

112TH CONGRESS
2D SESSION

S. 2098

To support statewide individual-level integrated postsecondary education data systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2012

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To support statewide individual-level integrated postsecondary education data systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Right to Know
5 Before You Go Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Every year, millions of people in the United
9 States will make the choice of whether to invest in
10 higher education or job retraining programs, but

1 outcomes vary widely based on the program of study
2 selected, the institution selected, and the maximum
3 level of education attained.

4 (2) A person who obtains an associate degree
5 earns, on average, \$1,500,000 over a lifetime, while
6 individuals with the maximum accreditation of a
7 high school diploma can expect to earn \$1,300,000
8 over a lifetime. By comparison, individuals with a
9 baccalaureate degree earn, on average, \$2,300,000
10 in their lifetime. However, 28.2 percent of individ-
11 uals with associate degrees earn more than the me-
12 dian salary of baccalaureate degree-holders. It is not
13 just maximum level of education attained, but also
14 the earnings and employment prospects associated
15 with specific programs of study, that determines the
16 amount of an individual's earnings. Furthermore,
17 the employment and earnings projections of distinct
18 degree and certificate programs and the cost of ob-
19 taining these credentials are not equal across institu-
20 tions.

21 (3) On average, workers with a baccalaureate
22 degree earn more than 84 percent over their lifetime
23 compared with those who do not have a degree, and
24 workers with an associate degree earn, on average,

1 \$6,600 per year more than those with a high school
2 diploma as their highest credential.

3 (4) According to the National Center for Public
4 Policy and Higher Education report in 2008, the
5 cost of college increased 439 percent from 1982 to
6 2007. In 2010, graduates who took out loans left
7 college with an average of more than \$25,000 of
8 debt, more than double what it was 15 years ago. In
9 2011, student debt in the United States outweighed
10 credit card debt at nearly \$1,000,000,000,000.

11 (5) As of 2008, 84 percent of undergraduates
12 had at least 1 credit card, up from 76 percent in
13 2004. With the rising cost of college tuition and ex-
14 penses, students are increasingly turning to private
15 credit to supplement traditional student aid; on av-
16 erage, students charge \$2,200 towards direct edu-
17 cation expenses, with only 17 percent regularly pay-
18 ing off their balances each month. The average stu-
19 dent leaves college with an average credit card debt
20 of more than \$4,100, up from about \$2,900 in
21 2004.

22 (6) Recent research shows that more than $\frac{1}{2}$ of
23 student loan borrowers are in deferment, forbear-
24 ance, delinquency, or default on their Federal stu-
25 dent loans within 5 years of leaving school.

1 (7) Greater access and transparency regarding
2 the costs and benefits of higher education are crit-
3 ical to better prepare students, parents, and the
4 public for the realities of college and the workforce.

5 (8) Even though enrollment in colleges is on the
6 rise, corresponding graduation and completion rates
7 have not risen. At 2-year institutions of higher edu-
8 cation, about 27 percent of first-time, full-time stu-
9 dents who enrolled in the fall of 2005 completed a
10 certificate or associate's degree within 150 percent
11 of the normal time required to complete such a de-
12 gree.

13 (9) As unemployment among young adults re-
14 mains elevated, the economic value and employment
15 potential of certain degrees has become an increas-
16 ingly important factor in selecting a major. Not all
17 academic fields have the same employment and earn-
18 ings potential. Labor and employment statistics
19 show that certain majors have a higher employment
20 potential after college and a higher median starting
21 salary. Furthermore, the employment and earnings
22 outcomes for the same or similar accreditation vary
23 widely across institutions of higher education.

24 (10) To enhance the public's knowledge and ac-
25 cess to improved information concerning the cost of

1 college, financial aid, prospective earnings, and post-
2 graduation employment rates, States, institutions of
3 higher education, and other stakeholders must col-
4 laborate to make these data points available to pro-
5 spective students, parents, and all taxpayers in a
6 new, comprehensive, and easily accessible manner.

7 (11) Such collaboration will allow for a more
8 comprehensive statistical overview of the current
9 landscape in American higher education and increase
10 accountability and efficiency.

11 (12) Research shows that certain courses of
12 study correlate to improved earnings and employ-
13 ment; however, existing reporting requirements make
14 it impossible for researchers to accurately analyze
15 data at the institutional level. A State-based report-
16 ing system would ensure that students, parents, tax-
17 payers, and policymakers can make informed deci-
18 sions, maximizing their return on investment and
19 bringing greater transparency to higher education in
20 the United States.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) ADMINISTERING ENTITY.—The term “ad-
24 ministering entity” means—

1 (A) a State, including a State coordinating
2 or governing board, State system office, or
3 other State agency;

4 (B) a multi-State compact; or

5 (C) a data system operated by the Depart-
6 ment of Education.

7 (2) EDUCATIONAL INSTITUTION.—The term
8 “educational institution” means—

9 (A) an institution of higher education, as
10 defined in section 102 of the Higher Education
11 Act of 1965 (20 U.S.C. 1002);

12 (B) a school or institution that offers a
13 program of postsecondary education and that is
14 an eligible provider of training services under
15 section 122 of the Workforce Investment Act of
16 1998 (42 U.S.C. 2842); and

17 (C) any entity that provides postsecondary
18 training programs that are approved by the
19 Secretary of Labor under section 236 of the
20 Trade Act of 1974 (19 U.S.C. 2296) for work-
21 ers who receive benefits under the trade adjust-
22 ment assistance program under chapter 2 of
23 title II of that Act (19 U.S.C. 2271 et seq.).

24 (3) SECRETARY.—The term “Secretary” means
25 the Secretary of Education.

1 **SEC. 4. PARTICIPATION IN STATEWIDE INDIVIDUAL-LEVEL**
 2 **INTEGRATED POSTSECONDARY EDUCATION**
 3 **DATA SYSTEMS.**

4 (a) AMENDMENT.—Section 487(a)(17) of the Higher
 5 Education Act of 1965 (20 U.S.C. 1094(a)(17)) is amend-
 6 ed—

7 (1) by striking “(17) The” and inserting
 8 “(17)(A) The”; and

9 (2) by adding at the end the following:

10 “(B) To meet the requirements of subpara-
 11 graph (A), the institution will fully participate in,
 12 and provide all data required for—

13 “(i) the individual-level integrated postsec-
 14 ondary education data system certified by the
 15 Secretary under section 5(a) of the Student
 16 Right to Know Before You Go Act that is ad-
 17 ministered by a State entity of the State in
 18 which the institution is located; or

19 “(ii) if no such system exists in the State,
 20 an individual-level integrated postsecondary
 21 education data system that is operated by an-
 22 other administering entity and that is certified
 23 by the Secretary under such section 5(a).”.

24 (b) EFFECTIVE DATE.—The amendments made by
 25 subsection (a) shall take effect on the date that is 1 year
 26 after the date of enactment of this Act.

1 **SEC. 5. STATEWIDE INDIVIDUAL-LEVEL INTEGRATED POST-**
2 **SECONDARY EDUCATION DATA SYSTEMS.**

3 (a) STATEWIDE EMPLOYMENT AND LEARNING EX-
4 CHANGES.—

5 (1) CERTIFICATION OF INTEGRATED POSTSEC-
6 ONDARY EDUCATION DATA SYSTEMS.—

7 (A) IN GENERAL.—Not later than 1 year
8 after the date of enactment of this Act, the Sec-
9 retary shall, upon request by an administering
10 entity—

11 (i) review the administering entity's
12 individual-level postsecondary education
13 data system or other data system; and

14 (ii) upon determining that the system
15 meets the requirements of this subsection,
16 certify the system for purposes of section
17 487(a)(17)(B) of the Higher Education
18 Act of 1965 (20 U.S.C. 1094(a)(17)(B)).

19 (B) CONSULTATION FOR CERTIFICATION
20 OF SYSTEMS INCLUDING DATA FOR OTHER PRO-
21 GRAMS.—Before certifying under subparagraph
22 (A) an individual-level integrated postsecondary
23 education data system that includes data from
24 a Federal education and training program in
25 accordance with paragraph (2)(B)(ii)(I), the
26 Secretary shall consult with the head of the

1 Federal agency responsible for administering
2 such Federal education and training program.

3 (2) REQUIREMENTS.—An individual-level inte-
4 grated postsecondary education data system certified
5 under this subsection shall meet the following re-
6 quirements:

7 (A) COMPATIBILITY WITH IPEDS.—The sys-
8 tem shall have the ability to submit data, in a
9 manner that does not disclose any personally
10 identifiable information, to the Integrated Post-
11 secondary Data System (IPEDS) or any other
12 Federal postsecondary data collection as des-
13 ignated by the Secretary, in a timely manner to
14 the satisfaction of the Secretary.

15 (B) SCOPE OF SYSTEM.—The system shall
16 include—

17 (i) data from educational institutions
18 described in section 3(2)(A); or

19 (ii) if the administering entity choos-
20 es, data from such educational institutions
21 and data from—

22 (I) other Federal education and
23 training programs, such as the Job
24 Corps program carried out under sub-
25 title C of title I of the Workforce In-

1 vestment Act of 1998 (29 U.S.C.
2 2881 et seq.), educational assistance
3 and training programs under the laws
4 administered by the Secretary of Vet-
5 erans Affairs, programs carried out
6 under the Carl D. Perkins Career and
7 Technical Education Act of 2006 (20
8 U.S.C. 2301 et seq.), and training,
9 education, and educational assistance
10 programs of the Department of De-
11 fense; or

12 (II) beginning on or after the
13 date that is 5 years after the date of
14 enactment of this Act, educational in-
15 stitutions described in subparagraphs
16 (B) and (C) of section 3(2).

17 (C) UNIQUE IDENTIFIER.—The system
18 shall use a unique individual identifier system
19 that—

20 (i) does not permit an individual to be
21 individually identified by users of the data
22 system; and

23 (ii) is created through a process that
24 creates a one-way secure identifier that can

1 be used in data systems in other States
2 and cannot be reverse-engineered.

3 (D) DATA INCLUDED.—The system shall
4 include the following data and information:

5 (i) Data sufficient to complete all stu-
6 dent components of reporting required for
7 the Integrated Postsecondary Education
8 Data System of the National Center for
9 Education Statistics. The system shall em-
10 ploy, where applicable, the most recent
11 version available of the Common Education
12 Data Standards developed by the National
13 Center for Education Statistics.

14 (ii) Rates of remedial enrollment,
15 credit accumulation, and postsecondary
16 completion by high school completion sta-
17 tus.

18 (iii) Other information determined
19 necessary by the Secretary to address
20 alignment and adequate preparation for
21 success in postsecondary education.

22 (E) DATA AUDIT AND DATA GOVERNANCE
23 SYSTEMS.—The system shall include a data
24 audit system assessing data quality, validity,
25 and reliability and a data governance system,

1 operated at the State or regional level (as the
2 case may be) with the participation of rep-
3 resentative educational institutions, to ensure
4 compliance with Federal and State standards of
5 data quality and individual privacy.

6 (F) INDIVIDUAL PRIVACY AND ACCESS TO
7 DATA.—The administering entity shall provide
8 an assurance—

9 (i) that the system does not disclose
10 any personally identifiable information and
11 complies with the requirements of section
12 444 of the General Education Provisions
13 Act (20 U.S.C. 1232g) (commonly known
14 as the “Family Educational Rights and
15 Privacy Act”) and other applicable Federal
16 and State privacy laws; and

17 (ii) that there is a policy on the use
18 of data in the system by other entities, in-
19 cluding by nongovernmental entities.

20 (3) ADDITIONAL REQUIREMENTS.—In order for
21 an individual-level integrated postsecondary edu-
22 cation data system of an administering entity to be
23 certified under this subsection, the entity shall dem-
24 onstrate to the Secretary that the entity is coordi-
25 nating with an agency or entity that oversees admin-

1 administrative wage and earnings data to match data from
2 the postsecondary education data system to adminis-
3 trative wage and earnings data, in order to create an
4 interoperable employment and learning exchange
5 that—

6 (A) continues the use of a unique indi-
7 vidual identifier system that does not permit an
8 individual to be identified by users of the data
9 system; and

10 (B) provides data on average individual
11 annual earnings, disaggregated by educational
12 program, degree received, educational institu-
13 tion, employment sector, and State.

14 (b) TECHNICAL ASSISTANCE GRANTS.—

15 (1) IN GENERAL.—The Secretary is authorized
16 to award grants—

17 (A) to educational institutions to assist
18 with the costs necessary to comply with the re-
19 quirements of this section or section 487(a)(17)
20 of the Higher Education Act of 1965 (20
21 U.S.C. 1094(a)(17)), as added by section 4;
22 and

23 (B) to administering entities described in
24 subparagraph (A) or (B) of section 3(1) that
25 have an integrated postsecondary education

1 data system certified by the Secretary under
2 subsection (a) or that are developing such a
3 system, to assist with the costs associated with
4 such systems or with developing or imple-
5 menting such systems.

6 (2) APPLICATION.—An educational institution
7 or administering entity that desires to receive a
8 grant under this subsection shall submit an applica-
9 tion to the Secretary at such time, in such manner,
10 and containing such information as the Secretary
11 shall require.

12 **SEC. 6. TRANSITION PLAN.**

13 (a) TRANSITION REQUIREMENTS.—In transitioning
14 to the requirements of this Act and the amendments made
15 by this Act, the Secretary shall—

16 (1) ensure that no educational institution will
17 be required to report duplicative information to the
18 Secretary;

19 (2) allow States and educational institutions to
20 consolidate the reporting requirements under section
21 487(a)(17) of the Higher Education Act of 1965 (20
22 U.S.C. 1001 et seq.) with any other overlapping re-
23 porting requirements, and inform State and institu-
24 tions of this ability; and

1 (3) establish safeguards to ensure that States
2 and educational institutions are not required to re-
3 port duplicative information through the individual-
4 level integrated postsecondary education data sys-
5 tems certified under section 5(a).

6 (b) TRANSITION PLAN.—Not later than 3 months
7 after the date of enactment of this Act, the Secretary shall
8 make available to States, educational institutions, and the
9 public, a transition plan (including guidance) that—

10 (1) describes the new options for complying
11 with the reporting requirements of section
12 487(a)(17) of the Higher Education Act of 1965 (20
13 U.S.C. 1094(a)(17)), as amended by section 4;

14 (2) describes the transition requirements under
15 subsection (a) and how the Secretary will fulfill such
16 requirements; and

17 (3) provides a timeline, including dates, for the
18 Secretary’s implementation of the requirements of
19 this Act and the amendments made by this Act.

○