

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To establish a postsecondary student data system.

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IN THE SENATE OF THE UNITED STATES

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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 \_\_\_\_\_

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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-

1           ondary institutions, in accordance with sec-  
2           tion 5(b) of the College Transparency Act.

3           “(B) AVOIDING DUPLICATED REPORT-  
4           ING.—Notwithstanding any other provision of  
5           this section, to the extent that another provi-  
6           sion of this section requires the same reporting  
7           or collection of data that is required under this  
8           subsection, a postsecondary institution, or the  
9           Secretary or Commissioner, may use the report-  
10          ing or data required for the postsecondary stu-  
11          dent data system under this subsection to sat-  
12          isfy both requirements.

13          “(C) DEVELOPMENT PROCESS.—In devel-  
14          oping the postsecondary student data system  
15          described in this subsection, the Commissioner  
16          shall—

17                 “(i) focus on the needs of—

18                         “(I) users of the data system;

19                         and

20                         “(II) entities, including postsec-

21                                 ondary institutions, reporting to the

22                                 data system;

23                         “(ii) take into consideration, to the

24                                 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           “(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 Treas-  
18 ury, the Department of Defense, the Depart-  
19 ment of Veterans Affairs, the Social Security  
20 Administration, and the Bureau of the Census.

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

1 students, including students receiving Federal  
2 grants and loans and students receiving vet-  
3 eran’s education benefits, as defined in section  
4 480(c).

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

7 “(ii) Financial indicators for students  
8 receiving Federal grants and loans, includ-  
9 ing grant and loan aid by source, cumu-  
10 lative student debt, loan repayment status,  
11 and repayment plan.

12 “(iii) Post-collegiate outcomes for all  
13 students, including earnings, employment,  
14 and further education, by program of  
15 study and credential level and as meas-  
16 ured—

17 “(I) immediately after leaving  
18 postsecondary education; and

19 “(II) at later time intervals ap-  
20 propriate to the credential sought and  
21 earned.

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

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

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

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

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

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

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

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

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

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

24 “(ii) take into consideration, to the  
25 extent practicable, the guidelines described

1 in paragraph (1)(C)(ii)(I), and relevant  
2 successor documents or recommendations  
3 of such guidelines;

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

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

14 “(5) PERMISSIBLE DISCLOSURES OF DATA.—

15 “(A) NONPUBLICLY AVAILABLE DATA.—

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

1 the date of enactment of the College  
2 Transparency Act.

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

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

1           sociated with the institution that includes  
2           aggregated information from other Federal  
3           data sources included in the system.

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

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

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

22          “(C) SALE OF DATA PROHIBITED.—Data  
23          collected under this subsection, including the  
24          public use data set and data comprising the  
25          summary aggregate information available under

1 paragraph (4), shall not be sold to any third  
2 party by the Commissioner, any postsecondary  
3 institution, or any other entity.

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

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

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

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

7           “(6) SUBMISSION OF DATA.—

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

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

22           “(7) UNLAWFUL WILLFUL DISCLOSURE.—

23           “(A) IN GENERAL.—It shall be unlawful  
24 for any person who obtains or has access to  
25 personally identifiable information in connection

1 with the postsecondary student data system de-  
2 scribed in this subsection to willfully disclose to  
3 any person (except as authorized in this Act or  
4 any Federal law) such personally identifiable in-  
5 formation.

6 “(B) PENALTY.—Any person who violates  
7 subparagraph (A) shall be fined not more than  
8 \$5,000, imprisoned not more than 5 years, or  
9 both, together with the costs of prosecution.

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

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

25 “(A) an audit capability;

1 “(B) access controls;

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

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

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

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

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

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

22 “(C) POSTSECONDARY INSTITUTION.—The  
23 term ‘postsecondary institution’ includes an in-  
24 stitution of higher education.”.

1 (b) CONFORMING AMENDMENTS.—Section 487(d) is  
2 amended—

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

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

6 **SEC. 3. REPEAL OF PROHIBITION ON STUDENT DATA SYS-**  
7 **TEM.**

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

10 **SEC. 4. INSTITUTIONAL REQUIREMENTS.**

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

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

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

24 (a) EFFECTIVE DATE.—Sections 1, 2, and 4 of this  
25 Act, and the amendments made by such sections, shall

1 take effect on the date that is 2 years after the date of  
2 enactment of this Act.

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