

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of House Bill No. 2142

TO ESTABLISH THE ARKANSAS POSTSECONDARY RESEARCH DATABASE FOR THE
PURPOSE OF PROVIDING RESEARCH AND ANALYSIS OF POSTSECONDARY
STUDENT DATA TO THE GENERAL ASSEMBLY.

Amendment No. 1 to House Bill No. 2142

Amend House Bill No. 2142 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code Title 6, Chapter 60 is amended to add an additional subchapter to read as follows:

Subchapter 9 -- Arkansas Higher Education Research Database
6-60-901. Definitions.

As used in this subchapter:

(1) "Consent data" means raw student data files containing student data that is provided under a written release of information signed by the student or the student's parent or guardian;

(2) "De-identified student data" means raw student data files from which personally identifiable student information has been removed;

(3) "Institution of higher education" means:

(A) An Arkansas state-funded community college;

(B) An Arkansas state-funded university; or

(C) A private college or university in Arkansas that voluntarily participates in the database;

(4) "Noncompliance" means that the institution of higher education or the Department of Higher Education has not substantially complied with the requirements of this subchapter for providing the required data on time and in the manner required under § 6-60-904; and

(5) "Personally identifiable student information" means information that includes:

(A) The student's name;

(B) The name of the student's parent, other family member, or guardian;

(C) The address of the student or the student's family;

(D)(i) A personal identifier, such as the student's social security number, student number, or biometric record.

(ii) This subdivision does not apply to a number that is assigned to student data:



(a) For the purpose of transferring data to the Bureau of Legislative Research; and

(b) For which the bureau does not have the key that provides the identity of the student to whom the number is assigned;

(E) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

(F) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(G) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the data relate.

6-60-902. Arkansas Higher Education Research Database.

(a) By May 1, 2011, the Bureau of Legislative Research shall develop and operate a database to contain de-identified student data and consent data that an institution of higher education and the Department of Higher Education are required to provide to the bureau under §§ 6-85-214, 6-85-215, and 6-85-217, or other law.

(b) The database shall be known as the "Arkansas Higher Education Research Database".

(c) The bureau shall use the data contained in the database to provide to the General Assembly:

(1) Research and analyses concerning student demographics, state-funded scholarship applications, and awards; and

(2) Any research requested by the General Assembly or the Arkansas Lottery Commission Legislative Oversight Committee to assist the General Assembly or the Arkansas Lottery Commission Legislative Oversight Committee in its duties under the Arkansas Academic Challenge Scholarship Program – Part 2.

(d)(1) The de-identified student data and consent data provided to the bureau under this subchapter are not subject to release under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(e) The bureau may enter into a memorandum of understanding with an institution of higher education or the Department of Higher Education concerning the parameters of data that meets the limitations of § 6-60-901(5)(F).

6-60-903. Private or confidential data.

(a) The Bureau of Legislative Research shall not release any personally identifiable student information received as consent data under § 6-85-215.

(b) Where access to personally identifiable information is restricted by federal or state law, the information shall be aggregated, summarized, or characterized to provide access while meeting the requirements for restriction.

(c) The bureau shall design reports to protect an individual student's identity and use a cell size standard of ten (10) or more for reporting of data when it is necessary to keep an individual from being identified.

6-60-904. Data to be provided -- Format.

(a) It is the intent of the General Assembly that the Bureau of Legislative Research and the Department of Higher Education enter into a memorandum of understanding approved by the Arkansas Lottery Commission Legislative Oversight Committee concerning the types of data and the format and time schedule for providing the data so that institutions of higher education can provide the data to the bureau through the department.

(b)(1) In the absence of a memorandum of understanding or if the committee determines there is noncompliance with the memorandum of understanding and notifies the institutions of higher education and the department, an institution of higher education and the department shall each upload to the Arkansas Higher Education Research Database de-identified student data and consent data required under §§ 6-85-214, 6-85-215, and 6-85-217 or other law.

(2)(A) The data shall be submitted electronically:

(i) In the format defined by the bureau from time to time; and

(ii) At the time specified by the bureau.

(B) The bureau shall provide notice to the institution of higher education and the department concerning the requirements of this subdivision (b)(2) that:

(i) Lists the types of data, fields, files, or submission formats required;

(ii) Identifies the effective date of a requirement; and

(iii) For a change to database requirements that will incur substantial reprogramming or recoding, be provided not less than four (4) months before the effective date of the requirement.

6-60-905. Penalty for noncompliance.

During a period of noncompliance, state funding shall be withheld from the institution of higher education for its noncompliance and from the Department of Higher Education for its noncompliance.

SECTION 2. Nothing in this act is intended to relieve an institution of higher education or the Department of Higher Education from providing to the Bureau of Legislative Research the information or data required under the current law before the 2012-2013 academic year."

The Amendment was read _____
By: Representative Hyde
CLR/CLR - 03/16/11 12:16
CLR266

Chief Clerk