

MISSING THE MARK

RACE EQUITY AND MISSED OPPORTUNITY IN THE 2015 SESSION



JULY 2015



MISSING THE MARK

RACE EQUITY AND MISSED OPPORTUNITY IN THE 2015 SESSION

by Bailey Perkins, Education and Fiscal Policy Fellow
Arkansas Advocates for Children and Families
July 2015



5 THINGS YOU SHOULD KNOW ABOUT RACIAL EQUITY IN ARKANSAS

1. This legislative session was filled with missed opportunities. Lawmakers passed bills that weren't good for families of color.
2. As Arkansas becomes a more diverse state, it is important for Arkansas's economic and social future that all people have a fair shot at success. Economic policies affect all low-income families. But they are especially hard on children and families of color because they face higher rates of poverty.
3. Arkansas's decision makers aren't very diverse. There are very few people of color and women that serve in elected positions.
4. Creating a racial impact statement for bills would be the best way for legislators to see the impact new laws would have on various communities.
5. Elected officials have the opportunity in upcoming fiscal and legislative sessions to be more conscious of the needs of all Arkansans.



INTRODUCTION

While there were a few bright spots, it was a tough year for racial equity and opportunity at the legislature. Lawmakers passed policies that will limit opportunities for many Arkansas families. They also failed to pass policies that would have given more Arkansans a chance to thrive and succeed in the future. These policies affect all low-income families. But they are especially hard on children and families of color because they face higher rates of poverty. For example, 20 percent of white Arkansas children live in poverty. More than double that, 43 percent, of Hispanic children live in poverty. For African-American kids, it's 50 percent!¹

A prosperous Arkansas requires a social, economic, and political environment that helps everyone succeed. We build a strong economy on the health, education, and financial strength of our people. We've made progress moving the needle toward equality and opportunity for all, but we haven't reached our goal. Some groups still lag behind and we cannot ignore that.

Public policy plays a vital role in strengthening families and expanding opportunities for all. How? Through things like workforce development, affordable health coverage, public schools, and public transportation. Lawmakers decide how to spend our public tax dollars to improve

economic opportunities for all Arkansans. Those decisions impact different groups in different ways. When making these decisions, we must consider everyone - especially poorer families who are working hard to make ends meet. Lawmakers introduced over 2,000 bills during the recent legislative session. Now that it's over, we need to reflect on whether these laws expand opportunities for all Arkansans. How did communities of color fare during the session? We'll focus on three different areas in this report. We will look at laws that expanded opportunity, laws that created barriers to opportunity, and areas where we missed opportunities.

LEGISLATION THAT EXPANDS OPPORTUNITIES FOR ALL

Some bills moved us in the right direction. The legislature took on policies that paved the way for reform in juvenile justice, prisons, special education, health coverage, and alternatives for high school diplomas.

SMART MOVES FOR JUVENILE JUSTICE REFORM

The criminalization of youth under the age of 18 has become a rising trend nationwide but also in the state of Arkansas. A recent study by Arkansas Advocates for Children and Families (AACF) found that, on average, police arrest 3300 youth at schools in Arkansas each year.

Schools with more children of color have higher arrest rates.

Beyond arrests, children of color receive harsh punishments for nonviolent acts. National studies show that schools suspend black males three times as often as their white and Latino counterparts. For black girls it's nearly five times as often.²

Absence from the classroom and harsh discipline methods make students more likely to drop out and/or get involved in criminal activity. This leads to an opportunity gap among racial groups. It also feeds a larger problem of mass incarceration in adulthood. Juvenile centers should be rehabilitative rather than punitive for children with behavioral issues. Earlier in the year, cases developed within two counties about the harsh treatment of youth in juvenile centers.³

With all this in mind, lawmakers did pass two key reforms. Act 982 aims to “improve the effectiveness of the juvenile justice system” and “provide adequate oversight of commitment reduction services.” The goal of the bill is to reduce the number of kids who end up in the system. Act 982 also requires the Division of Human Services (DHS) to come up with community-based alternatives to locking up youthful offenders. Children will have access to individual therapy, day treatment services, and various types of counseling. A lot of children who enter the system (many of whom are children of color) won't turn into re-offenders. Plus, it will save the state money. The law also enables DHS to collect data on the effectiveness of this approach and report back to the Youth Justice Reform Board.

Act 1023 provides “a validated risk and needs assessment in a juvenile delinquency proceedings.” This is significant because it allows staff to look at youthful offenders on an individual basis. Aside from these two laws, legislators approved five interim studies. These studies will address the over-representation and treatment of children of color in the juvenile justice system.

A STEP IN THE RIGHT DIRECTION

Arkansas is no stranger to America's prison crisis. Not only does the state incarcerate too many people in general, but it locks up African Americans three times more often than white Arkansans. It's important to note that over half of the people in prison committed non-violent crimes. This doesn't come without a cost. The average cost to house a prisoner for one year is twice the cost of tuition for a student

in the University of Arkansas system.⁴ Mass incarceration is a drain on the state. Arkansas spent over \$341 million dollars on prisons in 2014.⁵ The prison system damages families and stifles job opportunities for those who want to get their lives back on track. African American communities are over represented in our prisons. Crime rates are consistent across racial groups; but people of color spend more time in prison. African Americans make up almost 16 percent of the state and yet black males make up 43 percent of our prisoners. According to the Arkansas Department of Correction (ADC), controlled substance is the top reason most people wind up in jail. On average, African Americans serve more time and stay in prison longer than any other group. The worst part is that these numbers continue to rise. Last February, ADC reported that they hit a record high for overall population, adding hundreds of new beds. As a result, lawmakers passed Act 895 in an attempt to address prison overcrowding, promote societal reentry, and enhance public safety. The bill:

- creates task forces and advisory committees to track the performance and outcomes
- creates a “Pay-for-success” program that pays for job placement or higher education to reduce recidivism
- allows the agency to create pre-release assessments and societal reentry plans for those eligible for parole.

PROGRESS IN IMPROVING SPECIAL EDUCATION

Inequities persist across issue areas. African American and American Indian/Alaska native children are over-represented in special education programs. These individualized education programs (IEPs) are for children with various types of disabilities. Black youth have the highest percentage of children with an IEP due to an emotional disturbance. They are also twice as likely as their white counterparts to be considered intellectually disabled.⁶ Students with disabilities face challenges when it comes to school disciplinary practices as well. Schools suspend students with disabilities twice as often as they suspend students without disabilities.⁷

A special education taskforce will study these issues as a result of Act 839. Legislators, parents of children with disabilities, advocacy leaders, and special education teachers will lead the task force. The group will research best practices to reduce problems. They will also make suggestions to lawmakers about the best ways to make improvements.

MAINTAINING HEALTH INSURANCE COVERAGE FOR ARKANSANS IN NEED

Before the private option, one in four Arkansans lacked affordable health coverage. Hospitals incurred the costs of uncompensated care. Minorities made up a significant part of the uninsured population. Before the Affordable Care Act, 13 percent of white Americans had no health coverage, nationwide. Seventeen percent of Asians, 18 percent of African Americans, 27 percent of American Indian/Pacific Islanders, and 30 percent of Hispanic/Latino Americans under the age of 65 did not have health insurance before 2012. Those percentages are not good for health outcomes. Eight percent of Asian Americans and 10 percent of white people were in poor health while over 10 percent of Hispanic/Latinos, 14 percent of American Indians, and 15 percent of African Americans had poor health.⁸

Because of the Private Option, 250,000 uninsured people got covered. The Private Option drove down costs for hospitals because it reduced the amount of uncompensated care. It also opened the door for younger Arkansans to gain coverage. The private option has increased health care coverage for adults in every racial category.

Governor Hutchinson called on lawmakers to pass Act 46 to keep the private option for the next two years (until the end of 2016). The bill also created a task force to develop recommendations to reform Medicaid and the Private Option. By retaining the Private Option through at least the end of 2016, we help ensure that more people have insurance. It also helps hospitals reduce the burden of uncompensated care. The potential danger, of course, is that the Private Option will go away after 2016. The task force could also recommend greater cost sharing, take away access, or reduce benefits to low-income Arkansans. This would have a bigger impact on families of color.

EXPANDING ALTERNATIVES FOR HIGH SCHOOL DIPLOMA ATTAINMENT

Decades ago, a person could graduate from high school, enter the workforce, and get a good job. Today, those opportunities are few and far between. Requirements in educational attainment continue to rise. A high school diploma is now a necessary prerequisite for most low wage jobs. A Career Builder survey found that about one in four employers shifted their basic requirements from a high school diploma to some form of higher education.⁹ Completing high school is an essential piece of social and economic opportunity for Arkansans. Because of this

change in expectations, high school graduation rates have improved over time. But a significant number of people don't have a high school diploma in Arkansas.

In 2013, Arkansas had an 84.9 percent overall graduation rate. White students graduated at an 87.8 percent rate and Asian students graduate at an 87.6 percent rate. But Hawaiian/Pacific Islander, African American, children of migrants, and Hispanic students graduated at 57.8, 78.1, 81.2, and 81.8 percent respectively. High school drop outs have been able to take the General Education Development (GED) test as an alternative to a high school diploma. But some employers no longer accept the GED because they don't feel it reflects the skills they are looking for in job candidates.¹⁰ To tackle this issue, lawmakers passed Act 1260. It creates a statewide re-engagement program to increase high school completion. The goal is to increase the graduation rates for minority groups, lift employment, and break wage barriers for poorer Arkansans.

CREATING BARRIERS TO OPPORTUNITY

This section highlights significant laws that create barriers to prosperity.

DRUG TESTING TANF RECIPIENTS

In Arkansas, 565,469 - or one in five people - live below the federal poverty line. Because of this, Arkansas ranks 48th in poverty nationwide. Poverty hits minority communities particularly hard in Arkansas. Thirty five percent of African Americans live in poverty. Almost one third of Hispanic/Latino Americans and 25 percent of Asian Americans live in poverty.¹¹ Programs like temporary assistance for needy families (TANF) have helped lift families out of poverty. TANF provides cash help to poor, working families with children. These funds meet families' needs and provide support as they work to make ends meet. It's also important to remember that TANF helps children.

Legislators passed ACT 1205, which will make it more difficult for families to get the help they need. The bill calls for drug testing TANF recipients through a pilot program. Other states have implemented drug testing programs and found a low return and a high administrative cost to the state. Our neighbors in Oklahoma, for example, implemented drug testing in 2013. It cost the state \$82,700 within the first seven months of implementation. But the state denied benefits to only 4.4 percent of recipients based on the tests.¹² The average benefit at that time was \$208 per month per family.¹³ So they spent \$82,700 just to save \$17,264.



Act 1205 also does not include any means for drug rehabilitation or help. It requires those who test positive to pay for treatment. These tests punish children who depend on TANF to live each day and do little to stop a parent's drug abuse. They also stigmatize the poor by adding another hoop for families to jump through. The program already offers requirements and penalties for not meeting those requirements. So, it could humiliate and deter those who need the help from applying. From a moral to an economic perspective, it's a "lose-lose" for the state and for the people who need the help most.

REDUCING UNEMPLOYMENT BENEFITS

Unemployment has a big impact on minorities. In 2014 only 5.7 percent of white Americans over the age of 20 did not have a job. At the same time, 11.5 percent of African Americans and eight percent of Hispanic Americans were considered unemployed.¹⁴ In Arkansas, the unemployment rate is higher in cities that have large African American populations. Pine Bluff and West Memphis, for instance, have unemployment rates above the state average. Fayetteville and Little Rock have unemployment rates below the state average.¹⁵ Some experts blame some of

this on the "resilience factor." According to the Economic Policy Institute, being less likely to give up on the job search can lead to a high unemployment rate.¹⁶

Rather than help families looking for employment, lawmakers cut funding for unemployed workers by \$50 million dollars. They also reduced the length of time that families can access benefits from 25 weeks to 20 weeks. The legislature also chose to address an unemployment issue that rarely comes up. Act 1128 keeps undocumented immigrants from accessing unemployment benefits. The bill also prevents those who are legal residents of the United States from accessing benefits. They aren't excluded on the federal level; so we should not exclude those who are lawfully here and contribute to our economy from benefits.¹⁷ Doing so could harm groups like the Marshallese population in Northwest Arkansas.

FURTHERING THE SCHOOL TO PRISON PIPELINE THROUGH EXPANSION OF SCHOOL RESOURCE OFFICER JURISDICTION

Although lawmakers made positive juvenile justice reforms, they also took a step backward. Act 1179 expands the jurisdiction of school resource officers to fine or arrest students on school trips. Proponents said the bill was a "school safety" issue. But it makes it easier to criminalize children, especially children of color. This makes the school to prison pipeline worse. Schools, not the justice system, should handle discipline problems. School arrest rates are on the rise and the number of black children arrested or suspended from school continues to grow.

Recent reports show schools arrest, suspend, or expel children of color as young as six for very little. "Acting out," falling asleep during class, or writing on a locker can get kids expelled or arrested. By expanding the powers of a school resource officer, these types of instances will only become more frequent.

Taking kids out of the classroom makes them more likely to fall behind. These students are also more likely to drop out or get involved in criminal activity. Because of this law, matters that schools should handle could now land kids in court. Winding up in the juvenile justice system can change the course of a young person's life. And it will add new barriers to achieving success.



LIMITING SCHOLARSHIP ATTAINMENT BY CHANGING REQUIREMENTS

Before ACT 1105, students who made at least a 19 on the ACT were eligible for the Governor’s Challenge Scholarship. But students were also eligible if they had a 2.5 cumulative GPA. The purpose of the scholarship is to help take away some of the financial burden of higher education for students. Arkansas’s average ACT score is 21, but children of color tend to score lower than the average on standardized exams. According to ACT, African American test takers’ average score is 16.9. It’s 18 for American Indians. Hispanic Americans score 18.8. Pacific Islander students score 19.5 and white students typically score 22.2.¹⁸ Act 1105 changes the scholarship requirements. So now a student must have a 19 - regardless of grade point average - to be eligible for the scholarship. Under this new standard, many minority students would be ineligible to even apply for the scholarship. Plus, those racial groups have never reached a collective average of 19 on the ACT. Focusing on a single test score, rather than years of classroom performance (GPA), puts minority youth at a disadvantage.

REDUCING DIVERSITY AND REPRESENTATION ON REGULATORY BOARDS

The state of Arkansas has over 30 state boards and commissions. Some are industry-specific. Others give citizens opportunities to provide input and oversight on different areas of government. There are also requirements for minority representation. During the session, lawmakers changed the process for appointments to some of these boards and commissions. It used to work like this. Groups like the Arkansas Medical Society or the Arkansas State Horticulture Society made recommendations to the governor. The governor would then make an appointment to a board or commission based on that. But because of Act 1100, the Governor now only has to consult with those groups. He does not have to accept the recommendations provided by them. This new act also requires senate confirmation of those appointments. The law also calls into question whether the Governor or the Senate has to honor the requirements for minority appointments.

REJECTED BILLS THAT WOULD HAVE EXPANDED OPPORTUNITIES FOR ALL

The following bills were great ideas that just didn't make it to the Governor's desk this session. These proposals would be beneficial to communities of color. Lawmakers will have a second chance to revisit these issues during the next session or in 2017.

ESTABLISHING A RACIAL IMPACT STATEMENT FOR PROPOSED LEGISLATION

When legislators propose bills, they have to consider how the bills affect the economy and the environment. But they don't have to think about how legislation will help or hurt disadvantaged groups. During the 2013 and 2015 legislative sessions, lawmakers had a chance to solve this problem. Senate Bill 604 was aimed at criminal justice legislation. It said that legislators who propose new bills would have to consider communities of color. They would have to look at the potential disparities their bill might create or make worse.

Other states have required these "racial impact statements" for all new bills. Racial impact statements work like fiscal impact statements on funding bills. They are there to detect unforeseen policy consequences. Arkansas isn't the first state to consider them. Three states - Iowa, Connecticut, and Oregon - have implemented methods for racial impact statements. Several states have introduced legislation over the past seven years.²¹ By looking at how bills would help or harm underrepresented groups, lawmakers show they care about the wellbeing of ALL citizens. It also shows a commitment to thinking about what is best for everyone when making decisions. This bill failed by a single vote on the senate floor.

WORKING FAMILIES OPPORTUNITY ACT

One of the Governor's top priorities was a middle class tax cut. That tax cut passed with ease. But a significant number of hard-working, low-income minority families didn't get tax cuts. Those with incomes less than \$21,000 did not receive any tax relief at all. House Bill 1344 would have ensured that more than just middle class Arkansans experienced tax relief. The bill would have created a state level, refundable earned income tax credit, or EITC. It's based on the hugely successful federal EITC that has had such a major impact on reducing poverty. The bill would have encouraged workforce participation. It would have helped lift working families out of poverty and given the economy a boost. Despite solid support and a late surge in momentum, it failed in committee.

PREVENTING WAGE THEFT

Wage theft takes money away from working families trying to make ends meet. Wage theft comes in various forms. It happens when bosses pay workers less than minimum wage. Stealing tips, making employees work "off-the-clock," or falsely classifying workers as part time are also forms of wage theft. Immigrants and migrant workers are the most likely victims. According to a survey by the Southern Poverty Law Center, 41 percent of Latino respondents said they were not paid for work they performed. Almost 80 percent of those surveyed didn't know where to go for help.²² Arkansas's current laws are so weak that they do little to keep employers from robbing their workers. Two bills would have fixed some of these problems. House Bill 1277 was called "The Right to Wages Earned Act" and House Bill 1276 was known as "The Right to Know Your Pay Act." The bills would hold employers accountable and outline a process about to reclaim missing wages. They would have required employers to issue pay stubs to their employees at least one a month. Both bills failed in committee.

PROTECTING RENTERS AND TENANTS FROM ABUSES OF AUTHORITY BY LANDLORDS

Disparities exist in housing practices among racial groups.²³ Arkansas state law does little to protect tenants. When it comes to rights for tenants, Arkansas has some of the weakest laws in the country. In some cases, tenants are even criminalized. At the least, they are at a disadvantage when trying to dispute with their landlords. Arkansas is the only state that has a criminal "failure to vacate" law. The law allows landlords to prosecute those who are unable to pay their rent. Ours is also the only state that doesn't have an "implied warranty of liability." Landlords don't have a legal obligation to make sure things like electricity, appliances, or air conditioning units work. These instances occur often in low-income apartments and housing areas with large minority populations. Reports have even found that harsh practices by some landlords have been attempts to discourage or get rid of Black and Hispanic renters.²⁴

Two pieces of legislation would have strengthened Arkansas's protection of renters. House Bill 1814 would have removed criminal penalties for failure to pay rent. House Bill 1486 would have done three key things:

- created specific property maintenance requirements for landlords
- limited a landlord's access to rented property to emergencies

- prohibited punitive actions by landlords in response to a complaint by tenant

Both bills failed in committee.

REFORMING SCHOOL POVERTY SPENDING (NSLA)

School poverty funding helps low-income children throughout Arkansas. School districts use those dollars for various things. They can spend it on teachers by increasing salaries. They use them to pay for tutoring and literacy coaches, and to fund afterschool and summer programs. Current law gives school districts too much flexibility on spending their school poverty dollars. They spread the funds too thin, which reduces their effectiveness.

Unfortunately, NSLA didn't receive the attention it deserved this session. On the budget side, it only received a 1 percent cost-of-living increase instead of a 2 percent increase for the second year in a row. So it received less funding than many of the other programs that benefit public schools. On the policy side, two pieces of legislation attempted to fix the inefficient spending of these funds.

House Bill 1958 would have placed two percent of all NSLA funding towards after-school and summer programs. Summer and after-school programs are part of the recommended uses of NSLA dollars. The bill would have required districts to work with non-profits like Boys' and Girls' Clubs to develop strong programs. This bill failed the house committee by three votes. Legislation related to NSLA was also proposed on the senate side. Senate Bill 851 would have restructured the uses of NSLA funding. The bill would have created two categories of spending. It also would have required districts to spend most of the money on programs proven to reduce the achievement gap. Senators deferred action on the bill. An interim study on NSLA spending will be proposed.

ENSURING PARENT INVOLVEMENT AND INPUT DURING SCHOOL ACCREDITATION REVIEWS

Community involvement and support within schools are essential pieces to student success. Sometimes, parents and community members feel left out of important decisions made at their schools. The accreditation process is prime example. At least once every four years, the Arkansas Department of Education (ADE) conducts reviews at public schools. These reviews ensure that schools are meeting the standards for accreditation. The ADE is also responsible for investigating any areas where the standards

are not met. Currently, parents and community leaders have no opportunity to provide input. To make sure that happens, House Bill 1515 required the ADE to have at least one forum for parents and community members during the school's review. The bill failed in committee.

PARITY IN FUNDING LAND GRANT INSTITUTIONS

The state of Arkansas has two land grant institutions: the University of Arkansas at Fayetteville and at Pine Bluff (UAPB). UAPB was established as an institution for African American students during the "separate but equal" era of our country's history. So UAPB has a distinct heritage as a historically Black university. Both institutions house significant research for the state. But they are not equal when it comes to resources and financial support. The University of Arkansas at Fayetteville is fully funded and given enough financial support to meet the federal matching grant. UAPB, however, does not have adequate funding to reach that federal matching grant to fund programs. UAPB must then find other revenue sources to complete match requirements or apply for federal waivers. Senate Bill 695 would have required the state to provide permanent funding sources to land grant institutions. This would mean each institution would meet their federal grant requirements. The bill passed the senate, but failed in the house chamber.

MAKING CHANGES IN SENTENCING FOR CRIMES

Two of the harshest punishments offered in the United States are the death penalty (for adults) and life without parole (for juveniles). States can choose whether to use the death penalty as a form of punishment. Thirty four states – including Arkansas – have instituted the death penalty. Nationwide, juries sentence more black Americans to the death penalty even though they commit crimes at the same rate as other groups. Black people make up 16 percent of the population, but 41.6 percent of the death row population.²⁵ Since 1976, over a third of all people executed were black. This session a bill was introduced to repeal the death penalty and replace it with life in prison. The bill died on the senate floor.

Over 2,500 children (some as young as 13) in the United States have received a sentence of life without parole.²⁶ Twenty-nine states – including Arkansas – have these laws in place. House Bill 1197 would have removed Arkansas from that number by eliminating life sentence without parole for children under the age of 18. It would have also revised their parole guidelines for committing homicides. This bill failed on the house floor.



CREATING A CITIZEN'S REVIEW BOARD ON POLICING PRACTICES

In light of the recent incidences of police brutality and racial tension, a group of lawmakers crafted a proactive piece of legislation. Senate Bill 942 would have created a citizens' review board on policing practices. The board would promote positive relationships between law enforcement and communities they serve. The citizens' board could have also ensured that public complaints were taken seriously. The bill was recommended for interim study.

SEPARATING MARTIN LUTHER KING, JR. DAY FROM ROBERT E. LEE DAY

Arkansas's celebration of Dr. Martin Luther King, Jr. and Robert E. Lee reflects a bit of a paradox. On the same day, the state recognizes an African American leader of the civil rights movement and a General of the confederate army who fought for states' rights to enslave African Americans. House Bill 1113 and House Bill 1119 would have made Martin Luther King, Jr. a standalone holiday. They would have created a separate memorial day for Robert E. Lee. Each of the bills failed in committee; so the state will continue celebrating both figures on the same day.

BROADER DISCRIMINATION ISSUES

EXPANDING THE DEFINITION OF PROTECTED CLASS

House Bill 1950 would have expanded Arkansas's anti-discrimination definitions. The act would have included unspecified categories like sexual orientation and gender identity. That way, all cities would have to include those groups as protected classes by state law. It would also ensure protect members of the LGBTQ communities from discrimination. This bill never made it to a vote.

RESTRICTING MUNICIPALITIES FROM FORMING THEIR OWN ANTI-DISCRIMINATION POLICIES

Discrimination in Arkansas isn't an abstract concept. For some minority groups, it's a reality - especially in housing practices. Last year, the National Fair Housing Alliance (NFHA) filed eight housing discrimination complaints to the U.S. Department of Housing and Urban Development. The complaints were the result of a yearlong investigation.¹⁹ One complaint was against apartment management companies in Little Rock and North Little Rock. The NFHA accused the companies of discriminating against the deaf, as well as Latinos, in their housing practices.²⁰



Cities like Fayetteville tried to be proactive. In August 2014, the city passed a Civil Rights ordinance to protect residents. It said local businesses could not discriminate against employees or customers based on gender, race, sexual orientation, or gender identity. Now, these actions by local governments will be illegal. Lawmakers enacted Act 137 to restrict local governments from passing their own anti-discrimination policies. Before the law, local governments had the ability to set their own provisions to protect their residents. They could do so as long as ordinances didn't supersede state and federal laws. The new law limits local control. And it places the responsibility of protecting marginalized groups in the hands of a body that has historically failed to protect them and has even created discriminative policies. This law was inspired by a controversy that happened after voters repealed the city ordinance in December 2014.

One bright spot: the law does not have a retrospective component. It also lacked an emergency clause that would have placed it into effect immediately. So policies enacted before July 2015 – like a Little Rock ordinance passed in April - are exempt.

POTENTIAL FOR DISCRIMINATION BASED ON RELIGIOUS FREEDOMS

Toward the end of the session, the Governor signed the Religious Freedoms and Restoration Act into law. On its face, ACT 975 appears to protect people, organizations, and companies of various faiths from being forced to act contrary to their religious beliefs. But opponents worry the legislation will allow discrimination under the guise of religious freedom. Because of these concerns and national media attention, the Governor called for a revision of the bill. He said it should match the protections written in the federal version of the legislation. So instead of the original proposal, the revised compromise legislation of House Bill 975 made it to law. With protections allegedly in place, opponents still worry the LGBT community will be subject to discrimination.

DIVERSITY IN THE ARKANSAS GENERAL ASSEMBLY

The state of Arkansas has come a long way when it comes to diversity and inclusion in its legislative body. But, it still has a ways to go. The Arkansas General Assembly is not very diverse. African Americans make up over 16 percent of the state's population, but only hold nine percent of legislative seats. There are no Hispanic, Middle Easterner,

or Asian representatives at the Arkansas State Capitol. Even from a gender point of view, the legislature is lacking. Women make up half of the state's population, but only hold 20 percent of seats.

A person of color has never served in a statewide elected position (like Governor or state treasurer) in Arkansas history. Arkansans have never elected a person of color to represent the state in Washington D.C. The same is true for other marginalized groups. People that identify as LGBTQ also have never been represented in the legislature or the congressional delegation. The lack of diverse voices is a not just an Arkansas problem, but a nationwide problem. We need to elect more voices from different backgrounds so that the needs of all Arkansans are considered in policymaking.

MOVING FORWARD

The 2015 legislative session shows that legislators were not as conscious of communities of color and low-income Arkansans as they should have been. Some policy decisions moved the state in the right direction. For instance, continuing the private option for another two years and prison reforms were good policies. But other bills will add significant barriers to children and families vying to achieve the American dream. As our state becomes more diverse, it is critical for Arkansas's economic and social future that all people have a fair shot at success. Our lawmakers should craft policies and allocate funding in ways that lead to equity and adequacy for everyone.

Moving forward, lawmakers must pay greater attention to the needs of minority communities. They must realize the impact of their bills on every Arkansas resident. A racial impact statement is the best way to make sure the General Assembly meets these challenges. It is often said you cannot legislate morality. That might be true. But perhaps we can be more thoughtful of our fellow citizens. We hope that the General Assembly will use our upcoming fiscal and legislative sessions as chances to look to a future where all Arkansas children can succeed.



NOTES

¹ Annie E. Casey Foundation Kids Count Data Center: <http://datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and-ethnicity#detailed/2/2-52/false/36,868,867,133,38/10,11,9,12,1,13,185/324,323>

² Schott Foundation 2015 Report, “Black Lives Matter: The Schott 50 State Report on Public Education and Black Males.” <http://blackboysreport.org/>

Center for Intersectionality and Social Policy Studies and the African American Policy Forum 2014 Report, “Black Girls Matter: Pushed Out, Overpoliced, and Underprotected.” <http://www.aapf.org/recent/2014/12/coming-soon-blackgirlsmatter-pushed-out-overpoliced-and-underprotected>

³ Juvenile centers in Batesville and Yell County were under investigation for their use of restraining devices (known as the WRAP) and their improper techniques on children with behavioral problems. They were instructed by DHS officials to refrain from certain practices. Reference from the Arkansas Democrat Gazette January 1, 2015 Article, “No State Kids, 2nd lock up told.”

⁴ Tuition references based from the University of Arkansas at Fayetteville and University of Arkansas at Pine Bluff websites: <http://treasurernet.uark.edu/tuition.aspx> http://www.uapb.edu/admissions/cost_of_attendance.aspx

⁵ Arkansas Department of Correction, 2014 Annual Statistical Report. <http://adc.arkansas.gov/resources/Documents/2014annualReport.pdf>

⁶ National Center for Education Statistics, Digest of Education Statistics 2011-2012 https://nces.ed.gov/programs/digest/d13/tables/dt13_204.50.asp

⁷ U.S. Department of Education Office of Civil Rights <https://www2.ed.gov/about/offices/list/oct/docs/crdc-discipline-snapshot.pdf>

⁸ Center for Disease Control and Prevention Fast Stats: <http://www.cdc.gov/nchs/fastats/default.htm>

⁹ CBS March 20, 2014 news report reference, “High School Diploma not Enough? More Companies Want College Grads.” <http://www.cbsnews.com/news/high-school-diploma-not-enough-more-companies-want-college-grads/>

¹⁰ NPR February 2012 article, “In Today’s Economy, How Far Can a GED Take You?” <http://www.npr.org/2012/02/18/147015513/in-todays-economy-how-far-can-a-ged-take-you>

¹¹ Talk Poverty 2014 Report: <http://talkpoverty.org/state-year-report/arkansas-2014-report/>

¹² The Oklahoman. “Oklahoma’s Drug Screening of Welfare Applicants Proves Costly.” September 1, 2013. <http://newsok.com/oklahomas-drug-screening-of-welfare-applicants-proves-costly/article/3877828>

¹³ Oklahoma Policy Institute, “Five Reasons Not To Drug Test Welfare Applicants.” February 29, 2012 <http://okpolicy.org/five-reasons-not-to-drug-test-welfare-applicants/>

¹⁴ Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey. http://www.bls.gov/web/empsit/cpsee_e16.htm

Arkansas Economist, UALR Institute for Economic Advancement. “Metro Area Employment and Unemployment – April 2015.” <http://www.arkansaseconomist.com/?tag=unemployment-rate>

¹⁵ Economic Policy Institute, “Resilience of Black Labor Force Participation.” May 14, 2014. <http://www.epi.org/publication/resilience-black-labor-force-participation/>

¹⁶ AR Advocates blog, “More Threats to Unemployment Benefits on the Horizon.” <http://www.aradvocates.org/more-threats-to-unemployment-benefits-on-the-horizon-2/>

¹⁷ ACT Report, “ACT Scores Over Time by Race/Ethnicity.” <http://www.act.org/research/policymakers/cccr13/performance3.html>

¹⁸ ABC News, “2 local Apartment Complexes Named in Discrimination Lawsuit.” January 9, 2014 <http://www.abcnews4.com/story/24411735/2-local-apartment-complexes-named-in-discrimination-lawsuit>

¹⁹ Arkansas Times Blog, “Complaint Made About Discrimination against Latinos by Little Rock Apartment Operator” October 9 2013. <http://www.arktimes.com/ArkansasBlog/archives/2013/10/09/complaint-made-about-discrimination-against-latinos-by-little-rock-apartment-operator>

²⁰ Arkansas Time Blog, “Fair Housing Group Testing Rental Bias in Little Rock” June 12, 2014. <http://www.arktimes.com/arkansas/fair-housing-group-testing-rental-bias-in-little-rock/Content?oid=3334900>

²¹ The Sentencing Project, “Racial Impact Statements.” December 2014. http://www.sentencingproject.org/detail/publication.cfm?publication_id=570&cid=

²² Southern Poverty Law Center. “Under Siege: Life for Low-income Latinos in the South.” <http://www.splcenter.org/publications/under-siege-life-low-income-latinos-south/1-worker-abuse>

²³ U.S. Department of Housing and Urban Development. “Housing Discrimination Against Racial and Ethnic Minorities 2012.” June 2013. http://www.huduser.org/portal/Publications/pdf/HUD-514_HDS2012.pdf

²⁴ Jamelle Bouie. Slate, “A Tax on Blackness” May 13, 2015. http://www.slate.com/articles/news_and_politics/politics/2015/05/racism_in_real_estate_landlords_redlining_housing_values_and_discrimination.html

²⁵ The Criminal Justice Project of the NAACP Legal Defense and Educational Fund, Inc. “Death Row U.S.A. Winter 2015.” <http://www.deathpenaltyinfo.org/documents/DRUSAWinter2015.pdf>

²⁶ ACLU blog. “End Juvenile Life Without Parole.” <https://www.aclu.org/end-juvenile-life-without-parole>

Arkansas Advocates for Children and Families
1400 West Markham, Suite 306
Little Rock, AR 72201
(501) 371-9678

Northwest Arkansas Office
614 East Emma Avenue, Suite 107
Springdale, AR 72764
(479) 927-9800



LEARN MORE AT WWW.ARADVOCATES.ORG

 facebook.com/aradvocates

 twitter.com/aacf

 [@aradvocates](https://instagram.com/@aradvocates)