

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

A Bill

HOUSE BILL 1011

5 By: Representative Lowery
6

For An Act To Be Entitled

8 AN ACT CONCERNING INSTRUCTIONAL MATERIALS IN PUBLIC
9 SCHOOLS THAT ARE RELATED TO RACE AND ETHNICITY; TO
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
11

Subtitle

12 CONCERNING INSTRUCTIONAL MATERIALS IN
13 PUBLIC SCHOOLS THAT ARE RELATED TO RACE
14 AND ETHNICITY; AND TO DECLARE AN
15 EMERGENCY.
16
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 6, Chapter 16, is amended to add an
23 additional subchapter to read as follows:

24 Subchapter 16 – Arkansas Ethnic and Racial Equality Act
25

26 6-16-1601. Title.

27 This subchapter shall be known and may be cited as the "Arkansas Ethnic
28 and Racial Equality Act".
29

30 6-16-1602. Legislative findings.

31 The General Assembly finds that:

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

36 (2) Our government does not exist for a particular race or



1 class, but to protect the God-given rights of all persons equally, and in the
2 words of President John F. Kennedy, “[T]he rights of man come not from the
3 generosity of the state but from the hand of God”;

4 (3) Our State and Nation are founded upon the concept of
5 equality;

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

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

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

23
24 6-16-1603. Instructional materials.

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

29 (1) That any race or ethnicity is superior to any other race or
30 ethnicity;

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

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

34 (4) That any race or ethnicity should be blamed for societal
35 problems;

36 (5) That violence, domestic terrorism, or the overthrow of the

1 United States or its economic system are good for any race or ethnicity;

2 (6) That the United States, as a nation, is inherently racist;

3 or

4 (7) The promotion of prejudice or discrimination toward any race
5 or ethnicity.

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

10
11 6-16-1604. Right to review.

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

16
17 6-16-1605. Curriculum development.

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

20 (1) Curriculum guidelines;

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

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

28 (4) Rules to implement this subchapter.

29 (b) Each public school and open-enrollment public charter school
30 shall:

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

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

36 (c) A public school or an open-enrollment public charter school that

1 violates this subchapter shall, as directed by the Department of Education or
 2 State Board of Education, appear before the state board for the purpose of
 3 determining:

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

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

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

8
 9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 10 General Assembly of the State of Arkansas that, in order to adequately
 11 prepare for the spring 2022 academic semester and summer 2022 professional
 12 development requirements, school administration and personnel need to
 13 finalize necessary policies relevant to teaching classes and training
 14 personnel. Therefore, an emergency is declared to exist, and this act being
 15 immediately necessary for the preservation of the public peace, health, and
 16 safety shall become effective on:

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

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

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