

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1040 of the Regular Session

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: H3/29/19  
**A Bill**

HOUSE BILL 1700

By: Representative Wooten

**For An Act To Be Entitled**

AN ACT CONCERNING BACKGROUND CHECKS OF APPLICANTS OF  
*EDUCATIONAL ENTITIES; TO REQUIRE THE DEPARTMENT OF  
EDUCATION TO INFORM AN EDUCATIONAL ENTITY TO WHICH AN  
INDIVIDUAL IS APPLYING WHETHER THE INDIVIDUAL IS  
ELIGIBLE FOR EMPLOYMENT BASED ON THE RESULTS OF THE  
INDIVIDUAL'S CRIMINAL RECORDS BACKGROUND CHECKS AND  
CHILD MALTREATMENT CENTRAL REGISTRY CHECK; AND FOR  
OTHER PURPOSES.*

**Subtitle**

*TO REQUIRE THE DEPARTMENT OF EDUCATION TO  
INFORM AN EDUCATIONAL ENTITY TO WHICH AN  
INDIVIDUAL IS APPLYING WHETHER THE  
INDIVIDUAL IS ELIGIBLE FOR EMPLOYMENT  
BASED ON THE RESULTS OF THE INDIVIDUAL'S  
BACKGROUND CHECKS.*

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

*SECTION 1.* Arkansas Code § 6-17-411(a)(4) and (5), concerning the reporting of the results of an applicant's criminal records background check and Child Maltreatment Central Registry check, are amended to read as follows:

(4)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services ~~pursuant to~~ under this section shall not be available for examination except by the affected applicant for employment or



his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education

(B) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than ~~this~~ the criminal records background check and the Child Maltreatment Central Registry check.

~~(5)(A) The Department of Education shall promptly inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided by subsection (b) of this section~~ Upon completion of the statewide and nationwide criminal records background checks and the Child Maltreatment Central Registry check, the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services shall forward all releasable information to the Department of Education.

(B) Within thirty (30) days of receiving all releasable information that has been forwarded by the Identification Bureau of the Department of Arkansas State Police and the Department of Human Services under subdivision (a)(5)(A) of this section, the Department of Education shall inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided under subsection (b) of this section.

SECTION 2. Arkansas Code § 6-17-415(b), concerning the criminal records check and Child Maltreatment Central Registry check of an existing nonlicensed employee, is amended to read as follows:

(b)(1) Any school district ~~which that,~~ by a vote of its local school district board of directors, requires criminal records background checks and Child Maltreatment Central Registry checks for existing nonlicensed employees shall pay the full cost of the criminal records background checks and Child Maltreatment Central Registry checks.

(2)(A) Upon completion of the statewide and nationwide criminal records background checks and the Child Maltreatment Central Registry check, the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services shall forward all releasable information to the

Department of Education.

(B) Within thirty (30) days of receiving all releasable information that has been forwarded by the Identification Bureau of the Department of Arkansas State Police and the Department of Human Services under subdivision (b)(2)(A) of this section, the Department of Education shall inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided under § 6-17-414.

(3) A public school district under subdivision (b)(1) of this section shall require that an existing nonlicensed employee complete a criminal records background check and Child Maltreatment Central Registry check at least one (1) time every five (5) years.

/s/Wooten

**APPROVED: 4/16/19**