

**ARKANSAS SENATE**  
88th General Assembly - Regular Session, 2011  
**Amendment Form**

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**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.

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**Amendment No. 1 to House Bill No. 2142**

Amend House Bill No. 2142 as engrossed, H3/21/11 (version: 3/21/2011 01:12:39 PM)

Add Senator Salmon as a cosponsor of the bill

AND

Page 1, delete lines 8 and 9 and substitute the following:  
"AN ACT TO PROVIDE FOR THE RESEARCH AND"

AND

Page 1, line 12, delete "EDUCATION;" and substitute "EDUCATION; TO DECLARE AN  
EMERGENCY;"

AND

Delete the subtitle in its entirety and substitute:

"TO PROVIDE FOR THE RESEARCH AND  
ANALYSIS OF POSTSECONDARY STUDENT DATA  
TO INFORM THE GENERAL ASSEMBLY FOR ITS  
DELIBERATIONS CONCERNING SCHOLARSHIPS  
FOR HIGHER EDUCATION; TO DECLARE AN  
EMERGENCY."

AND

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 Information System



6-60-901. Definitions.

As used in this subchapter:

(1) "Arkansas Higher Education Information System" means the database maintained by the Department of Higher Education containing student data files that the department and institutions of higher education in Arkansas are required to collect under §§ 6-85-214, 6-85-215, and 6-85-217, other state law, and federal law; and

(2) "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 receives state funding for student financial assistance or voluntarily participates in the system.

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

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

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

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

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

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

(B) The Department of Higher Education shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The length of time of noncompliance; and

(4) Any additional information requested by the committee.

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

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

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

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

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

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

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

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

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

(c)(1) The bureau shall take reasonable precautions, including electronic blocking or redacting, to prevent the disclosure of personally identifiable information of a student, as that term is defined in 20 U.S.C. § 1232g, as it existed on January 1, 2011, unless the parent or guardian of a minor student or a student who is no longer a minor consents in writing to the disclosure of personally identifiable information about that student.

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

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

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

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

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

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that increasing the number of Arkansans who obtain postsecondary credentials is critical to the economic health of the state and its citizens; that the Arkansas Scholarship Lottery provides the opportunity for tens of thousands of Arkansans to obtain postsecondary education; that the continual evaluation of the Arkansas Academic Challenge Scholarship Program and of all state-supported scholarship and grant programs by the General Assembly is critical for maximizing the benefits to the state and its citizens of state financial aid for higher education and meeting state objectives for higher education; that accountability and transparency in the implementation of state-supported scholarship programs are fundamental to a proper evaluation of the programs; that the collection of data and access to that data by the Bureau of Legislative Research are necessary to ensure proper legislative oversight for that accountability and transparency; and that this act is immediately necessary for the Department of Higher Education to begin developing the direct read and report only access to the data warehouse of the Arkansas Higher Education Information System, and for the Arkansas Higher Education

Coordinating Board to promulgate rules to implement this act. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Salmon

By: Representative Hyde

CLR/CLR - 03/28/11 09:51

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Secretary