

114TH CONGRESS
1ST SESSION

S. 1195

To amend the Higher Education Act of 1965 to update reporting requirements for institutions of higher education and provide for more accurate and complete data on student retention, graduation, and earnings outcomes at all levels of postsecondary enrollment.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2015

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 amend the Higher Education Act of 1965 to update reporting requirements for institutions of higher education and provide for more accurate and complete data on student retention, graduation, and earnings outcomes at all levels of postsecondary enrollment.

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 2015”.

1 **SEC. 2. AMENDMENT TO PROGRAM PARTICIPATION AGREEMENTS.**
 2

3 Section 487(a)(17) of the Higher Education Act of
 4 1965 (20 U.S.C. 1094(a)(17)) is amended by inserting
 5 “and including the requirements of section 493E” after
 6 “as designated by the Secretary”.

7 **SEC. 3. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.**
 8

9 Section 485 of the Higher Education Act of 1965 (20
 10 U.S.C. 1092) is amended by adding at the end the following:
 11

12 “(n) **ALIGNMENT WITH INSTITUTIONAL REPORTING REQUIREMENTS RELATED TO IPEDS.**—
 13

14 “(1) **IN GENERAL.**—Not later than 6 months
 15 after the date of enactment of the Student Right to
 16 Know Before You Go Act of 2015, the Secretary
 17 shall issue guidance outlining which data metrics required to be submitted by institutions of higher education under section 493E are duplicative of institutional reporting requirements under this section and other provisions of this Act.
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 19
 20
 21

22 “(2) **LINK TO INSTITUTIONAL REPORTING WEBSITE.**—Not later than 5 years after the date of
 23 enactment of the Student Right to Know Before You
 24 Go Act of 2015, an institution of higher education
 25 participating in any program under this title shall—
 26

1 “(A) not be required to make available
2 such duplicative requirements, as determined
3 under paragraph (1), under this section and
4 other provisions of this Act; and

5 “(B) provide a prominently displayed link
6 on the institution’s website to the website de-
7 scribed in section 493E(e)(2).”.

8 **SEC. 4. INSTITUTIONAL REPORTING REQUIREMENTS.**

9 (a) AMENDMENT TO DATABASE OF STUDENT INFOR-
10 MATION PROHIBITED.—Section 134(b) of the Higher
11 Education Act of 1965 (20 U.S.C. 1015c(b)) is amend-
12 ed—

13 (1) in paragraph (1), by striking “and” after
14 the semicolon;

15 (2) in paragraph (2), by striking the period at
16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(3) is necessary to carry out section 493E.”.

19 (b) REPORTING REQUIREMENTS.—Part G of title IV
20 of the Higher Education Act of 1965 (20 U.S.C. 1088
21 et seq.) is amended by adding at the end the following:

22 **“SEC. 493E. INSTITUTIONAL REPORTING REQUIREMENTS.**

23 “(a) IN GENERAL.—

24 “(1) SUBMISSION OF DATA.—Each institution
25 of higher education participating in a program under

1 this title shall submit to the Secretary data suffi-
2 cient, as determined by the Secretary, to complete
3 all student components of reporting required for the
4 Integrated Postsecondary Education Data System
5 (referred to in this section as ‘IPEDS’).

6 “(2) GUIDANCE.—Not later than 1 year after
7 the date of enactment of the Student Right to Know
8 Before You Go Act of 2015, the Secretary shall sub-
9 mit to institutions of higher education guidance re-
10 lated to the submission of data under this sub-
11 section.

12 “(3) REVIEW.—The Secretary shall review,
13 every 5 years, the determination of the categories of
14 data that shall be submitted pursuant to paragraph
15 (1).

16 “(b) ESTABLISHMENT OF ADDITIONAL STUDENT
17 CLASSIFICATIONS.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of the Student Right to Know
20 Before You Go Act of 2015, the Secretary shall—

21 “(A) establish common definitions for in-
22 stitutions to follow in submitting the data re-
23 quired under this section; and

24 “(B) determine collection and submission
25 requirements.

1 “(2) STUDENT-LEVEL COMPONENTS OF
2 IPEDS.—The Secretary shall require institutions of
3 higher education participating in a program under
4 this title to submit student-level components of
5 IPEDS to enable coding and reporting on—

6 “(A) students who participate in remedial
7 education at, or through, the institution;

8 “(B) whether, and at what level, the stu-
9 dent is seeking a degree; and

10 “(C) whether the student is seeking a cer-
11 tificate.

12 “(c) ESTABLISHMENT OF NEW OUTCOME
13 METRICS.—

14 “(1) IN GENERAL.—Data submitted to the Sec-
15 retary under subsections (a) and (b) shall be used
16 to calculate all student-level components of IPEDS.

17 “(2) ADDITIONAL MEASURES TO BE CAL-
18 CULATED.—In addition to the student-level compo-
19 nent outcome measures required to be calculated by
20 the Secretary on the day before the date of enact-
21 ment of the Student Right to Know Before You Go
22 Act of 2015, the Secretary shall, beginning not later
23 than 2 years after the date of enactment of the Stu-
24 dent Right to Know Before You Go Act of 2015,

1 also calculate, at the institutional and program-spe-
2 cific levels, the following:

3 “(A) The percentage of students who re-
4 ceive—

5 “(i) Federal grants;

6 “(ii) Federal loans;

7 “(iii) State grants;

8 “(iv) State loans;

9 “(v) institutional grants; or

10 “(vi) institutional loans.

11 “(B) The average amount of total Federal
12 loan debt upon student graduation assumed by
13 students while enrolled at the institution.

14 “(C) The average amount of total Federal
15 loan debt of students who do not complete a
16 program of study 2 years after the students’
17 last known enrollment in any institution of
18 higher education.

19 “(D) Student transfer rates by sector of
20 transfer, which shall be defined as the percent-
21 age of students who leave an institution and
22 successfully enroll in and complete a program of
23 study at another institution, including whether
24 the receiving institution is a public 4-year insti-
25 tution, public 2-year institution, public less-

1 than-2-year institution, private nonprofit 4-year
2 institution, private nonprofit 2-year institution,
3 private nonprofit less-than-2-year institution,
4 private for-profit 4-year institution, private for-
5 profit 2-year institution, or private for-profit
6 less-than-2-year institution.

7 “(E) Rates of continuation to higher levels
8 of education.

9 “(F) The percentage of students who re-
10 ceive the degree level they initially sought.

11 “(G) The outcome measures described in
12 subparagraphs (A) through (F), in addition to
13 all student-level components of IPEDS required
14 to be reported on the day before the date of en-
15 actment of the Student Right to Know Before
16 You Go Act of 2015, disaggregated on the basis
17 of the following student types:

18 “(i) Students who received a Federal
19 Pell Grant.

20 “(ii) Students who received a loan
21 under part B or part D, but not a Federal
22 Pell Grant.

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

1 “(iv) Students who are identified as
2 veterans or members of the Armed Forces
3 who received assistance under the Post-9/
4 11 Veterans Educational Assistance Pro-
5 gram under chapter 33 of title 38, United
6 States Code, or tuition assistance under
7 the laws administered by the Secretary of
8 Defense. The Secretary of Veterans Affairs
9 and Secretary of the Department of De-
10 fense shall coordinate with the Secretary to
11 make available data sufficient to enable
12 such reporting under this clause.

13 “(v) Enrollment status, including the
14 following:

15 “(I) First-time, full-time stu-
16 dents.

17 “(II) First-time, part-time stu-
18 dents.

19 “(III) Non-first-time, full-time
20 students.

21 “(IV) Non-first-time, part-time
22 students.

23 “(vi) Enrollment intensity while en-
24 rolled at the institution, including the fol-
25 lowing:

1 “(I) Full-time only.

2 “(II) Part-time only.

3 “(III) Mixed enrollment, both
4 full- and part-time.

5 “(H) Earning metrics, generated through
6 a system established by the Secretary in co-
7 operation with the Commissioner of Social Se-
8 curity and using the student components of
9 IPEDS, that shall include—

10 “(i) median annual earnings and em-
11 ployment metrics, disaggregated by—

12 “(I) educational program based
13 on CIP code;

14 “(II) credential received;

15 “(III) educational institution;

16 and

17 “(IV) State of employment; and

18 “(ii) the disaggregated median annual
19 earnings for each of the categories de-
20 scribed in subclauses (I) through (IV) of
21 clause (i), further disaggregated for each
22 of the following time periods:

23 “(I) 2 years after educational
24 program completion.

1 “(II) 6 years after educational
2 program completion.

3 “(III) 15 years after educational
4 program completion.

5 “(I) Other information determined nec-
6 essary by the Secretary.

7 “(3) CONSULTATION.—In carrying out this sec-
8 tion, the Secretary shall consult extensively with
9 State offices with existing, as of the date of the con-
10 sultation, student-level data collections from public
11 and private institutions, particularly in the formula-
12 tion of the calculation and reporting standards out-
13 lined in this subsection and subsections (a) and (b),
14 and the public access to data under subsection
15 (e)(2).

16 “(4) GUIDELINES.—The Secretary shall issue
17 guidelines to institutions of higher education regard-
18 ing the amendments needed to the annual privacy
19 notices required under section 444(c)(3) of the Gen-
20 eral Education Provisions Act (commonly referred to
21 as the ‘Family Educational Rights and Privacy Act
22 of 1974’) of the institutions in order to reference the
23 data collection required under this section.

24 “(d) UNAUTHORIZED USES.—

1 “(1) IN GENERAL.—Any personally identifiable
2 information collected for the data system under this
3 section shall not be used for any use that is not ei-
4 ther specifically authorized by this section or per-
5 mitted as a disclosure under this section.

6 “(2) NO FEDERAL ACTION.—No action of Fed-
7 eral authority may be taken against an individual
8 based on data collected for the data system devel-
9 oped under this section. No Federal agency, officer,
10 or employee and no recipient of a Federal grant,
11 contract, or cooperative agreement may, for any rea-
12 son, require the Secretary or any employee of the
13 Secretary to disclose personally identifiable informa-
14 tion that has been collected or retained under this
15 section.

16 “(3) IMMUNITY.—Personally identifiable infor-
17 mation collected or retained under this section shall
18 be immune from legal process and shall not, without
19 the consent of the individual concerned, be admitted
20 as evidence or used for any purpose in any action,
21 suit, or other judicial or administrative proceeding.

22 “(4) NO INSTITUTION ACTION.—An institution
23 of higher education may not use the data system de-
24 veloped under this section, or data accessed through

1 such system, to take any action against an indi-
2 vidual.

3 “(5) APPLICATION.—This subsection shall not
4 apply to requests for personally identifiable informa-
5 tion submitted by or on behalf of the individual iden-
6 tified in the information. Any such individual has
7 the right to request and receive from the Secretary
8 the data containing personally identifiable informa-
9 tion collected on the individual’s behalf, upon dem-
10 onstrating the individual’s identity to the satisfac-
11 tion of the Secretary.

12 “(e) PERMISSIBLE DISCLOSURES.—

13 “(1) DISCLOSURE LIMITATION.—In carrying
14 out the public reporting and disclosure requirements
15 of this Act, the Secretary shall use appropriate sta-
16 tistical disclosure limitation techniques necessary
17 such that the data released to the public cannot in-
18 clude personally identifiable information or be used
19 to identify specific individuals.

20 “(2) PUBLIC AVAILABILITY.—

21 “(A) IN GENERAL.—The Secretary shall
22 post the aggregate data collected under this
23 section on a website of the Department in a
24 timely and user-friendly manner.

1 “(B) ADDITIONAL RESEARCH AVAIL-
2 ABILITY.—The Secretary may make available
3 the non-personally identifiable data set used to
4 prepare the data for the website in accordance
5 with subparagraph (A) to researchers per-
6 forming studies or evaluations approved by the
7 Secretary or the Director of the Institute of
8 Education Sciences.

9 “(C) ENABLING ADMINISTRATIVE IM-
10 PROVEMENT BY INSTITUTIONS OF HIGHER EDU-
11 CATION.—The Secretary shall create a process
12 through which institutions of higher education
13 participating in programs under this title and
14 States may request and receive from the De-
15 partment aggregate student outcome data for
16 the purposes of institutional improvement and
17 program evaluation. The Secretary shall pro-
18 mulgate regulations to ensure fair and equitable
19 access to such data.

20 “(3) NO SALE OF DATA.—The Secretary shall
21 not sell any data collected under this section, includ-
22 ing the public use data set available under para-
23 graph (2)(B), to any third party.

24 “(f) ENSURING COMPARABILITY OF DATA METRIC.—
25 For a period of 5 years following the date of enactment

1 of the Student Right to Know Before You Go Act of 2015,
2 the Secretary shall be responsible for publishing all stu-
3 dent-level components of IPEDS as such components
4 would have been produced on the day before the date of
5 enactment of the Student Right to Know Before You Go
6 Act of 2015.

7 “(g) FELONY FOR WILLFUL DISCLOSURE.—

8 “(1) IN GENERAL.—It shall be unlawful for any
9 person who obtains or has access to personally iden-
10 tifiable information in connection with the data sys-
11 tem described in this section to willfully disclose
12 such personally identifiable information, in any man-
13 ner, to any person that is not entitled to receive the
14 information.

15 “(2) PENALTY.—Any person who violates para-
16 graph (1) shall be found guilty of a felony and im-
17 prisoned for not more than 5 years, or fined as spec-
18 ified in section 3571 of title 18, United States Code,
19 or both.

20 “(h) PROTECTION OF DATA.—The Secretary shall
21 promulgate and periodically review guidance and regula-
22 tions relating to security, which shall govern the access,
23 use, and disclosure of data collected in connection with
24 the activities authorized in this Act. The regulations devel-
25 oped and reviewed shall be consistent with the need to pro-

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

3 “(1) an audit capability;

4 “(2) access controls; and

5 “(3) requirements to ensure sufficient data se-
6 curity, quality, validity, and reliability.

7 “(i) DEFINITION OF PERSONALLY IDENTIFIABLE IN-
8 FORMATION.—In this section, the term ‘personally identi-
9 fiable information’ includes—

10 “(1) a student’s name;

11 “(2) the name of a student’s parent or other
12 family members;

13 “(3) the address of a student or student’s fam-
14 ily;

15 “(4) a personal identifier, such as a student’s
16 social security number, student number, or biometric
17 record;

18 “(5) other indirect identifiers, such as a stu-
19 dent’s date of birth, place of birth, and mother’s
20 maiden name;

21 “(6) other information that, alone or in com-
22 bination, is linked or linkable to a specific student
23 that would allow a reasonable person in the school
24 community, who does not have personal knowledge

1 of the relevant circumstances, to identify the student
2 with reasonable certainty; or

3 “(7) information requested by a person who the
4 educational agency or institution reasonably believes
5 knows the identity of the student to whom the edu-
6 cation record relates.

7 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 such sums as may be necessary for each of fiscal years
10 2016 through 2024.”.

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