

115TH CONGRESS  
1ST SESSION

# S. 1121

To establish a postsecondary student data system.

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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

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## 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—

“(I) the guidelines outlined in the U.S. Web Design Standards maintained by the General Services Administration and the Digital Services Playbook and TechFAR Handbook for Procuring Digital Services Using Agile Processes of the U.S. Digital Service; and

“(II) the relevant successor documents or recommendations of such guidelines;

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

“(iv) ensure data privacy and security in accordance with the most recent Federal standards developed by the National Institute of Standards and Technology.

“(2) DATA ELEMENTS.—

“(A) IN GENERAL.—The Commissioner, after consultation with postsecondary institutions (including institutions of higher education) and other stakeholders (including individuals 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.

“(B) NO PERSONALLY IDENTIFIABLE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall not include personally identifiable information.

“(C) INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall, at a minimum, include each of the following for each postsecondary institution:

“(i) Measures of student access, including—

“(I) admissions selectivity and yield; and

“(II) enrollment, disaggregated by each category described in paragraph (2)(B)(ii), Federal grant recipient status, and Federal loan recipient status.

“(ii) Measures of student progression, including retention rates and persistence rates, disaggregated by each category described in paragraph (2)(B)(ii), Federal grant recipient status, and Federal loan recipient 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.

○