



FAMILY
COUNCIL



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UPDATE LETTER

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Dear Friends,

When the kids heard the knock at the front door, they knew exactly what to do. One by one, each of them scurried quietly down the hall to their bedrooms. Inside, it was dark with the blinds drawn and the lights off. After a few minutes, their mother came to get them—it was just a deliveryman dropping off an order she had placed from the Sears catalog. Calmly, the children returned to home schooling at the dining room table.

The year was 1985. Although home schooling was not technically illegal in Arkansas, the state's compulsory attendance law did not formally recognize home schooling either. At the time, families like this one quietly taught their children at home, doing their best not to be seen in public or draw any suspicion. Nobody knows for sure how many home schoolers there were in Arkansas during the early 1980s—the best estimate is that there probably were no more than 200 families home schooling fewer than 500 students.

1985 ended up being a monumental year for home schoolers. That was the year Tom Holiman, head of the Arkansas Christian Home Education Association, persuaded Rep. Tim Hutchinson to introduce a bill to make homeschooling legal. Hutchinson, serving in his first term, filed the bill as the session was coming to an end. Miraculously, the bill passed, and Governor Bill Clinton signed it into law in the final days of the 1985 legislative session. At the top of this page is a photo of him signing the bill. For the first time ever, families did not have to keep it a secret that their children weren't enrolled in a public or private school.

Of course, it took about 20 years before home schooling became widely accepted across the state. During that time, the number of home schoolers in Arkansas swelled from a few hundred in 1985 to about 5,000 in 1998. Along the way, plenty of lawmakers tried—unsuccessfully—to put a stop to home schooling. Social workers and truancy officers gave some families plenty of grief. School district consolidation efforts in the 1990s prompted many superintendents to fight tooth-and-nail to keep home schoolers in their failing public schools.

Despite all of this, home schooling thrived in Arkansas. Home schoolers consistently outperformed their peers on state-mandated, norm-referenced tests year after year. By 2015, lawmakers and the Arkansas Department of Education had figured out there was no need to continue assessing home schoolers, so they repealed the testing law, ending the practice. Along the way we formed the Education Alliance. Over the years we blocked legislation that would prohibit home schooling, and we helped make it easier to leave a public school to start home schooling. We also worked with our friends in the Arkansas Legislature to expand educational opportunities for home schoolers—whether that's by finding classes at schools in their communities, qualifying for scholarships, or accessing resources for students with disabilities.

Looking back, 1985 was a crucial year for home schoolers, but 2023 may turn out to be just as crucial. This year the Arkansas Legislature passed the LEARNS Act. Among other things, this law makes it possible for students to use public dollars to obtain an education at a public or private school or at home. That has the potential to make it easier for families to home school in Arkansas. When it comes to education, our philosophy has always been that we are here to help the families who home school right now, and the families who may want to home school in the future. I hope you will keep reading this letter to learn how the LEARNS Act may do exactly that.



Executive Director Jerry Cox

MY THOUGHTS: HERE'S A BRIEF OUTLINE OF THE LEARNS ACT

On March 8, Gov. Sanders signed the 144-page LEARNS Act into law. The LEARNS Act is an omnibus law that completely overhauls public education in Arkansas. Most of the measure deals with public school employment and overhauling our public education system, but some of it addresses school choice, early childhood education, critical race theory, and other issues. Before reading our in-depth analysis and Q&A on the LEARNS Act, it may help to review the outline below.

- I. The LEARNS Act Overhauls Teacher Employment and Pay
 - a. Most of the LEARNS Act replaces the Teacher Fair Dismissal Act of 1983 and related laws.
 - i. Arguably this makes it easier to dismiss public school teachers and faculty.
 - b. Sets a recommended base salary for teachers at \$50,000 per year.
 - i. Raises current teacher salaries by \$2,000.
 - c. Creates the Arkansas Teacher Academy Scholarship Program Fund to help pay for public school teacher education and training in higher education.
- II. The LEARNS Act Prohibits Critical Race Theory and Indoctrination
 - a. The LEARNS Act deals with critical race theory in Arkansas' public schools.
 - b. Requires the Arkansas Secretary of Education to review all policies to be sure indoctrination—including critical race theory—is prohibited.
 - c. Says that no public school employee or public school student is required to attend training or orientation that is based on critical race theory or other prohibited indoctrination.
- III. The LEARNS Act Addresses Child Sex Abuse and Human Trafficking Prevention at School
 - a. The LEARNS Act says the Arkansas Department of Education will help public schools provide instruction about detecting and preventing child sexual abuse and human trafficking.
 - i. Requires the curriculum on these topics be incorporated into education.
 1. Curriculum must be age-appropriate for instruction in grades K–12.
 2. Parents or guardians may review curriculum before it is taught to their children.
 3. Parents may exempt their children from the curriculum if they want.
 - b. Public schools must implement sex abuse and human trafficking prevention programs.
- IV. The LEARNS Act Keeps Objectionable Sexual Material Out of Early Elementary Schools
 - a. The LEARNS Act prohibits sexual material in classroom instruction before fifth grade.
 - i. Prohibits instruction regarding sexual intercourse, sexual reproduction, sexual orientation, and gender identity in grades K–4.
- V. The LEARNS Act Empowers the State Board of Education to Enact School Choice by 2025
 - a. The LEARNS Act outlines a framework that the State Board of Education would use to implement a voluntary school choice program by 2025.
 - i. Would make it possible for students to receive a publicly-funded education at a public or private school or at home.
 - ii. Students could apply for state-funded education savings accounts.
 1. The State of Arkansas would deposit funds into the account
 2. Students could use those funds for eligible education expenses.
 - iii. Students who use school choice at a private school or at home would take a norm-referenced test or other assessment approved by the State Board of Education every year.
 1. The LEARNS Act does not require students make a minimum score on that test.
 - iv. A small number of students would be eligible to participate in the school choice program beginning in the fall of 2023.
 1. That number would grow in 2024 and would include all students by 2025.
- VI. The LEARNS Act Creates a Unified Early Childhood Care Program
 - a. Tasks the Arkansas Department of Education with overseeing all state and federal resources that provide early childhood care or educational services in the state.
 - i. Includes existing state preschool, Arkansas Head Start, and state or federal programs for infants, toddlers, and preschoolers with disabilities.
 - b. Directs the State Board of Education to create a “seamless early childhood educational system” through these existing programs by the 2024-2025 school year.

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Here's a Brief Outline of the LEARNS Act (continued)

VII. The LEARNS Act Delegates Extensively to the State Board of Education

- a. The LEARNS Act delegates extensively to the State Board of Education to carry out the law's intent.
 - i. This is especially true of:
 1. School choice.
 2. How private schools and education service providers may voluntarily opt into the school choice program.
 3. How home schoolers voluntarily opt into the school choice program.
 4. How students maintain eligibility for the school choice program.
 5. How public schools hire, fire, and pay faculty.
 6. Prohibiting critical race theory.
 7. Addressing child sex abuse and human trafficking in the classroom.
 8. Keeping inappropriate sexual material out of the classroom.

LEARNS Act Part 1: Overhauling Public Education

Most of the LEARNS Act's 144 pages overhaul Arkansas' laws about how the State and the local public school boards hire, fire, pay, and train public school teachers. The changes are extensive, but here are a few key elements from the LEARNS Act. Among other things, the law repeals and replaces the Teacher Fair Dismissal Act of 1983 and related laws. That changes the way that teacher contracts operate in the state.

The LEARNS Act recommends teacher salaries starting at \$50,000. It appears to give local school boards leeway to decide if this salary is appropriate. The law gives current teachers a \$2,000 raise for the 2023–2024 school year. In order for the raise to take effect, a school must revise each teacher contract, and a school cannot use its personnel policies to provide more rights to school personnel than state law allows. This presumably will provide incentive for schools and teachers to revise contracts and personnel policies to track with the LEARNS Act. The law also outlines ways that educators can receive bonuses or incentives. The LEARNS Act generally empowers the State Board of Education and local school boards to make policies on these points.

LEARNS Act Part 2: Prohibiting Critical Race Theory and Indoctrination

The LEARNS Act prohibits critical race theory and indoctrination at the Arkansas Department of Education and in Arkansas' public schools. The law requires the Arkansas Secretary of Education to review all policies to be sure that indoctrination—including critical race theory—is prohibited. It also says no public school employee or public school student is required to attend training that is based on critical race theory. The bill authorizes the State Board of Education to make rules regarding this point. Taken together, this language seems to indicate that the Secretary of Education and the state board will eliminate critical race theory from public school training, policies, materials, communications, and curriculum in Arkansas.

Besides critical race theory, the state board and secretary would address other forms of indoctrination that conflict with the principles of equal protection under the law or encourage students to discriminate against someone. Using this language, the secretary or the board may be able to identify other forms of indoctrination that would be prohibited in the public school system besides critical race theory.

LEARNS Act Part 3: Child Sex Abuse and Human Trafficking Prevention

The LEARNS Act says the Arkansas Department of Education will enhance or adapt curriculum to help public schools provide instruction about detecting and preventing child sexual abuse and human trafficking. The law requires the curriculum to be incorporated into the Department of Education's curriculum standards. That means it will be part of the public school curriculum to some extent. The law says the sex abuse and human trafficking curriculum must be age-appropriate for grades K–12.

The LEARNS Act lets parents or guardians review this curriculum before it is taught to their children, and parents may exempt their children from the curriculum if they want. This should help ensure that the curriculum is appropriate for each grade level and provide options to parents who have concerns about the curriculum.



Left: In February Gov. Sanders unveiled her strategy for improving public education in Arkansas.

LEARNS Act Part 4: Keeping Sexual Material Out of Early Elementary Schools

The LEARNS Act prohibits sexual material in grades K–4. This includes instruction regarding sexual intercourse, sexual reproduction, sexual orientation, and gender identity. This is similar to the “don’t say gay” legislation Florida enacted last year. Arkansas has other laws governing sex education in public schools. That means sex education

would be prohibited in Kindergarten and early elementary school. In later grades, sex education would have to be conducted according to existing state laws—including Arkansas’ laws that prohibit comprehensive sex-education. This is a significant improvement in Arkansas’ sex education laws.

LEARNS Act Part 5: Empowering the State Board of Education to Enact a Voluntary School Choice Program by 2025

The LEARNS Act could provide students in Arkansas with unprecedented access to education. The LEARNS Act does this by letting students apply for publicly-funded education accounts that could be used to pay for expenses approved under the law. The school choice program is completely voluntary. The LEARNS Act would not change the status of home schoolers or private school students who do not apply for public funds.

Families would have the option of using state dollars to educate their children at a public or private school or at home. The LEARNS Act outlines the school choice program, and it tasks the Department of Education with putting the program into practice. The state board will propose the rules for the school choice program, and lawmakers and the public will then be able to have a say about what the State Board of Education proposes.

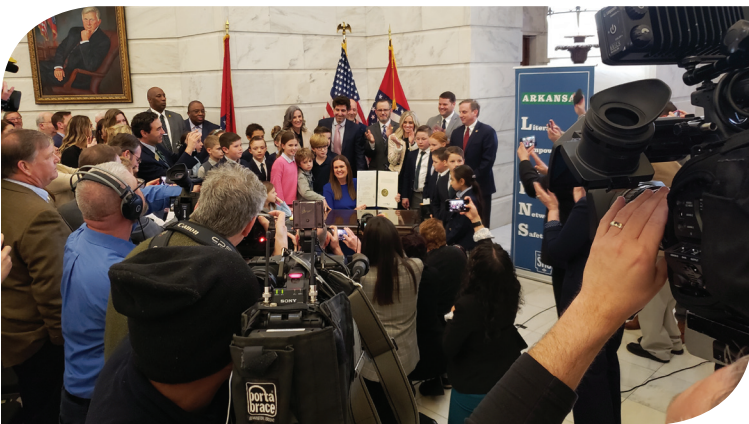
The LEARNS Act implements school choice in three phases between now and July of 2025. Beginning this fall, students could participate in the school choice program if they are enrolling in Kindergarten for the first time, if they were enrolled in a failing school district, if they have a disability, if they are in foster care, if they are homeless, if they are the son or daughter of active duty military personnel, or if they are participating in the state’s Succeed Scholarship Program. The State of Arkansas estimates that 7,000 students will apply for school choice during this first phase of the LEARNS Act.

The second phase of the program begins in 2024. Students would be eligible to participate if they are enrolled in a failing or underperforming public school or if their parents are veterans, military reservists, first responders, or law enforcement officers. The State estimates 14,000 students will apply for school choice in 2024.

The final phase of the LEARNS Act’s school choice program rolls out in July of 2025—when the program opens to all students in the state. Any student in Arkansas who would be eligible to attend a public school would be eligible to apply for upwards of \$5,800 per year in public money for school choice. Students would be able to use this money—which will be kept in a special account—to pay for tuition, school fees, course fees, testing, school uniforms, school expenses, instructional or tutoring services, curriculum, supplemental materials required for a course, costs associated with transportation to or from a private school, and any other expense approved by the Arkansas Department of Education. During committee testimony, the Department of Finance and Administration provided lawmakers with projections that indicate they anticipate approximately 30,000 students enrolling in the program.

For perspective, there are currently 30,000 home schoolers in the state. There are at least 20,000 students enrolled in private schools across Arkansas, and approximately 480,000 students attend public school. It appears state

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Above: Gov. Sanders signed the LEARNS Act into law on March 8, 2023.



Above: Gov. Sarah Sanders takes a selfie with a home schooled student at the 2023 Home School Day at the Capitol. Family Council and our home school division, the Education Alliance, were proud to host this great event.

LEARNS Act Part 5: Empowering the State Board of Education to Enact a Voluntary School Choice Program by 2025 *(continued)*

officials believe only 5%–6% of all students in Arkansas will apply for school choice.

Beginning this fall, home schoolers entering Kindergarten or home schoolers previously enrolled in a failing public school could be eligible for school choice. That number would expand to include other home schoolers in 2024. Every home schooler in Arkansas would be eligible by 2025.

The LEARNS Act could provide students with unprecedented access to education.

The State Board of Education has not outlined how students apply for a publicly funded education savings account under the school choice program. The LEARNS Act seems to make it possible for home schoolers to apply for a publicly funded account, and then use the money in that account to pay for curriculum or supplies at an approved education service provider. The state board will make rules outlining how this will work.

LEARNS Act Part 6: Unified Early Childhood Care

The State of Arkansas currently oversees different early childhood programs—like state preschool, the Arkansas Head Start program, and state and federal programs for infants, toddlers, and preschoolers with disabilities. Some of these programs operate under the Arkansas Department of Education, and others operate under different state agencies like the Arkansas Department of Human Services. The LEARNS Act consolidates these programs under the Arkansas Department of Education. It also directs the department to make these programs as accessible as possible to families in Arkansas by the fall of 2024.



LEARNS Act Part 7: Delegating Extensively to the State Board of Education

Throughout the LEARNS Act, the bill delegates authority to the State Board of Education. The LEARNS Act writes important points into state law, but it relies heavily on the state board to carry out its intent. The State Board of Education will make rules about things like:

- How public schools hire, fire, and pay their faculty.
- Prohibiting critical race theory and other forms of indoctrination in public schools.
- How to address child sex abuse and human trafficking in the classroom.
- Keeping inappropriate sexual material out of public schools.
- How private schools, education service providers, and students opt into the school choice program.
- How home schoolers may opt into the school choice program.

That means the LEARNS Act is important, but the serious debate over school choice—and other aspects of the LEARNS Act—will take place at the State Board of Education in the coming months. The State Board of Education will propose rules implementing the LEARNS Act. Lawmakers will then review and either approve or reject what the State Board of Education proposes. Along the way, the public will be able to comment on the proposed rules and talk to their legislators about it.

Concluding Thoughts on the LEARNS Act

Family Council and the Education Alliance support the LEARNS Act, because it works to improve public education in Arkansas, and it gives families a way out of the public school system if public school isn't right for them. There are more than half a million students in the state right now—mostly in public school. Most families in Arkansas will continue sending their children to a traditional public or private school, and most home schoolers will not apply for the school choice funding that the LEARNS Act provides.

For the ones who do want to participate in the LEARNS Act, school choice could give them unprecedented access to education. Our organization always has supported giving families options in education. The LEARNS Act does that. We look forward to working with lawmakers, members of the State Board of Education, and our friends across the state to be sure that the rules promulgated under the LEARNS Act work for everyone.

Questions and Answers About the LEARNS Act

Here are a few common questions people have asked us about the LEARNS Act.

1. What is the LEARNS Act?

The LEARNS Act is a 144-page omnibus education law. It addresses public school safety, public school teacher hiring, literacy, early childhood education, detecting and preventing child sex abuse and human trafficking, school choice, funding for students to attend a private or home school, keeping critical race theory out of public schools, and many other issues. Most of the conversation about the LEARNS Act has centered on teacher employment and the school choice program that lets students use public dollars to obtain an education at a private school or at home.

2. Why did the Arkansas Legislature pass the LEARNS Act so quickly?

By the time the LEARNS Act was filed, most of the 135 members of the Arkansas Legislature had signed it as co-sponsors. With that high level of support among lawmakers, it was no surprise that the General Assembly passed it very quickly.

3. How does the school choice program in the LEARNS Act work?

In a nutshell, the LEARNS Act provides a blueprint the State Board of Education will use to implement school choice between 2023 and the fall of 2025. Participating students would receive 90% of the foundation funding the State provides for each public school student every year—which comes to approximately \$5,000–\$5,800 per student. The money would go into an account so that the student could spend it on eligible expenses, like tuition or curriculum.

4. Is school choice mandatory under this law?

No. The school choice program is completely voluntary.

5. Is there anything to prevent the school choice program from becoming mandatory?

Making the school choice program mandatory for all students would require the legislature to authorize a massive tax increase. There are approximately 30,000 home schoolers in Arkansas, between 20,000 and 50,000 private school students, and upwards of 480,000 public school students. Giving every home schooler as little as \$500 under a mandatory “school choice” program would cost the state \$15 million. Requiring every non-public student to participate in a fully funded program would cost more than \$250 million per year. The State of Arkansas simply cannot afford that.

6. How do home schoolers participate in the school choice program?

Most home schoolers will not be eligible to participate until the fall of 2025. Between now and then, the State Board of

Education will promulgate rules that explain how students apply to be part of the school choice program.

7. Can I return to regular home schooling if I leave the school choice program?

Yes. The LEARNS Act makes it clear that students can withdraw from the program any time. Nothing in the LEARNS Act prevents a student from transferring back to home schooling if they don't like the school choice program.

8. When will the school choice program launch?

The school choice program will be open to approximately 7,000 students in the fall of 2023, and 14,000 in the fall of 2024. Most of these students will be from failing public schools. Beginning in the fall of 2025, any student in Arkansas will be eligible to participate.

9. Which home schooled students will be eligible for school choice this fall?

Home schoolers entering Kindergarten for the first time, home schoolers with disabilities, and home schoolers in foster care would be among those eligible to receive funding for approved educational expenses this fall. At this point, we do not know how these home schoolers will apply to be part of the program.

10. Will standardized testing be required?

Every private school and home schooled student will have to take a norm-referenced test in order to participate in the school choice program. The LEARNS Act does not require students to earn a certain score on the test. Home schoolers who do not participate in the LEARNS Act would *not* test.

11. If home schoolers opt into this program, will it impact other home schoolers who choose not to participate?

The school choice program in the LEARNS Act does not affect any students who choose not to participate. Home schoolers who choose not to apply for school choice funding will still be able to file their Notice of Intent, buy curricula, and educate their children the same way they always have. It is unclear how many home schoolers will want to participate in school choice.

12. Will foster children be eligible for school choice?

Yes. Foster children are among the first students eligible for school choice this fall.

13. Is it possible the school choice provision will help pay for therapy or for extracurricular classes such as dance, music, or martial arts?

It is possible. The State Board of Education is responsible for outlining eligible education expenses under the LEARNS Act's school choice provision. The state board

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Questions and Answers About the LEARNS Act *(continued)*

could approve funding for extracurricular activities or for therapies that help students with disabilities. It will be up to the state board to decide which expenses are covered and which are not.

14. Does the LEARNS Act affect a homeschooler's eligibility to participate in extracurricular activities through the local school district?

The LEARNS Act does not address other state laws that let home schoolers participate in interscholastic activities alongside public school and private school students.

15. What happens to leftover funds if a student withdraws from the school choice program?

Generally speaking, if a student withdraws from the school choice program, the LEARNS Act outlines how leftover funds in the student's account get reallocated. The student does not get to keep the money.

16. Does the law mandate any kind of curriculum?

No. The LEARNS Act does not require home schoolers to use a particular curriculum.

17. How many students does the State of Arkansas plan to provide with funding for school choice?

The Department of Finance and Administration projects that no more than 7,000 students will participate in the school choice program during the 2023-2024 school year, and no more than 14,000 will participate during the 2024-2025 school year. Beginning in the fall of 2025, the school choice program will be open to any of Arkansas' half-a-million K-12 students. During testimony over the LEARNS Act, the Department of Finance and Administration offered figures indicating that they anticipate approximately 30,000 students enrolling in the program. That is approximately 5%–6% of all students in Arkansas.

Good Legislation as of March 17

PASSED: Act 68 / H.B. 1098 (Pro-Life): This good law by Rep. Julie Mayberry (R – Hensley) and Sen. Missy Irvin (R – Mountain View) permits Safe Haven Baby Boxes at volunteer fire stations in Arkansas. This measure has been signed into law.

PASSED: Act 131 / S.B. 43 (Decency): This good law by Sen. Gary Stubblefield (R – Branch) and Rep. Mary Bentley (R – Perryville) prohibits adult performances on public property or in view of children. It also prohibits public funding of adult performances. This measure has been signed into law.

PASSED: Act 274 / S.B. 199 (Protecting Children): This good law by Sen. Gary Stubblefield (R – Branch) and Rep. Mary Bentley (R – Perryville) lets a child who undergoes

18. On Critical Race Theory, who decides what CRT means and what "prohibited indoctrination" mean?

The law defines what these terms mean, and it authorizes the Secretary of Education to identify areas in public education that promote these ideologies.

19. Will that law against indoctrination prevent Christian guest speakers from speaking at a public school?

No. The LEARNS Act's provisions about critical race theory and prohibited indoctrination are narrowly tailored. The First Amendment and federal laws governing public education protect a guest speaker's ability to speak openly if he or she is invited to address public school students.

20. Does this bill give more power to the Department of Education than they have had previously? Is this a problem?

The LEARNS Act does not necessarily give more power to the Department of Education. It does rely heavily on the department to make sure the law works as intended. As a result, the Department of Education will have a lot of power over the LEARNS Act's implementation. The law does not increase the department's power beyond the scope of the LEARNS Act itself.

21. How long until all Department of Education rules for the LEARNS Act will be decided?

The LEARNS Act is implemented in phases over the next two and a half years. We expect the Department of Education to promulgate its first rules for the LEARNS Act this spring and summer, ahead of the 2023–2024 school year. Other rules may not be finalized until next year or even the year after. This could be a lengthy process.

a sex-change procedure sue the healthcare provider who performed the procedure if the child suffers any physical, psychological, or emotional injury as a result. This measure has been signed into law.

PASSED: Act 237 / S.B. 294 (Education): This omnibus education law by Sen. Breanne Davis (R – Russellville) and Rep. Keith Brooks (R – Little Rock) titled "The LEARNS Act" deals with critical race theory, teacher salaries, public school employment, early childhood care, and protecting elementary school children from inappropriate sexual material at school, and it provides a framework for implementing a voluntary school choice program that would make it pos-

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Good Legislation as of March 17 *(continued)*

sible for students to receive a publicly-funded education at a public or private school or at home. This measure has been signed into law.

PASSED: S.B. 282 (Human Trafficking): This good law by Sen. Missy Irvin (R – Mountain View) and Rep. Jimmy Gazaway (R – Paragould) makes it easier for victims of human trafficking to sue their traffickers and those who profited from the trafficking. This measure has been signed into law.

PASSED: H.B. 1459 (Human Trafficking): This good law by Rep. Charlene Fite (R – Van Buren) and Sen. Kim Hammer (R – Benton) strengthens Arkansas' penalties concerning human trafficking. This measure has been signed into law.

PASSED: H.B. 1156 (Privacy): This good law by Rep. Mary Bentley (R – Perryville) and Sen. Dan Sullivan (R – Jonesboro) addresses privacy in public school locker rooms, showers, restrooms, changing areas, and similar facilities by requiring public schools to designate these facilities for “male” or “female” use. This measure has been signed into law.

PASSED: S.B. 307 (Pro-Life): This good law by Sen. Kim Hammer (R – Benton) and Rep. Mary Bentley (R – Perryville) authorizes a monument on the Arkansas Capitol Grounds commemorating the unborn children whose lives were lost in abortion. This measure has been signed into law.

S.B. 270 (Sexual Indecency): This good bill by Sen. John Payton (R – Wilburn) and Rep. Cindy Crawford (R – Fort Smith) clarifies that an adult commits sexual indecency if the adult enters or remains in a changing area where a child of the opposite sex is present.

S.B. 66 (Pornography): This good bill by Sen. Tyler Dees (R – Siloam Springs) and Rep. Mindy McAlindon (R – Centerton) requires pornographic websites to use a government-issued ID or a commercially available age verification method to protect children from pornography.

H.B. 1305 (Child Welfare): This good bill by Rep. Delia Haak (R – Siloam Springs) protects child welfare by amending the “mature minor” doctrine in Arkansas law to clarify minors may consent to medical treatment for sexual assault; sexual, domestic, or physical abuse; or alcohol or substance abuse.

S.B. 284 (Alcohol): This good bill by Sen. Jane English (R – North Little Rock) would prevent retail liquor stores, microbrewery restaurants, and small breweries from delivering alcohol to private residences in the county where the store is located.

S.B. 81 (Obscenity): This good bill by Sen. Dan Sullivan (R – Russellville) and Rep. Justin Gonzales (R – Okolona) prohibits giving or sending a child harmful sexual material that contains nudity or sexual activity.

Right: Family Council staff member Luke McCoy testifies in favor of S.B. 81 concerning pornographic and obscene material.



Above: Family Council staff member Charisse Dean (left) testifies alongside Sen. Missy Irvin (right) in support of S.B. 282, a measure that makes it easier for victims of human trafficking to sue their traffickers and those who profited from the trafficking.

H.B. 1428 (Education): This good bill by Rep. Cameron Cooper (R – Romance) and Sen. Matt McKee (R – Percy) ensures that public, private, and home schooled students have equal access to college and career readiness assessments offered at public schools in Arkansas, and that students with disabilities receive appropriate accommodations when taking these exams.

S.B. 361 (Education): This good bill by Sen. Matt McKee (R – Percy) and Rep. Cameron Cooper (R – Romance) makes it easier for home schoolers to participate in an interscholastic activity in a neighboring school district if their local district doesn't offer the activity. It also clarifies requirements about enrollment in public school classes and about the waiting period for student athletes who withdraw from a public school to start home schooling.

H.B. 1006 (Abortion): This good bill by Rep. Aaron Pilkington (R – Knoxville) would require an employer that covers abortions or travel expenses related to abortions to also provide 12 weeks of paid maternity leave to employees in Arkansas.

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Good Legislation as of March 17 *(continued)*

H.B. 1398 (Pro-Life): This good bill by Rep. Les Eaves (R – Searcy) raises the state income tax credit for stillborn children from \$500 to \$1,500.

S.B. 261 (Pro-Life): This good bill by Sen. John Payton (R – Wilburn) and Rep. Delia Haak (R – Siloam Springs) lets a person claim an unborn child as a dependent for income tax credit purposes.

S.B. 286 (Pro-Life): This good bill by Sen. Scott Flippo (R – Bull Shoals) and Rep. Lane Jean (R – Magnolia) authorizes \$1 million in state-funded grants for crisis pregnancy centers, maternity homes, adoption agencies, and social services agencies that provide material support to women with unplanned pregnancies.

S.B. 446 (Pro-Life): This good bill by Sen. Joshua Bryant (R – Rogers) and Rep. Kendon Underwood (R – Cave Springs) expands the law that lets cities, counties, and other political subdivisions of the state pass resolutions affirming that they are Pro-Life.

H.B. 1468 (LGBT): This good bill by Rep. Wayne Long (R – Bradford) says that a teacher or faculty member who declines to use a student's or co-worker's preferred pronouns could not be held civilly, criminally, or administratively liable.

H.B. 1141 (Sexual Assault): This good bill by Rep. Robin Lundstrum (R – Elm Springs) and Sen. Clint Penzo (R – Springdale) clarifies the definitions for "consent" and

"forcible compulsion" in Arkansas' laws regarding sexual offenses, and it helps strengthen Arkansas law to better address date rape.

S.B. 358 (Marijuana): This good bill by Sen. Tyler Dees (R – Siloam Springs) and Rep. Jimmy Gazaway (R – Paragould) would prevent Delta-8 THC from being manufactured via industrial hemp, and it would place Delta-8, Delta-9, and Delta-10 THC on the list of controlled substances in state law.

S.B. 396 (Social Media): This good bill by Sen. Tyler Dees (R – Siloam Springs) and Rep. Jon Eubanks (R – Paris) requires social media companies to verify users' ages, and it prohibits them from letting minors access the social media platform without parental consent.

S.B. 384 (Adoption): This good bill by Sen. David Wallace (R – Leachville) requires public schools to provide at least one hour of education regarding adoption awareness to students in grades 9–12.

H.B. 1615 (Religious Freedom): This good bill by Rep. Robin Lundstrum (R – Elm Springs) and Sen. Gary Stubblefield (R – Branch) makes important clarifications to the state Religious Freedom Restoration Act that helps safeguard the ability of religious people and religious organizations to operate according to their deeply held convictions. If passed, Arkansas would have some of the best religious freedom protections in the nation.

Bad Legislation as of March 17

PASSED: Act 162 / S.B. 138 (Abortion): This bad law by Sen. Missy Irvin (R – Mountain View) and Rep. Rebecca Burkes (R – Lowell) repeals abortion facility licensing requirements in state law. Arkansas' abortion facility licensing requirement is tied to other provisions related to abortion in state code. Repealing the licensing requirement could have unintended consequences for those good laws if abortion were once again made legal by a state or federal court decision or law. This measure has been signed into law.

PASSED: Act 34 / H.B. 1024 (Public Drinking): This law by Rep. David Ray (R – Maumelle) and Sen. Matt McKee (R – Percy) would let cities and towns that do not collect advertising and promotion taxes on hotels and restaurants establish entertainment districts where public drinking is legal. This would let communities authorize public drinking in entertainment districts even if the community does not cater toward hospitality and tourism. That has the potential to expand public drinking in Arkansas. This measure has been signed into law.

PASSED: Act 169 / H.B. 1162 (Alcohol): This bad law by Rep. David Ray (R – Maumelle) and Sen. Justin Boyd (R – Fort Smith) would expand alcohol sales via microbreweries. This measure has been signed into law.

PASSED: H.B. 1498 (Alcohol): This bad law by Rep. Matt Brown (R – Conway) and Sen. Missy Irvin (R – Mountain View) would expand alcohol at microbrewery-restaurant private clubs and let municipalities authorize public drinking in entertainment districts outside microbrewery-restaurant private clubs. This measure has been signed into law.

S.B. 411 (Alcohol): This bad bill by Sen. Missy Irvin (R – Mountain View) and Rep. Matt Brown (R – Conway) more than doubles the percentage of alcohol by weight that beer may legally contain. Current law says beer can contain no more than 5% alcohol by weight. S.B. 411 raises that limit to 12% alcohol by weight. This could drastically increase the alcohol content of beer sold in Arkansas.

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Bad Legislation as of March 17 *(continued)*

H.B. 1589 (Alcohol): This bad bill by Rep. Jay Richardson (D – Fort Smith) repeals Arkansas’ limit on the number of alcohol wholesaler permits in the state. Repealing this limit could expand the number of wholesalers selling alcohol in Arkansas.

H.B. 1605 (Marijuana): This bad bill by Rep. Jeremiah Moore (R – Clarendon) and Sen. Joshua Bryant (R – Rogers) would legalize Delta-8 THC and other dangerous drugs made from cannabis under the state’s industrial hemp law for adults age 21 and older. This would create a legal avenue for manufacturing, selling, and using Delta-8 and other drugs.

S.J.R. 13 (Marijuana): This proposed constitutional amendment by Sen. Joshua Bryant (R – Rogers) would “legalize marijuana for the purposes of craft or home growing and adult use by Arkansas residents of a certain age.”

H.B. 1670 (Abortion): This bad bill by Rep. Ashley Hudson (D – Little Rock) would weaken Arkansas’ pro-life laws by creating an exception for abortion in cases of incest. Rape and incest are evil, and any woman who is a victim of rape or incest is a victim in every sense of the word. However, legislation like H.B. 1670 fails to acknowledge that the unborn child is totally innocent. An unborn boy or girl has no control over how he or she was conceived. These are living human beings. It is not right to kill an unborn baby because the baby’s father was a rapist or committed incest. Abortion also does not heal the trauma that incest causes. Abortion takes the life of an unborn baby, and it carries serious risks for the woman. Abortion’s consequences are very serious. That is why Family Council opposes H.B. 1670.

H.J.R. 1008 (Abortion): This bad amendment by Rep. Deborah Ferguson (D – West Memphis) would amend the Arkansas Constitution to recognize a fundamental right to abortion.

H.B. 1174 (Fetal Homicide and Wrongful Death): This bill by Rep. Richard Womack (R – Arkadelphia) changes Arkansas’ fetal homicide law and wrongful death statute. Among other things, the bill makes it possible to prosecute or sue a woman for the death of her unborn child. It is unclear how a court might interpret and enforce this bill in light of Arkansas’ laws prohibiting abortion.

H.B. 1349 (Gambling): This bad bill by Rep. David Ray (R – Maumelle) and Sen. Jim Dotson (R – Bentonville) legalizes paid “esports tournaments” in Arkansas. The bill has been heavily amended, but it still does not adequately prohibit wagering at casinos on esports tournaments.

H.B. 1587 (Home Schooling): This bad bill by Rep. Jim Wooten (R – Beebe) requires home schoolers to take a nationally recognized norm-referenced test every year in order to receive any form of public funds. The testing requirements in H.B. 1587 are completely separate from the LEARNS Act that Gov. Sanders recently signed into law. Under this bill, home schoolers in Arkansas would have to test if they receive any type of public assistance or any type of grant or scholarship paid for with state or federal funds.

DEFEATED: H.B. 1301 (Abortion): This bad bill by Rep. Nicole Clowney (D – Fayetteville) would legalize abortion in cases of “fetal abnormality incompatible with life.” The bill does not define what is or is not a “fetal abnormality.” It is not clear how a federal judge might interpret this language. Unborn children should not be aborted simply because a doctor thinks they may be at risk for a fetal abnormality. Family Council strongly opposes this bill—and any other bill that would weaken our state’s pro-life laws. The bill was defeated in the House Public Health Committee in March.



Above: Family Council staff member Charisse Dean (right) testifies against pro-abortion measure H.B. 1301 in committee on March 7.

Gov. Sanders Signs Law Protecting Children From Malpractice in Sex-Change Procedures

On March 13, Gov. Sarah Sanders signed Act 274 of 2023, a law that will help protect children from medical malpractice in dangerous sex-change procedures. Act 274 by Sen. Gary Stubblefield (R – Branch) and Rep. Mary Bentley (R – Perryville) lets a child who undergoes a sex-change procedure sue the healthcare provider who performed the procedure if the child suffers any injury as a result. Act 274 would let a child file a lawsuit if he or she experiences:

- A physical or physiological injury from the sex-change procedure
- A psychological or emotional injury from the sex-change procedure
- An injury from treatments related to the sex-change procedure
- An injury from the after-effects of the sex-change procedure

Act 274 also outlines informed-consent processes for sex-change surgeries, puberty blockers, and cross-sex hormones, and it contains protections for healthcare providers who decline to perform sex-reassignment procedures. Last year the U.K.'s National Health Services closed its Tavistock gender clinic that gave puberty blockers and cross-sex hormones to children for many years. Families have indicated

their children were subjected to sex-reassignment at that clinic despite an obvious lack of scientific evidence in favor of the procedures and inadequate mental health screenings for children with gender dysphoria.

Research published this year calls into question the original European studies that first encouraged doctors to give puberty blockers and cross-sex hormones to children with gender dysphoria. In 2021 a major hospital in Sweden announced that it would no longer give puberty blockers and cross-sex hormones to kids. And last July the U.S. Food and Drug Administration finally added a warning label to puberty blockers in America after biological girls developed symptoms of tumor-like masses in the brain. All of this has led many experts to conclude that performing sex-reassignment on a child should be regarded as experimental, at best.

Act 274 is a good law that will help protect children, and it will provide them and their families with legal recourse if they are injured by a sex-change procedure. Family Council was happy to support its passage. We want thank the Arkansas General Assembly for voting for Act 274, and we want to thank Gov. Sanders for signing it into law.



David Cox,
Family Council

Policy Points: Lawmakers Continue Filing Bills to Expand Alcohol, Drugs in Arkansas

By David Cox, Assistant Director

Alcohol expansion continues to be a major topic at the Arkansas Legislature. This year, lawmakers have filed multiple bills amending and expanding the state's alcohol laws. For example, S.B. 411 by Sen. Missy Irvin (R – Mountain View) and Rep. Matt Brown (R – Conway) more than doubles the percentage of alcohol by weight that beer can contain under Arkansas law. Current law says beer can contain no more than 5% alcohol by weight. S.B. 411 raises that limit to 12% alcohol by weight. This could drastically increase the alcohol content of beer sold in Arkansas.

H.B. 1589 by Rep. Jay Richardson (D – Fort Smith) repeals Arkansas' limit on the number of alcohol wholesaler permits in the state. Repealing this limit could expand the number of wholesalers selling alcohol in Arkansas. H.B. 1498 by Rep. Matt Brown (R – Conway) and Sen. Missy Irvin (R – Mountain View) expands alcohol at microbrewery-restaurant private clubs and let municipalities authorize public drinking

in entertainment districts outside microbrewery-restaurant private clubs.

The Arkansas Legislature has already passed Act 34 of 2023 by Rep. David Ray (R – Maumelle) and Sen. Matt McKee (R – Percy) letting cities and towns that do not collect advertising and promotion taxes on hotels and restaurants establish entertainment districts where public drinking is legal. This has the potential to expand public drinking in Arkansas by letting communities authorize public drinking in entertainment districts even if the community does not cater toward hospitality and tourism. Another new law—Act 169 of 2023 by Rep. David Ray (R – Maumelle) and Sen. Justin Boyd (R – Fort Smith)—expands alcohol sales via microbreweries.

Another major topic is liberalizing the state's drug laws. S.J.R. 13 is a proposed constitutional amendment by Sen. Joshua Bryant (R – Rogers) that would "legalize marijuana for the purposes of craft or home growing and adult use by Arkansas residents of a certain age." Sen. Bryant filed the measure, but he has indicated to us that he does not intend to push

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Lawmakers Continue Filing Bills to Expand Alcohol, Drugs in Arkansas *(continued)*

for its passage. H.B. 1605 is a bad bill by Rep. Jeremiah Moore (R – Clarendon) and Sen. Joshua Bryant (R – Rogers) that would legalize Delta-8 THC and other drugs made from cannabis under the state's industrial hemp law. Just like marijuana, Delta-8 impairs users and poses a danger to children. That is why several states have passed laws making it illegal. Instead of prohibiting Delta-8, H.B. 1605 would legalize it for people over age 21. H.B. 1605 passed in the House Rules Committee in March, but as of March 17 it is not on the calendar for the entire House of Representatives to vote on it. We are actively monitoring these bills.

Alcohol is already widely available in Arkansas. At this point, expanding alcohol's availability or consumption raises serious concerns about irresponsible drinking, DUI offenses, crime, public health, substance abuse, and public safety. That is why Family Council generally opposes the expansion of alcohol in Arkansas. **And our organization has opposed marijuana legalization for more than 20 years.** People were created for a higher purpose than getting high, and we now know from experiences in states like California and Oregon that legalizing drugs actually empowers drug cartels and other criminal elements. That is why we remain firmly opposed to legislation that would expand drugs in Arkansas.

HERE IS HOW YOU CAN HELP

The Arkansas Legislature is in full swing right now. Your help is absolutely critical to our success. Without you, we cannot defend the sanctity of human life. Without you, we cannot stand up for home school rights in Arkansas. Without you, we cannot promote religious freedom, support the passage of good bills, or oppose bad bills. Without you, we cannot inform and equip Arkansans so they can make a difference.

We are proud to be your Arkansas home team. Your generous, tax deductible support helps us do more than you know. That's why I hope you will give toward our work today, if you are able. I never want anyone to feel pressured to support us. Just know that we will use any gift that you give to do as much good as we possibly can in Arkansas. Thank you for standing with us. It's so good to have friends like you. Please let me know if there is ever anything we can do for you.

Sincerely,



Thank you!!

Jerry Cox, President

P.S. The LEARNS Act was signed into law on March 8. Most of this letter is devoted to analyzing and unpacking that 144-page education measure. There is a lot happening at the Arkansas Legislature when it comes to topics like home schooling, abortion, religious freedom, drugs, alcohol, human trafficking, child welfare, and more. If you would like to receive letters like this one every month, call our office at 501-375-7000, and we will make sure to put you on our regular mailing list. You can find more information at FamilyCouncil.org.



About Us: Family Council is a conservative, Christian non-profit organization based in Little Rock, Arkansas. Jerry Cox founded Family Council in 1989 in association with Dr. James Dobson and Focus on the Family. Our mission is to promote, protect, and strengthen traditional family values. We educate and equip families and churches to make Arkansas a better place to live, work, and raise a family, and we lobby lawmakers and elected officials on important issues that matter to families. Our work is funded by generous supporters all over Arkansas.
