

public policy WATCH

ARKANSAS
PUBLIC POLICY PANEL
Organized people have power.

1308 W. 2nd St., Little Rock, AR 72201
www.arpanel.org

SUMMER 2023

THE 94TH GENERAL ASSEMBLY

13 WEEKS OF LEGISLATIVE ATTACKS ON OUR RIGHTS



The Arkansas Public Policy Panel and over 30 other Arkansas organizations joined forces to host the “Stand for AR Rights Rally” in February.

The Arkansas Legislature recessed its 2023 session on April 7. The 94th Arkansas General Assembly was another difficult session dominated by attacks on public education and civil rights, expansion of mass incarceration and tax cuts for the wealthy all while doing little to actually improve Arkansas.

This session was filled with a multitude of bills focused on national hot-topic cultural and social issues from attacks on transgender youth to book bans to social media regulation and attempting to end affirmative action.

Governor Sarah Huckabee Sand-

ers and her allies rushed through the major harmful legislation while ignoring public and expert outcries to slow down and use evidence-based practices to improve quality of life for all Arkansans.

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FURTHER SCHOOL PRIVATIZATION

Legislators passed the Governor's sweeping Arkansas education bill known as the LEARNS Act (SB294), which will fundamentally undermine public education through the cost of its voucher scheme and lacks funding for evidence-based programs.

Life-long educators, experts, Panel members and allies from organizations like Arkansas Advocates for Children and Families, Disability Rights Arkansas and Arkansas Education Association all spoke out against this Act, which went through with minimal review.

Overall, the LEARNS Act makes a few positive changes but places most of its funding and emphasis on expanding private school vouchers and charter schools despite the fact they are proven not to improve student learning. The Act also repeals the Teacher Fair Dismissal Act of 1983, the Public School Employees Fair Hearing Act of 1987 and the Teacher Compensation Program of 2003.

It compels traditional school districts to partner with open-enrollment charter schools to operate low-performing traditional schools. It did establish a \$50,000 minimum



Our 2023 Arkansas Youth Civic Engagement Day was a success with over 70 people in attendance! The day consisted of presentations, discussions and performances from four youth-led organizations.

salary for starting teachers while providing veteran teachers \$2,000 raises, but it eliminated state mandated pay incentives for years of experience or advanced degrees. This will increase the equity gap between low and high-wealth districts.

The Act also codifies Gov. Sanders' vague executive order banning discussion of Critical Race Theory, which it does not define or create standards for, and will have a chilling effect on important discussions about race and Black history.

ATTACK ON AFFIRMATIVE ACTION

Arkansans rose up against attacks

on teachers, students, small business owners, veterans, women, Black people and other people of color in the bill SB71. This bill bans and criminalizes programs that allow for more equitable opportunities for diversity with the state government.

When many, including allies and legislators, thought the bill had died but was in fact still in play, the Panel and Citizens First Congress fought against misinformation to ensure that SB71 was not quietly passed through.

While SB71 failed in the legislative session, it was moved to interim study by the Senate. Supporters of this dangerous legislation are organizing for a renewed push next session, and we will continue to follow this bill over the next two years.

INCREASING MASS INCARCERATION

Yet another huge bill that was rushed through, the Governor's prison expansion act, Act 659 (SB495), will have devastating consequences.

The bill deems some people unredeemable by virtue of their conviction and denies them the opportunity for rehabilitation. It drastically dismantles the parole system. This Act will vastly expand the rate of



Numerous members and allies attended legislative committee meetings during the 2023 Lobby Day on Feb. 15, some testifying and speaking directly to their representatives.

incarceration when state prisons are already overcrowded. The goals of reducing crowding and making people serve longer sentences are contradictory and expensive. Evidence overwhelmingly shows increased incarceration does NOT equal lower crime rates, yet the “Protect Arkansas Act” will significantly increase mass incarceration in Arkansas – the state with the 3rd highest incarceration rate in the U.S.

Gov. Sanders wants to spend around \$500 million on prison expansion instead of investing in proven solutions that reduce crime like affordable housing, health care, job programs, quality public education and gun control.

ATTACKS ON DIRECT DEMOCRACY

Politicians continued to attack voters rights through many anti-ballot measure bills this session. Legislators passed Act 236 (HB1419), which substantially changes the process by which signatures are gathered in the ballot initiative process.

The issue of citizen-led ballot initiatives is not partisan, with Democrats, Republicans and Independents across the political spectrum supporting the citizens initiative process found in the Arkansas Constitution.

In 2019, the Arkansas Legislature referred Issue 3 to the 2020 ballot. It would have curtailed citizens’ rights to place measures on the ballot in nearly identical ways to Act 236. Arkansas voters soundly rejected it with nearly 56% of voters saying no. However, lawmakers didn’t listen to voters and referred Issue 2 to the 2022 ballot to again attack citizens’ rights to pass ballot measures. Arkansas voters liked it even less and rejected it with nearly 60% of the vote.

The Arkansas Constitution states signatures must be gathered from a minimum of 15 counties across the

state. Clearly going against the will of the people, Act 236 raises the threshold from 15 to 50 counties.

MORE TAX CUTS FOR THE RICH

Act 532 (SB549) further benefits the wealthy while being grossly unfair to the vast majority of Arkansans. These tax cuts will lead to further economic disparity and entrenched poverty in Arkansas. We have some tough work ahead to unwind this.

Instead of working for the majority, legislators voted to reduce income tax rates for individuals, trusts, estates and corporations with this Act. It amends the income tax tables so that Arkansas’s top income tax rate would be reduced from 4.9% to 4.7% for tax years beginning on or after January 1, 2023. This shifts the burden of funding state govern-

ment onto everyday Arkansans. The Institute on Taxation and Economic Policy (ITEP) estimates it will cost the State \$115 million in revenue lost from cutting the top personal income tax rate.


HOLDING LEGISLATORS ACCOUNTABLE

This legislative session was filled with attacks on public education, human rights, women’s bodies, black history, renewable energy and more. It’s time to hold Arkansas elected officials accountable.

One resource to help educate citizens on how their legislators voted on key issues is the CFC’s 2023 Legislative Vote Guide, which is now available to view and download at citizensfirst.org.

It’s time to get engaged and empowered to make a positive change in Arkansas!

**CURIOUS HOW YOUR
LEGISLATORS VOTED IN THE
94TH GENERAL ASSEMBLY?**



**CHECK OUT
OUR 2023
VOTE GUIDE**

Available now at CitizensFirst.org

POLICY DIRECTOR'S THOUGHTS ON THE LEGISLATIVE SESSION



The words that immediately come to my mind when asked about the 94th Arkansas Legislative General Assembly are mean-spirited, horrendous, dysfunctional, infuriating and, well, you get the picture. This was a very difficult session. Legislators introduced three omnibus bills: the LEARNS Act, Protect Arkansas Act and the Income Tax Reduction Act. These bills, which are now acts, are the Governor's and all three of those bills were rushed through both chambers of the legislature without the necessary time for citizens, or even legislators, to read and digest the information. Of course, this was by design of the Governor and her staff. We will have major overhauls on our education system as well as our criminal injustice system, which includes \$470 million for the construction of new prisons but no new funding for prevention and intervention programs, and then there was the tax bill which gives tax breaks to the wealthiest Arkansans. None of these three bills received the time for conversation and debate during hearings that were needed. There were plenty of grumblings and complaints from the public and even legislators, but that fell on deaf ears. Our governor seemed more concerned with her agenda and building her resume for her next political move than she did about hearing from constituents – how frustrating!

This legislative session brought unprecedented attacks against the humanity of transgender children. The hypocrisy of legislators who support a parents right to make decisions for their child until it comes

to their bodies and the gender affirming care they need. Those should be decisions for parents, the child and their medical doctor, not legislators. The banning of library books is ridiculous and an unnecessary fight. In addition, there is a move across the country to remove educational materials dealing with slavery and jim crow laws. History is history and should be taught as it happened.

So what does all of this mean for Arkansans? It means the loss of public tax dollars to public schools. Charter, private and homeschoolers can now receive tax dollars to educate their children but those schools do not offer the same standards nor do they have to accept all students. It means that the state will build more prisons and focus on incarceration instead of creating prevention and intervention programs in communities. It also means that the wealthiest Arkansans will receive tax breaks which are funds that can be used for social programs that benefit our poorest and most vulnerable citizens.

Despite the bleak outcome of the overall legislative session, we still have hope. We have a goal to work to improve our public education system so that ALL students receive a quality education regardless of their background, regardless of the zip code they live in, regardless of the color of their skin; ALL students deserve a quality education. It is our intention to work on these goals through the ballot measure process. We can strengthen public education through this process that allows the voters to decide. This is direct democracy. We also continue to fight to protect direct democracy and our access to the ballot. Our state motto is Regnat Populus, which is Latin for The People Rule. Past attacks to weaken this process for voters have failed. We are continuing our efforts, along with coalition partners, to protect direct democracy by initiating a proactive ballot measure to secure rights in the Arkansas Constitution. In addition, we are continuing to build electoral power and strengthen our issue caucuses.

We know that there is strength in numbers and that organized people have power. We understand the challenges ahead, yet we face them with optimism and a willingness to do the things necessary to make Arkansas a better place

– Kymara Seals, Panel Policy Director

TRAVELING THE STATE TALKING ARPA FUNDS

Ben Washington, the Panel's Federal Relief and Infrastructure Spending Campaign Coordinator, is traveling around the state to talk with community leaders and interested residents about how they can leverage federal funds to improve the quality of life in their areas in a variety of ways.

President Joe Biden signed the \$1.9 trillion American Rescue Plan Act (ARPA), a federal stimulus bill to aid public health and economic recovery from the COVID-19 pandemic, on March 11, 2021. The fundings is meant to provide premium pay for essential workers and to invest in water, sewer and broadband infrastructure. State and local governments as well as businesses and nonprofits can all take advantage of these funds.

The federal government also delivered the Bipartisan Infrastructure Law (BIL) – a historic investment in America's infrastructure to rebuild roads and bridges, replace lead pipes, help provide high-speed internet to every family in America and deliver cheaper and cleaner energy to households and businesses. \$87,721,652 in funds have been allocated through BIL so far across Arkansas for a variety of environment and transportation related projects.

These funds can be broken down a few different ways: formula funding/competitive funding, pay to existing programs, tax credits/direct pay and loan/loan guarantees. Ben is talking to communities about how to access these funds for environment, education and economic justice related funding projects across Arkansas.

ENVIRONMENT: CLEAN UPS & WATER PROJECTS

Across the country, thousands of former industrial, chemical and energy sites emit harmful pollutants into surrounding communities. These sites pose harms to health, welfare and economic prosperity and disproportionately impact communities of color. Arkansas has been allotted \$30,590,000 for oil well cleanup projects. There are 17 Superfund sites in Arkansas as of October 2022 that are recognized sites of toxic cleanup as designated by the EPA.

Another area of interest is municipal water projects. The goal is to provide below market rate loans and grants to fund water infrastructure improvements to protect public health and the environment. So far, \$54.4 million has been spent in projects across 11 counties in Arkansas.

How to Access: Legacy pollution

funding has been allocated to the Arkansas Department of Environmental Protection. To learn more about how these funds can be used in your community, visit the Arkansas State EPA website. The Clean Water State Revolving Fund is managed by The Arkansas Department of Agriculture and Natural Resources.

EDUCATION: FOOD SERVICES & OTHER RESOURCES

Many districts continued to provide meals to students during COVID-19 utilizing different options to best meet the needs of the students, families and communities. The ESSER funds may address district expenses in food service programs due to COVID-19 that have not been covered by other funds or reimbursements, and there may be ongoing costs for districts that continue to operate meal

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Ben Washington speaks with Gould residents about how they could use ARPA funds to improve their community.

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service during the summer and in preparation for the fall that should be considered. Food security spending across Arkansas has totaled \$6.83 million overall.

Decisions for direct student support and continuous learning opportunities may include supplemental workdays or contracted services that help prepare for the return to on-site instruction or days where students are actively under the supervision/instruction of personnel. Other types of support include screening/formative/diagnostic assessment tools, interventions, preparation and testing for industry-recognized credentials, online learning modules, targeted summer programs, professional development, licenses for learning, special population resources for at-risk

students, mobile hands-on learning labs and development of video lessons for skill attainment training. So far, Student Support spending has totaled \$225 million across the state.

How to Access: The Arkansas State Department of Education has allocated these and other funds to support students all over the state. Active participation in school board meetings is necessary here to gain knowledge of spending areas and to ensure proper usage of federal funding in your local school districts.

**ECONOMIC JUSTICE:
PAY FOR ESSENTIAL WORKERS**

Workers across industry continued their work throughout the pandemic and should be compensated for their service. Arkansas has received over \$786 Million in ARPA funds so far

and has started paying essential workers in a number of counties.

How to Access: Local municipalities around the state have enacted measures to provide premium pay to county employees. Local and state governments are tasked with providing premium pay to those in need.

A significant amount of federal funds in Arkansas have yet to be allocated, and what's not used may be sent back to the federal government. The funding should be obligated by Dec. 31, 2024 and jurisdictions have until Dec. 31, 2026 to fully expend their funds.

For more information on ARPA Funds or to find out about Public Policy Panel's upcoming ARPA Community Meeting around the state, email Ben Washington at ben@arpanel.org.

TUNE IN TO SEASON 4 OF THE FOLDING CHAIR TODAY!

In it's 4th season, THE FOLDING CHAIR podcast continues to engage people around the topics of racial equity, activism, civic engagement, art, storytelling, social awareness and more in Arkansas. The Folding Chair is hosted by the Panel's Racial Equity Coordinator Osyrus Bolly and debuted in February 2020 as a way to share honest stories to build empathy, equity, culture and to start multi-generational conversations that advance trust.

In previous seasons, some of the guests have included award-winning fashion designer Korto Momolu, NBA Hall of Famer Sidney Moncrief, Senator Joyce Elliott and author Coffy Davis. Each episode celebrates our guests' unique stories and educates the audience on relationships that help transform social and cultural institutions.

So far this season, we've interviewed author and publisher Wesley Peters, social justice advocate and movement builder Kaleem Nazeem, and Dr. Billy Thomas – the first Black neonatologist in the state of Arkansas. This podcast encourages the listener to understand the journey of triumphs, failures, challenges and to dream



with a radical imagination as we regain control of our narratives because it's essential that we all think critically as we fight for change.

Check out The Folding Chair podcast on Spotify, Apple Podcasts, Amazon, Google Podcasts and more.

COMMUNITY ORGANIZERS FIGHT FOR THE FUTURE OF MARVELL-ELAINE SCHOOL DISTRICT

The Concerned Citizens of the Marvell Area and Panel organizers have been working to build power in the Marvell-Elaine community for years, including building an anti-bullying campaign and hosting children's events, advocating for pre-K programming and recently fighting to keep the school district from consolidating despite budget cuts and state pressure.

Then came this year's legislative session. News that the 306-student school district would not have to consolidate was first met with relief by many parents and community members. However, the passage of the LEARNS Act paved the way for a rushed charter school takeover that was carried out with no input from parents, students, community members or the local democratically elected officials.

The Governor and her school-privatization allies praised the Arkansas State Board of Education's May 5 decision to approve the first-of-its-kind-in-Arkansas "school transformation" contract for three years, handing these vital neighborhood public schools over



Community Organizers with the Panel continue to do COVID-19 Education across the state.

contract was a done deal).

The fundamental problem: Charter takeovers do not lead to improvement in student learning.

"We want the state to invest in what is proven to help kids improve their education and stop playing political games with our kids and community," said Laverne Sims, Chair of Concerned

Concerned Citizens of the Marvell Area and the mayor of Elaine; Grassroots Arkansas Co-Chairman Anika Whitfield and former Sen. Joyce Elliott, D-Little Rock. The Board surely sought to minimize objections from citizens with their last-minute meeting held in Little Rock on a Thursday instead of within the Marvell-Elaine community.

Friendship has already fired the vast majority of the district's employees and taken away transportation from Snow Lake and Elaine students. Parents and other community members again tried to voice their concerns, but they were ignored. Friendship has not allowed public comment at their meetings for over a year.

"The Education Board has sold our students, their families and neighborhood public schools to the highest bidder. And they did this without talking to us, the folks that live in this community," said Jesselia Maples, Panel organizer and Marvell parent.

"WE WANT THE STATE TO INVEST IN WHAT IS PROVEN TO HELP KIDS IMPROVE THEIR EDUCATION AND STOP PLAYING POLITICAL GAMES WITH OUR KIDS AND COMMUNITY."

- LAVERNE SIMS, CHAIR OF CONCERNED CITIZENS OF THE MARVELL AREA

to a out-of-state private charter school management company, Friendship Education Foundation.

Community organizers diligently continue to combat misinformation. Before the board even voted, Friendship was advertising teacher and other staff positions (almost as if they knew the

Citizens of the Marvell Area, which consists of many MESD parents, employees and residents.

Education Board members approved the contract despite concerns if they were even legally able to do so yet and after hearing objections from Ali Noland, a Little Rock attorney who represents

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