

Issue Summary and Status:
Student Unit Record Data *(Updated October 24, 2006)*

Overview

In its September 2006 report, the Secretary of Education's Commission on the Future of Higher Education recommended the development of "a higher education information system that collects, analyzes and uses student-level data as a vital tool for accountability, policy-making, and consumer choice." (See page 21 of the [final report](#).)

In her [speech](#) before the National Press Club on September 26, Secretary Margaret Spellings indicated that action item three in her plan for implementing the Commission's recommendations will be "to pull together the same kind of privacy-protected student-level data we already have for K through 12 students. And use that data to create a higher education information system." (Last year, Secretary Spellings awarded [grants to 14 states](#) to encourage them to build or expand their K-12 systems at the state level, with the possibility that the "systems" could then "talk to each other," or add college information.)

These developments are the latest in a series of efforts during the past two years by those associated with the federal Department of Education to create a national system for collecting information about individual college students. Establishment of what is known as a student unit record data system would substantially change the way that the federal government collects higher education data for research and consumer information purposes. Currently, a great deal of information about college students is provided to the Department of Education researchers. However, this information is aggregated by the institution of higher education before it is sent on to Washington; individual student information is not provided.

NAICU has serious concerns about proposals to collect information on an individual by individual basis. The most significant concern is its threat to student privacy. We do not believe that simply enrolling in college should trigger permanent entry into a federal registry, and we fear that the existence of such a massive registry will prove irresistible to future demands for access to the data for non-educational purposes. If there is a compelling case for the new system – if it will advance public policy objectives so important that they justify this erosion of student privacy – that case has not been made. In fact, policy questions can be answered through other means that do not jeopardize student privacy or put data at risk of security breaches.

These concerns are shared by the overwhelming majority of the American public. [A poll conducted in June 2006](#) found that, by a nearly two-to-one margin (62 percent vs. 33 percent), the public opposes requiring colleges to report individual student information to the government. These sentiments have been echoed in editorials and student newspapers throughout the country

and are reflected as well by the prohibition against the implementation of a student unit record data system in [higher education legislation](#) approved by the House of Representatives in March 2006.

History and Background

Family Educational Rights and Privacy Act (FERPA). Protecting the privacy of student educational records has long been a concern of the federal government. The [Family Educational Rights and Privacy Act](#) (FERPA), which was enacted in 1972, essentially provides that students (or in case of minors, their parents) have control over their educational records.

Integrated Postsecondary Education Data System (IPEDS). Currently, information about college students for research and consumer information purposes is collected through the [Integrated Postsecondary Education Data System](#) (IPEDS). Colleges submit aggregate data on items such as enrollments, completions, graduation rates, prices, and financial aid. The current procedures are designed to meet many needs, including statistically accurate studies and research materials, while ensuring that individual students' academic and other records are not accessible to anyone other than the student or appropriate officials on campus (such as a student's academic advisor). This system complies with FERPA. Current law even requires colleges to remove information that might otherwise be required by law from any statistical report, if the sample size is so small that reporting it might unintentionally unveil a student's identity. (For example, if there were only two students in a particular reporting category on a school's sports team.)

The ***National Center for Education Statistics (NCES)***, which administers IPEDS within the federal Department of Education, began work in 2004 on a proposal to convert to a student unit record data system. Data would be submitted to such a system by institutions on a student-by-student basis. Under the initial proposal, students' Social Security numbers or other individual student identifiers would be used to match data files. In addition to the data currently collected under IPEDS, the new unit record system would include data on tuition and fees paid, loans, and federal, state, and institutional grant awards for each individual student enrolled in the institution, by effectively linking student financial aid and IPEDS data systems.

In fall 2004, NCES sponsored three conferences, called "technical review panels" (TRPs), to discuss converting IPEDS to a student unit record data system and substantially expanding the amount of data collected under IPEDS. Participants included representatives of states and state systems, institutional researchers and registrars, and representatives of higher education associations.

A report on the proposal was submitted to Congress on March 21, 2005. However, even with a final report, the shape of the proposed system remained sketchy, as a complete list of data elements to be collected was not compiled. Nor had it been determined how many data submissions would have to be made each year to accommodate the information needs of student financial aid officials, who would be using the student data for administration of their programs.

The report did state that Social Security numbers would need to be used as student identifiers in order for the system to work. No further action has been taken on this particular proposal at this point.

Institute of Education Sciences (IES). Grover J. (Russ) Whitehurst, the director of the [Institute of Education Sciences](#) at the Department of Education, testified before the Secretary's Commission on the Future of Higher Education in January 2006 about the department's examination of a student unit record data system. Without directly endorsing the system, he focused much of his attention on addressing "challenges" to its implementation. Among other things, he suggested that education bar codes might be used in lieu of Social Security numbers as individual student identifiers to address data security concerns. He also noted that the Department of Education had provided about \$50 million to 14 states to establish or upgrade unit record systems in their K-12 schools. Some of these states have expressed interest in continuing their tracking of students through college and into the workforce.

According to recent reports (*Chronicle of Higher Education*, September 21, 2006), IES is working on other methods to gather student information, which would involved the transfer of encrypted data to a party outside the Department of Education. The outside party would provide new identification numbers and return the data to the Department. ([Education Department Works on Student-Record Database That Would Ease Privacy Concerns](#)).

Secretary of Education's Commission on the Future of Higher Education. While the terminology has shifted slightly with each iteration, all drafts of the commission's report have endorsed the collection of individual student data. The [initial draft](#) – issued on June 22, 2006 – called for the development of a "national student unit record tracking system" for collecting longitudinal data on college students. (See pages 17 and 22.) A similar recommendation appeared in the [July 14](#) (page 11) and [August 3](#) (page 22) drafts – as well as in a [revised third draft](#) released at the time the Commission voted to approve the report. As noted in the "Overview" section of this paper, the [final report](#) recommends the development of "a higher education information system that collects, analyzes and uses student-level data as a vital tool for accountability, policy-making, and consumer choice." (page 21).

Education Secretary Margaret Spellings. In her [remarks at the National Press Club](#), Secretary Spellings offered a somewhat different vision of the proposed database - seeming to suggest that the federal effort might be linked to ongoing data collection efforts by individual states. Further detail about the Secretary's action plan is not yet available.

Congressional Activities

During its consideration of the Higher Education Act reauthorization bill ([H.R. 609](#)) in July 2005, the Subcommittee on 21st Century Competitiveness of the House Education and the Workforce Committee unanimously adopted an amendment to prohibit the establishment of a student unit record data system. According to the committee's press release, after consideration of the measure:

“Rep. Virginia Foxx (R-NC) offered an amendment to prohibit the creation of a federal database, or "unit record" system, which could collect private, personally identifiable information on individual college students. The subcommittee approved the amendment by voice vote, ensuring greater protections for individual students' privacy rights.”

This provision was not altered during full House consideration of H.R. 609, and remains in the measure that was approved in March 2006. The Senate has not acted on a separate reauthorization measure, so the House provision has not become law.

The "[National Competitiveness Investment Act](#)" (S. 3936) introduced in the Senate on September 26, 2006, would authorize federal grants to states for the establishment of "P-16" longitudinal data systems. The systems include providing a unique student identifier to follow a student from pre-kindergarten through college graduation and compiling an extensive list of information about each student during their school years.

Public Reaction

A poll conducted in June 2006 shows that the general public opposes the establishment of a student unit record data system for college students by a margin of 62 percent to 33 percent. This margin held up in responses to follow-up questions in which statements from supporters and opponents were read to the respondents.

(See www.naicu.edu/HEA/StudentPrivacyPollData6-06.doc for the poll questions and responses.)

These sentiments have been echoed in editorials and student newspapers throughout the country. These news and opinion articles are posted on the [NAICU student unit record data Web page](#).

NAICU Position

NAICU has serious concerns about establishing a national database of individual student information for all students enrolled in institutions of higher education.

Our primary concern is that student privacy will be jeopardized by converting from a system that collects aggregate data about students, to one that collects data about individual students, using Social Security numbers or some other personal identifiers. For 30 years, federal privacy laws have allowed schools to release student-specific confidential data only with the written approval of the student. The proposal takes control away from the students and gives it to the federal government. Students would no longer have control over access to their educational records.

Put simply, we do not believe that the price of enrolling in college should be permanent entry into a federal registry. A central database containing massive amounts of data for each of the 16.5 million postsecondary students in the United States - including those who do not receive any federal financial aid - is profoundly counter to the democratic underpinnings of higher education and American society. We recognize that some people accept the personal privacy compromises of data systems that would collect student information throughout all of one's schooling and beyond. However, our members find this idea chilling.

The final report of the Secretary of Education's Commission on the Future of Higher Education refers to a "*privacy-protected*" system that does not include "individually identifiable information. However, the report goes on to describe the system as one that would include "accurate measures" of retention and graduation rates and net tuition of individual institutions and would also provide information on institutional performance and labor market outcomes. Finding effective ways to track the progress of individuals, without having their identities known in some originating database, seems highly improbable.

We also have serious concerns about the security of the data that will be collected.

NCES is subject to strict laws governing the privacy of individual data that is now collected on a sample basis, and officials point out that the agency has scrupulously protected this data. However, even NCES is not invincible-as demonstrated by a June 2006 incident in which a shipping contractor to the agency lost a CD-ROM containing personally identifiable information for over 13,000 study respondents. This incident was one of 41 involving the loss or compromise of personal information held by the Department of Education or its contractors since January 1, 2003. (See October 13, 2006- Staff Report Agency Data Breaches Since January 1, 2003 (pdf) at <http://reform.house.gov/GovReform/Files/?CategoryID=152>).

In addition, the new system would contain massive amounts of information about every person who has enrolled in college. The existence of such a body of data will inevitably lead to pressures to share the information with other government agencies for ancillary uses and to make additions to the data for non-educational purposes. At a minimum, there is already enormous interest in

linking data about college students to the records some states have begun compiling on K-12, and to Unemployment Insurance records--allowing students to be tracked through their post-college employment.

Finally, we do not believe that a compelling case has been made for the proposal on public policy grounds. The wealth of existing data has been ignored, and there has been no serious exploration of less-intrusive alternatives for obtaining any additional data that may be desired.

The federal government has not demonstrated a clear need to reverse long-standing student privacy policies. It has not identified any policy changes made possible by such new data that cannot currently be put into place with existing aggregate data or sampling results. A wealth of such data is available through IPEDS, and these data have helped guide any number of policy questions.

In addition, there are several longitudinal studies conducted by NCES - such as NELS (The National Education Longitudinal Study) and the Baccalaureate and Beyond Longitudinal Study - that capture individual student information for research into student demographic characteristics, program persistence and completion, and post- baccalaureate education and employment. These studies, based on scientifically valid samples of students, have been useful in addressing policy questions and do not compromise individual student data. NAICU believes that these studies are capable of providing sufficient data in response to the frequently cited public policy need for information on transfer students and graduation rates.

Accountability to their stakeholders is important to NAICU institutions. Overall, private colleges have the highest graduation rates in the country - rates that would presumably be reported as even higher under a unit record data system. In our view, making institutions look better is not a sufficient reason to sacrifice student privacy.

Further Background

Further background information on this issue is available on the NAICU Web site at www.naicu.edu/HEA/UnitRecord.shtm.