

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

# A Bill

HOUSE BILL 1761

5 By: Representative Lowery  
6

## For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS ETHNIC AND RACIAL  
9 EQUALITY ACT; AND FOR OTHER PURPOSES.  
10

## Subtitle

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12 TO CREATE THE ARKANSAS ETHNIC AND RACIAL  
13 EQUALITY ACT.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 6, Chapter 16, is amended to add an  
20 additional subchapter to read as follows:

21 Subchapter 16 – Arkansas Ethnic and Racial Equality Act  
22

23 6-16-1601. Title.

24 This subchapter shall be known and may be cited as the "Arkansas Ethnic  
25 and Racial Equality Act".  
26

27 6-16-1602. Legislative findings.

28 The General Assembly finds that:

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

33 (2) Our government does not exist for a particular race or  
34 class, but to protect the God-given rights of all persons equally, and in the  
35 words of President John F. Kennedy, "[T]he rights of man come not from the  
36 generosity of the state but from the hand of God";



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

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

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

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

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21           6-16-1603. Instructional materials.

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

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

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

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

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

33           (5) That violence, domestic terrorism, or the overthrow of the  
34 United States or its economic system are good for any race or ethnicity;

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

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

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

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8           6-16-1604. Right to review.

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

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14           6-16-1605. Curriculum development.

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

17                   (1) Curriculum guidelines;

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

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

25                   (4) Rules to implement this act.

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

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

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

33           (c) A public school or an open-enrollment public charter school that  
34 violates this subchapter shall, as directed by the Department of Education or  
35 State Board of Education, appear before the state board for the purpose of  
36 determining:

1           (1) Why this subchapter and division rules were violated;

2           (2) How to prevent the violation of this subchapter and division  
3 rules in the future; and

4           (3) Any penalties that the state board recommends.

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6           SECTION 2. DO NOT CODIFY. Rules.

7           (a) When adopting the initial rules required under this act, the  
8 Division of Elementary and Secondary Education shall file the final rules  
9 with the Secretary of State for adoption under § 25-15-204(f):

10           (1) On or before January 1, 2022; or

11           (2) If approval under § 10-3-309 has not occurred by January 1,  
12 2022, as soon as practicable after approval under § 10-3-309.

13           (b) The division shall file the proposed rules with the Legislative  
14 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so  
15 that the Legislative Council may consider the rules for approval before  
16 January 1, 2022.