

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—

(A) serve the needs of institutions of higher education for institutional research and improvement;

(B) provide students and the students' families with useful information for decision-making about postsecondary education; and

(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

**(f) Evaluation; reports**

Not later than six months after the end of the projects funded by grants awarded under this section, the Secretary shall—

(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems, to the authorizing committees.

**(g) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title I, §136, as added Pub. L. 110-315, title I, §115, Aug. 14, 2008, 122 Stat. 3111; amended Pub. L. 111-39, title I, §101(b)(4), July 1, 2009, 123 Stat. 1935.)

AMENDMENTS

2009—Subsec. (d)(1). Pub. L. 111-39 substituted “(commonly known as the ‘Family Educational Rights and Privacy Act of 1974’)” for “(Family Educational Rights and Privacy Act of 1974)”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

**§ 1015f. State commitment to affordable college education**

**(a) Maintenance of effort required**

A State shall provide—

(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the five most recent preceding academic years for which satisfactory data are available; and

(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary

education by such State to such institutions during the five most recent preceding academic years for which satisfactory data are available.

**(b) Adjustments for biennial appropriations**

The Secretary shall take into consideration any adjustments to the calculations under subsection (a) that may be required to accurately reflect funding levels for postsecondary education in States with biennial appropriation cycles.

**(c) Waiver**

The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen<sup>1</sup> decline in the financial resources of a State or State educational agency, as appropriate.

**(d) Violation of maintenance of effort**

Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (c) any amount that would otherwise be available to the State under section 1141 of this title until such State has made significant efforts to correct such violation.

(Pub. L. 89-329, title I, §137, as added Pub. L. 110-315, title I, §116, Aug. 14, 2008, 122 Stat. 3113.)

PRIOR PROVISIONS

A prior section 1016, Pub. L. 89-329, title I, §121, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1285, related to adult learning research, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1016, Pub. L. 89-329, title I, §116, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1381, provided for Federal discretionary grants, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1016a, Pub. L. 89-329, title I, §122, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1286, limited funds authorized to be appropriated, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 1017, Pub. L. 89-329, title I, §131, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1286; Pub. L. 102-54, §13(g)(1)(A), June 13, 1991, 105 Stat. 275, related to National Advisory Council on Continuing Education, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1017, Pub. L. 89-329, title I, §117, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1382; amended Pub. L. 99-386, title I, §103(a), Aug. 22, 1986, 100 Stat. 821, related to establishment and administration of the National Advisory Council on Continuing Education, prior to the general amendment of this subchapter by Pub. L. 99-498.

PART D—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT FINANCIAL ASSISTANCE

**§ 1018. Performance-Based Organization for delivery of Federal student financial assistance**

**(a) Establishment and purpose**

**(1) Establishment**

There is established in the Department a Performance-Based Organization (hereafter re-

<sup>1</sup> So in original. Probably should be “unforeseen”.