



## Arkansas Department of Education

Four Capitol Mall • Little Rock, Arkansas • 72201-1030 • (501) 682-4475 • Fax (501) 682-1079

Sarah Huckabee Sanders  
Governor

Jacob Oliva  
Secretary

June 14, 2024

Rebecca Miller-Rice, Administrator  
Administrative Rules Review Section  
Bureau of Legislative Research  
One Capitol Mall, 5th Floor  
Little Rock, Arkansas 72201

**Re: Act 595 Request (Act 237 § 16)**

Dear Ms. Miller-Rice:

The Arkansas Department of Education respectfully requests Section 16 of Act 237 of 2023 be excluded from future Act 595 reports due to pending litigation. In its Report on the Acts of the 2023 Regular Session Requiring New Rulemaking, the Bureau of Legislative Research noted that Arkansas Code Annotated § 6-16-156, as codified by Act 237 of 2023, requires the Secretary of Education to amend, annul, or alter the rules, policies, materials, or communications that are considered prohibited indoctrination and that conflict with the principle of equal protection under the law.

Pending litigation in the matter styled *Ruthie Walls, et al. v. The Honorable Sarah Huckabee Sanders, et al.*, Case No.: 4:24-CV-270 (United District Court for the Eastern District of Arkansas, Central Division), seeks judicial review of the provisions in Ark. Code Ann. § 6-16-156. Pursuant to Ark. Code Ann. § 25-15-216(b)(5)(C), an agency is not required to appear before the Legislative Council or the Administrative Rules Subcommittee when the newly enacted law requiring the new, amended, or repealed rule is the subject of litigation.

In accordance with Ark. Code Ann. § 25-15-216(b)(5)(C)(ii), the Department respectfully requests that the rule referenced above be excluded from further reporting requirements due to the foregoing pending litigation. Once this pending litigation has resolved, the Department will submit written notice to the Bureau, so promulgation of a rule may continue.

Thank you for your attention to this matter. Please do not hesitate to contact me at (501) 682- 4234 should you have any questions or require additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Andrés F. Rhodes'.

Andrés F. Rhodes  
Chief Legal Counsel