

115TH CONGRESS
1ST SESSION

S. 1121

To establish a postsecondary student data system.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2017

Mr. HATCH (for himself, Ms. WARREN, Mr. CASSIDY, and Mr. WHITEHOUSE)
introduced the following bill; which was read twice and referred to the
Committee on Health, Education, Labor, and Pensions

A BILL

To establish a postsecondary student data system.

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 “College Transparency
5 Act”.

6 **SEC. 2. POSTSECONDARY STUDENT DATA SYSTEM.**

7 (a) IN GENERAL.—Section 132 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1015a) is amended—

9 (1) by redesignating subsection (l) as subsection
10 (m); and

1 (2) by inserting after subsection (k) the fol-
 2 lowing:

3 “(l) POSTSECONDARY STUDENT DATA SYSTEM.—

4 “(1) IN GENERAL.—

5 “(A) ESTABLISHMENT OF SYSTEM.—The
 6 Commissioner for Education Statistics (referred
 7 to in this subsection as the ‘Commissioner’)
 8 shall develop and maintain a secure, privacy-
 9 protected postsecondary student data system in
 10 order to—

11 “(i) accurately evaluate student en-
 12 rollment patterns, progression, completion,
 13 and postcollegiate outcomes, and higher
 14 education costs and financial aid at the
 15 student level;

16 “(ii) assist with transparency, institu-
 17 tional improvement, and analysis of Fed-
 18 eral aid programs;

19 “(iii) provide more accurate, complete,
 20 and customizable information for students
 21 and families making decisions about post-
 22 secondary education; and

23 “(iv) reduce the reporting burden on
 24 institutions of higher education postsec-

ondary institutions, in accordance with section 5(b) of the College Transparency Act.

“(B) AVOIDING DUPLICATED REPORTING.—Notwithstanding any other provision of this section, to the extent that another provision of this section requires the same reporting or collection of data that is required under this subsection, a postsecondary institution, or the Secretary or Commissioner, may use the reporting or data required for the postsecondary student data system under this subsection to satisfy both requirements.

“(C) DEVELOPMENT PROCESS.—In developing the postsecondary student data system described in this subsection, the Commissioner shall—

“(i) focus on the needs of—

“(I) users of the data system;

and

“(II) entities, including postsecondary institutions, reporting to the data system;

“(ii) take into consideration, to the extent practicable—

1 “(I) the guidelines outlined in the
 2 U.S. Web Design Standards main-
 3 tained by the General Services Admin-
 4 istration and the Digital Services
 5 Playbook and TechFAR Handbook for
 6 Procuring Digital Services Using
 7 Agile Processes of the U.S. Digital
 8 Service; and

9 “(II) the relevant successor docu-
 10 ments or recommendations of such
 11 guidelines;

12 “(iii) use modern, relevant technology
 13 and enhance and update the data system
 14 as necessary to carry out the purpose of
 15 this subsection; and

16 “(iv) ensure data privacy and security
 17 in accordance with the most recent Federal
 18 standards developed by the National Insti-
 19 tute of Standards and Technology.

20 “(2) DATA ELEMENTS.—

21 “(A) IN GENERAL.—The Commissioner,
 22 after consultation with postsecondary institu-
 23 tions (including institutions of higher edu-
 24 cation) and other stakeholders (including indi-
 25 viduals with expertise in data privacy and secu-

1 rity, and in consumer protection), shall deter-
 2 mine—

3 “(i) the data elements to be included
 4 in the postsecondary student data system,
 5 in accordance with subparagraphs (B) and
 6 (C); and

7 “(ii) how to include the data elements
 8 required under subparagraph (B), and any
 9 additional data elements selected under
 10 subparagraph (C), in the postsecondary
 11 student data system.

12 “(B) REQUIRED DATA ELEMENTS.—Such
 13 data elements shall include, at a minimum, the
 14 following:

15 “(i) Student-level data elements nec-
 16 essary to calculate the information within
 17 the student-related surveys in the Inte-
 18 grated Postsecondary Education Data Sys-
 19 tem (IPEDS), as such surveys are in effect
 20 on the day before the date of enactment of
 21 the College Transparency Act.

22 “(ii) Student-level data elements nec-
 23 essary to allow for reporting student en-
 24 rollment, persistence, retention, transfer,
 25 and completion measures for all credential

1 levels (including certificate and associate,
 2 baccalaureate, and advanced degree levels),
 3 within and across postsecondary institu-
 4 tions (including across all categories of in-
 5 stitution level and control). The data ele-
 6 ments shall allow for reporting about all
 7 such data disaggregated by the following
 8 categories:

9 “(I) Enrollment status as a first-
 10 time student.

11 “(II) Attendance intensity,
 12 whether full-time or part-time.

13 “(III) Credential-seeking status,
 14 by credential level.

15 “(IV) Race or ethnicity.

16 “(V) Age intervals.

17 “(VI) Gender.

18 “(VII) Program of study (as ap-
 19 plicable).

20 “(VIII) Military or veteran status
 21 (as determined based on receipt of
 22 veteran’s education benefits, as de-
 23 fined in section 480(c)).

24 “(IX) Status as a postsecondary
 25 athlete.

1 “(X) Federal Pell Grant recipient
2 status.

3 “(C) OTHER DATA ELEMENTS.—The Com-
4 missioner may, after consultation with postsec-
5 ondary institutions (including institutions of
6 higher education) and other stakeholders (in-
7 cluding individuals with expertise in data pri-
8 vacy and security, and in consumer protection),
9 make a determination to promulgate regulations
10 to include additional data elements in the post-
11 secondary student data system, which may in-
12 clude first generation status, economic status,
13 remedial coursework, or gateway course comple-
14 tion.

15 “(D) REEVALUATION.—Not less than once
16 every 5 years after the implementation of the
17 postsecondary student data system described in
18 this subsection, the Commissioner, in consulta-
19 tion with postsecondary institutions (including
20 institutions of higher education), and other
21 stakeholders, shall review the data elements in-
22 cluded in the postsecondary student data sys-
23 tem and may revise the determination of data
24 elements to be included in such system.

1 “(E) PROHIBITIONS.—The Commissioner
 2 shall not include health data, student discipline
 3 records or data, elementary and secondary edu-
 4 cation data, exact address, citizenship or na-
 5 tional origin status, course grades, individual
 6 postsecondary entrance examination results, po-
 7 litical affiliation, or religion in the postsec-
 8 ondary student data system under this sub-
 9 section.

10 “(3) LINKING WITH OTHER FEDERAL DATA
 11 SYSTEMS.—

12 “(A) IN GENERAL.—The Commissioner
 13 shall coordinate, and enter into sharing agree-
 14 ments, with other Federal agencies to create se-
 15 cure linkages with relevant Federal data sys-
 16 tems, including data systems of the Office of
 17 Federal Student Aid, the Department of the
 18 Treasury, the Department of Defense, the De-
 19 partment of Veterans Affairs, the Social Secu-
 20 rity Administration, and the Bureau of the Cen-
 21 sus.

22 “(B) CATEGORIES OF DATA.—The Com-
 23 missioner shall, at a minimum, seek to ensure
 24 that the secure data system linkages described
 25 in subparagraph (A) permit consistent report-

ing of the following categories of data for all students, including students receiving Federal grants and loans and students receiving veteran’s education benefits, as defined in section 480(c).

“(i) Enrollment, retention, transfer, and completion outcomes for all students.

“(ii) Financial indicators for students receiving Federal grants and loans, including grant and loan aid by source, cumulative student debt, loan repayment status, and repayment plan.

“(iii) Post-collegiate outcomes for all students, including earnings, employment, and further education, by program of study and credential level and as measured—

“(I) immediately after leaving postsecondary education; and

“(II) at later time intervals appropriate to the credential sought and earned.

“(C) DATA LINKAGE STREAMLINING AND CONFIDENTIALITY.—

1 “(i) STREAMLINING.—In creating the
2 secure data system linkages described in
3 this paragraph, the Commissioner shall—

4 “(I) ensure that the linkages are
5 not always connected, but occur at ap-
6 propriate intervals, as determined by
7 the Commissioner; and

8 “(II) seek to—

9 “(aa) streamline the data
10 collection and reporting require-
11 ments for postsecondary institu-
12 tions;

13 “(bb) minimize duplicate re-
14 porting across or within Federal
15 agencies or departments, includ-
16 ing reporting requirements appli-
17 cable to postsecondary institu-
18 tions under the Workforce Inno-
19 vation and Opportunity Act (29
20 U.S.C. 3101 et seq.);

21 “(cc) protect student pri-
22 vacy; and

23 “(dd) streamline the applica-
24 tion process for student loan ben-
25 efit programs available to bor-

1 rowers based on data available
2 from different Federal data sys-
3 tems.

4 “(ii) REVIEW.—Not less often than
5 once every 5 years after the establishment
6 of the postsecondary student data system
7 under this subsection, the Commissioner
8 shall review methods for streamlining data
9 collection from postsecondary institutions
10 and minimizing duplicative reporting with-
11 in the Department of Education and
12 across Federal agencies that provide data
13 for the postsecondary student data system.

14 “(iii) CONFIDENTIALITY.—The Com-
15 missioner shall ensure that any linking or
16 sharing of data through data system link-
17 ages established in accordance with this
18 paragraph—

19 “(I) complies with the security
20 and privacy protections described in
21 this subsection and other Federal data
22 protection protocols;

23 “(II) follows industry best prac-
24 tices commensurate with the sensi-

1 tivity of specific data elements or
2 metrics; and

3 “(III) does not result in the cre-
4 ation of a single Federal database at
5 the Department of Education that
6 maintains the information reported
7 across other Federal agencies.

8 “(4) PUBLICLY AVAILABLE INFORMATION.—

9 “(A) IN GENERAL.—The Commissioner
10 shall make the summary aggregate information
11 described in subparagraph (C), at a minimum,
12 publicly available through a user-friendly con-
13 sumer information website that—

14 “(i) provides appropriate mechanisms
15 for users to customize and filter informa-
16 tion by institutional and student character-
17 istics;

18 “(ii) allows users to build summary
19 aggregate reports of information, subject
20 to subparagraph (B); and

21 “(iii) uses appropriate statistical dis-
22 closure limitation techniques necessary to
23 ensure that the data released to the public
24 cannot be used to identify specific individ-
25 uals.

1 “(B) NO PERSONALLY IDENTIFIABLE IN-
 2 FORMATION AVAILABLE.—The summary aggre-
 3 gate information described in this paragraph
 4 shall not include personally identifiable informa-
 5 tion.

6 “(C) INFORMATION AVAILABLE.—The
 7 summary aggregate information described in
 8 this paragraph shall, at a minimum, include
 9 each of the following for each postsecondary in-
 10 stitution:

11 “(i) Measures of student access, in-
 12 cluding—

13 “(I) admissions selectivity and
 14 yield; and

15 “(II) enrollment, disaggregated
 16 by each category described in para-
 17 graph (2)(B)(ii), Federal grant recipi-
 18 ent status, and Federal loan recipient
 19 status.

20 “(ii) Measures of student progression,
 21 including retention rates and persistence
 22 rates, disaggregated by each category de-
 23 scribed in paragraph (2)(B)(ii), Federal
 24 grant recipient status, and Federal loan re-
 25 cipient status.

1 “(iii) Measures of student completion,
2 including—

3 “(I) transfer rates and comple-
4 tion rates, disaggregated by each cat-
5 egory described in paragraph
6 (2)(B)(ii), Federal grant recipient sta-
7 tus, and Federal loan recipient status;
8 and

9 “(II) number of completions,
10 disaggregated by each category de-
11 scribed in paragraph (2)(B)(ii), Fed-
12 eral grant recipient status, and Fed-
13 eral loan recipient status.

14 “(iv) Measures of student costs, in-
15 cluding—

16 “(I) tuition, required fees, total
17 cost of attendance, and net price after
18 total grant aid, disaggregated by in-
19 State tuition or in-district tuition sta-
20 tus (if applicable), program of study
21 (if applicable), and credential level;
22 and

23 “(II) typical grant amounts and
24 loan amounts received by students re-
25 ported separately from Federal, State,

1 local, and institutional sources, and
2 cumulative debt, disaggregated by
3 each category described in paragraph
4 (2)(B)(ii) and completion status.

5 “(v) Measures of post-collegiate stu-
6 dent outcomes, including employment
7 rates, median earnings, loan repayment
8 and default rates, and further education
9 rates. These measures shall—

10 “(I) be disaggregated by each
11 category described in paragraph
12 (2)(B)(ii) and completion status; and

13 “(II) be measured immediately
14 after leaving postsecondary education
15 and at time intervals appropriate to
16 the credential sought or earned.

17 “(D) DEVELOPMENT CRITERIA.—In devel-
18 oping the method and format of making the in-
19 formation described in this paragraph publicly
20 available, the Commissioner shall—

21 “(i) focus on the need of the users of
22 the information, which are students, poten-
23 tial students, researchers, and other con-
24 sumers of education data;

1 “(ii) take into consideration, to the
 2 extent practicable, the guidelines described
 3 in paragraph (1)(C)(ii)(I), and relevant
 4 successor documents or recommendations
 5 of such guidelines;

6 “(iii) use modern, relevant technology
 7 and enhance and update the postsecondary
 8 student data system with information, as
 9 necessary to carry out the purpose of this
 10 paragraph; and

11 “(iv) ensure data privacy and security
 12 for the information in accordance with the
 13 most recent Federal standards developed
 14 by the National Institute of Standards and
 15 Technology.

16 “(5) PERMISSIBLE DISCLOSURES OF DATA.—

17 “(A) NONPUBLICLY AVAILABLE DATA.—

18 “(i) IN GENERAL.—The Commissioner
 19 shall develop and implement a secure proc-
 20 ess for making student-level, non-person-
 21 ally identifiable information from the post-
 22 secondary student data system available
 23 for research and evaluation purposes ap-
 24 proved by the Commissioner in a manner
 25 compatible with practices for disclosing

1 National Center for Education Statistics
2 survey data as in effect on the day before
3 the date of enactment of the College
4 Transparency Act.

5 “(ii) AVAILABILITY FOR INSTITU-
6 TIONAL IMPROVEMENT AND PROGRAM
7 EVALUATION.—The Commissioner shall
8 create a process through which any post-
9 secondary institution, or postsecondary
10 education system, that fully participates in
11 the postsecondary student data system de-
12 scribed in this subsection may request and
13 receive from the Commissioner non-person-
14 ally identifiable information, and aggregate
15 summary data, related to students who
16 have attended the institution or system, as
17 applicable, for the purposes of institutional
18 improvement and program evaluation.

19 “(iii) PROVIDING DATA TO INSTITU-
20 TIONS.—The Commissioner shall provide,
21 at least annually, each postsecondary insti-
22 tution that fully participates in the post-
23 secondary student data system under this
24 subsection with a set of program-level,
25 non-personally identifiable information

1 from the postsecondary student data sys-
2 tem for students currently or formerly as-
3 sociated with the institution that includes
4 aggregated information from other Federal
5 data sources included in the system.

6 “(iv) PROVIDING DATA TO STATES.—
7 The Commissioner shall create a process
8 through which States may request and re-
9 ceive institution-level aggregate data out-
10 comes for postsecondary institutions lo-
11 cated in the State.

12 “(v) REGULATIONS.—The Commis-
13 sioner shall promulgate regulations to en-
14 sure fair, secure, and equitable access to
15 such data.

16 “(B) DISCLOSURE LIMITATIONS.—In car-
17 rying out the public reporting and disclosure re-
18 quirements of this Act, the Commissioner shall
19 use appropriate statistical disclosure limitation
20 techniques necessary to ensure that the data re-
21 leased to the public cannot include personally
22 identifiable information or be used to identify
23 specific individuals.

24 “(C) SALE OF DATA PROHIBITED.—Data
25 collected under this subsection, including the

1 public use data set and data comprising the
 2 summary aggregate information available under
 3 paragraph (4), shall not be sold to any third
 4 party by the Commissioner, any postsecondary
 5 institution, or any other entity.

6 “(D) LIMITATION ON USE BY OTHER FED-
 7 ERAL AGENCIES.—The Commissioner shall not
 8 allow any other Federal agency to use data col-
 9 lected under this subsection for any purpose ex-
 10 cept as explicitly authorized by this Act.

11 “(E) LAW ENFORCEMENT.—Personally
 12 identifiable information collected under this
 13 subsection shall not be used for any law en-
 14 forcement activity or any other activity that
 15 would result in adverse action against any stu-
 16 dent, including debt collection activity or en-
 17 forcement of the immigration laws.

18 “(F) LIMITATION OF USE FOR FEDERAL
 19 RANKINGS OR SUMMATIVE RATING SYSTEM.—
 20 The comprehensive data collection and analysis
 21 necessary for the postsecondary student data
 22 system under this subsection shall not be used
 23 by the Secretary or any Federal entity to estab-
 24 lish any Federal ranking system of postsec-
 25 ondary institutions or a system that results in

1 a summative Federal rating of postsecondary
2 institutions.

3 “(G) RULE OF CONSTRUCTION.—Nothing
4 in this paragraph shall be construed to prevent
5 the use of individual categories of aggregate in-
6 formation to be used for accountability pur-
7 poses, such as for the calculation of the cohort
8 default rate under section 435(m).

9 “(6) SUBMISSION OF DATA.—

10 “(A) REQUIRED SUBMISSION.—Each insti-
11 tution of higher education participating in a
12 program under title IV, or the assigned agent
13 of such institution, shall, in accordance with
14 section 487(a)(17), collect, and submit to the
15 Commissioner, the data requested by the Com-
16 missioner to carry out this subsection.

17 “(B) VOLUNTARY SUBMISSION.—Any post-
18 secondary institution not participating in a pro-
19 gram under title IV may voluntarily participate
20 in the postsecondary student data system under
21 this subsection by collecting and submitting
22 data to the Commissioner, as the Commissioner
23 may request to carry out this subsection.

24 “(7) UNLAWFUL WILLFUL DISCLOSURE.—

1 “(A) IN GENERAL.—It shall be unlawful
2 for any person who obtains or has access to
3 personally identifiable information in connection
4 with the postsecondary student data system de-
5 scribed in this subsection to willfully disclose to
6 any person (except as authorized in this Act or
7 any Federal law) such personally identifiable in-
8 formation.

9 “(B) PENALTY.—Any person who violates
10 subparagraph (A) shall be fined not more than
11 \$5,000, imprisoned not more than 5 years, or
12 both, together with the costs of prosecution.

13 “(C) EMPLOYEE OF OFFICER OF THE
14 UNITED STATES.—If a violation of subpara-
15 graph (A) is committed by any officer or em-
16 ployee of the United States, the officer or em-
17 ployee shall be dismissed from office or dis-
18 charged from employment upon conviction for
19 the violation.

20 “(8) DATA SECURITY.—The Commissioner shall
21 produce and update as needed guidance and regula-
22 tions relating to privacy, security, and access which
23 shall govern the use and disclosure of data collected
24 in connection with the activities authorized in this
25 subsection. The guidance and regulations developed

1 and reviewed shall protect data from unauthorized
 2 access, use, and disclosure, and shall include—

3 “(A) an audit capability;

4 “(B) access controls;

5 “(C) requirements to ensure sufficient data
 6 security, quality, validity, and reliability; and

7 “(D) other protection in accordance with
 8 the most recent Federal standards developed by
 9 the National Institute of Standards and Tech-
 10 nology.

11 “(9) DATA COLLECTION.—The Commissioner
 12 shall ensure that data collection under this sub-
 13 section complies with section 552a of title 5, United
 14 States Code.

15 “(10) DEFINITIONS.—In this subsection:

16 “(A) INSTITUTION OF HIGHER EDU-
 17 CATION.—The term ‘institution of higher edu-
 18 cation’ has the meaning given the term in sec-
 19 tion 102.

20 “(B) PERSONALLY IDENTIFIABLE INFOR-
 21 MATION.—The term ‘personally identifiable in-
 22 formation’ has the meaning given the term in
 23 section 444 of the General Education Provi-
 24 sions Act (20 U.S.C. 1232g).

1 “(C) POSTSECONDARY INSTITUTION.—The
 2 term ‘postsecondary institution’ includes an in-
 3 stitution of higher education.”.

4 (b) CONFORMING AMENDMENTS.—Section 487(d) is
 5 amended—

6 (1) by striking paragraph (3); and

7 (2) by redesignating paragraph (4) as para-
 8 graph (3).

9 **SEC. 3. REPEAL OF PROHIBITION ON STUDENT DATA SYS-**
 10 **TEM.**

11 Section 134 of the Higher Education Act of 1965 (20
 12 U.S.C. 1015c) is repealed.

13 **SEC. 4. INSTITUTIONAL REQUIREMENTS.**

14 Paragraph (17) of section 487(a) of the Higher Edu-
 15 cation Act of 1965 (20 U.S.C. 1094(a)) is amended to
 16 read as follows:

17 “(17) The institution or the assigned agent of
 18 the institution will collect and submit data to the
 19 Commissioner for Education Statistics in accordance
 20 with section 132(l), the nonstudent related surveys
 21 within the Integrated Postsecondary Education Data
 22 System (IPEDS), or any other Federal postsec-
 23 ondary institution data collection effort (as des-
 24 ignated by the Secretary), in a timely manner and
 25 to the satisfaction of the Secretary.”.

1 **SEC. 5. EFFECTIVE DATE; TRANSITION PROVISIONS.**

2 (a) EFFECTIVE DATE.—Sections 1, 2, and 4 of this
3 Act, and the amendments made by such sections, shall
4 take effect on the date that is 2 years after the date of
5 enactment of this Act.

6 (b) IN GENERAL.—The Secretary of Education and
7 the Commissioner for Education Statistics shall take such
8 steps as are necessary to ensure that the transition to,
9 and implementation of, the postsecondary student data
10 system required under section 132(l) of the Higher Edu-
11 cation Act of 1965, as added by section 2 of this Act, hap-
12 pens in a manner that initially reduces the reporting bur-
13 den for postsecondary institutions that reported into the
14 Integrated Postsecondary Education Data System
15 (IPEDS) on the day before enactment of this Act. Such
16 steps may include testing early versions of the postsec-
17 ondary student data system or early versions of the data
18 collection or aggregate information summary features of
19 the system with a targeted group of users.

○