

116TH CONGRESS
2D SESSION

H. R. 8552

To amend the Higher Education Act of 1965 to require institutions of higher education to establish record-management plans in order to be accredited or continue to be accredited, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2020

Mr. CARTWRIGHT (for himself, Mr. SAN NICOLAS, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to establish record-management plans in order to be accredited or continue to be accredited, 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 Records Pro-
5 tection Act”.

1 **SEC. 2. RECORD-MANAGEMENT PLANS REQUIRED.**

2 (a) ACCREDITING REQUIREMENTS.—Section 496(c)
3 of the Higher Education Act of 1965 (20 U.S.C.
4 1099b(c)) is amended—

5 (1) in paragraph (8), by striking “and” at the
6 end;

7 (2) in paragraph (9), by striking the period at
8 the end and inserting “; and”; and

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

10 “(10) beginning on the date that is 5 years
11 after the date of the enactment of this paragraph,
12 requires an institution to submit for approval to the
13 accrediting agency a records management plan upon
14 the institution’s notifying the accrediting agency
15 that the institution intends to cease operations. Such
16 plan shall include—

17 “(A) a plan for the custody, continued ac-
18 cess, and disposition of student records, includ-
19 ing student transcripts, billing, and financial
20 aid records;

21 “(B) a plan to provide to the Secretary,
22 State authorizing agency, and such accrediting
23 agency or association a list that includes the
24 name and contact information of each student
25 enrolled in such institution—

1 “(i) on the date such institution
2 closed;

3 “(ii) on the date that is 120 days be-
4 fore the date described in clause (i); and

5 “(iii) on the date that is 180 days be-
6 fore the date described in clause (i);

7 “(C) an assurance from the institution
8 that such institution—

9 “(i) will release all financial holds
10 placed on student records;

11 “(ii) for the 1-year period beginning
12 on the date of the closure of such institu-
13 tion, will not require any student or former
14 student who requests the student records
15 of such student to purchase such records
16 or otherwise charge such student a fee
17 with respect to such records; and

18 “(iii) after the 1-year period described
19 in clause (ii), will either continue to not re-
20 quire the purchase of the records described
21 in such subclause or charge a nominal fee
22 with respect to such records, as determined
23 by the Secretary; and

24 “(D) an estimate of the costs necessary to
25 carry out the record-management plan and a

1 plan for how such institution will provide fund-
2 ing for such costs.”.

3 (b) PROGRAM PARTICIPATION AGREEMENT.—

4 (1) AMENDMENT.—Section 487(f)(1) of the
5 Higher Education Act of 1965 (20 U.S.C.
6 1094(f)(1)) is amended by striking the period at the
7 end and inserting “and to prepare and submit to the
8 Secretary a record-management plan that includes
9 the information required under subparagraphs (A)
10 through (D) of section 496(c)(10).”

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect on the date that
13 is 6 months after the date of the enactment of this
14 Act.

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