

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1941

By: Representative Joey Carr

By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE TO IMPROVE THE EFFICIENCY OF GOVERNMENT AND RESTRUCTURE AND REPEAL THE DUTIES OF CERTAIN BOARDS AND COMMISSIONS WITHIN THE DEPARTMENT OF EDUCATION; TO PROTECT ARKANSAS STUDENTS BY ENSURING THE EFFICIENT DISPOSITION OF ETHICS COMPLAINTS AGAINST TEACHERS; TO IMPROVE THE EFFICIENCY OF GOVERNMENT; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING DEPARTMENT OF EDUCATION
BOARDS AND COMMISSIONS; AND TO PROTECT
ARKANSAS STUDENTS BY ENSURING THE
EFFICIENT DISPOSITION OF ETHICS
COMPLAINTS AGAINST TEACHERS.

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

SECTION 1. Arkansas Code § 6-17-422(d), concerning the membership of the Professional Licensure Standards Board, is amended to read as follows:

(d)(1)(A) Each member of the Professional Licensure Standards Board shall serve a term of three (3) years.

(B) The initial members shall draw lots for staggered terms.

(2) The State Board of Education shall appoint any qualified person to fill a position that is vacated before the expiration of a member's term.



(3) A member shall not serve on the Professional Licensure Standards Board more than three (3) terms.

SECTION 2. Arkansas Code § 6-17-428(b) and (c), concerning ethical violations considered by the Professional Licensure Standards Board, are amended to read as follows:

(b)(1) The Professional Licensure Standards Board shall:

(A) Establish procedures for:

(i) Receiving and investigating an ethics complaint submitted electronically or in writing;

(ii) Enforcing the code of ethics;

(iii) Granting and conducting hearings under this section; and

(iv) Publicizing notifications equivalent to the recommendations for enforcement of the code of ethics;

~~(B) Make recommendations for enforcement of:~~

~~(i) Findings of fact; and~~

~~(ii) Conclusions of law;~~

~~(C) Impose sanctions provided in this section to enforce the code of ethics;~~

~~(D)~~ Develop public notifications equivalent to the recommendations for enforcement of the code of ethics; and

~~(E)~~ Establish an ethics subcommittee of the Professional Licensure Standards Board with equal representation of public school teachers and administrators as well as one (1) member from any other category of representation on the Professional Licensure Standards Board.

(2) All rules, procedures, hearings, and appeals relating to the code of ethics complaints under this section shall be promulgated and implemented under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c)(1) The ethics subcommittee of the Professional Licensure Standards Board shall:

~~(i)~~ Authorize the investigation of ethics complaints.

~~(a) A complaint form sent via facsimile or with an electronic signature shall not be accepted.~~

~~(b) A complaint form shall have the original~~

~~signature of the complainant;~~

(B) Enforce the code of ethics by:

(i) ~~Making a recommendation to the State Board of Education for settlement agreement with an educator determined to have committed an ethical violation that includes one (1) or more of the following sanctions or making a recommendation to the Professional Licensure Standards Board that the ethics complaint be resolved by imposing one (1) or more of the following sanctions:~~

(a) A written warning, a written reprimand, or the written placement of conditions or restrictions on the activities of the educator; or

(b) The revocation, suspension, probation, nonrenewal, or denial of a license issued by the State Board of Education; or

(ii) Issuing a private letter of caution; and

(C) Dismiss an ethics complaint if it finds there is no ethics violation.

(2) For a preservice teacher assigned to a public school as a student intern in a supervised field experience or supervised clinical experience, a sanction adopted by the State Board of Education may be imposed on a license when it is issued to a preservice teacher.

(3) The ethics subcommittee may appoint or contract for one (1) or more persons to conduct evidentiary hearings.

~~(4) The State Board of Education may make an informal disposition of the ethical violation by stipulation, settlement, consent order, or default.~~

SECTION 3. Arkansas Code § 6-17-428(i), concerning ethics complaints hearings, is amended to read as follows:

(i)(1) Upon request for a hearing, the staff of the Professional Licensure Standards Board shall provide the educator with notice of the time and date of the hearing, which shall be conducted in accordance with the rules of the Professional Licensure Standards Board.

(2) The educator and the Professional Licensure Standards Board may be represented by representatives of their choosing.

(3) After the conclusion of a hearing, the Professional Licensure Standards Board shall enter an order that includes findings of

fact, conclusions of law, and a decision to impose one (1) or more of the following actions:

- (A) Issue a public letter of warning or reprimand;
- (B) Place conditions or restrictions on the activities of an educator;
- (C) Revoke, suspend, or deny a license issued by the State Board of Education;
- (D) Place an educator's license on a probationary status based on conditions and time limitations set out in the order;
- (E) Issue a private letter of caution; or
- (F) Dismiss an ethics complaint if the Professional Licensure Standards Board finds there is no ethics violation.

(4)(A) An educator may accept the findings and sanctions of the Professional Licensure Standards Board or appeal the matter to the State Board of Education.

(B) An appeal under subdivision (i)(4)(A) of this section shall be filed with the State Board of Education not less than thirty (30) days from the date of receipt of the the Professional Licensure Standards Board's written order.

(5) Unless an appeal is filed, an order issued by the Professional Licensure Standards Board under subdivision (i)(3) of this section shall be effective the earlier of:

- (A) The date the educator accepts the findings or sanctions in writing; or
- (B) Sixty (60) days after the order was transmitted to the educator.

SECTION 4. Arkansas Code § 6-17-428(q), concerning the submission of an ethics complaint, is amended to read as follows:

(q) Subject to the disclosure limitations of subsections (m) and (o) of this section, the division may include on the division's public website for licensure the following information on each violation of the code of ethics by an educator whose license ~~the State Board of Education has~~ is suspended, revoked, denied, or not renewed ~~based on the recommendations of the ethics subcommittee~~ under this section:

- (1) The code of ethics standard that was violated;

(2) The sanction ~~approved by~~ imposed by a settlement agreement, an order of the Professional Licensure Standards Board, or a final order of the State Board of Education; and

(3) A copy of the settlement agreement, order of the Professional Licensure Standards Board, or final order of the State Board of Education.

SECTION 5. Arkansas Code § 6-17-1113(f), concerning the School Worker Defense Program, is amended to read as follows:

(f) ~~Any person entitled to payment under the School Worker Defense Program may appeal the decision of the division to the advisory board~~ The division may promulgate rules to implement this section.

SECTION 6. Arkansas Code § 6-17-1118 is repealed.

~~6-17-1118. School Worker Defense Program Advisory Board.~~

~~(a) The School Worker Defense Program Advisory Board is created. The board shall be composed of seven (7) members as follows:~~

~~(1) The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;~~

~~(2) The Executive Director of the Arkansas Rural Ed Association or his or her designee;~~

~~(3) The Executive Director of the Arkansas School Boards Association or his or her designee;~~

~~(4) The Executive Director of the Arkansas Education Association or his or her designee;~~

~~(5) The designee of the Attorney General;~~

~~(6) The Secretary of the Department of Finance and Administration or his or her designee; and~~

~~(7)(A) The Commissioner of Elementary and Secondary Education or his or her designee.~~

~~(B) Provided, however, no employee of the Division of Elementary and Secondary Education who is charged with administering the defense fund and protection program shall be eligible to serve as the designee of the commissioner.~~

~~(b) Members of the board shall biannually elect a chair, a vice chair, and a secretary from the membership of the board, whose duties shall be those~~

~~customarily exercised by those officers or specifically designated by the board.~~

~~(c)(1) The board shall meet within the State of Arkansas and may meet as often as it deems necessary for the purpose of carrying out its duties under the provisions of this section.~~

~~(2) A majority of the members of the board shall constitute a quorum for the purpose of a meeting.~~

~~(d)(1) The board shall have final authority to hear and adjudicate any appeal filed by a school worker for protection against liability pursuant to § 6-17-1113.~~

~~(2) In an emergency situation, the chair of the board may approve payment of a claim without a meeting of the board.~~

~~(e)(1) The Division of Elementary and Secondary Education may promulgate rules as necessary for the proper administration of this section to establish the board.~~

~~(2) The Division of Elementary and Secondary Education shall provide support staff for the board.~~

SECTION 7. Arkansas Code § 6-20-2513 is amended to read as follows:
6-20-2513. Appeals.

(a)(1) A public school district may appeal:

~~(1) A a determination of the Division of Public School Academic Facilities and Transportation under this subchapter to the Academic Facilities Review Board in accordance with procedures developed by the board under § 6-20-2516; and~~

~~(2)(A) A decision of the board to the Commission for Arkansas Public School Academic Facilities and Transportation in accordance with procedures developed by the commission.~~

~~(B)(2) The public school district shall provide to the board division a copy of the request for appeal when it files the request with the commission.~~

(b) All decisions of the commission resulting from a public school district's appeal of a ~~decision~~ determination of the ~~board~~ division under this subchapter shall be final and shall not be subject to further appeal or request for rehearing to the commission or petition for judicial review under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 8. Arkansas Code § 6-20-2516 is repealed.

~~6-20-2516. Academic Facilities Review Board.~~

~~(a) There is established the Academic Facilities Review Board to hear the appeal filed by a public school district under § 6-20-2513(a) of a determination of the Division of Public School Academic Facilities and Transportation.~~

~~(b)(1) The board is composed of five (5) members appointed by the Governor and subject to confirmation of the Senate as follows:~~

~~(A)(i) One (1) member who is a licensed building contractor with five (5) years or more of experience in public school construction.~~

~~(ii) The Governor shall consult the Arkansas chapter of the Associated General Contractors of America before making an appointment under subdivision (b)(1)(A)(i) of this section;~~

~~(B)(i) One (1) member who is a registered architect with at least five (5) years of experience in public school design.~~

~~(ii) The Governor shall consult The Arkansas Chapter, the American Institute of Architects before making an appointment under subdivision (b)(1)(B)(i) of this section;~~

~~(C)(i) One (1) member who is a licensed or registered engineer with at least five (5) years of experience in public school construction.~~

~~(ii) The Governor shall consult the American Council of Engineering Companies of Arkansas and The Arkansas Society of Professional Engineers before making an appointment under subdivision (b)(1)(C)(i) of this section; and~~

~~(D)(i) Two (2) members who are selected from the public at large.~~

~~(ii) The Governor shall consult the Arkansas Association of Educational Administrators and the Arkansas School Boards Association before making an appointment under subdivision (b)(1)(D)(i) of this section.~~

~~(2) A member of the board shall be a resident of this state at the time of appointment and throughout the member's term.~~

~~(3) A member of the Commission for Arkansas Public School~~

~~Academic Facilities and Transportation shall not serve as a member of the commission while serving as a member of the board.~~

~~(c)(1)(A) Each member of the board shall serve a term of three (3) years.~~

~~(B) The initial members shall draw lots for staggered terms.~~

~~(2) The Governor shall appoint any qualified person to fill a position that is vacated before the expiration of a member's term.~~

~~(d)(1) The Governor shall designate one (1) member to serve as chair of the board at its organizational meeting.~~

~~(2) The chair or the chair's designee shall call an organizational meeting within twenty (20) calendar days after the Governor has appointed all members of the initial board.~~

~~(3) At the organizational meeting, the members of the board shall elect a chair, who shall serve as chair for one (1) year.~~

~~(4) Annually after the organizational meeting, the board shall elect a new chair.~~

~~(e)(1) The board shall meet upon the call of the chair when a hearing is requested by a public school district, but a meeting shall not be held outside of this state.~~

~~(2) All action of the board shall be by a majority vote of the quorum present at a meeting.~~

~~(3) A majority of the members of the board shall constitute a quorum for the purpose of transacting business.~~

~~(f) The Division of Elementary and Secondary Education shall provide staff support for the board's activities.~~

~~(g)(1) Members of the board shall serve without pay.~~

~~(2) Members of the board may receive expense reimbursement in accordance with § 25-16-902, to be paid by the Division of Elementary and Secondary Education to the extent money is available for that purpose.~~

~~(h) The board shall establish policies and procedures for conducting hearings and appeals.~~

~~(i)(1) Following the hearing at which all testimony and evidence are presented, the board shall make a final determination accepting, rejecting, or modifying the determination of the Division of Public School Academic Facilities and Transportation.~~

~~(2) Within ten (10) business days, the board shall provide to the appellant public school district and to the Division of Public School Academic Facilities and Transportation a notice of the board's final determination.~~

~~(3)(A) If the board's final determination will result in a greater level of state financial participation in a project than previously authorized by the Division of Public School Academic Facilities and Transportation, the board's final determination shall be reviewed by the commission in accordance with procedures developed by the commission.~~

~~(B) A decision of the commission resulting from a review of a decision of the board under this section is final and is not subject to:~~

- ~~(i) Further appeal to the commission;~~
- ~~(ii) Request for rehearing by the commission; or~~
- ~~(iii) Petition for judicial review under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

SECTION 9. Arkansas Code § 6-21-114(a), concerning the membership of the Commission for Arkansas Public School Academic Facilities and Transportation, is amended to read as follows:

(a) There is created the Commission for Arkansas Public School Academic Facilities and Transportation, which shall consist of the following:

- (1) The Secretary of the Department of Finance and Administration, or his or her designee;
- (2) The Commissioner of Elementary and Secondary Education, or his or her designee; and
- (3) The President of the Arkansas Development Finance Authority, or his or her designee.

APPROVED: 4/17/25