State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 3

By: Senator D. Sullivan

For An Act To Be Entitled

AN ACT TO PROHIBIT DISCRIMINATION OR PREFERENTIAL TREATMENT BY THE STATE OF ARKANSAS AND OTHER PUBLIC ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT DISCRIMINATION OR PREFERENTIAL TREATMENT BY THE STATE OF ARKANSAS AND OTHER PUBLIC ENTITIES.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) The General Assembly intends for this act to prohibit discrimination by public entities on the basis of race, sex, color, ethnicity, or national origin.

(b) The General Assembly does not intend for this act to affect any preferences provided to veterans under the law based on their status as a veteran.

SECTION 2. Arkansas Code § 3-4-223 is amended to read as follows:

3-4-223. Diversity in ownership and financial interest.

When issuing a permit under Title 3 of the Arkansas Code, the Alcoholic Beverage Control Division shall consider ~~lack of diversity in ownership and financial interest in the geographic area at issue in the permit application~~

the benefit of competition to consumers.

SECTION 3. Arkansas Code § 6-10-111 is amended to read as follows:

6-10-111. ~~Equity~~ Equality Assistance Center.

(a) The Division of Elementary and Secondary Education is authorized to establish a special section within its organization, to be known as the ~~Equity~~ Equality Assistance Center, designed to provide assistance to the school districts of the state in ~~such activities as affirmative action, program accessibility, human relations, awareness, and~~ desegregation and nondiscrimination.

(b) This assistance shall include on-site visits, workshops, program review, and any other special activity which might enable the school districts of the state to more effectively meet their ~~civil rights~~ desegregation and nondiscrimination responsibilities.

(c)(1) The center created by this section shall be the liaison for the division with the United States Office for Civil Rights.

(2) The center shall maintain manuals, guidelines, procedures, and other informational materials setting requirements in the area of ~~civil rights~~ desegregation and nondiscrimination and describing how determination of compliance is made.

(d) Annually, each local school district in the state shall provide the center assurances of compliance with ~~civil rights~~ desegregation and nondiscrimination responsibilities in the form and at the time as is designated by the Commissioner of Elementary and Secondary Education.

(e) The division may withhold state aid from any school district that fails to file its assurance of compliance with ~~civil rights~~ desegregation and nondiscrimination responsibilities by October 15 each year or fails to file any other information with a published deadline requested from school districts by the center so long as thirty (30) calendar days are given between the request for the information and the published deadline, except that thirty (30) days notice shall not be required when the request comes from a member or committee of the General Assembly.

(f) The division is authorized to develop forms and promulgate appropriate rules and procedures as may be required to implement the provisions of this section.

SECTION 4. Arkansas Code § 6-15-202(f)(1), concerning school accreditation, development of rules, criteria, and standards, is amended to read as follows:

(1) Section 6-10-111(d)-(f) concerning the ~~Equity~~ Equality Assistance Center;

SECTION 5. Arkansas Code Title 6, Chapter 17, Subchapter 19, is repealed.

~~6-17-1901. Teacher and administrator recruitment and retention plan.~~

~~(a) By August 1, 2022, each public school district and open-enrollment public charter school in the state shall prepare a three-year teacher and administrator recruitment and retention plan.~~

~~(b) The plan shall set forth goals for:~~

~~(1) The recruitment and retention of teachers and administrators of minority races and ethnicities who increase diversity among the district staff and, at a minimum, reflect the racial and ethnic diversity of the district's students; and~~

~~(2) Increasing the number of students who pursue careers in education with an emphasis on students of minority races and ethnicities.~~

~~(c) A school district shall review annually the:~~

~~(1) Recruitment and retention plan; and~~

~~(2) Progress of the school district in meeting the goals established pursuant to subsection (b) of this section.~~

~~(d) The plan shall be:~~

~~(1) Updated annually; and~~

~~(2) Posted on the school district's or open-enrollment public charter school's website no later than August 1 of each year.~~

~~6-17-1902. Equity Assistance Center -- Coordination and contents of plan.~~

~~(a) The Equity Assistance Center shall provide technical assistance, guidance, and support to public school districts and public open-enrollment charter schools in developing recruitment and retention plans and setting and meeting annual goals.~~

~~(b)(1) Each public school district and open-enrollment public charter school shall designate an employee to coordinate the implementation and review of the public school district's and open-enrollment public charter school's recruitment and retention plan.~~

~~(2) The designated equity assistance coordinator in each public school district and open-enrollment public charter school may serve as the coordinator of the public school district's and open-enrollment public charter school's recruitment and retention plan.~~

~~(c) The teacher and administrator recruitment and retention plan shall include, but not be limited to, the following information:~~

~~(1) The annual goals of the public school district or open-enrollment public charter school established pursuant to § 6-17-1901(b);~~

~~(2) The actions and steps the public school district or open-enrollment public charter school has taken and will take to meet each of the public school district's and open-enrollment public charter school's goals;~~

~~(3) The progress of the public school district or open-enrollment public charter school in meeting each of the public school district's and open-enrollment public charter school's goals;~~

~~(4) The evaluative methods the public school district or open-enrollment public charter school will use to measure progress towards meeting the public school district's or open-enrollment public charter school's goals;~~

~~(5) If the public school district or open-enrollment public charter school did not meet the public school district's or open-enrollment public charter school's goals for the previous reporting period, the public school district or open-enrollment public charter school shall state the reasons for not meeting the goals and the steps the public school district or open-enrollment public charter school will take to overcome the reasons for not meeting the goals;~~

~~(6) The steps the public school district or open-enrollment public charter school will take to encourage students to pursue a career in education, including steps specific to students of minority races and ethnicities;~~

~~(7) Public school district or open-enrollment public charter school teacher and administrator recruitment and retention data to show the:~~

~~(A) Racial and ethnic composition of teachers and administrators employed by the public school district or open-enrollment public charter school for each of the previous three (3) years; and~~

~~(B) Effectiveness of the plan; and~~

~~(8) The racial and ethnic composition of the student body and the racial and ethnic composition of the residents of the public school district or open-enrollment public charter school.~~

~~(d) The State Board of Education may promulgate rules necessary for implementation of this subchapter.~~

~~6-17-1903. Department of Education — Minority Teacher and Administrator Preparation and Recruitment Strategic Plan.~~

~~(a)(1) The Department of Education shall set goals for increasing the number of teachers and administrators of minority races and ethnicities in this state.~~

~~(2)(A) The Division of Higher Education shall collaborate with the State Board of Education, local universities, colleges, public school districts, and open-enrollment public charter schools to develop a strategic~~

~~plan for increasing the number of teachers and administrators of minority races and ethnicities in this state.~~

~~(B) The Minority Teacher and Administrator Preparation and Recruitment Strategic Plan shall include without limitation recommendations to institutions with educator preparation programs on ways to:~~

~~(i) Identify methods for increasing the percentage of teachers and administrators of minority races and ethnicities in proportion to the number of students of minority races and ethnicities in this state; and~~

~~(ii) Establish programs to identify and recruit individuals of minority races and ethnicities who have already earned college degrees in other job fields to become teachers and administrators.~~

~~(b) The division shall:~~

~~(1) Promote educator preparation programs that increase the percentage of individuals of minority races and ethnicities who enter and successfully complete a four-year educator preparatory program and provide support to students of minority races and ethnicities who meet the requirements for entering educator preparation programs; and~~

~~(2) Submit a report no later than July 1, 2022, and every two (2) years following to the House Committee on Education and the Senate Committee on Education.~~

SECTION 6. Arkansas Code § 6-60-703(b)(3), concerning the Comprehensive Arkansas Higher Education Annual Report, is repealed.

~~(3) Every five (5) years, beginning in 2015:~~

~~(A) Minority retention plans, § 6-61-122; and~~

~~(B) Affirmative action program plans, § 6-63-103(c).~~

SECTION 7. Arkansas Code §§ 6-61-121 and 6-61-122 are repealed.

~~6-61-121. Higher education minority retention programs -- Definition.~~

~~For purposes of this section and § 6-61-122, the term "minority" refers to African-Americans, Hispanic Americans, Asian Americans, and Native Americans.~~

~~6-61-122. Higher education minority retention programs -- Establishment -- Reports.~~

~~(a) All state-supported colleges and universities shall establish a program for the retention of blacks and other members of minority groups as students, faculty, and staff. Retention action plans shall be prepared on a continuing basis for future five-year periods.~~

~~(b) Each state-supported college and university shall annually prepare a progress report on the steps that have been taken to reach the goals of the plan. The report shall include information relative to students, faculty, and staff within the institution.~~

~~(c) Copies of each institution's five-year plan and annual report shall be filed by June 30 with the Division of Higher Education, the board of trustees of the institution, the House Committee on Education and the Senate Committee on Education, and the board of visitors of the institution, if applicable.~~

~~(d) The division shall develop appropriate forms for reporting and shall monitor the retention plans and annual reports.~~

~~(e) In carrying out the retention action plans, each institution shall provide for a part-time or full-time employee by reassignment, appointment, or employment to assist the institution in the retention of blacks and members of other minority groups for faculty and staff positions.~~

SECTION 8. Arkansas Code § 6-63-103 is repealed.

~~6-63-103. Affirmative action programs -- Plans -- Annual reports.~~

~~(a)(1) Each state-supported institution of higher education shall~~

~~prepare an affirmative action program for the recruitment of African-Americans and other members of minorities for faculty and staff positions and for enrollment as students.~~

~~(2) Affirmative action plans shall be prepared on a continuing basis for future five-year periods.~~

~~(b)(1) Each state-supported institution of higher education shall prepare annually a summary report on the steps that have been taken to reach the goals of the plan.~~

~~(2) The report shall:~~

~~(A) Include information on the progress made by each institution for the various levels of employment within the institution; and~~

~~(B) Be presented in a table format limited to no more than five (5) pages.~~

~~(c) Copies of the five-year plan and annual reports summaries of each institution of higher education shall be included in the Comprehensive Arkansas Higher Education Annual Report, filed with the Governor, the Division of Higher Education, the president and board of trustees of the institution, the board of visitors of the institution, if applicable, and the House Committee on Education and the Senate Committee on Education.~~

~~(d) In carrying out the affirmative action plans, each institution of higher education shall provide for a part-time or full-time employee to assist the institution in the recruitment of African-Americans and other members of minorities for faculty and staff positions and for enrollment as students.~~

SECTION 9. Arkansas Code § 6-82-1501 is amended to read as follows:

6-82-1501. Title.

This subchapter shall be known and may be cited as the “Arkansas Geographical Critical Needs ~~Minority~~ Teacher Scholarship Program Act of 2001”.

SECTION 10. Arkansas Code § 6-82-1502 is amended to read as follows:

6-82-1502. Program established — Purpose — Effect.

(a) There is established the Critical Needs ~~Minority~~ Teacher Scholarship Program.

(b) The purpose of the program is to attract qualified ~~minority~~ teachers to the Delta and those geographical areas of the state where there exists a critical shortage of teachers by awarding scholarships to ~~minorities~~ individuals declaring an intention to serve in the teaching field who actually render service to this state while possessing an appropriate teaching license.

(c) This subchapter does not affect any preference given to veterans in public education.

SECTION 11. Arkansas Code § 6-82-1503(a) and (b), concerning the eligibility for scholarships, are amended to read as follows:

(a)~~(1) The term "minority" when used in this subchapter shall refer to Black Americans, Hispanic Americans, Asian Americans, and Native Americans.~~

~~(2) The Native American group includes all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.~~

~~(b)~~ Any individual who is ~~a minority and who is~~ enrolled in or accepted for enrollment at a baccalaureate degree-granting institution of higher education whose teacher education program is approved by the State Board of Education or at an accredited state-supported community college in the State of Arkansas who expresses in writing an intention to teach in a geographical area of the state in which there exists a critical shortage of teachers, as designated by the state board, shall be eligible for a financial Critical Needs ~~Minority~~ Teacher Scholarship to be applied toward the costs of the individual's college education, if:

(1) The applicant has a grade point average of 2.5 on a 4.0

scale in high school if the applicant graduated within the five (5) preceding years; and

(2) The applicant scored nineteen (19) or above on the ACT composite or the equivalent as defined by the University of Arkansas at Pine Bluff.

SECTION 12. Arkansas Code § 6-82-1503(c)(1), concerning the eligibility for scholarships, is amended to read as follows:

(c)(1) The university is authorized to develop selection criteria through Critical Needs ~~Minority~~ Teacher Scholarship Program rules, which combine an applicant's ACT superscore, as defined by § 6-85-204, or ACT equivalent score and grade point average in the core curriculum into a selection index.

SECTION 13. Arkansas Code § 6-82-1503(e)(1), concerning the eligibility for scholarships, is amended to read as follows:

(e)(1) Awards granted under the Critical Needs ~~Minority~~ Teacher Scholarship Program shall be available to both full-time and part-time students.

SECTION 14. Arkansas Code § 6-82-1504(a), concerning service requirement for scholarship recipients, is amended to read as follows:

(a) Except in those cases where employment positions may not be available upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs ~~Minority~~ Teacher Scholarship is eligible for employment as a licensed teacher, that person shall begin to render service as a licensed teacher in a public school district in a geographical area of the state where there is a critical shortage of teachers or in the Mississippi Delta, as designated by the Division of Elementary and Secondary Education.

SECTION 15. Arkansas Code § 6-82-1505(a), concerning rules, administration, and reports for the administration of the Critical Needs Minority Teacher Scholarship Program, is amended to read as follows:

(a) The University of Arkansas at Pine Bluff and the Division of Higher Education shall jointly promulgate rules necessary for the proper administration of the Critical Needs ~~Minority~~ Teacher Scholarship Program.

SECTION 16. Arkansas Code § 6-82-1506(a), concerning the Critical Needs Minority Teacher Scholarship Program Committee, is amended to read as follows:

(a) There is established a committee to be known as the Critical Needs ~~Minority~~ Teacher Scholarship Program Committee.

SECTION 17. Arkansas Code § 6-82-1506(h)(2), concerning the Critical Needs Minority Teacher Scholarship Program Committee, is amended to read as follows:

(2) Perform other duties or functions regarding the Critical Needs ~~Minority~~ Teacher Scholarship Program as may be requested by the chancellor.

SECTION 18. Arkansas Code § 16-123-338(4), concerning relief for a discriminatory housing practice, is amended to read as follows:

(4) Subject to § 16-123-339, any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the discriminatory housing practice or ordering ~~affirmative~~ other action as may be appropriate.

SECTION 19. Arkansas Code § 21-3-101 is amended to read as follows:

21-3-101. Equal employment hiring ~~program~~.

(a) ~~Every state department, agency, board, commission, and institution of higher education and every constitutional officer as defined in Arkansas Constitution, Amendment 56, § 1, shall adopt and pursue a comprehensive equal employment hiring program designed to achieve a goal of increasing the percentage of minority employees within the state department, agency, board, commission, and institution of higher education and within the constitutional office to a level that approximates the percentage of minorities in the state's population.~~

~~(b)(1) Every state department, agency, board, commission, and institution of higher education and every constitutional officer shall report to the Legislative Council on June 30 of each year regarding its efforts to achieve its equal employment hiring program goal.~~

~~(2) However, the report required of any institution by § 6-63-103 may be used in lieu of the report required under this subsection and shall be filed as provided in this subsection.~~

~~(c)~~ The employee handbook or manual of every state department, agency, board, commission, and institution of higher education and every employee handbook or manual of every constitutional office shall include the following statement ~~in describing the equal employment opportunity hiring program required under this section~~:

"The State of Arkansas does not discriminate in access to employment opportunities or in employment or practices on the basis of race, color, religion, sex, national origin, age, disability, or genetic information."

(b) A statement included in an employee handbook or manual under this section does not affect any preference given to veterans in employment.

SECTION 20. Arkansas Code § 22-9-203(i), concerning the award procedure for public improvements generally, is amended to read as follows:

(i) No contract providing for the making of major repairs or alterations, for the erection of buildings or other structures, or for making other permanent improvements shall be entered into by the state, any agency

of the state, any county, municipality, school district, or other local taxing unit with any contractor in instances where all estimated costs of the work shall exceed the sum of seventy-five thousand dollars ($75,000) unless the bid documents contain statements which encourage the participation of small~~, minority, and women's~~ business enterprises and veteran-owned business enterprises.

SECTION 21. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

25-1-130. Prohibition of discrimination or preferential treatment by state entities.

(a) As used in this section, "state" means the State of Arkansas, a city, a county, an institution of higher education, a public school district, a public special school district, or a political subdivision or governmental instrumentality of the state.

(b) The state shall not discriminate against, or grant preferential treatment to, an individual or group on the basis of race, sex, color, ethnicity, or national origin in matters of state employment, public education, or state procurement.

(c) This section applies only to an action taken after the effective date of this act.

(d) This section does not:

(1) Prohibit the consideration by the state of bona fide qualifications based on sex that are reasonably necessary to the normal functions of state employment, public education, or state procurement;

(2) Invalidate a court order or consent decree that is in force as of the effective date of this act;

(3) Prohibit an action necessary to establish or maintain eligibility for a federal program if ineligibility would demonstrably result in a loss of federal funds to the state;

(4) Affect any preference given to veterans in matters of state

employment, public education, or state procurement; or

(5) Preempt state discrimination law or federal discrimination law.

(e) A person who knowingly violates this section is guilty of a Class A misdemeanor.

(f)(1) A person who believes his or her rights have been impacted under this section may bring a civil action in circuit court to:

(A) Enjoin a violation of this section; and

(B) Recover reasonable court costs and attorney's fees.

(2) In an action brought under this section, if the court finds that a violation occurred, the court shall award:

(A) Injunctive relief; and

(B) Court costs and attorney's fees.

SECTION 22. Arkansas Code § 25-36-103 is repealed.

~~25-36-103. Agency contracting — Diversity.~~

~~(a) A state agency shall include in all requests for proposals and requests for qualifications, language that encourages minority participation in each request for proposals and request for qualifications issued by the state agency.~~

~~(b)(1) State agency requests for proposals and requests for qualifications shall take into consideration minority inclusion in the proposed project.~~

~~(2) Requests for proposals and requests for qualifications shall provide that an applicant unable to include minority-owned businesses may explain the circumstances preventing minority inclusion.~~

SECTION 23. DO NOT CODIFY. Report to Legislative Council.

(a) All state agencies shall begin developing a plan to implement this act immediately upon the effective date of this act.

(b)(1) If a state agency has not complied with this act within six (6) months of the effective date of this act, the state agency shall submit a detailed compliance plan to the Legislative Council or its appropriate subcommittee within six (6) months of the effective date of this act stating the:

(A) Steps the state agency will take to comply with this act;

(B) Estimated time needed for the state agency to implement changes necessary to comply with this act;

(C) Individual responsible for overseeing the implementation of this act; and

(D) Description of the steps the state agency is taking to address any failure to comply with this act.

(2) The executive head of each state agency shall appear before the Legislative Council or its appropriate subcommittee at the time the compliance plan in subdivision (b)(1) of this section is submitted and provide the following information:

(A) Whether the state agency has been successful in complying with the requirements of subdivision (b)(1) of this section;

(B) An update on the current status of the necessary changes;

(C) The ongoing steps the state agency is taking to address any failure to comply with this act; and

(D) The anticipated date for when the state agency shall be in full compliance with this act.

(3) If the state agency has not been successful in complying with this act within nine (9) months of the appearance before the Legislative Council or its appropriate subcommittee required in subdivision (b)(2) of this section:

(A) The executive head of the state agency shall appear before the Legislative Council; and

(B) The state agency shall provide an updated report and compliance plan to the Legislative Council or its appropriate subcommittee, including the anticipated date of compliance.

(c)(1) If after one (1) year from the effective date of this act a state agency has not complied fully with this act, in addition to the executive head of the state agency, the cabinet-level department secretary overseeing that state agency shall also appear before the Legislative Council or its appropriate subcommittee to provide an update.

(2) After the appearance under subdivision (c)(1) of this section, every three (3) months until the state agency reaches full compliance with this act, the executive head of the state agency and the cabinet-level department secretary overseeing that state agency shall:

(A) Appear before the Legislative Council or its appropriate subcommittee; and

(B) Provide an updated report and compliance plan to the Legislative Council or its appropriate subcommittee, including the anticipated date of compliance.

(3) A cabinet-level department secretary is in violation of this act if the secretary fails to be in full compliance with this act within twenty-four (24) months of sine die adjournment of the Ninety-Fourth General Assembly meeting in regular session.