October 7, 2025

Mr. Matthew Soldner
Acting Commissioner, National Center for Education Statistics
Acting Director, Institute of Education Sciences
United States Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Mr. Soldner:

On behalf of the American Council on Education (ACE), and the undersigned higher education associations, we write to express our strong opposition to the Admissions and Consumer Transparency Supplement (ACTS) survey component proposed by the Department of Education (Department)[1] in response to the Presidential Memorandum regarding higher education admissions.[2] While we support better data collection that will help students and families make informed decisions regarding postsecondary education, we fear that the new survey component will instead result in unreliable and misleading data that is intended to be used against institutions of higher education.

In considering the possible impacts of this proposal, we partnered with the Association for Institutional Research (AIR), among other associations, on a survey to better understand the concerns of colleges and universities. Survey participants included staff such as the leaders of institutional research offices, senior leaders on college campuses, and analytical staff. The concerns outlined below represent the feedback from the survey and the overarching concerns of the higher education community.

The Implementation Timeline and the New Required Data Reporting are Highly Problematic

As it relates to the ACTS, the Department instructed the National Center for Education Statistics to "make the following changes [to the reporting in the Integrated Postsecondary Education Data Systems (IPEDS)] within the 120-day timeline contained in the Presidential Memorandum, which shall be initiated during the 2025-2026 school year."[3] When the ACTS goes into effect, institutions will be required to report additional data on both undergraduate and graduate students both annually, as well as reporting the last five academic years' (AYs) data.[4] The federal register notice highlights over 40 additional broad reporting categories for undergraduate students and potentially the same number of broad reporting categories for graduate students, with additional disaggregation by broad fields of study. The resulting number of additional reporting fields could equal more than 11,000 annually, with more than 100 new

[1] Federal Register. (2025, August 15). *Agency information collection activities; comment request; integrated postsecondary education data system (IPEDS) 2024-25 through 2026-27*. U.S. Department of Education. https://www.federalregister.gov/documents/2025/08/15/2025-15536/agency-information-collection-activities-comment-request-integrated-postsecondary-education-data
[2] Trump. D. J. (2025, August 7). *Ensuring transparency in higher education admissions* [Presidential Memoranda]. The White House. https://www.whitehouse.gov/presidential-actions/2025/08/ensuring-transparency-in-higher-education-admissions/
[3] McMahon, L. (2025, August 7). *Ensuring transparency in higher education admissions* [Memo]. https://www.ed.gov/media/document/secretary-directive-ensuring-transparency-higher-education-admissions-august-7-2025-110497.pdf
[4] The Department shares that the reporting over the last five years is necessary to establish a baseline of admissions practices from before the Supreme Court decision in *SFFA v. Harvard*.

questions added to the IPEDS survey, and total nearly 70,000 new reporting fields when expanded to cover the last five years.[5] Because the Presidential Memorandum establishes an effective reporting date of 120 days from the date the memorandum was published,[6] this would require institutions to begin reporting the new data when the new IPEDS reporting collection opens on December 3, allowing institutions only 17 weeks to prepare and report the new required data.

In the survey we conducted with AIR, the following six themes emerged: (1) limited availability and accessibility of required data; (2) compressed timeline and resource constraints; (3) increased burden due to retrieval of historical data; (4) student privacy and small cell suppression; (5) accuracy of new metrics (test scores, GPA, income, etc.); and (6) ambiguity in definitions and reporting guidance. In attempting to capture the data needed, the following data fields were reported to be the most problematic to capture for undergraduate students:

- parental education;
- family income ranges;
- test score quintiles;
- GPA quintiles;
- average cost of attendance; and
- financial aid type and amount (need vs. merit).

For graduate students, respondents stated that the most problematic fields to collect data on are:

- parental education (63 percent of survey respondents shared that the data simply does not exist);
- family income ranges (47 percent of respondents sharing that the data does not exist);
- test score quintiles (43 percent of respondents shared that the data does not exist);
- GPA quintiles;
- financial aid type and amount (need vs. merit); and
- average cost of attendance.

A total of 91 percent of survey respondents shared that they were concerned about the proposed timeline for gathering and reporting the required additional data; 88 percent shared their concerns around the collection of data over the last five years; 84 percent shared that they had insufficient resources and staff given the complexity of the proposed data elements; and 83 percent shared that the data definitions were unclear and seem to vary from existing IPEDS surveys. Survey respondents also expressed concerns around the following:

- The challenges of reporting unique data disaggregation not previously used in IPEDS;[7]
    - The most difficult data disaggregation at the undergraduate level currently and over the last five years, as reported by survey respondents, are family income ranges, test score quintiles, ranges of high school GPA, GPA quintiles, and average grant amounts. The most difficult data disaggregation at the graduate level currently and over the last five years are ranges of high school GPA (61 percent reporting that the

[5] Murphy, J. (2025, August 19). *The significant technical problems with the Trump administration's new admissions survey component.* https://jamessmurphy.com/2025/08/19/the-significant-technical-problems-with-the-trump-administrations-new-admissions-survey-component/
[6] This establishes a December 5, 2025, reporting date for new data.
[7] Examples include race-sex pairs, GPA quintiles, and parental education.

data is not available); family income ranges (48 percent reporting that the data is not available); test score quintiles (39 percent reporting that the data is not available); GPA quintiles; admission type (early action, early decision, regular admission, etc.); and average grant amounts.

- The lack of availability of data elements for graduate students;
- Coordinating across multiple institutional departments and data systems to compile the required data;
- The high rate of unreported race/sex data on admissions forms, given that students can opt out of the reporting;
- The lack of availability of data elements for undergraduate students; and,
- Navigating what type of student data can be shared between departments on college campuses.[8]

In addition, the concerns expressed around student privacy protections and small cell suppression provided helpful insight. Due to the level of disaggregated data, especially for smaller programs and those programs at smaller institutions, the privacy risks associated with the data are increased. There were also additional concerns regarding the identification of individual students through detailed demographic breakdowns of the data. We appreciate that open-access institutions are not required to report on this new data collection due to their non-selective nature, and we do not believe that these institutions present any risk of noncompliance with civil rights laws.

The Appropriate Process for the Information Collection Request Was Not Followed

The Paperwork Reduction Act of 1995 (PRA) requires federal agencies to submit information collection requests (ICR) to the Director of the Office of Management and Budget (OMB) for approval. During this process, the agency is directed to, among many other things,

> certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507. . . uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected.[9]

When submitting the ICR notice to OMB regarding the new ACTS survey component, the most glaring concern is that there was no actual survey instrument to examine. Typically, when ICRs are submitted to OMB for approval, a survey instrument is included to allow the OMB to adhere to the PRA and ensure agency compliance. OMB has sole discretion to approve or deny an ICR, and, in this case, we do not see how OMB could confidently approve a new IPEDS data collection survey without having the actual survey to examine. Without the survey instrument, determining whether the Department is using "effective and efficient" statistical survey methodology seems unachievable.

Also, we strongly believe that a Technical Review Panel (TRP) should be formed to provide input into the ACTS survey instrument that would be used to collect additional data from the institutions. These panels

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[8] Data collected by financial aid administrators would differ compared to data collected by those in the institutional research office. However, data would have to be shared in order to successfully report the new additional data fields.

[9] Paperwork Reduction Act of 1995, 44 U.S.C. §3506(b)(3)(I). https://www.congress.gov/104/plaws/publ13/PLAW-104publ13.pdf

serve as a way for the Department to obtain peer review of IPEDS-related project plans and help to foster communication with potential users of the data. Given the enormous (and unprecedented) scope of the ACTS survey component and the massive amounts of new data being collected in the ACTS survey component, it would behoove the Department to ensure that the most accurate data is being collected in the most efficient manner. The PRA indicates that agencies should "ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes."[10] Given the substantial change in data collection that the ACTS survey component would represent, it is essential to gather stakeholder input on the survey instrument itself through a TRP.

Concerns Regarding the Intent of this Data Collection

The Administration has issued several executive orders as well as additional guidance materials regarding institutional considerations of race and diversity in higher education since taking office. These efforts have reflected an overly expansive interpretation of the Supreme Court's 2023 decisions in *Students For Fair Admissions (SFFA) v. Harvard* and *SFFA v. UNC* and have reiterated a publicly stated belief of the Administration that institutions are not abiding by the Court's ruling. In furtherance of this effort, the Department has initiated several investigations into institutions on the basis of purported violations of Title VI.

Given the enormous complexity of the request; the inconsistency with existing reporting fields and questions; the lack of clarity as to questions, definitions, standards or reporting formats; the requirement to produce data that institutions do not currently have and cannot obtain; the significant privacy concerns that will need to be addressed; and the lack of sufficient time to revamp systems and gather data, it is a near certainty that there will be significant errors in the ways data is reported. As a result, any attempt to draw conclusions as to what this means for institutions' admissions practices from this data will be at best misleading and most likely, simply wrong. As we noted last year when the Biden administration was seeking to implement a similar effort in IPEDS, "(w)e are concerned that this new data collection has the potential to be highly misleading and confusing, in particular to members of the general public."[11]

Considering the enormous cost and burden imposed by this request, this alone renders this ICR harmful to students and institutions while providing no actual benefit to the public. However, given the views of the Administration, it is also clear that the intention is to try to use any data reported in an effort to depict institutions as not complying with existing laws. As noted above, the Department already has enormous discretion to initiate investigations into institutions at which they believe that violations of civil rights laws are occurring. While there are significant public concerns about how this Administration has utilized that authority, it remains the appropriate way to address purported violations of the law – with investigations of specific institutions where credible complaints of violations have been reported. Utilizing hastily gathered, ill-defined, and unreliable data to try and direct those efforts is contrary to the public good and will result in erroneous and wasteful federal actions.

Furthermore, the Presidential Memorandum, contains language stating that:

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[10] Paperwork Reduction Act of 1995, 44 U.S.C. §3506(e)(1). https://www.congress.gov/104/plaws/publ13/PLAW-104publ13.pdf
[11] American Council on Education. (2024, May 3). *Comments to ED on proposed changes to IPEDS*. https://www.acenet.edu/Documents/Comments-ED-IPEDS-050324.pdf

> "The Secretary of Education shall take remedial action, consistent with Title IV of the Higher Education Act of 1965 and other applicable laws, if institutions fail to submit data in a timely manner or are found to have submitted incomplete or inaccurate data."

This language raises questions around the type of remedial action the Department would take against institutions, how the Department would be able to determine whether data is being reported accurately, and any potential abuse of power in subjectively determining when to use remedial action when an institution may not be deserving of it. We are particularly concerned that such actions may take place even when institutions are reporting accurate data, if the Department believes that the data does not reflect their existing opinions. We firmly believe that institutions should not be penalized based on subjective views and that remedial action should only be used in the narrow instances of deliberately incomplete or inaccurate data.

Institutions Need More Time to Comply

The majority of survey respondents reported needing between 250 to 499 hours for each institution to comply with the additional data reporting and the ICR notice indicates a total institutional burden of 740,511 hours.[12] Survey respondents also mentioned capacity as an issue at smaller institutions, sharing that institutional research offices are already overwhelmed with the reporting for Financial Value Reporting and Gainful Employment that was due on September 30 and October 1. Several respondents shared that they are a one-person team with no ability to manage another substantial federal data collection.

When considering a realistic timeframe that would allow for full compliance, survey respondents shared that an implementation date of AY 2026-2027, or later, would allow them the needed time to prepare the collections and ensure the most accurate data. Other survey respondents shared the need for more time for the onboarding of new data sources, as well as accommodating school calendars. There was also a request for a soft launch of the ACTS survey component before full implementation. More time would also allow for additional trainings, webinars, and technical support that will be necessary to comply, along with the Department ensuring that there is a fully-staffed IPEDS help desk to support institutions in preparing and reporting the new data collection.

The proposed new reporting requirements on institutions contained in the ACTS survey are being implemented on an unrealistic timeframe; request conflicting, nonexistent or noncomparable data elements; were developed without following the appropriate process; will be enormously burdensome and will lead to inaccurate and erroneous conclusions. We strongly urge the Department to reconsider its approach, and we appreciate your time and consideration to these comments.

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[12] Federal Register. (2025, August 15). *Agency information collection activities; comment request; integrated postsecondary education data system (IPEDS) 2024-25 through 2026-27.* U.S. Department of Education. https://www.federalregister.gov/documents/2025/08/15/2025-15536/agency-information-collection-activities-comment-request-integrated-postsecondary-education-data

Sincerely,

Ted Mitchell
President

AACTE: American Association of Colleges for Teacher Education
Achieving the Dream
ACPA-College Student Educators International
American Association of Colleges and Universities
American Association of Collegiate Registrars and Admissions Officers
American Association of State Colleges and Universities
American Association of University Professors
American Association of Veterinary Medical Colleges
American Council on Education
American Dental Education Association
American Psychological Association Services
Association for Institutional Research
Association of American Universities
Association of Governing Boards of Universities and Colleges
Association of Independent California Colleges and Universities
Association of Independent Colleges & Universities in Massachusetts
Association of Independent Colleges & Universities of Rhode Island
Association of Independent Colleges and Universities of Pennsylvania
Association of Independent Colleges and Universities of Pennsylvania
Association of Independent Colleges and Universities of Rhode Island
Association of Jesuit Colleges and Universities
College and University Professional Association for Human Resources
College and University Professional Association for Human Resources
Complete College America
Council for Opportunity in Education
Council of Graduate Schools
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EDUCAUSE
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Maryland Independent College and University Association
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NASPA-Student Affairs Administrators in Higher Education
National Association for College Admission Counseling
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National Council for Community and Education Partnerships

New England Commission of Higher Education
Presidents' Alliance on Higher Education and Immigration
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