

Kids at the Capitol

2019



**ARKANSAS
ADVOCATES**
FOR CHILDREN & FAMILIES

Legislative Summary

Kids at the Capitol

The Arkansas 92nd General Assembly passed 1,091 bills between January and April 2019. Some of these bills will bring positive changes in the lives of Arkansas's most vulnerable children and families, while others will inevitably make life more challenging.

First, the good news

Arkansas took its first step in reducing the use of corporal punishment in Arkansas public schools. This practice can no longer be used on children with certain special needs. Laws were passed to help Arkansas students read at grade level, and elementary students will get at least 40 minutes of recess time. We'll see more school counselors available for students, and kids who run out of lunch money will be fed snacks and lunches, no matter what.

Landmark legislation passed that begins the process of reforming the Arkansas juvenile justice system. Many years in the making, and with the combined efforts of legislators, juvenile judges, juvenile providers, and advocates, Act 189 will reduce the number of youth and the length of stay in juvenile lockups. Some of the funding used from secure confinement will be redirected to more effective (and less expensive) community-based services. Additionally, as the result of another law passed, juveniles who are committed to the Division of Youth Services will now be screened for dyslexia and will receive assistance in learning to read, if needed.

We also saw two important pieces of legislation passed for immigrants under the Deferred Action for Childhood Arrivals (DACA) policy. Students under DACA who graduate from Arkansas high schools are now eligible to pay in-state tuition prices at state colleges and universities, and the Arkansas State Board of Nursing may now issue licenses to individuals who have completed their vocational or professional course work and who have work permits under the DACA policy. These laws not only have the potential to improve the economic standing of immigrants in Arkansas, they'll also benefit the entire state with a better-educated population and more nursing staff.

On the flip side, AACF and our partners worked to defeat measures that would not have benefitted Arkansas's vulnerable children and families. There were a number of proposals that would have scaled back the recent minimum wage increase, going against the will of the voters. We worked with partners to help defend against bills that would have negatively impacted funding for public schools, such as increasing taxpayer-funded vouchers for private schools. And efforts to extend state control over the Little Rock School District failed to pass.

Progress and future opportunities

Two Earned Income Tax Credit (EITC) bills were introduced this session, including one by the Senate President that would have created a state EITC and offered other tax relief for Arkansas's low- and middle-income earners, paid for by an increase in tobacco taxes and a new tax on e-cigarette products. The bill passed through the Senate and has been moved to interim study.

AACF staff also worked with legislators to propose a tax incentive for early childhood educators. This bill also passed through the Senate but ran out of time to clear the House before the session ended. We are pleased to see bipartisan support on legislation to improve K-12 and early childhood education

and will continue to strengthen relationships with legislators who promote the importance of investing in education and moving Arkansas from adequacy to excellence.

Challenges for everyday Arkansans

While we aided in some solid legislative wins, it was still a challenging session for children and families. As it stands, Arkansas’s tax code remains regressive. People with lower incomes pay a larger proportion of their earnings in taxes than Arkansas’s higher-income earners, when state and local taxes are included. The income tax cuts that passed this session overwhelmingly went to Arkansans earning \$205,000 or more.

State taxes are used to fund a variety of programs, and when we cut taxes, we reduce our state’s revenue. In addition to the individual income tax cuts, corporate tax cuts also passed this session. Revenue-raising measures that passed this session include an increase on motor fuel taxes and requiring the collection of internet sales taxes. While both increases will provide revenue for the state budget in future years, alternative measures were proposed that would have had a smaller impact on the household budgets of low-income Arkansans.

The legislature passed bills that restrict access to the Supplemental Nutrition Assistance Program, meaning more Arkansans will struggle to feed themselves and their families. And in the final days of the session, lawmakers passed a bill that strips state funding from cities that adopt immigrant-friendly “sanctuary” policies. Many advocates and Arkansas business leaders fear that this law will make Arkansas a less welcoming state for immigrants, on whom a significant portion of our economy relies.

We are quite concerned about the attempt to make it more difficult to pass policies through citizen-initiated ballot measures. Laws that struggle to pass through the legislature are sometimes popular enough with voters to pass at the polls, as we saw with the minimum wage increase in 2018. The ability of the general public to make policy changes on its own behalf is an important part of our state’s democracy that should be preserved.

Looking forward

Every legislative session is an opportunity to make changes that will impact all Arkansans. As a state, we stand out for our affordable cost of living, our stunning natural environment, and the efforts we have put into providing free preschool for 3-year-olds. However, we have high poverty and crime rates and score poorly in health care and overall education rankings. Public policies have the power to shape the direction of Arkansas’s future, and Arkansas Advocates will continue to push for legislation that will make Arkansas an even better place to raise a family.

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Education Arkansas made progress on some K-12 education issues during this session, like increasing minimum teacher salaries and making grade-level reading an even higher priority. In the future, we hope to see an increased focus and progress on issues affecting our littlest learners in early childhood education, and the educators who care for them.			
	Sen. English Rep. Barker <u>Act 83</u>	Teachers will be better trained in how to teach children to read using scientifically based methods.	PASSED
	Sen. Clark <u>Act 1082</u>	School districts with low reading test scores will get more support from the Arkansas Department of Education.	PASSED
	Rep. A. Davis <u>Act 428</u>	Kids who don't have lunch money or owe money on their cafeteria account will always be given meals and snacks, and they can't be treated any differently from other students.	PASSED
	Rep. Della Rosa Sen. Elliott <u>Act 641</u>	All public elementary school students get at least 40 minutes of recess time for unstructured play.	PASSED
	Rep. B. Davis Sen. Vaught <u>Act 190</u>	Students will have better access to school counselors, and the school counselors will have more time to spend directly with students.	PASSED
	Sen. Bond Rep. Burch <u>SB 304</u>	Had it passed, students would have received a more comprehensive education in their own health.	FAILED
	Sen. Elliott Rep. Vaught <u>Act 557</u>	Students who are intellectually disabled, non-ambulatory, non-verbal, or autistic can no longer receive corporal punishment at school.	PASSED
	Rep. Glover Sen. Elliott <u>Act 709</u>	Students who have been expelled have to be offered alternative ways to continue their education by the schools.	PASSED
	Rep. S. Meeks Sen. E. Cheatham <u>Act 640</u>	Students will receive better access to education and engagement from the school while they are suspended or expelled.	PASSED
	Rep. Gazaway <u>Act 1029</u>	Students will be better protected from bullying and cyberbullying at school.	PASSED

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	Rep. Cozart Sen. J. English <u>Act 170</u>	All Arkansas public school teachers will make at least \$36,000 a year by 2022.	PASSED
	Sen. Sturch <u>SB 618</u>	Had it passed, certain early childhood educators and directors in programs serving children aged 0 to 5 would have received a tax incentive based on the educator's level of education, increasing income and encouraging further educational attainment.	FAILED
	Rep. Eubanks Sen. Sturch <u>Act 532</u>	Students from low-income families will have greater access to programs and interventions specifically designed to help them achieve at the same level as their peers from higher-income families.	PASSED
	Sen. B. Johnson Rep. Murdock <u>Act 1080</u>	Students who attend schools in poorer or small, rural districts will have improved school facilities.	PASSED
	Sen. Sturch <u>Act 815</u>	Traditional public schools cannot indiscriminately use school waivers, which exempt schools from the standards placed on public schools.	PASSED
	Sen. Bond Rep. A. Collins <u>SB 553</u>	Had it passed, school districts under state control would have had a clearer pathway for being returned to local control within five years of the state's takeover.	FAILED
	Rep. Cozart <u>Act 827</u>	The Arkansas Department of Education is required to conduct a biennial study of the implementation and outcomes of the Succeed Scholarship private school voucher program.	PASSED
	Sen. Hammer <u>SB 668</u>	Had it passed, the Arkansas Department of Education would have been allowed to extend the takeover of a public school district for up to four additional years, for a total of nine years.	FAILED
	Sen. B. Johnson Rep. Bragg <u>SB 539</u>	Had it passed, public tax funds would have been used to pay for private school tuition for certain students.	FAILED
	Sen. B. Johnson Rep. Bragg <u>SB 620</u>	Had it passed, \$3.5 million in public tax funds would have been used to pay for private school tuition for approximately 500 students in Pulaski County.	FAILED

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Economic Security A state-level Earned Income Tax Credit made it further in the Arkansas legislature than ever before, and renters' rights – or lack thereof – got a lot of attention, despite the bill failing to progress. Two bills that passed will reduce the number of people receiving food assistance, including families with children as young as 6. And two bills that attempted to roll back the state minimum wage for thousands of Arkansans were blocked.			
	Sen. Hendren Rep. L. Johnson SB571	Had it passed, low-income families would have received a state Earned Income Tax Credit, and tobacco and e-cigarette use would have declined.	MOVED TO INTERIM STUDY
	Rep. Gazaway HB 1410	Had it passed, Arkansans living in residential rental properties would have had a guaranteed minimum standard of habitability, as renters in all other states in the country already do.	FAILED
	Rep. Bentley Sen. Flippo Act 974	Families with children over the age of 5 are at risk of losing food support if the parents do not meet the expanded work requirements for SNAP participants.	PASSED
	Rep. G. Hodges Sen. Stubblefield Act 1043	Families who rely on food support through SNAP may lose their benefits if an adult in the home does not maintain child support payments.	PASSED
	Rep. Lundstrum Sen. Pitsch HB 1752 HB 1753	Had either of these bills passed, the state minimum wage would have been capped at \$9.25 per hour for certain Arkansans, excluding thousands of Arkansans from the wage increases to \$10 on January 1, 2020 and \$11 on January 1, 2021, which were approved by 68 percent of Arkansas voters in November 2018.	FAILED
Health Efforts are being made to reduce the chance Arkansas will suffer an outbreak of a vaccine-preventable illness in the future. And increased awareness of the impact of Adverse Childhood Experiences ultimately will benefit children throughout the state.			
	Rep. Miller Sen. Hammer Act 1033	Arkansans who have been on the waiting list for developmental disabilities services will receive services faster.	PASSED
	Rep. Scott HB1608	The state will conduct a study of Adverse Childhood Experiences, for the purpose of improving the lives of Arkansas's children.	MOVED TO INTERIM STUDY
	Rep. Boyd Act 676	Schools will provide a record of how many students attending are not vaccinated.	PASSED

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	Sen. Ballinger <u>SB 604</u>	Had it passed, fewer children in the state would have had access to fluoridated water.	FAILED

Immigrant Families

It was a mixed year for legislation affecting immigrant families living in Arkansas. Some long-fought battles finally resulted in big wins to expand educational and work opportunities to certain immigrants, but an “anti-sanctuary” bill that passed on the last day of the session left some families feeling unwelcome and even unsafe in our state.

	Rep. Douglas <u>Act 844</u>	More immigrant students in Arkansas will be able to afford to attend college in the state, because they will have access to in-state tuition.	PASSED
	Rep. Godfrey Sen. Eads <u>Act 837</u>	More immigrants will be able to work as nurses in Arkansas, leading to higher incomes for their families and potentially helping alleviate a statewide nursing shortage.	PASSED
	Sen. Stubblefield <u>Act 1076</u>	This legislation strips state funding from cities that adopt immigrant-friendly “sanctuary” policies. Advocates have reported hearing from immigrants that they feel unsafe with the new law in place, especially for fear of increased racial profiling.	PASSED

Child Welfare

Several improvements were made to the child welfare system, including the creation of a Child Welfare Ombudsman Division and adding another pathway to forever homes for youth under subsidized guardianships.

	Sen. Clark <u>Act 945</u>	A Child Welfare Ombudsman Division within the Arkansas Commission on Child Abuse, Rape, and Domestic Violence will provide independent oversight of the child welfare system.	PASSED
	Rep. Burch <u>Act 968</u>	Children in foster care who are placed with fictive kin may now be eligible for subsidized guardianships when adoption or reunification are not options. Fictive kin are families that have a close relationship with the child but are not related.	PASSED
	Sen. Clark Rep. Capp <u>Act 802</u>	This law limits the number of unnecessary investigations of families by requiring a second review of reports that only meet the minimum requirements and allowing for administrative closures when there is no credible evidence. Only names of offenders who pose a risk of abuse will be placed on the Child Maltreatment Central Registry.	PASSED

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	Sen. Clark Rep. Burch <u>Act 554</u>	Fewer reports of educational neglect will be investigated by changing the criteria. This will help limit the large number of reports that are truly not educational neglect and allow DCFS to deploy resources to other investigations.	PASSED
	Rep. Barker Sen. T. Garner <u>Act 598</u>	Health care providers must notify Division of Child and Family Services in a broader range of cases where an infant is born with and affected by prenatal drug exposure to an illegal drug or a legal substance.	PASSED
	Rep. Penzo Sen. Ballinger <u>Act 1022</u>	By creating felony offenses for human trafficking and illegal adoption activities, fewer Arkansas children and adults will be trafficked.	PASSED
	Sen. Clark Rep. Capp <u>Act 558</u>	Children in foster care should receive a minimum of four hours of visitation a week with their parents when the court orders supervised visitation. The law places an emphasis on unsupervised visitation during court hearings.	PASSED
	Sen. Clark Rep. Sullivan <u>Act 329</u>	State legislators are allowed to attend closed hearings in juvenile court for children involved in the child welfare system unless the court excludes them.	PASSED

Juvenile Justice

The climate for juvenile justice is improving with the passage of comprehensive reform legislation in Act 189. Much work needs to be done implementing the legislation in the years ahead, and we are concerned there will be too little funding to implement the new legislation to its full benefit.

	Sen. Irvin Rep. C. Fite <u>Act 189</u>	Fewer Arkansas juveniles will be detained in secure confinement, and their length of stay will be reduced, in favor of community-based services, when applicable. Funding will be redirected from secure confinement to community-based services.	PASSED
	Sen. Irvin <u>Act 931</u>	The Youth Justice Reform Board will monitor and help oversee the implementation of Act 189.	PASSED
	Rep. Scott Sen. Elliott <u>Act 971</u>	With some exceptions, most minors in juvenile detention or state correctional facilities cannot be put in isolation or solitary confinement for more than 24 hours.	PASSED

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	Sen. Irvin Rep. C. Fite <u>Act 941</u>	The Administrative Office of the Courts will recapture unused county funds for juvenile officers and redistribute them to other counties, based on certain criteria.	PASSED
	Sen. Elliott Rep. Scott <u>Act 089</u>	Juveniles who are committed to a facility will be taught to read and provided with dyslexia services, if needed, based on an assessment administered within 30 days of commitment to the Division of Youth Services.	PASSED
	Rep. Eubanks <u>Act 647</u>	Prosecuting attorneys must notify the relevant school superintendent if a minor is found guilty for certain serious offenses within 24 hours of the arrest or detention, and the superintendent will notify the principal.	PASSED
	Rep. C. Fite Sen. Rice <u>Act 365</u>	This bill specifies the situations and the types of identifying and descriptive information about a juvenile that may be released to the general public.	PASSED

Citizen-Led Ballot Initiatives

A new law was passed, and a proposed constitutional amendment will be referred to the voters. We are concerned these efforts will make it more difficult to pass ballot measures for children and families in the future.

	Sen. Pitsch Rep. Vaught <u>Act 376</u>	This bill places additional restrictions on the ballot-initiative process, which will make it more difficult to propose and successfully pass ballot measures.	PASSED
	Rep. Vaught Sen. Pitsch <u>HJR 1008</u>	If approved by the voters, the state's constitution will be amended in a way that would make it more difficult to propose and successfully pass ballot measures and constitutional amendments.	PASSED

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Tax and Budget The legislature passed some measures to modernize and increase the efficiency of our state tax code. The tax cuts passed this session went to the highest-income earners and corporations, and we are concerned the budget will struggle to meet critical needs for children and families in the future. Because of the complex nature of tax and budget bills, we have not scored the bills below as we have in the previous sections.		
Sen. Hendren Act 819	This is a tax package that includes many of the reforms advocated by the legislative tax task force. Its most significant provision is that it instructs DFA to evaluate our tax exemptions and credits every two years.	PASSED
Sen. Dismang Rep. Jett Act 182	This bill provides personal income tax cuts, mostly for individuals making more than \$205,000 a year.	PASSED
Sen. Ingram Rep. Lundstrum Act 201	This is a state-level version of the federal "Opportunity Zones." It allows for favorable tax treatment of capital gains income.	PASSED
Sen. Rice Rep. Holcomb Act 416	This bill raises taxes on motor fuel at the wholesale level and dedicates casino revenue to fund the repair and maintenance of highways, streets and bridges.	PASSED
Rep. Wardlaw Sen. Eads HJR1018	Arkansans will vote in 2020 whether to extend the half-cent sales tax for highways.	PASSED
Joint Budget Committee Act 998 Rep. Jean Act 1024	The general revenue budget will increase \$124 million to \$5.75 billion for FY2020. We would have liked to have seen greater funding for programs targeting Arkansas's vulnerable children and families.	PASSED
Joint Budget Committee Act 719	Arkansas Medicaid is funded for the fiscal year.	PASSED
Joint Budget Committee Act 769	This bill provides funding for the Department of Human Services – Division of Youth Services. We would have liked to have seen DYS receive a funding increase, to aid in the implementation of juvenile justice reform measures.	PASSED
Sen. Teague Act 997 Rep. Jean Act 1023	These bills will provide up to \$54.6 million in one-time funds to the Rainy Day Fund for specific projects and up to \$30 million in one-time funds for the Governor to spend on discretionary projects.	PASSED
Sen. Hester Rep. Douglas Act 822	This act requires the collection of sales and use taxes on certain online purchases and provides income tax cuts for corporations.	PASSED

Fast Facts – 2019 Legislative Session

1,699
bills filed



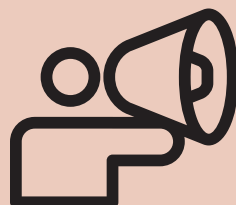
\$5.75 billion
state budget
2019-2020



1,091
bills
passed



12 bills
from AACF
agenda
introduced

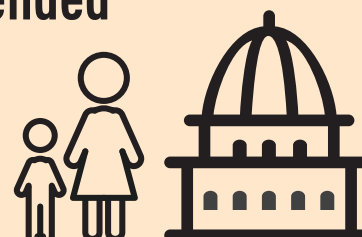


AACF sent
16 advocacy alerts,
resulting in
719 advocates
contacting
their legislators
2,334 times
by phone
or email

AACF testified
10 times
before
legislative
committees



140 people attended
Kids Count Day
at the Capitol





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