

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H1/27/21

A Bill

HOUSE BILL 1218

5 By: Representatives Lowery, Bentley, Ladyman, Lundstrum, Richmond, Rye
6 By: Senators G. Stubblefield, M. Johnson, T. Garner, Rapert
7

For An Act To Be Entitled

9 AN ACT CONCERNING COURSES, CLASSES, EVENTS, AND
10 ACTIVITIES WITHIN PROGRAMS OF INSTRUCTION AT PUBLIC
11 SCHOOLS; TO PROHIBIT THE OFFERING OF CERTAIN TYPES OF
12 COURSES, CLASSES, EVENTS, AND ACTIVITIES THAT ISOLATE
13 STUDENTS BASED ON RACE, GENDER, POLITICAL
14 AFFILIATION, SOCIAL CLASS, OR OTHER DISTINCTIONS
15 WITHIN PROGRAMS OF INSTRUCTION; TO ADJUST FUNDING FOR
16 PUBLIC SCHOOLS THAT OFFER CERTAIN TYPES OF COURSES,
17 CLASSES, EVENTS, AND ACTIVITIES THAT ISOLATE STUDENTS
18 BASED ON RACE, GENDER, POLITICAL AFFILIATION, SOCIAL
19 CLASS, OR OTHER DISTINCTIONS WITHIN PROGRAMS OF
20 INSTRUCTION; AND FOR OTHER PURPOSES.
21
22

Subtitle

24 TO PROHIBIT OFFERING COURSES, EVENTS, AND
25 ACTIVITIES THAT ISOLATE STUDENTS BASED ON
26 CHARACTERISTICS WITHIN PROGRAMS OF
27 INSTRUCTION; AND TO ADJUST FUNDING FOR
28 SCHOOLS THAT OFFER THESE PROHIBITED
29 COURSES, EVENTS, AND ACTIVITIES.
30
31

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
33

34 SECTION 1. Arkansas Code Title 6, Chapter 16, Subchapter 1, is amended
35 to add an additional section to read as follows:

36 6-16-152. Programs of instruction – Prohibitions.



1 (a) As used in this section, "public school" includes:

2 (1) A Public school district;

3 (2) An open-enrollment public charter school; and

4 (3) A state-supported two-year or four-year institution of
5 higher education.

6 (b) A public school shall not allow a course, class, event, or
7 activity within its program of instruction that:

8 (1) Promotes the overthrow of the United States Government;

9 (2) Promotes division between, resentment of, or social justice

10 for a:

11 (A) Race;

12 (B) Gender;

13 (C) Political affiliation;

14 (D) Social class; or

15 (E) Particular class of people;

16 (3) Advocates the isolation of a group of students based on a
17 particular characteristic instead of the treatment of students as
18 individuals, which may include without limitation isolating a group of
19 students based on the following:

20 (A) Ethnicity;

21 (B) Race;

22 (C) Religion;

23 (D) Gender; and

24 (E) Social class;

25 (4) Violates state or federal civil rights laws; or

26 (5) Negatively targets specific nationalities or countries.

27 (c)(1) If the State Board of Education determines that a public school
28 district or open-enrollment public charter school has violated subsection (b)
29 of this section, the state board shall notify the public school district or
30 open-enrollment public charter school of its violation.

31 (2)(A) If a public school district or open-enrollment public
32 charter school fails to comply with subsection (b) of this section within
33 sixty (60) days of notification of its failure to comply under subdivision
34 (c)(1) of this section, the state board may direct the Division of Elementary
35 and Secondary Education to withhold a maximum of ten percent (10%) of the
36 monthly distribution of state foundation funding aid to the public school

1 district or open-enrollment public charter school as provided under § 6-20-
2 2305(a)(1)(B).

3 (B) Once the state board determines that a public school
4 district or open-enrollment public charter school has complied with
5 subsection (b) of this section, the Division of Elementary and Secondary
6 Education shall restore the monthly distribution of state foundation funding
7 aid to the public school district or open-enrollment public charter school to
8 its original amount before the reduction was made under subdivision (c)(2)(A)
9 of this section.

10 (d)(1) If the Attorney General determines that a state-supported two-
11 year or four-year institution of higher education has violated subsection (b)
12 of this section, the Attorney General shall notify the state-supported two-
13 year or four-year institution of higher education of its violation.

14 (2)(A) If a state-supported two-year or four-year institution of
15 higher education fails to comply with subsection (b) of this section within
16 sixty (60) days of notification of its failure to comply under subdivision
17 (c)(1) of this section, the Attorney General may direct the Division of
18 Higher Education to withhold a maximum of ten percent (10%) of the
19 distribution of state funding to the state-supported two-year or four-year
20 institution of higher education.

21 (B) Once the Attorney General determines that a state-
22 supported two-year or four-year institution of higher education has complied
23 with subsection (b) of this section, the Attorney General shall restore the
24 distribution of state funding for the state-supported two-year or four-year
25 institution of higher education to its original amount before the reduction
26 was made under subdivision (d)(2)(A) of this section.

27 (e) A determination made or action taken under subsection (c) or
28 subsection (d) of this section is subject to judicial review under the
29 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

30 (f) This section does not prohibit:

31 (1) A course, class, event, or activity for Native American
32 students that is required to be offered in order for a public school or open-
33 enrollment public charter school to comply with federal law;

34 (2) The grouping of students according to academic performance,
35 including proficiency in the English language, that may result in a disparate
36 impact on students of a particular ethnicity;

- 1 (3) A course, class, event, or activity that:
- 2 (A) Includes the accurate history of an ethnic group;
- 3 (B) Is open to all students, unless the course, class,
- 4 event, or activity violates subsection (b) of this section;
- 5 (C) Includes the discussion of controversial aspects of
- 6 history; or
- 7 (D) Includes instruction on:
- 8 (i) The Holocaust;
- 9 (ii) An instance of genocide;
- 10 (iii) The historical oppression of a particular
- 11 group of people based on:
- 12 (a) Ethnicity;
- 13 (b) Race; or
- 14 (c) Class; or
- 15 (iv) African-American history, as required under §
- 16 6-16-121; or
- 17 (4) The voluntary participation by a public school student in a
- 18 public school organization or public school event that is not part of a
- 19 program of instruction within the public school.

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

/s/Lowery