

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING THE ARKANSAS STUDENT PROTECTION ACT

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**BUREAU OF
LEGISLATIVE RESEARCH**

1.00 REGULATORY AUTHORITY

1.01 These Rules shall be known as the Division of Elementary and Secondary Education Rules Governing the Arkansas Student Protection Act.

1.02 These Rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. § 6-18-2201 et seq.

2.00 DEFINITIONS

2.01 "Abortion" means the act of using or prescribing an instrument, medicine, drug, device, or other substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. "Abortion" does not include an action taken with the intent to:

2.01.1 Save the life of the mother;

2.01.2 Save the life or preserve the health of the unborn child;

2.01.3 Remove a dead unborn child caused by spontaneous abortion; or

2.01.4 Remove an ectopic pregnancy.

2.02 "Abortion referral" means the act of recommending a pregnant woman to a doctor, clinic, or other person or entity for the purpose of obtaining or learning about obtaining an abortion.

2.03 "Affiliate" means an individual or entity that, directly or indirectly, owns, controls, is controlled by, or is under the common control of another person or entity, in whole or in party part, or a subsidiary, parent, or sibling entity.

2.04 "Division" means the Division of Elementary and Secondary Education.

2.04 "Transaction" means a formal or informal agreement, contract, or arrangement of any kind between a public school or open-enrollment public charter school and a private entity, regardless of whether the private entity or the public school or open-enrollment public charter school receives anything of value in return.

3.00 PROHIBITED TRANSACTIONS AND ENFORCEMENT

3.01 A public school or open-enrollment public charter school shall not knowingly enter into any type of transaction with an individual or entity that:

3.01.1 Performs abortions;

3.01.2 Induces abortions; or

3.01.3 Provides abortions.

3.02 Each public school and open-enrollment public charter school shall promulgate policies for the implementation of these Rules and Ark. Code Ann. § 6-18-2201 et seq.

3.03 A public school or open-enrollment public charter school that knowingly violates these Rules and Ark. Code Ann. § 6-18-2201 et seq. shall, at the direction of the Division or the State Board of Education, appear before the State Board at its next regularly scheduled meeting, for the purpose of determining:

3.03.1 Why these Rules and Ark. Code Ann. § 6-18-2201 et seq. were violated;
and

3.03.2 How to prevent a violation of these Rules and Ark. Code Ann. § 6-18-2201 et seq. in the future.

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

As Engrossed: H3/29/21

A Bill

HOUSE BILL 1592

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS STUDENT PROTECTION ACT;
9 AND FOR OTHER PURPOSES.
10

Subtitle

11 TO CREATE THE ARKANSAS STUDENT PROTECTION
12 ACT.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code Title 6, Chapter 18, is amended to add an
20 additional subchapter to read as follows:

21 Subchapter 22 – Arkansas Student Protection Act
22

23 6-18-2201. Creation.

24 This subchapter shall be known and may be cited as the "Arkansas
25 Student Protection Act".
26

27 6-18-2202. Definition.

28 As used in this subchapter:

29 (1)(A) "Abortion" means the act of using or prescribing an
30 instrument, medicine, drug, device, or other substance or means with the
31 intent to terminate the clinically diagnosable pregnancy of a woman with
32 knowledge that the termination by those means will with reasonable likelihood
33 cause the death of the unborn child.

34 (B) An action taken under subdivision (1)(A) of this
35 section is not an abortion if the action taken is performed with the intent
36 to:



- 1 (i) Save the life of the mother;
- 2 (ii) Save the life or preserve the health of the
- 3 unborn child;
- 4 (iii) Remove a dead unborn child caused by
- 5 spontaneous abortion; or
- 6 (iv) Remove an ectopic pregnancy;

7 (2) "Abortion referral" means the act of recommending a pregnant
 8 woman to a doctor, clinic, or other person or entity for the purpose of
 9 obtaining or learning about obtaining an abortion;

10 (3) "Affiliate" means an individual or entity that, directly or
 11 indirectly, owns, controls, is controlled by, or is under the common control
 12 of another person or entity, in whole or in part, or a subsidiary, parent, or
 13 sibling entity; and

14 (4) "Transaction" means a formal or informal agreement,
 15 contract, or arrangement of any kind between a public school or open-
 16 enrollment public charter school and a private entity, regardless of whether
 17 the private entity or the public school or open-enrollment public charter
 18 school receives anything of value in return.

19
 20 6-18-2203. Prohibited transactions.

21 A public school or open-enrollment public charter school shall not
 22 knowingly enter into any type of transaction with an individual or entity
 23 that:

- 24 (1) Performs abortions;
- 25 (2) Induces abortions; or
- 26 (3) Provides abortions.

27
 28 6-18-2204. Rules – Enforcement.

29 (a) The Division of Elementary and Secondary Education shall
 30 promulgate rules to implement this subchapter.

31 (b) Each public school and open-enrollment public charter school shall
 32 promulgate policies for the implementation of this subchapter and the rules
 33 promulgated by the division.

34 (c) A public school or an open-enrollment public charter school that
 35 knowingly violates this subchapter shall, at the direction of the division or
 36 the State Board of Education, appear before the state board for the purpose

1 of determining:

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

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

5 /s/Lowery

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APPROVED: 4/21/21

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