

116TH CONGRESS
1ST SESSION

S. 681

To establish a new higher education data system to allow for more accurate, complete, and secure data on student retention, graduation, and earnings outcomes, at all levels of postsecondary enrollment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2019

Mr. WYDEN (for himself, Mr. RUBIO, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a new higher education data system to allow for more accurate, complete, and secure data on student retention, graduation, and earnings outcomes, at all levels of postsecondary enrollment, 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 of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AIDED STUDENT.—The term “aided stu-
2 dent” means a student enrolled in an institution of
3 higher education who has received assistance under
4 a Federal student financial aid program.

5 (2) COMMISSIONER.—The term “Commis-
6 sioner” means the Commissioner for Education Sta-
7 tistics.

8 (3) DEPARTMENT.—The term “Department”
9 means the Department of Education.

10 (4) FEDERAL STUDENT FINANCIAL AID PRO-
11 GRAM.—The term “Federal student financial aid
12 program” means any of the following:

13 (A) The Federal Pell Grant program under
14 subpart 1 of part A of title IV of the Higher
15 Education Act of 1965 (20 U.S.C. 1070a et
16 seq.).

17 (B) The Federal Family Education Loan
18 program under part B of such title (20 U.S.C.
19 1071 et seq.).

20 (C) The Federal Direct Loan program
21 under part D of such title (20 U.S.C. 1087a et
22 seq.).

23 (D) The Federal Perkins Loan program
24 under part E of such title (20 U.S.C. 1087aa
25 et seq.).

1 (5) HIGHER EDUCATION DATA SYSTEM.—The
 2 term “higher education data system” means the
 3 data system established under section 3(a).

4 (6) INSTITUTION OF HIGHER EDUCATION.—The
 5 term “institution of higher education” has the
 6 meaning given the term in section 102 of the Higher
 7 Education Act of 1965 (20 U.S.C. 1002).

8 (7) IPEDS.—The term “IPEDS” means the
 9 Integrated Postsecondary Education Data System
 10 administered by the Commissioner of Education Sta-
 11 tistics.

12 (8) MACHINE-READABLE FORMAT.—The term
 13 “machine-readable format” means a format in which
 14 information or data can be easily processed by a
 15 computer without human intervention while ensuring
 16 no semantic meaning is lost.

17 (9) PERSONALLY IDENTIFIABLE INFORMA-
 18 TION.—The term “personally identifiable informa-
 19 tion” includes—

20 (A) a student’s name;

21 (B) the name of a student’s parent or
 22 other family members;

23 (C) the address of a student or student’s
 24 family;

1 (D) a personal identifier, such as a stu-
 2 dent's social security number, student number,
 3 or biometric record;

4 (E) other indirect identifiers, such as a
 5 student's date of birth, place of birth, and
 6 mother's maiden name;

7 (F) other information that, alone or in
 8 combination, is linked or linkable to a specific
 9 student that would allow a reasonable person in
 10 the school community, who does not have per-
 11 sonal knowledge of the relevant circumstances,
 12 to identify the student with reasonable cer-
 13 tainty; or

14 (G) information requested by a person who
 15 the educational agency or institution reasonably
 16 believes knows the identity of the student to
 17 whom the education record relates.

18 (10) REPORTING ENTITY.—The term “report-
 19 ing entity” means an institution of higher education,
 20 Federal agency, or other entity that submits data
 21 components for the higher education data system.

22 (11) SECRETARY.—The term “Secretary”
 23 means the Secretary of Education.

24 (12) SECURE MULTI-PARTY COMPUTATION.—
 25 The term “secure multi-party computation” means a

1 computerized system that enables different partici-
 2 pating entities in possession of private sets of data
 3 to link and aggregate their data sets for the exclu-
 4 sive purpose of performing a finite number of pre-
 5 approved computations without transferring or oth-
 6 erwise revealing any private data to each other or
 7 anyone else.

8 (13) STUDENT-FOCUSED IPEDS METRICS.—The
 9 term “student-focused IPEDS metrics” means the
 10 aggregate metrics required under IPEDS, as in ef-
 11 fect on the day before the date of enactment of this
 12 Act, that are student-related and calculated using
 13 student-related data components (such as student
 14 enrollment rates and graduation rates).

15 **SEC. 3. HIGHER EDUCATION DATA SYSTEM.**

16 (a) ESTABLISHMENT OF NEW DATA SYSTEM.—By
 17 not later than October 1, 2021, the Secretary, acting
 18 through the Commissioner, shall establish and maintain
 19 a new higher education data system that meets the re-
 20 quirements of subsection (b).

21 (b) REQUIREMENTS OF DATA SYSTEM.—The higher
 22 education data system shall—

23 (1) facilitate the compilation of statistical data
 24 necessary to create a robust and useful higher edu-
 25 cation data system while minimizing the privacy and

1 security risks by using commercially available tech-
2 nology that, at a minimum, uses technical protection
3 measures that reasonably ensure that—

4 (A) a reporting entity's raw data, including
5 personally identifiable information, shall not be
6 accessible through the system to the Depart-
7 ment or any party other than the reporting en-
8 tity;

9 (B) no information about the data compo-
10 nents used in the system is revealed by the sys-
11 tem to the Department or any other party, ex-
12 cept as incorporated into the outcome metrics
13 described in section 5; and

14 (C) no data or information that can iden-
15 tify an individual is revealed by the system to
16 the Department or any other party;

17 (2)(A) permit only the Office of the Commis-
18 sioner, directly and not by grant or contract, to per-
19 form statistical queries necessary to determine the
20 outcome metrics described in section 5 using the
21 data components submitted by the reporting entities;
22 and

23 (B) prohibit, using commercially available tech-
24 nology, any other queries by the Department or any
25 other party through the system;

1 (3) be resistant, to the extent possible using
 2 commercially available technology, to attempts by
 3 any party to individually identify individuals in the
 4 data components submitted by reporting entities;
 5 and

6 (4) minimize, to the extent possible using com-
 7 mercially available technology, the privacy risks to
 8 individuals whose data has been submitted by a re-
 9 porting entity that could result from data breaches
 10 of any system operated by the reporting entity.

11 (c) CONSIDERATIONS.—In designing, establishing,
 12 and maintaining the higher education data system, the
 13 Secretary, acting through the Commissioner, shall use the
 14 best available cybersecurity and privacy-enhancing tech-
 15 nologies to protect the data collected under such system
 16 and the privacy of the underlying individuals. In designing
 17 the data system, the Commissioner—

18 (1) shall use secure multiparty computation
 19 technologies; or

20 (2) may utilize technology other than secure
 21 multiparty computation technologies if the other
 22 technology—

23 (A) fully complies with subparagraphs (A)
 24 through (C) of subsection (b)(1); and

1 (B) delivers greater student privacy and
2 security than secure multiparty computation.

3 (d) RULES AND GUIDANCE.—

4 (1) IN GENERAL.—By not later than 1 year
5 after the date of enactment of this Act, the Sec-
6 retary, acting through the Commissioner, shall issue
7 rules regarding how reporting entities, and other en-
8 tities performing the reporting duties in accordance
9 with section 4(a)(2)(B), shall comply with the re-
10 quirements established under this Act and the
11 amendments made to the Higher Education Act of
12 1965 (20 U.S.C. 1001 et seq.) by this Act. Such
13 rules shall—

14 (A) establish common definitions for re-
15 porting entities to follow in submitting the data
16 components required under section 4; and

17 (B) establish the collection and submission
18 requirements for the higher education data sys-
19 tem.

20 (2) PROTECTION OF DATA.—The Secretary
21 shall promulgate and periodically review rules or
22 guidance relating to security under this Act, which
23 shall govern the access, use, and disclosure of data
24 collected in connection with the activities authorized

1 in this Act. The rules or guidance described in this
2 paragraph shall—

3 (A) be consistent with the need to protect
4 data from unauthorized access, use, and disclo-
5 sure; and

6 (B) include—

7 (i) an audit capability and require-
8 ments for routine audits;

9 (ii) access controls; and

10 (iii) requirements to ensure sufficient
11 data security, quality, validity, and reli-
12 ability.

13 (3) REVIEW.—Every 5 years, the Secretary
14 shall review, and update as appropriate, the rules
15 and guidance issued under paragraphs (1) and (2).

16 (e) NOTICE.—The Secretary shall provide a clear,
17 prominent, comprehensible, and non-misleading notice of
18 the requirements of this section that shall—

19 (1) describe how the requirements of this sec-
20 tion are to be implemented, and how personal infor-
21 mation is to be collected, used, analyzed, or retained
22 pursuant to this Act; and

23 (2) be posted on the website of the Department
24 and made available to all reporting entities.

1 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
 2 tion shall be construed to place requirements or restric-
 3 tions on activity not specifically related to establishing and
 4 maintaining the higher education data system.

5 **SEC. 4. REPORTING OF DATA COMPONENTS.**

6 (a) DATA COMPONENTS REPORTED BY INSTITU-
 7 TIONS OF HIGHER EDUCATION.—

8 (1) IN GENERAL.—By not later than October 1,
 9 2021, each institution of higher education partici-
 10 pating in any Federal student financial assistance
 11 program shall report to the higher education data
 12 system—

13 (A) not more than the minimum student-
 14 level data necessary to enable the Commissioner
 15 to calculate the metrics described in section 5
 16 for each year; and

17 (B) not more than the minimum student-
 18 level data necessary for the Commissioner to
 19 calculate the student-focused IPEDS metrics
 20 for each year.

21 (2) USE OF TECHNOLOGY.—In reporting the
 22 data described in paragraph (1) to the higher edu-
 23 cation data system, the institution may—

24 (A) directly report the data using the tech-
 25 nology described in section 3(b)(1) and author-

1 ized in a rule or guidance issued under section
 2 3(d); or

3 (B) submit such data to a third-party
 4 servicer that has demonstrated the capacity to
 5 utilize such technology and agreed to conduct
 6 the reporting for the institution.

7 (b) DATA COMPONENTS REPORTED FROM THE SO-
 8 CIAL SECURITY ADMINISTRATION AND THE SECRETARY
 9 OF THE TREASURY.—Beginning October 1, 2021, the
 10 Commissioner of Social Security and the Secretary of the
 11 Treasury shall report to the higher education data system
 12 the earnings data components for individuals employed in
 13 the United States, including the self-employed, inde-
 14 pendent contractors, and members of the military, that—

15 (1) are available to the Commissioner of Social
 16 Security or the Secretary, respectively; and

17 (2) are necessary, as determined by the Com-
 18 missioner for Education Statistics, for the calcula-
 19 tion of the outcome metrics described in section 5
 20 for each year.

21 (c) MILITARY-RELATED DATA COMPONENTS RE-
 22 PORTED FROM THE SECRETARY OF DEFENSE AND THE
 23 SECRETARY OF VETERANS AFFAIRS.—Beginning October
 24 1, 2021, the Secretary of Defense and the Secretary of
 25 Veterans Affairs shall report to the higher education data

1 system the data components relating to the recipients of
 2 educational assistance benefits provided directly to
 3 servicemembers and veterans under the laws administered
 4 by the Secretary of Veterans Affairs and Secretary of De-
 5 fense, that—

6 (1) are available to each such Secretary; and

7 (2) are necessary, as determined by the Com-
 8 missioner, for the calculation of the outcome metrics
 9 described in section 5 for each year.

10 (d) FINANCIAL ASSISTANCE ELIGIBILITY DATA
 11 FROM THE SECRETARY OF EDUCATION.—Beginning Oc-
 12 tober 1, 2021, the Secretary shall provide to the higher
 13 education data system the data components relating to in-
 14 dividual eligibility for, and receipt of aid from, all Federal
 15 student financial aid programs that are necessary for the
 16 calculation of the outcome metrics described in section 5
 17 for each year.

18 **SEC. 5. ESTABLISHMENT OF NEW METRICS.**

19 (a) METRICS.—

20 (1) IN GENERAL.—Beginning not later than 4
 21 years after the date of enactment of this Act and an-
 22 nually thereafter, the Secretary, acting through the
 23 Commissioner, shall use the higher education data
 24 system to calculate only the metrics described in
 25 subsections (b) and (c) for each institution partici-

1 pating in the system and, wherever applicable and
 2 feasible, for each program of study at the institu-
 3 tion.

4 (2) PERIOD OF DATA.—The Secretary shall cal-
 5 culate the metrics described in subsections (b) and
 6 (c) for the previous year.

7 (b) EDUCATION AND DEBT-RELATED METRICS.—

8 (1) IN GENERAL.—The education and debt-re-
 9 lated metrics to be calculated under the higher edu-
 10 cation data system are the following:

11 (A) All student-focused IPEDS metrics.

12 (B) The percentage of students who re-
 13 ceive each of the following:

14 (i) Federal grants.

15 (ii) Federal loans.

16 (iii) State grants.

17 (iv) State loans.

18 (v) Private loans.

19 (vi) Private scholarships.

20 (vii) Institutional grants.

21 (viii) Institutional loans.

22 (C) Student completion rates, calculated
 23 based on the percentage of students who com-
 24 plete the program within 100 percent, 150 per-

cent, and 200 percent of normal program completion time.

(D) The mean and median amount of Federal loan debt, including accrued interest, incurred by aided students while enrolled in the institution for the most recent award year for which data are available.

(E) The mean and median amount of total Federal loan debt, including accrued interest, incurred by aided students of the institution, as of the date of the student's graduation or completion of the student's program of study.

(F) The mean and median amount of total Federal loan debt, including accrued interest, of aided students who do not complete a program, measured as of the day before the student's repayment period for any such loans begin.

(G) The loan repayment rates of students who enrolled in the institution, as of 2, 6, and 15 years after the date of program completion or exit.

(H) Student transfer rates, which shall be defined as the percentage of students who leave an institution and successfully enroll in a program of study at another institution, by sector

1 of transfer, including whether the receiving pro-
2 gram of study is offered by a public 4-year in-
3 stitution, public 2-year institution, public less-
4 than-2-year institution, private nonprofit 4-year
5 institution, private nonprofit 2-year institution,
6 private nonprofit less-than-2-year institution,
7 private for-profit 4-year institution, private for-
8 profit 2-year institution, or private for-profit
9 less-than-2-year institution.

10 (I) Transfer student completion rates,
11 which shall be defined as the percentage of stu-
12 dents who leave an institution, successfully en-
13 roll in a program of study at another institu-
14 tion, and complete such program of study, by
15 sector of transfer (as described in subparagraph
16 (H)).

17 (J) Rates of continuation to subsequent
18 levels of education, including lateral, higher,
19 and lower levels of degree or credential progres-
20 sion, disaggregated by credential sought (in-
21 cluding master's degree, law degree, medical de-
22 gree, veterinary degree, and postbaccalaureate
23 certificate).

24 (K) The percentage of students who re-
25 ceive the degree level they initially sought and

the percentage of students who receive a higher degree level.

(L) The percentage of students who drop out of the institution without receiving a degree or credential.

(2) DISAGGREGATION.—

(A) IN GENERAL.—The education and debt-related metrics described in paragraph (1) shall be disaggregated and separately provided, except as allowed under subparagraph (B), on the basis of the following uncombined categories of data:

(i) Students who received a Federal Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.).

(ii) Students who received a loan under part B or D of such title (20 U.S.C. 1071 et seq.; 1087a et seq.) but not a Federal Pell Grant.

(iii) Students who received neither a Federal Pell Grant, nor a loan under such part B or D.

(iv) Students who are recipients of educational assistance benefits provided di-

rectly to veterans under the law. The Secretary of Veterans Affairs shall coordinate with the Secretary to make available data sufficient to enable such reporting under this subparagraph.

(v) Students who are servicemembers or veterans.

(vi) Enrollment status, including the following:

(I) First-time, full-time students.

(II) First-time, part-time students.

(III) Non-first-time, full-time students.

(IV) Non-first-time, part-time students.

(vii) Race or ethnicity.

(viii) Age or age intervals.

(ix) Gender.

(x) First-generation postsecondary education student status.

(xi) The type of credential (including a baccalaureate degree, associate's degree, and a certificate) sought by the student through the program of study.

1 (xii) Whether the student is college-
 2 ready or non-college-ready in mathematics
 3 and science, as determined by the institu-
 4 tion of higher education.

5 (xiii) Completion status.

6 (B) EXCEPTION.—The education and debt-
 7 related metrics described in a category under
 8 any of clauses (i) through (iv), (xi), or (xiii) of
 9 subparagraph (A) may be derived for purposes
 10 of the requirements of such subparagraph by
 11 combining data for such category with another
 12 single category of data described in any of
 13 clauses (i) through (xiii) of such subparagraph.

14 (c) EARNING METRICS.—The earning metrics shall
 15 be calculated in the following manner:

16 (1) The earnings metrics shall consist of the
 17 debt-to-earnings ratio, and the annual earnings from
 18 employment, of students who enrolled in the institu-
 19 tion of higher education—

20 (A) calculated at the mean, median, and
 21 10th, 25th, 75th, and 90th percentiles of such
 22 students; and

23 (B) further disaggregated by—

24 (i) program of study and credential
 25 received;

1 (ii) the State in which the student is
 2 employed; and

3 (iii) completion status.

4 (2) The debt-to-earnings ratios and the annual
 5 earnings from employment calculated and
 6 disaggregated under paragraph (1) shall be cal-
 7 culated and reported for students for each of the fol-
 8 lowing time periods:

9 (A) Two years after the student's edu-
 10 cational program completion or exit.

11 (B) Six years after the student's edu-
 12 cational program completion or exit.

13 (C) Fifteen years after the student's edu-
 14 cational program completion or exit.

15 **SEC. 6. TRANSITION.**

16 (a) ENSURING COMPARABILITY OF DATA
 17 METRICS.—For a period of 5 years beginning on the date
 18 on which the new outcome metrics under this Act are first
 19 reported to the public under section 7(a), the Secretary
 20 shall be responsible for publishing all student-focused
 21 IPEDS metrics as required under IPEDS as of the day
 22 before the date of enactment of this Act.

23 (b) TRANSITION.—Beginning 5 years after the date
 24 on which the new outcome metrics under this Act are first
 25 reported to the public under section 7(a), the higher edu-

1 cation data system shall replace any separate reporting or
2 data collection requirements under IPEDS involving the
3 student-focused IPEDS metrics.

4 **SEC. 7. DISCLOSURE AND USE OF DATA.**

5 (a) IN GENERAL.—The Secretary shall—

- 6 (1) make the outcome metrics described in sec-
7 tion 5 for each year available on the website of the
8 Department and through any other appropriate
9 method, in a timely and user-friendly manner; and
10 (2) publish such outcome metrics in a machine-
11 readable format—

12 (A) on the website of the Department and
13 through any other appropriate method; and

14 (B) in a timely manner.

15 (b) SALE OF DATA COMPONENTS PROHIBITED.—The
16 Secretary shall not sell any data components collected for
17 the higher education data system to any third party.

18 **SEC. 8. RULE OF CONSTRUCTION.**

19 Nothing in this Act shall be construed to affect any
20 other activity related to data collection undertaken by the
21 Department of Education or any other Federal agency
22 that is authorized under any other Federal law, except as
23 provided under section 6 with respect to the collection of
24 the IPEDS student-focused metrics.

1 **SEC. 9. AMENDMENTS TO THE HIGHER EDUCATION ACT OF**
2 **1965.**

3 (a) REMOVING DUPLICATIVE REQUIREMENTS.—The
4 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)
5 is amended—

6 (1) in section 132(i)(4), by inserting at the end
7 the following: “, subject to the requirements of the
8 Student Right to Know Before You Go Act of 2019
9 and until the Secretary determines that the transi-
10 tion to the higher education data system established
11 under such Act has occurred.”; and

12 (2) in section 485, by adding at the end the fol-
13 lowing:

14 “(n) ALIGNMENT WITH INSTITUTIONAL REPORTING
15 REQUIREMENTS.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of the Student Right to Know
18 Before You Go Act of 2019, the Secretary shall
19 issue guidance outlining which data metrics required
20 to be submitted by institutions of higher education
21 under such Act are duplicative of institutional re-
22 porting requirements under this section or other re-
23 quirements under such Act.

24 “(2) LINK TO INSTITUTIONAL REPORTING
25 WEBSITE.—

1 “(A) IN GENERAL.—Not later than 5 years
2 after the date of enactment of the Student
3 Right to Know Before You Go Act of 2019, an
4 institution of higher education participating in
5 any program under this title shall—

6 “(i) notwithstanding any other provi-
7 sion of law, not be required to meet any
8 duplicative requirements identified under
9 paragraph (1); and

10 “(ii) provide a prominently displayed
11 link on the institution’s website to the
12 website of the Department that provides
13 the outcome metrics of the higher edu-
14 cation data system established under the
15 Student Right to Know Before You Go Act
16 of 2019.

17 “(B) REQUIREMENTS OF LINK.—The link
18 described in subparagraph (A)(ii) shall—

19 “(i) at a minimum, be included on
20 any webpage for the institution with cost,
21 financial aid, admissions, or other con-
22 sumer information; and

23 “(ii) be clear, conspicuous, and readily
24 accessible, as determined by the Sec-
25 retary.”.

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this Act such sums as may be necessary for each of fiscal
4 years 2020 through 2028.

