

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/15/23 S3/29/23

A Bill

HOUSE BILL 1559

By: Representative McAlindon

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT CONCERNING IMPLICIT BIAS TRAINING REQUIRED BY
A PUBLIC SCHOOL OR STATE-SUPPORTED INSTITUTION OF
HIGHER EDUCATION; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING IMPLICIT BIAS TRAINING
REQUIRED BY A PUBLIC SCHOOL OR STATE-
SUPPORTED INSTITUTION OF HIGHER
EDUCATION.

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

SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 1, is amended to add an additional section to read as follows:

6-17-122. Implicit bias training.

(a) A school shall not:

(1) Require a school employee to complete or participate in implicit bias training; or

(2) Take adverse employment action against a school employee for the school employee's failure or refusal to complete or participate in implicit bias training.

(b) The State Board of Education shall not require an individual who is seeking to obtain or renew an educator license to complete or participate in implicit bias training as a requirement for:

(1) Obtaining or renewing an educator license; or

(2) Professional development.



(c)(1) A school employee may leave a training that the school employee is attending if the school employee determines that the training addresses implicit biases.

(2) A school employee who leaves a training under subdivision (c)(1) of this section shall have no recourse due to the school employee's exposure to training that the school employee determines addresses implicit biases.

(d) As used in this section:

(1) "Implicit bias training" means a training or educational program designed to expose an individual to biases that the training's or educational program's developer or designer presumes the individual to unconsciously or unintentionally possess that predispose the individual to be unfairly prejudiced in favor of or against a thing, person, or group to adjust the individual's pattern of thinking in order to eliminate the individual's unconscious or unintentional bias or prejudice; and

(2) "School" means:

(A) A public school or public school district; or

(B) An open-enrollment public charter school.

SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended to add an additional section to read as follows:

6-60-119. Implicit bias training.

(a) An institution shall not:

(1) Require an institutional employee to complete or participate in implicit bias training; or

(2) Take adverse employment action against an institutional employee for the institution employee's failure or refusal to complete or participate in implicit bias training.

(b)(1) An institutional employee may leave a training that the institutional employee is attending if the institutional employee determines that the training addresses implicit biases.

(2) An institutional employee who leaves a training under subdivision (b)(1) of this section shall have no recourse due to the institutional employee's exposure to training that the institutional employee determines addresses implicit biases.

(c) For purposes of this section, an institution is not prohibited

from requiring implicit bias training if at least ninety-five percent (95%) of the implicit bias training is required by an accreditor, grantor, or licensor.

(d) As used in this section

(1) "Institution" means a state-supported two-year or four-year institution of higher education; and

(2) "Implicit bias training" means a training or educational program designed to expose an individual to biases that the training's or educational program's developer or designer presumes the individual to unconsciously or unintentionally possess that predispose the individual to be unfairly prejudiced in favor of or against a thing, person, or group to adjust the individual's pattern of thinking in order to eliminate the individual's unconscious or unintentional bias or prejudice.

/s/McAlindon

APPROVED: 4/10/23