

115TH CONGRESS  
1ST SESSION

# S. 2169

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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2017

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

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## 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 2017”.

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, 2020, 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 2020, 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 ser-  
4            vicer that has demonstrated the capacity to uti-  
5            lize such technology and agreed to conduct the  
6            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, 2020, 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, 2020, 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 service-  
3 members and veterans under the laws administered by the  
4 Secretary of Veterans Affairs and Secretary of Defense,  
5 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, 2020, 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-

1 cent, and 200 percent of normal program com-  
2 pletion time.

3 (D) The mean and median amount of Fed-  
4 eral loan debt, including accrued interest, in-  
5 curred by aided students while enrolled in the  
6 institution for the most recent award year for  
7 which data are available.

8 (E) The mean and median amount of total  
9 Federal loan debt, including accrued interest,  
10 incurred by aided students of the institution, as  
11 of the date of the student's graduation or com-  
12 pletion of the student's program of study.

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

18 (G) The loan repayment rates of students  
19 who enrolled in the institution, as of 2, 6, and  
20 15 years after the date of program completion  
21 or exit.

22 (H) Student transfer rates, which shall be  
23 defined as the percentage of students who leave  
24 an institution and successfully enroll in a pro-  
25 gram 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

1 the percentage of students who receive a higher  
2 degree level.

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

6 (2) DISAGGREGATION.—

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

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

17 (ii) Students who received a loan  
18 under part B or D of such title (20 U.S.C.  
19 1071 et seq.; 1087 et seq.) but not a Fed-  
20 eral Pell Grant.

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

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

1           rectly to veterans under the law. The Sec-  
2           retary of Veterans Affairs shall coordinate  
3           with the Secretary to make available data  
4           sufficient to enable such reporting under  
5           this subparagraph.

6           (v) Students who are servicemembers  
7           or veterans.

8           (vi) Enrollment status, including the  
9           following:

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

11           (II) First-time, part-time stu-  
12           dents.

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

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

17           (vii) Race or ethnicity.

18           (viii) Age or age intervals.

19           (ix) Gender.

20           (x) First-generation postsecondary  
21           education student status.

22           (xi) The type of credential (including  
23           a baccalaureate degree, associate's degree,  
24           and a certificate) sought by the student  
25           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 disaggre-  
6 gated under paragraph (1) shall be calculated and  
7 reported for students for each of the following time  
8 periods:

9 (A) 2 years after the student's educational  
10 program completion or exit.

11 (B) 6 years after the student's educational  
12 program completion or exit.

13 (C) 15 years after the student's education-  
14 al 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 2017  
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 2017, 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 2017, 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 2017.

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 2018 through 2026.

○