

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/21/11 S3/28/11

A Bill

HOUSE BILL 2142

5 By: Representative Hyde
6 By: Senator Salmon
7

For An Act To Be Entitled

9 *AN ACT TO PROVIDE FOR THE RESEARCH AND ANALYSIS OF*
10 *POSTSECONDARY STUDENT DATA TO INFORM THE GENERAL*
11 *ASSEMBLY FOR ITS DELIBERATIONS CONCERNING*
12 *SCHOLARSHIPS FOR HIGHER EDUCATION; TO DECLARE AN*
13 *EMERGENCY; AND FOR OTHER PURPOSES.*
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Subtitle

16
17 *TO PROVIDE FOR THE RESEARCH AND ANALYSIS*
18 *OF POSTSECONDARY STUDENT DATA TO INFORM*
19 *THE GENERAL ASSEMBLY FOR ITS*
20 *DELIBERATIONS CONCERNING SCHOLARSHIPS FOR*
21 *HIGHER EDUCATION; TO DECLARE AN*
22 *EMERGENCY.*
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 *SECTION 1. Arkansas Code Title 6, Chapter 60 is amended to add an*
28 *additional subchapter to read as follows:*
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30 *Subchapter 9 -- Arkansas Higher Education Information System*

31
32 *6-60-901. Definitions.*

33 *As used in this subchapter:*

34 *(1) "Arkansas Higher Education Information System" means the*
35 *database maintained by the Department of Higher Education containing student*
36 *data files that the department and institutions of higher education in*



1 Arkansas are required to collect under §§ 6-85-214, 6-85-215, and 6-85-217,
2 other state law, and federal law; and

3 (2) "Institution of higher education" means:

4 (A) An Arkansas state-funded community college;

5 (B) An Arkansas state-funded university; or

6 (C) A private college or university in Arkansas that
7 receives state funding for student financial assistance or voluntarily
8 participates in the system.

9
10 6-60-902. Arkansas Higher Education Information System.

11 (a) The Department of Higher Education shall develop and maintain the
12 Arkansas Higher Education Information System.

13 (b)(1) By December 31, 2011, the Department of Higher Education shall
14 provide the Bureau of Legislative Research with direct read and report only
15 access to the data warehouse of the Arkansas Higher Education Information
16 System concerning student academic data, financial aid data, and related
17 records.

18 (2)(A) In providing the bureau with the direct read and report
19 only access required under subdivision (b)(1) of this section, the Department
20 of Higher Education shall take reasonable precautions, including electronic
21 blocking or redacting, to prevent the disclosure of:

22 (i) Personally identifiable information of a student
23 unless the parent or guardian of a minor student or a student who is no
24 longer a minor consents in writing to the disclosure of personally
25 identifiable information about that student; or

26 (ii) Information that would cause the Department of
27 Higher Education to lose funding under 20 U.S.C. § 1232g, as it existed on
28 January 1, 2011.

29 (B) The Department of Higher Education shall:

30 (i) Work with the Department of Education to develop
31 the method of redaction to be used with the Arkansas Higher Education
32 Information System based on the standards used by the Department of
33 Education; and

34 (ii) Disclose to the bureau and to the Arkansas
35 Lottery Commission Legislative Oversight Committee the method of electronic
36 blocking or redaction the Department of Higher Education will use under this

1 subsection.

2 (3)(A) The Department of Higher Education shall make its staff
3 reasonably accessible for consultation with bureau staff in developing and
4 responding appropriately to bureau requests under this section.

5 (B) The bureau staff shall inform the Department of Higher
6 Education of any warehouse data used in the preparation of reports and
7 provide the Department of Higher Education at least one (1) working day to
8 review any student-related warehouse data used in preparation of reports
9 before publicly releasing that student-related data without personally
10 identifiable information of a student.

11 (c) The Department of Higher Education shall provide other information
12 and records requested by the bureau as soon as possible and in whatever
13 reasonable form requested.

14 (d) To the extent possible, the Department of Higher Education, in
15 cooperation with the Department of Education, shall maintain the Arkansas
16 Higher Education Information System in a manner that will ultimately be
17 compatible with implementing a P-20 student data system for the state.

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19 6-60-903. Compliance by institutions of higher education.

20 (a) An institution of higher education shall provide the data required
21 under this subchapter at the time and in the manner:

22 (1) Required by rules of the Arkansas Higher Education
23 Coordinating Board; and

24 (2) Published from time to time by the Department of Higher
25 Education.

26 (b) Within two (2) weeks of an institution of higher education's
27 failure to comply with the requirements for submission of data published by
28 the department, the department shall report to the Arkansas Lottery
29 Commission Legislative Oversight Committee:

30 (1) The name of an institution of higher education that has not
31 complied with the deadline;

32 (2) The type of data the institution of higher education failed
33 to submit;

34 (3) The length of time of noncompliance; and

35 (4) Any additional information requested by the committee.

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1 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. (a) Until the Bureau
2 of Legislative Research is provided direct read and report only access to the
3 data warehouse of the Arkansas Higher Education Information System under this
4 act, the Department of Higher Education shall provide data to the bureau as
5 follows:

6 (1) Weekly uploads of the student application database of the
7 Arkansas Higher Education Information System from students who have consented
8 to the release of information under § 6-85-215;

9 (2) Within two (2) weeks of the deadline published by the
10 Department of Higher Education for institutions of higher education to submit
11 application data, uploads of the student application database of the Arkansas
12 Higher Education Information System containing de-identified student
13 application data from students who have not consented to the release of
14 information under § 6-85-215 until all student application data has been
15 provided to the bureau;

16 (3) Within two (2) weeks of the deadline published by the
17 Department of Higher Education for institutions of higher education to submit
18 student data, uploads of the database of the Arkansas Higher Education
19 Information System containing the student data required to be provided under
20 Act 207 of the 2011 Regular Session of the 88th Arkansas General Assembly, §
21 17, which amends § 6-85-217; and

22 (4) By October 15, 2011, the financial aid file of the Arkansas
23 Higher Education Information System.

24 (b)(1) The Department of Higher Education shall provide the data
25 whether the data is complete or incomplete or received from an institution of
26 higher education late or on time, with a report to the bureau concerning:

27 (A) The name of an institution of higher education that
28 has not submitted complete and correct data by a deadline published by the
29 Department of Higher Education; and

30 (B) The type of data the institution failed to submit or
31 needs to correct.

32 (2) The Department of Higher Education shall upload to the
33 bureau any completed, late, or corrected data as soon as it is received by
34 the Department of Higher Education.

35 (c)(1) The bureau shall take reasonable precautions, including
36 electronic blocking or redacting, to prevent the disclosure of personally

1 identifiable information of a student, as that term is defined in 20 U.S.C. §
2 1232g, as it existed on January 1, 2011, unless the parent or guardian of a
3 minor student or a student who is no longer a minor consents in writing to
4 the disclosure of personally identifiable information about that student.

5 (2)(A)(i) The bureau shall use a method of redaction
6 substantially similar to the one used by the Department of Education based on
7 the standards used by the Department of Education.

8 (ii) The bureau shall not include in a report any
9 set of data that contains less than ten (10) units of data.

10 (B) The bureau staff shall inform the Department of Higher
11 Education of any warehouse data used in the preparation of reports and
12 provide the Department of Higher Education at least one (1) working day to
13 review any student-related warehouse data used in preparation of reports
14 before publicly releasing that student-related data without personally
15 identifiable information of a student.

16 (d) The Department of Higher Education shall provide other information
17 and records requested by the bureau as soon as possible and in whatever
18 reasonable form requested.

19 (e) The Department of Higher Education shall provide a bimonthly
20 report to the Arkansas Lottery Commission Legislative Oversight Committee on
21 the progress of developing the direct read and report only access to the data
22 warehouse of the Arkansas Higher Education Information System to be used by
23 the bureau under this act.

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25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
26 General Assembly of the State of Arkansas that increasing the number of
27 Arkansans who obtain postsecondary credentials is critical to the economic
28 health of the state and its citizens; that the Arkansas Scholarship Lottery
29 provides the opportunity for tens of thousands of Arkansans to obtain
30 postsecondary education; that the continual evaluation of the Arkansas
31 Academic Challenge Scholarship Program and of all state-supported scholarship
32 and grant programs by the General Assembly is critical for maximizing the
33 benefits to the state and its citizens of state financial aid for higher
34 education and meeting state objectives for higher education; that
35 accountability and transparency in the implementation of state-supported
36 scholarship programs are fundamental to a proper evaluation of the programs;

1 that the collection of data and access to that data by the Bureau of
2 Legislative Research are necessary to ensure proper legislative oversight for
3 that accountability and transparency; and that this act is immediately
4 necessary for the Department of Higher Education to begin developing the
5 direct read and report only access to the data warehouse of the Arkansas
6 Higher Education Information System, and for the Arkansas Higher Education
7 Coordinating Board to promulgate rules to implement this act. Therefore, an
8 emergency is declared to exist and this act being immediately necessary for
9 the preservation of the public peace, health, and safety shall become
10 effective on:

11 (1) The date of its approval by the Governor;

12 (2) If the bill is neither approved nor vetoed by the Governor,
13 the expiration of the period of time during which the Governor may veto the
14 bill; or

15 (3) If the bill is vetoed by the Governor and the veto is
16 overridden, the date the last house overrides the veto.

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18 /s/Hyde

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21 **APPROVED: 04/04/2011**
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