

State of Arkansas
93rd General Assembly
Second Extraordinary Session, 2021

A Bill

HOUSE BILL 1011

By: Representative Lowery

For An Act To Be Entitled

AN ACT CONCERNING INSTRUCTIONAL MATERIALS IN PUBLIC SCHOOLS THAT ARE RELATED TO RACE AND ETHNICITY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING INSTRUCTIONAL MATERIALS IN PUBLIC SCHOOLS THAT ARE RELATED TO RACE AND ETHNICITY; AND TO DECLARE AN EMERGENCY.

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

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

Subchapter 16 – Arkansas Ethnic and Racial Equality Act

6-16-1601. Title.

This subchapter shall be known and may be cited as the "Arkansas Ethnic and Racial Equality Act".

6-16-1602. Legislative findings.

The General Assembly finds that:

(1) Our common faith traditions teach that members of all races and ethnicities are made in the image of their creator and are of common origin, source, and blood, and that we should love our neighbors as ourselves;

(2) Our government does not exist for a particular race or



class, but to protect the God-given rights of all persons equally, and in the words of President John F. Kennedy, “[T]he rights of man come not from the generosity of the state but from the hand of God”;

(3) Our State and Nation are founded upon the concept of equality;

(4) The Declaration of Independence states, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”;

(5) It joins in unity to make the dream of Reverend Dr. Martin Luther King, Jr. come true, who said, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character. I have a dream today!"; and

(6) It agrees with the words of President Barack Obama when he said, “[L]et’s remember we are all part of one American family. We are united in common values, and that includes belief in equality under the law, basic respect for public order, and the right of peaceful protest", and to that end, our public education system should unite our common values, strengthen our belief in equality under the law, promote basic respect for public order, and provide a venue for robust debate, civil discourse, and respect for opposing points of view in a peaceful manner.

6-16-1603. Instructional materials.

(a) Curricula, reading materials, teachers’ guides, computer programs, computer applications, programs, counseling, and activities in public schools and open-enrollment public charter schools shall not express, depict, or teach any of the following:

(1) That any race or ethnicity is superior to any other race or ethnicity;

(2) That any race or ethnicity is inherently racist;

(3) That any race or ethnicity should feel guilt or shame because of their race or ethnicity;

(4) That any race or ethnicity should be blamed for societal problems;

(5) That violence, domestic terrorism, or the overthrow of the

United States or its economic system are good for any race or ethnicity;

(6) That the United States, as a nation, is inherently racist;

or

(7) The promotion of prejudice or discrimination toward any race or ethnicity.

(b) A public school or an open-enrollment charter school shall not express, depict, or teach about race or ethnicity in a manner that prevents or inhibits fair and open discourse that employs reason as a guide for deliberation in the exchange of ideas and opposing points of view.

6-16-1604. Right to review.

A parent or legal guardian of a student may review any curricula, reading materials, teachers' guides, computer programs, computer applications, programs, counseling, and activities in a public school or an open-enrollment public charter school in which his or her child is enrolled.

6-16-1605. Curriculum development.

(a) The Division of Elementary and Secondary Education shall design and implement the following without limitation:

(1) Curriculum guidelines;

(2) A process for public schools and open-enrollment public charter schools to follow when parents and legal guardians review curricula, reading materials, teachers' guides, computer programs, computer applications, programs, counseling, and activities in the public school or open enrollment charter school as described under § 6-16-1604;

(3) A process for parents or legal guardians who have complaints or concerns regarding materials reviewed under § 6-16-1604 to follow; and

(4) Rules to implement this subchapter.

(b) Each public school and open-enrollment public charter school shall:

(1) Promulgate policies for the implementation of this subchapter and the rules promulgated by the division; and

(2) Ensure that all parents and legal guardians of public school students are advised of the policies implemented under subdivision (b)(1) of this section.

(c) A public school or an open-enrollment public charter school that

violates this subchapter shall, as directed by the Department of Education or State Board of Education, appear before the state board for the purpose of determining:

- (1) Why this subchapter and division rules were violated;
- (2) How to prevent the violation of this subchapter and division rules in the future; and
- (3) Any penalties that the state board recommends.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that, in order to adequately prepare for the spring 2022 academic semester and summer 2022 professional development requirements, school administration and personnel need to finalize necessary policies relevant to teaching classes and training personnel. 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.