

113TH CONGRESS
1ST SESSION

S. 915

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 9, 2013

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 2013”.

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 in accordance with section 493E” after “of the Sec-
 6 retary”.

7 **SEC. 3. INSTITUTIONAL AND FINANCIAL ASSISTANCE IN-**
 8 **FORMATION FOR STUDENTS.**

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

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

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 2013, the Secretary
 17 shall issue guidance outlining which data metrics re-
 18 quired to be submitted by institutions of higher edu-
 19 cation under section 493E are duplicative of institu-
 20 tional reporting requirements under this section and
 21 other provisions of this Act.

22 “(2) LINK TO INSTITUTIONAL REPORTING
 23 WEBSITE.—Not later than 5 years after the date of
 24 enactment of the Student Right to Know Before You
 25 Go Act of 2013, an institution of higher education
 26 participating in any program under this title shall—

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).”.

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, as de-
2 termined by the Secretary, sufficient to complete all
3 student components of reporting required for the In-
4 tegrated Postsecondary Education Data System (re-
5 ferred to in this section as ‘IPEDS’). Not later than
6 1 year after the date of enactment of the Student
7 Right to Know Before You Go Act of 2013, the Sec-
8 retary shall submit to institutions of higher edu-
9 cation guidance related to the submission of data
10 under this paragraph.

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

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

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of the Student Right to Know
19 Before You Go Act of 2013, the Secretary shall—

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

23 “(B) determine both collection and submis-
24 sion requirements.

1 “(2) IDENTIFICATION OF UNIT RECORDS.—The
2 Secretary shall require institutions to identify stu-
3 dent unit records to enable coding and reporting
4 on—

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

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

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

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

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

16 “(2) ADDITIONAL MEASURES TO BE CAL-
17 CULATED.—In addition to student component out-
18 come measures required to be calculated by the Sec-
19 retary on the day before the date of enactment of
20 the Student Right to Know Before You Go Act of
21 2013, the Secretary shall also calculate, not later
22 than 2 years after the date of enactment of the Stu-
23 dent Right to Know Before You Go Act of 2013, at
24 the institutional and program specific level:

1 “(A) The percent of students who re-
2 ceive—

3 “(i) Federal grants;

4 “(ii) Federal loans;

5 “(iii) State grants;

6 “(iv) State loans;

7 “(v) institutional grants; or

8 “(vi) institutional loans.

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

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

17 “(D) Student transfer rates by sector of
18 transfer, which shall be defined as the percent-
19 age of students who leave an institution and
20 successfully enroll in another institution, includ-
21 ing whether the receiving institution is a public
22 4-year institution, public 2-year institution,
23 public less-than-2-year institution, private non-
24 profit 4-year institution, private nonprofit 2-
25 year institution, private nonprofit less-than-2-

1 year institution, private for-profit 4-year insti-
2 tution, private for-profit 2-year institution, or
3 private for-profit less-than-2-year institution.

4 “(E) Rates of continuation to higher levels
5 of education.

6 “(F) The percent of students who receive
7 the degree level they initially sought.

8 “(G) The outcome measures described in
9 subparagraphs (A) through (F), in addition to
10 all student level components of IPEDS required
11 to be reported on the day before the date of en-
12 actment of the Student Right to Know Before
13 You Go Act of 2013, shall also be made avail-
14 able on the basis of the following student type:

15 “(i) Students who received a Federal
16 Pell Grant.

17 “(ii) Students who received a Federal
18 Stafford Loan, but not a Federal Pell
19 Grant.

20 “(iii) Students who received neither a
21 Federal Pell Grant, nor a Federal Stafford
22 Loan.

23 “(iv) Students who are identified as
24 veterans who received assistance under the
25 Post-9/11 Veterans Educational Assistance

1 Program under chapter 33 of title 38,
2 United States Code. The Secretary of Vet-
3 erans Affairs shall coordinate with the Sec-
4 retary to make available data sufficient to
5 enable such reporting under this clause.

6 “(v) Enrollment status, including the
7 following:

8 “(I) First-time, full-time stu-
9 dents.

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

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

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

16 “(vi) Enrollment intensity while en-
17 rolled at the institution, including the fol-
18 lowing:

19 “(I) Full-time only.

20 “(II) Part-time only.

21 “(III) Mixed enrollment, both
22 full- and part-time.

23 “(H) Other information determined nec-
24 essary.

25 “(d) LINKAGE TO EARNINGS RECORD DATA.—

1 “(1) EARNINGS METRICS.—The Secretary, in
2 cooperation with the Commissioner of Social Secu-
3 rity, shall establish a system under which the stu-
4 dent components of IPEDS are used to create earn-
5 ings metrics. Such system shall enable the publica-
6 tion of data on median annual earnings and employ-
7 ment metrics, disaggregated by—

8 “(A) educational program based on CIP
9 code;

10 “(B) credential received;

11 “(C) educational institution; and

12 “(D) State of employment.

13 “(2) STANDARD TIME PERIODS FOR REPORTING
14 EARNINGS OUTCOMES.—The Secretary shall make
15 publicly available median annual earnings
16 disaggregated by the categories described in sub-
17 paragraphs (A) through (D) of paragraph (1) for
18 each of the following time periods:

19 “(A) 2 years after educational program
20 completion.

21 “(B) 6 years after educational program
22 completion.

23 “(C) 15 years after educational program
24 completion.

1 “(e) PUBLIC ACCESS TO INFORMATION.—The infor-
2 mation aggregated by the Secretary under this section
3 shall be included in the IPEDS and posted on a website
4 in a timely and user-friendly manner and in a way that
5 does not allow for the dissemination of any personally
6 identifiable information.

7 “(f) ENSURING COMPARABILITY OF DATA METRIC.—
8 For a period of 5 years following the date of enactment
9 of the Student Right to Know Before You Go Act of 2013,
10 the Secretary shall be responsible for publishing all stu-
11 dent components of IPEDS as such components would
12 have been produced on the day before the date of enact-
13 ment of the Student Right to Know Before You Go Act
14 of 2013.

15 “(g) INVOLVEMENT OF STATES AND LEVERAGING OF
16 INVESTMENT IN EXISTING STATE-BASED SYSTEMS.—

17 “(1) IN GENERAL.—Notwithstanding section
18 444 of the General Education Provisions Act (20
19 U.S.C. 1232g, commonly known as the ‘Family Edu-
20 cational Rights and Privacy Act of 1974’) except as
21 provided in paragraph (2), in carrying out this sec-
22 tion, the Secretary shall consult extensively with
23 State offices with existing student-level data collec-
24 tions from public and private institutions.

1 “(2) NO SHARING OF PERSONALLY IDENTIFI-
2 ABLE INFORMATION.—The Secretary, a State, or in-
3 stitution shall not share personally identifiable infor-
4 mation of a student in carrying out paragraph (1),
5 except as necessary to enable individuals who are
6 employed by the Department to meet the reporting
7 requirements and data dissemination purposes and
8 requirements under this Act.

9 “(h) INVOLVEMENT OF INSTITUTIONS OF HIGHER
10 EDUCATION IN DEVELOPING CALCULATION AND REPORT-
11 ING STANDARDS.—In carrying out this section, the Sec-
12 retary shall consult extensively with institutions of higher
13 education and State agencies of higher education, particu-
14 larly in the formulation of the calculation and reporting
15 standards outlined in subsections (b), (c), and (d), and
16 the public access to information under subsection (e).

17 “(i) USE OF DATA FOR INSTITUTIONAL IMPROVE-
18 MENT.—The Secretary shall create a process through
19 which institutions of higher education participating in pro-
20 grams under this title and States may request and receive
21 from the Department aggregate student outcome data for
22 the purposes of institutional improvement and program
23 evaluation. The Secretary shall promulgate regulations to
24 ensure fair and equitable access to such data. In cases
25 where institutional data are merged with Federal record

1 sets and the resulting data are used for Federal account-
2 ability purposes beyond reporting to the public, the Sec-
3 retary shall develop procedures to provide opportunities
4 for institutional review of the disaggregated merged data.

5 “(j) PRIVACY, SECURITY, AND USE OF INFORMA-
6 TION.—

7 “(1) IDENTITY PROTECTION.—The data system
8 developed under this section shall not permit an in-
9 dividual to be individually identified by users of the
10 data system who are not actively working as data-
11 base administrators of the system.

12 “(2) DATA AUDIT AND DATA GOVERNANCE SYS-
13 TEMS.—The data system developed under this sec-
14 tion shall include a data audit system assessing data
15 quality, validity, and reliability and a data govern-
16 ance system to ensure compliance with all Federal
17 standards of data quality and individual privacy.

18 “(3) PROHIBITION AND UNAUTHORIZED USE.—

19 “(A) IN GENERAL.—Individual data col-
20 lected under this section shall not be used for
21 any purpose not specifically authorized by Fed-
22 eral law.

23 “(B) NO FEDERAL ACTION.—No action of
24 Federal authority may be taken against an indi-

1 individual based on data collected within the data
2 system developed under this section.

3 “(C) GUIDELINES.—The Secretary shall
4 issue guidelines to institutions regarding the
5 amendment of the institutions required annual
6 privacy notices to reference the data collection
7 required under this section.

8 “(4) INDIVIDUAL PRIVACY AND ACCESS TO
9 DATA.—Prior to implementation of this section, the
10 Secretary shall publish for public comment assur-
11 ances that—

12 “(A) that the system developed under this
13 section does not disclose any personally identifi-
14 able information and complies with the require-
15 ments of section 444 of the General Education
16 Provisions Act (20 U.S.C. 1232g) (commonly
17 known as the ‘Family Educational Rights and
18 Privacy Act’) and other applicable Federal and
19 State privacy laws; and

20 “(B) that there is a policy on the use of
21 data collected under this section that prevents
22 any use of data outside of the purposes of this
23 section.

24 “(k) PENALTIES FOR UNAUTHORIZED DISCLOSURE
25 OF DATA.—Any individual who willfully discloses a per-

1 sonal identifier (such as a name or social security number)
2 provided under this section, in any manner to an entity
3 not entitled to receive the identifier, shall be fined under
4 title 18, United States Code, imprisoned not more than
5 5 years, or both.

6 “(1) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 such sums as may be necessary for each of the fiscal years
9 2014 through 2022.”.

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