

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
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As Engrossed: H1/27/21
A Bill

HOUSE BILL 1218

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

For An Act To Be Entitled

AN ACT CONCERNING COURSES, CLASSES, EVENTS, AND ACTIVITIES WITHIN PROGRAMS OF INSTRUCTION AT PUBLIC SCHOOLS; TO PROHIBIT THE OFFERING OF CERTAIN TYPES OF COURSES, CLASSES, EVENTS, AND ACTIVITIES THAT ISOLATE STUDENTS BASED ON RACE, GENDER, POLITICAL AFFILIATION, SOCIAL CLASS, OR OTHER DISTINCTIONS WITHIN PROGRAMS OF INSTRUCTION; TO ADJUST FUNDING FOR PUBLIC SCHOOLS THAT OFFER CERTAIN TYPES OF COURSES, CLASSES, EVENTS, AND ACTIVITIES THAT ISOLATE STUDENTS BASED ON RACE, GENDER, POLITICAL AFFILIATION, SOCIAL CLASS, OR OTHER DISTINCTIONS WITHIN PROGRAMS OF INSTRUCTION; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT OFFERING COURSES, EVENTS, AND ACTIVITIES THAT ISOLATE STUDENTS BASED ON CHARACTERISTICS WITHIN PROGRAMS OF INSTRUCTION; AND TO ADJUST FUNDING FOR SCHOOLS THAT OFFER THESE PROHIBITED COURSES, EVENTS, AND ACTIVITIES.

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

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

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



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

- (1) A Public school district;
- (2) An open-enrollment public charter school; and
- (3) A state-supported two-year or four-year institution of

higher education.

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

- (1) Promotes the overthrow of the United States Government;
- (2) Promotes division between, resentment of, or social justice

for a:

- (A) Race;
- (B) Gender;
- (C) Political affiliation;
- (D) Social class; or
- (E) Particular class of people;

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

- (A) Ethnicity;
- (B) Race;
- (C) Religion;
- (D) Gender; and
- (E) Social class;

- (4) Violates state or federal civil rights laws; or
- (5) Negatively targets specific nationalities or countries.

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

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

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

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

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

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

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

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

(f) This section does not prohibit:

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

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

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

/s/Lowery