in a tragic snowmobile accident while visiting a friend at Paul Smith College in the New York's Adirondack Mountains. As a result, Senator Dodd's office conducted an informal investigation of the events that led to Ms. Guest's death. It found that the lack of enforcement of Paul Smith College's drug and alcohol prevention program greatly contributed to the Guest tragedy and other similar incidents.

At Senator Dodd's request, the Department of Education then investigated Paul Smith College for its compliance with Part 86 of the General Administrative Regulations, the Drug and Alcohol Abuse Prevention Regulations. On November 7, 2008, the Department of Education issued a final program review determination finding that Paul Smith's College was in compliance with Part 86 of the Education Department General Administrative Regulations (EDGAR) – Drug and Alcohol Abuse Prevention. The Department of Education's handling of the review and its ultimate determination raises some serious questions.

The Guest tragedy is not unique. Earlier this year, the widely publicized murder of University of Virginia student, Yeardley Love, exemplifies how alcohol abuse can lead to violent behavior. In fact, over 1700 college students between the ages of 18 and 24 die from alcohol-related accidental injuries, including motor vehicle crashes, each year¹. More than half a million college

¹ Hingson, R., Heeren, T., Winter, M., Wechsler, H. *Magnitude of Alcohol-Related Mortality and Morbidity Among U.S. College Students Ages 18-24: Changes from 1998 to 2001*. *Annu Rev Public Health*, 2005. 26: 267.

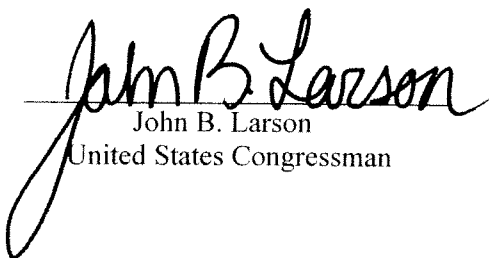
students are assaulted each year by another student who has been drinking². And students enrolled in college full-time are more likely than their peers who are not enrolled in school to binge drink or drink heavily³.

Despite the severity of this problem, the Department of Education has not implemented sanctions on any IHE for non-compliance with Part 86 in the past 19 years. If IHEs infer that compliance is little more than self-certification without audits or enforcement, these important rules will not be taken seriously. Many incidents in the past years cause concern that the Department of Education's lack of diligence in enforcing this law has contributed to what may be a widespread lack of enforcement at IHEs across the nation. Due to the importance of this issue, we request that the IG investigate the Department of Education's enforcement of Part 86 of EDGAR. Specifically, we would ask for the IG to focus on the following:

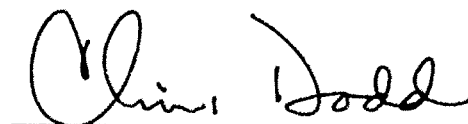
- Is the Department of Education's procedure for schools to self-certify their drug and alcohol prevention programs sufficient to secure safety for students especially in relation to the statutory and regulatory requirements of consistent enforcement of the IHE's policies?
- Since Paul Smith's College was found to be in compliance, including with respect to consistent enforcement, what does a college need to do to be out of compliance?
- Did the Department of Education come to the correct conclusion in its 2008 program review of Part 86 of Paul Smith College?
- What are the necessary steps for the Department of Education to take in order to ensure that Part 86 is effectively enforced?

Thank you for your attention, and please contact David Sitcovsky (David_Sitcovsky@mail.house.gov, 202-225-2265) or Meg Benner in Senator Dodd's office (Meg_Benner@help.senate.gov, 202-224-2823) for further information regarding this request.

Sincerely,



John B. Larson
United States Congressman



Christopher J. Dodd
United States Senator

² *Ibid*, 267.

³ U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Office of Applied Studies. *State Estimates of Substance Use from the 2007-2008 National Surveys on Drug Use and Health*