

cation, college bookstores, and publishers. The report shall particularly examine—

- (1) the availability of college textbook information on course schedules;
- (2) the provision of pricing information to faculty of institutions of higher education by publishers;
- (3) the use of bundled and unbundled material in the college textbook marketplace, including the adoption of unbundled materials by faculty and the use of integrated textbooks by publishers; and
- (4) the implementation of this section by institutions of higher education, including the costs and benefits to such institutions and to students.

(h) Rule of construction

Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks, supplemental materials, and other classroom materials.

(i) No regulatory authority

The Secretary shall not promulgate regulations with respect to this section.

(Pub. L. 89-329, title I, §133, as added Pub. L. 110-315, title I, §112(a), Aug. 14, 2008, 122 Stat. 3107.)

PRIOR PROVISIONS

A prior section 1015b, Pub. L. 89-329, title I, §133, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 466, related to activities for which grants could be used, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1015b, Pub. L. 89-329, title I, §133, as added Pub. L. 94-482, title I, §101(g)(3), Oct. 12, 1976, 90 Stat. 2087; amended Pub. L. 95-43, §1(a)(4), June 15, 1977, 91 Stat. 213, related to implementation of life-long learning program by Assistant Secretary, prior to the general amendment of this subchapter by Pub. L. 96-374.

EFFECTIVE DATE

Pub. L. 110-315, title I, §112(b), Aug. 14, 2008, 122 Stat. 3110, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect on July 1, 2010.”

ESTABLISHMENT OF PILOT PROGRAM FOR COURSE MATERIAL RENTAL

Pub. L. 110-315, title VIII, §803, Aug. 14, 2008, 122 Stat. 3449, provided that:

“(a) PILOT GRANT PROGRAM.—From the amounts appropriated pursuant to subsection (e), the Secretary of Education (referred to in this section as the ‘Secretary’) shall make grants on a competitive basis to not more than ten institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

“(b) APPLICATION.—An institution of higher education that desires to obtain a grant under this section shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information, agreements, and assurances as the Secretary may reasonably require.

“(c) USE OF FUNDS.—The funds made available by a grant under this section may be used for—

- “(1) purchase of course materials that the entity will make available by rent to students;
- “(2) any equipment or software necessary for the conduct of a rental program;

“(3) hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and

“(4) building or acquiring extra storage space dedicated to course materials for rent.

“(d) EVALUATION AND REPORT.—

“(1) EVALUATIONS BY RECIPIENTS.—After a period of time to be determined by the Secretary, each institution of higher education that receives a grant under this section shall submit a report to the Secretary on the effectiveness of their rental programs in reducing textbook costs for students.

“(2) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit a report to Congress on the effectiveness of the textbook rental pilot programs under this section, and identify the best practices developed in such pilot programs. Such report shall contain an estimate by the Secretary of the savings achieved by students who participate in such pilot programs.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2009 and 2010.”

§ 1015c. Database of student information prohibited

(a) Prohibition

Except as described in subsection (b), nothing in this chapter and part C of subchapter I of chapter 34 of title 42 shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this chapter and part C of subchapter I of chapter 34 of title 42, attending institutions receiving assistance under this chapter and part C of subchapter I of chapter 34 of title 42, or otherwise involved in any studies or other collections of data under this chapter and part C of subchapter I of chapter 34 of title 42, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

(b) Exception

The provisions of subsection (a) shall not apply to a system (or a successor system) that—

(1) is necessary for the operation of programs authorized by subchapter II, IV, or VII or part C of subchapter I of chapter 34 of title 42; and

(2) was in use by the Secretary, directly or through a contractor, as of the day before August 14, 2008.

(c) State databases

Nothing in this chapter and part C of subchapter I of chapter 34 of title 42 shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.

(Pub. L. 89-329, title I, §134, as added Pub. L. 110-315, title I, §113, Aug. 14, 2008, 122 Stat. 3110.)

PRIOR PROVISIONS

A prior section 1015c, Pub. L. 89-329, title I, §134, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106

Stat. 466, defined “public broadcasting entity” for purposes of former part C of this subchapter, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1015c, Pub. L. 89-329, title I, §134, as added Pub. L. 94-482, title I, §101(g)(3), Oct. 12, 1976, 90 Stat. 2089, related to annual reports by Assistant Secretary and content of these reports, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1015d. In-State tuition rates for members of the armed forces on active duty, spouses, and dependent children

(a) Requirement

In the case of a member of the armed forces who is on active duty for a period of more than 30 days and whose domicile or permanent duty station is in a State that receives assistance under this chapter and part C of subchapter I of chapter 34 of title 42, such State shall not charge such member (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State.

(b) Continuation

If a member of the armed forces (or the spouse or dependent child of a member) pays tuition at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of subsection (a) shall continue to apply to such member, spouse, or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

(c) Effective date

This section shall take effect at each public institution of higher education in a State that receives assistance under this chapter and part C of subchapter I of chapter 34 of title 42 for the first period of enrollment at such institution that begins after July 1, 2009.

(d) Definitions

In this section, the terms “armed forces” and “active duty for a period of more than 30 days” have the meanings given those terms in section 101 of title 10.

(Pub. L. 89-329, title I, §135, as added Pub. L. 110-315, title I, §114, Aug. 14, 2008, 122 Stat. 3111.)

PRIOR PROVISIONS

A prior section 1015d, Pub. L. 89-329, title I, §135, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 466, required grant recipients to submit reports, prior to the general amendment of this subchapter by Pub. L. 105-244.

§ 1015e. State higher education information system pilot program

(a) Purpose

It is the purpose of this section to carry out a pilot program to assist not more than five States to develop State-level postsecondary student data systems to—

- (1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order

to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students’ personally identifiable information; and

- (2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

(b) Definition of eligible entity

In this section, the term “eligible entity” means—

- (1) a State higher education system; or
- (2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

(c) Competitive grants

(1) Grants authorized

The Secretary shall award grants, on a competitive basis, to not more than five eligible entities to enable the eligible entities to—

- (A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and
- (B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

(2) Duration

A grant awarded under this section shall be for a period of not more than three years.

(d) Application requirements

An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a description of—

- (1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students’ achievements, and the students’ families remains confidential in accordance with section 1232g of this title (commonly known as the “Family Educational Rights and Privacy Act of 1974”); and

- (2) how the activities funded by the grant will be supported after the three-year grant period.

(e) Use of funds

A grant awarded under this section shall be used to—

- (1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within a State;
- (2) improve the capacity of institutions of higher education to analyze and use student data;
- (3) select and define common data elements, data quality, and other elements that will enable the data system to—