

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

A Bill

Call Item 1
SENATE BILL 3

5 By: Senators K. Ingram, C. Tucker, L. Chesterfield, Elliott, S. Flowers, G. Leding, Teague
6 By: Representatives McCullough, F. Allen, Clowney, A. Collins, Ennett, D. Ferguson, K. Ferguson,
7 Fielding, V. Flowers, D. Garner, Godfrey, M. Hodges, Hudson, Love, Magie, Murdock, Nicks, Perry,
8 Richardson, Scott, Springer, D. Whitaker
9

For An Act To Be Entitled

11 AN ACT TO AUTHORIZE A SCHOOL BOARD OF A PUBLIC SCHOOL
12 DISTRICT OR GOVERNING BODY OF AN OPEN-ENROLLMENT
13 PUBLIC CHARTER SCHOOL TO IMPLEMENT A REQUIREMENT FOR
14 FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS; TO
15 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
16
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Subtitle

19 TO AUTHORIZE A SCHOOL BOARD OF A PUBLIC
20 SCHOOL DISTRICT OR GOVERNING BODY OF AN
21 OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL TO
22 IMPLEMENT A FACE COVERING REQUIREMENT;
23 AND TO DECLARE AN EMERGENCY.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 6-1-108. School face covering policy.

31 (a)(1) A school board of a public school district or a governing body
32 of an open-enrollment public charter school may implement a requirement to
33 wear a face mask, face shield, or other face covering to reduce the spread of
34 infectious, contagious, and communicable diseases.

35 (2) A requirement to wear a face mask, face shield, or other
36 face covering shall only be implemented in a school building, school bus, or



1 other congregate educational setting where children under twelve (12) years
2 of age may be present during times dedicated for academic purposes.

3 (b) Section 20-7-144 does not prohibit a school board of a public
4 school district or a governing body of an open-enrollment public charter
5 school from implementing a requirement to wear a face mask, face shield, or
6 other face covering under this section.

7 (c) For purposes of this section, "school board" includes the State
8 Board of Education and the Commissioner of Elementary and Secondary Education
9 if the state board orders the takeover of a public school district under the
10 authority granted under this title and also orders the removal of the school
11 district board of directors.

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13 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that the Governor issued Executive
15 Order 21-14 to declare a statewide state of disaster emergency related to
16 public health under the Arkansas Emergency Services Act of 1973, § 12-75-101
17 et seq., to address the impact of coronavirus 2019 (COVID-19); that the rapid
18 rise in the cases of coronavirus 2019 (COVID-19) poses a threat to the health
19 and safety of children in this state who are under twelve (12) years of age;
20 that the Delta variant of coronavirus 2019 (COVID-19) is more contagious than
21 previous strains of coronavirus 2019 (COVID-19); that children under twelve
22 (12) years of age are not currently eligible to receive a coronavirus 2019
23 (COVID-19) vaccine; that with the start of the school year imminent, public
24 schools and open-enrollment public charter schools need additional
25 flexibility to protect children under twelve (12) years of age; and that this
26 act is immediately necessary to provide local school boards of public school
27 districts and governing bodies of open-enrollment public charter schools with
28 flexibility to achieve maximum protection for children under twelve (12)
29 years of age receiving in-person instruction and education. Therefore, an
30 emergency is declared to exist, and this act being immediately necessary for
31 the preservation of the public peace, health, and safety shall become
32 effective on:

33 (1) The date of its approval by the Governor;

34 (2) If the bill is neither approved nor vetoed by the Governor,
35 the expiration of the period of time during which the Governor may veto the
36 bill; or

1 (3) If the bill is vetoed by the Governor and the veto is
2 overridden, the date the last house overrides the veto.

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