

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2216

4
5 By: Representative Glidewell
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For An Act To Be Entitled

8
9 AN ACT TO CREATE THE DEMOGRAPHIC PREFERENCE
10 DISCLOSURE ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO CREATE THE DEMOGRAPHIC
14 PREFERENCE DISCLOSURE ACT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1: Arkansas Code Title 6, Chapter 60, is amended to add an
21 additional subchapter to read as follows:
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23 6-60-701. Title.

24 This subchapter shall be known and may be cited as the "Demographic
25 Preference Disclosure Act".
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27 6-60-702. Findings.

28 The General Assembly finds that:

29 (1) Citizens and taxpayers in Arkansas have a right to know
30 whether state-supported institutions of higher education are treating student
31 applications differently depending on a student's race, color, ethnicity,
32 national origin, or other demographic preferences and, if so, the
33 consequences to the student applicants of doing so;

34 (2) The United States Supreme Court has set limitations on
35 considerations of race, color, ethnicity, and national origin in public
36 institutions of higher education admissions; and



1 (3) It is the duty of the General Assembly to ensure that those
2 limitations are being observed so that the state is not exposed to expensive
3 litigation.

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5 6-60-703. Definitions

6 As used in this subchapter:

7 (1) "Demographic preferences" means gender, legacy status,
8 regional location, religious, sexual orientation, or socio-economic status.

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10 6-60-704. Report.

11 (a)(1)(A) Beginning October 1, 2009, and each year thereafter, each
12 state-supported institution of higher education in this state shall provide
13 annually to the Senate Committee on Education, House Committee on Education,
14 and the public a report regarding its student admissions process which shall
15 include:

16 (i) A statement of whether race, color, ethnicity, national origin, or
17 other demographic preferences are considered in the student admissions
18 process; and

19 (ii) Which department or departments within the institution, if
20 any, have separate admission processes that consider race, color, ethnicity,
21 national origin, or other demographic preferences in the student admissions
22 process.

23 (B) If a state-supported institution of higher education or
24 a department of a state-supported institution of higher education considers
25 race, color, ethnicity, national origin, or other demographic preferences in
26 the student admission process, the state-supported institution of higher
27 education shall provide in the report described in subdivision (a)(1)(A) of
28 this section the following information:

29 (i) How such group membership is:

30 (a) Determined;

31 (b) Used to meet targets, goals, or quotas; and

32 (c) Weighted;

33 (ii) Why such group membership is considered including the
34 determination of the critical mass level and relationship to the particular
35 institution's education mission with respect to the diversity rationale;

36 (iii) What consideration has been given to neutral

1 alternatives as a means for achieving the same goals for which such group
2 membership is considered;

3 (iv) How frequently:

4 (a) The need to consider such group membership is
5 reassessed; and

6 (b) The reassessment is conducted;

7 (v)(a) Factors other than race, color, ethnicity, national
8 origin, and other demographic preferences collected in the admissions process
9 by state-supported institutions of higher education where those factors
10 include grades, class rank in high school, standardized test scores, state
11 residency, or other quantifiable criteria.

12 (b) If such factors are collected, all raw admissions
13 data for applicants regarding these factors with the applicants' race, color,
14 ethnicity, national origin, and other demographic preferences and the
15 admissions decision made by the institution regarding that applicant shall
16 accompany the report in computer-readable form with the names of individual
17 students redacted but with appropriate links so that it is possible for the
18 General Assembly or other interested persons to determine through statistical
19 analysis the weight being given to race, color, ethnicity, national origin,
20 and other demographic preferences relative to other factors; and

21 (vi) Analysis, relative to other groups, of whether there
22 is a correlation between such group membership and:

23 (a) Favoritism because of race, color, ethnicity,
24 national origin, or other demographic preferences;

25 (b) Likelihood of enrollment in a remediation
26 program;

27 (c) Graduation rates; and

28 (d) Likelihood of defaulting on education loans.

29 (2) All personally identifiable information shall be redacted to the
30 extent required by the Family Educational Rights and Privacy Act, 20 U.S.C. §
31 1232g.

32 (b) Nothing in this subchapter allows or permits preference or
33 discrimination on the basis of race, color, ethnicity, or national origin.

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