

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

A Bill

HOUSE BILL 1218

5 By: Representative Lowery
6 By: Senators G. Stubblefield, M. Johnson
7

For An Act To Be Entitled

9 AN ACT CONCERNING COURSES, CLASSES, EVENTS, AND
10 ACTIVITIES AT PUBLIC SCHOOLS; TO PROHIBIT THE
11 OFFERING OF CERTAIN TYPES OF COURSES, CLASSES,
12 EVENTS, AND ACTIVITIES THAT PERTAIN TO RACE, GENDER,
13 POLITICAL AFFILIATION, SOCIAL CLASS, OR PARTICULAR
14 CLASSES OF PEOPLE; TO ADJUST FUNDING FOR PUBLIC
15 SCHOOLS THAT OFFER CERTAIN TYPES OF COURSES, CLASSES,
16 EVENTS, AND ACTIVITIES THAT PERTAIN TO RACE, GENDER,
17 POLITICAL AFFILIATION, SOCIAL CLASS, OR PARTICULAR
18 CLASSES OF PEOPLE; AND FOR OTHER PURPOSES.
19
20

Subtitle

21 TO PROHIBIT OFFERING OF CERTAIN COURSES,
22 EVENTS, AND ACTIVITIES REGARDING RACE,
23 GENDER, POLITICAL AFFILIATION, SOCIAL
24 CLASS, OR CERTAIN CLASSES OF PEOPLE; AND
25 TO ADJUST FUNDING FOR SCHOOLS THAT OFFER
26 CERTAIN COURSES, EVENTS, AND ACTIVITIES.
27
28
29

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

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

34 6-16-152. Programs of instruction – Prohibitions.

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

36 (1) A Public school district;



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

4 (b) A public school shall not include in its program of instruction a
 5 course, class, event, or activity that:

- 6 (1) Promotes the overthrow of the United States Government;
- 7 (2) Promotes division between, resentment of, or social justice
- 8 for a:

- 9 (A) Race;
- 10 (B) Gender;
- 11 (C) Political affiliation;
- 12 (D) Social class; or
- 13 (E) Particular class of people;

14 (3) Is designed primarily for students of a particular ethnic
 15 group;

16 (4) Advocates the solidarity of, or the isolation of, a group of
 17 students instead of treatment of students as individuals based on a
 18 particular characteristic, including without limitation:

- 19 (A) Ethnicity;
- 20 (B) Race;
- 21 (C) Religion;
- 22 (D) Gender; and
- 23 (E) Social class;

24 (5) Violates state or federal civil rights laws; or

25 (6) Negatively targets specific nationalities or countries.

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

30 (2)(A) If a public school district or open-enrollment public
 31 charter school fails to comply with subsection (b) of this section within
 32 sixty (60) days of notification of its failure to comply under subdivision
 33 (c)(1) of this section, the state board may direct the Division of Elementary
 34 and Secondary Education to withhold a maximum of ten percent (10%) of the
 35 monthly distribution of state foundation funding aid to the public school
 36 district or open-enrollment public charter school as provided under § 6-20-

1 2305(a)(1)(B).

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

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

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

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

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

29 (f) This section does not prohibit:

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

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

36 (3) A course, class, event, or activity that:

- 1 (A) Includes the accurate history of an ethnic group;
- 2 (B) Is open to all students, unless the course, class,
- 3 event, or activity violates subsection (b) of this section;
- 4 (C) Includes the discussion of controversial aspects of
- 5 history; or
- 6 (D) Includes instruction on:
 - 7 (i) The Holocaust;
 - 8 (ii) An instance of genocide; or
 - 9 (iii) The historical oppression of a particular
 - 10 group of people based on:
 - 11 (a) Ethnicity;
 - 12 (b) Race; or
 - 13 (c) Class.
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36