



Department of Transformation and Shared Services  
Rule Governing the Unlawful Propagation of Divisive Concept Training

Pursuant to Arkansas Code Annotated § 25-1-901 *et seq.*, a state entity, its employees, or any contractors hired by the state entity to provide training, workshops, forums, or similar programming (training) shall not teach, advocate, act upon, or promote in any training to state employees any divisive concept. This rule applies to a state entity as defined in Arkansas Code Annotated § 25-1-901(4)(A).

Each state entity shall:

1. Identify any grant programs that the state entity will require the recipient, as a condition of receiving the grant, to certify that the recipient will not use state funds or assets to promote a divisive concept;
2. Review any training programs the Department has relating to diversity or inclusion efforts;
3. Develop and issue a policy prohibiting the training, teaching, or instructing on divisive concepts;
4. Assign at least one (1) employee who is responsible for ensuring the state entity's compliance with its policy; and
5. Review and assess the state entity's compliance with its policy and submit a report to the Department of Transformation and Shared Services (TSS) detailing the state entity's compliance.

The report detailing compliance must be submitted to TSS by December 31 annually, with the first report due by December 31, 2022. TSS will develop a report format that the state entity must use when submitting their reports. State entities are responsible for maintaining documentation certifying that they are in compliance with these rules.

TSS may notify the Governor if a state entity fails to comply with these rules. In the event of noncompliance, TSS will first notify the state entity and provide the state entity an opportunity to cure the noncompliance.

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

As Engrossed: S4/21/21

# A Bill

SENATE BILL 627

5 By: Senators T. Garner, B. Ballinger, B. Johnson  
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## For An Act To Be Entitled

8 AN ACT TO PROHIBIT THE PROPAGATION OF DIVISIVE  
9 CONCEPTS; TO REVIEW STATE ENTITY TRAINING MATERIALS;  
10 AND FOR OTHER PURPOSES.  
11

## Subtitle

12 TO PROHIBIT THE PROPAGATION OF DIVISIVE  
13 CONCEPTS; AND TO REVIEW STATE ENTITY  
14 TRAINING MATERIALS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an  
22 additional subchapter to read as follows:

23 Subchapter 6 – Propagation of Divisive Concepts Prohibited  
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25 25-1-601. Definitions.

26 As used in this subchapter:

27 (1) “Divisive concept” means the concept that:

28 (A) One race or sex is inherently superior to another race  
29 or sex;

30 (B) The state of Arkansas or the United States is  
31 fundamentally racist or sexist;

32 (C) An individual, by virtue of his or her race or sex, is  
33 inherently racist, sexist, or oppressive, whether consciously or  
34 unconsciously;

35 (D) An individual should be discriminated against or  
36 receive adverse treatment solely or partly because of his or her race or sex;



1 (E) An individual's moral character is necessarily  
2 determined by his or her race or sex;

3 (F) An individual, by virtue of his or her race or sex,  
4 bears responsibility for actions committed in the past by other members of  
5 the same race or sex;

6 (G) Any individual should feel discomfort, guilt, anguish,  
7 or any other form of psychological distress on account of his or her race or  
8 sex;

9 (H) Meritocracy or traits such as a hard work ethic are  
10 racist or sexist, or were created by a particular race to oppress another  
11 race; or

12 (I) The term "divisive concept" includes any other form of  
13 race or sex stereotyping or any other form of race or sex scapegoating;

14 (2) "Race or sex stereotyping" means ascribing character traits,  
15 values, moral and ethical codes, privileges, status, or beliefs to a race or  
16 sex, or to an individual because of his or her race or sex;

17 (3)(A) "Race or sex scapegoating" means assigning fault, blame,  
18 or bias to a race or sex, or to members of a race or sex because of their  
19 race or sex.

20 (B) "Race or sex scapegoating" encompasses any claim that,  
21 consciously or unconsciously, and by virtue of his or her race or sex,  
22 members of any race are inherently racist or are inherently inclined to  
23 oppress others, or that members of a sex are inherently sexist or inclined to  
24 oppress others; and

25 (4)(A) "State entity" means an instrumentality of state  
26 government, including

27 (i) The Department of Agriculture;

28 (ii) The Department of Commerce;

29 (iii) The Department of Corrections;

30 (iv) The Department of Education;

31 (v) The Department of Energy and Environment;

32 (vi) The Department of Finance and Administration;

33 (vii) The Department of Health;

34 (viii) The Department of Human Services;

35 (ix) The Department of the Inspector General;

36 (x) The Department of Labor and Licensing;

- 1                   (xi) The Department of the Military;
- 2                   (xii) The Department of Parks, Heritage, and
- 3 Tourism;
- 4                   (xiii) The Department of Public Safety;
- 5                   (xiv) The Department of Transformation and Shared
- 6 Services; and
- 7                   (xv) The Department of Veterans Affairs; and
- 8           (B) "State entity" does not include:
- 9                   (i) Political subdivisions of the state;
- 10                   (ii) Public schools;
- 11                   (iii) Charter schools;
- 12                   (iv) Institutions of higher education;
- 13                   (v) The offices of constitutional officers; or
- 14                   (vi) Law enforcement training certified by the
- 15 Commission on Law Enforcement Standards and Training.

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17       25-1-602. Unlawful propagation of divisive concepts by a state entity.

18       (a) A state entity shall not teach, instruct, or train any employee,

19 contractor, staff member, or any other individual or group, to adopt or

20 believe any divisive concepts.

21       (b) No employee of the state of Arkansas shall face any penalty or

22 discrimination on account of his or her refusal to support, believe, endorse,

23 embrace, confess, act upon, or otherwise assent to the divisive concepts

24 defined under § 25-1-601.

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26       25-1-603. State entities – Grants.

27       The administrative head of all state entities shall review their

28 respective grant programs and identify programs for which the state entity

29 may, as a condition of receiving such a grant, require the recipient to

30 certify that it will not use state funds or assets to promote a divisive

31 concept.

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33       25-1-604. State entity training.

34       (a)(1) The fair and equal treatment of individuals is an inviolable

35 principle that must be maintained in the state workplace.

36       (2) The administrative head of each state entity shall use his

1 or her authority to ensure that the state entity, state entity employees  
2 during work hours, and any contractors hired by the state entity to provide  
3 training, workshops, forums, or similar programming, for purposes of this  
4 section, "training", to state entity employees do not teach, advocate, act  
5 upon, or promote in any training to state entity employees any of the  
6 divisive concepts as defined in § 25-1-601.

7 (3) State entity diversity and inclusion efforts shall encourage  
8 state entity employees not to judge each other by their color, race,  
9 ethnicity, sex, or any other characteristic protected by federal or state  
10 law.

11 (b) The Secretary of the Department of Transformation and Shared  
12 Services shall develop rules for the enforcement of the provisions of this  
13 subchapter.

14 (c) Each state entity head shall:

15 (1) Issue a policy incorporating the requirements of this  
16 subchapter into state entity operations;

17 (2) Request that the state entity thoroughly review and assess  
18 not less than annually thereafter, state entity compliance with the  
19 requirements of the policy in the form of a report submitted to the  
20 Department of Transformation and Shared Services; and

21 (3) Assign at least one (1) employee of the state entity  
22 responsibility for ensuring compliance with the requirements of the policy.

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24 25-1-605. Review of state entity training.

25 (a) All training programs for state entity employees relating to  
26 diversity or inclusion shall, before being used, be reviewed by the  
27 respective state entity for compliance with this subchapter.

28 (b) If a contractor provides a training for state entity employees  
29 relating to diversity or inclusion that teaches, advocates, or promotes the  
30 divisive concepts defined in § 25-1-601, and such action is in violation of  
31 the applicable contract, the state entity that contracted for such training  
32 shall evaluate whether to pursue debarment of that contractor, consistent  
33 with applicable law and regulations.

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35 25-1-606. Promotion of diversity – Severability.

36 (a) Nothing in this subchapter shall prevent state entities from

1 promoting racial, cultural, or ethnic diversity or inclusiveness, provided  
2 such efforts are consistent with the requirements of this subchapter.

3 (b) Nothing in this subchapter shall be construed to prohibit  
4 discussing, as part of a larger course of academic instruction, the divisive  
5 concepts listed in § 25-1-601 in an objective manner and without endorsement.

6 (c) If any section of this subchapter, or the application of any  
7 provision to any person or circumstance, is held to be invalid, the remainder  
8 of this subchapter and the application of its provisions to any other persons  
9 or circumstances is severable.

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11 SECTION 2. DO NOT CODIFY. Effective date.  
12 This act shall take effect January 1, 2022.

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14 */s/T. Garner*

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17 **APPROVED: BECAME LAW ON 5/3/21 WITHOUT THE GOVERNOR'S SIGNATURE.**  
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