

115TH CONGRESS
1ST SESSION

S. _____

To establish a postsecondary student data system.

IN THE SENATE OF THE UNITED STATES

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 _____

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 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.