

INTERIM RESOLUTION 2015-006

REQUESTING THE ARKANSAS LEGISLATIVE COUNCIL TO ENCOURAGE ARKANSAS SCHOOL DISTRICTS AND INSTITUTIONS OF HIGHER EDUCATION TO DISREGARD THE MAY 13, 2016, JOINT GUIDANCE ISSUED BY THE UNITED STATES DEPARTMENT OF JUSTICE AND UNITED STATES DEPARTMENT OF EDUCATION AND TO REQUEST THAT THE UNITED STATES DEPARTMENT OF JUSTICE CEASE ITS ACTIONS AGAINST THE STATE OF NORTH CAROLINA IN THE WAKE OF THE PASSAGE OF HOUSE BILL 2.

WHEREAS, on March 23, 2016, the General Assembly of North Carolina enacted House Bill 2, known as the Public Facilities Privacy and Security Act; and

WHEREAS, on May 4, 2016, the United States Department of Justice notified North Carolina Governor Pat McCrory that it believed House Bill 2 to be discriminatory under the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 and gave the state a matter of days to notify the United States Department of Justice that North Carolina would not comply with or implement House Bill 2; and

WHEREAS, this communication prompted North Carolina to file suit against the United States Department of Justice on May 9, 2016, seeking a judicial ruling that House Bill 2 does not violate federal law; and

WHEREAS, later that day the United States Department of Justice countered North Carolina's response by filing suit against the state; and

WHEREAS, on May 13, 2016, the United States Department of Justice and United States Department of Education released joint guidance that claimed to help schools ensure the civil rights of transgender students; and

WHEREAS, Governor Asa Hutchinson declared the guidance issued by the United States Department of Justice and United States Department of Education as "offensive, intrusive, and totally lacking in common sense", recommending that Arkansas school districts "disregard the latest attempt at social

1 engineering by the federal government and continue to use common sense to
2 ensure a safe and healthy environment in Arkansas schools"; and

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4 WHEREAS, Attorney General Leslie Rutledge stated that "[t]his radical
5 and outrageous policy drastically expands the federal government's role in
6 our local schools and raises serious safety concerns for students and
7 parents"; and

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9 WHEREAS, the events surrounding House Bill 2 and the guidance issued by
10 the United States Department of Justice and United States Department of
11 Education creates confusion for Arkansas school districts and institutions of
12 higher education; and

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14 WHEREAS, it is the duty of the General Assembly, not the federal
15 government, to determine policies for Arkansas and its school districts and
16 institutions of higher education,

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18 NOW THEREFORE,

19 BE IT RESOLVED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE NINETIETH GENERAL
20 ASSEMBLY OF THE STATE OF ARKANSAS:

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22 THAT the Legislative Council supports the statements made by Governor
23 Hutchinson and Attorney General Rutledge and encourages local school
24 districts and institutions of higher education to disregard the guidance
25 issued by the United States Department of Justice and United States
26 Department of Education on May 13, 2016.

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28 BE IT FURTHER RESOLVED that the Arkansas Legislative Council supports
29 the right of North Carolina as a sovereign state to develop its own laws and
30 policies and calls on the United States Department of Justice to withdraw its
31 lawsuit against North Carolina and respect that state's right to enact
32 legislation deemed necessary by its lawmakers.

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34 BE IT FURTHER RESOLVED that a copy of this resolution be delivered to
35 each school district and institution of higher education in the State of
36 Arkansas, the Speaker of the North Carolina House of Representatives, the

1 President Pro Tempore of the North Carolina Senate, and the United States
2 Department of Justice.

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4 Respectfully submitted,

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8 Representative Stephen Meeks
9 District 67

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13 Representative Jana Della Rosa
14 District 90

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18 Representative Tim Lemons
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23 Representative Mary Bentley
24 District 73

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28 Representative Marcus E. Richmond
29 District 21

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33 Representative Rick Beck
34 District 65

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Representative Dave Wallace
District 54

Representative R. Trevor Drown
District 68

Representative Ron McNair
District 98

Representative Mark Lowery
District 39

Representative Nelda Speaks
District 100

Representative Gary Deffenbaugh
District 79

Representative Robin Lundstrum
District 87

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3 Representative David Meeks
4 District 70
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8 Representative Richard Womack
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13 Senator Cecile Bledsoe
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18 Representative Michelle Gray
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23 Representative Bob Ballinger
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28 Representative Jim Dotson
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33 Representative Julie Mayberry
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3 Representative Justin T. Harris
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8 Representative Karilyn Brown
9 District 41
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13 Representative Lanny Fite
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18 Representative Jack Ladyman
19 District 59
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23 Representative Charlotte V. Douglas
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28 Representative Charlene Fite
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33 Representative Rebecca Petty
34 District 94
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Senator Jason Rapert

District 35

Senator Greg Standridge

District 16

Senator Eddie Joe Williams

District 29

By: MBM/KFW