

HOUSE AMENDMENT 3 TO HB1016.

adding Representatives Hale, Bonds, J. Smith, and Wilkins and Senators Mahony, Russ, Edwards, Webb, and Jeffries as sponsors

AND

by striking line 17 of page 1 in its entirety and substituting the following:
"SUPERINTENDENTS TO"

AND

by inserting "INITIAL" between the words "FOR" and "EMPLOYMENT" on line 22 of page 1

AND

by inserting "on or after July 1, 1997," between the words "renewal" and "shall" on line 17 of page 5

AND

by striking lines 22 through 36 of page 8 in their entirety and substituting the following:

"6-17-411. Criminal records check as a condition for initial employment of certified personnel.

(a) (1) On and after the effective date of this section, the board of directors of a local school district shall require, as a condition for initial employment by the district, any person holding a license issued by the State Board of Education and making such application to authorize release to the Department of Education the results of a state and nationwide criminal records check by the Identification Bureau of the Department of Arkansas State Police, which conforms to the applicable federal standards and includes the taking of the applicant's fingerprints.

(2) The affected applicant shall be responsible to the Department of Arkansas State Police for the payment of any fee associated with the criminal records check.

(3) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police shall promptly destroy the fingerprint card of the affected applicant.

(4) (A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected applicant for employment or his duly authorized representative, and no record, file, or document shall be removed from

the custody of the department.

(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 herein shall not extend to any document created for purposes other than this background check.

(D) The Department of Education shall promptly inform the board of directors of the local school district whether or not the affected applicant is eligible for employment as provided by subsection (b) of this section.

(b)(1) No person holding a license issued by the State Board of Education shall be eligible for employment by a local school district if the results of the criminal records check released to the Department of Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to, or been found guilty of any offense that will or may result in license revocation by the State Board of Education under §§ 6-17-405 and 6-17-410.

(2) Provided, however, that the board of directors of a local school district is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education."

AND

by striking line 1 of page 9 in its entirety.

AND

by striking lines 5 through 19 of page 9 in their entirety and substituting the following:

"6-17-407. License revocation - Falsifying attendance records - Investigating allegations of employee criminal misconduct.

(a)(1) The State Board of Education is directed to revoke the license of any person in this state who knowingly falsifies any attendance records kept by him that are used in computing the average daily attendance or average daily membership of the school district in which the person is employed, and the State Board of Education is directed to revoke the license of any superintendent of schools who knowingly permits or requires any person to falsify such attendance records.

(2) Any person or superintendent of schools whose license is revoked as provided in this subsection shall not thereafter be eligible to receive a license to teach in this state.

(b)(1) The superintendent of schools shall be responsible for investigating and documenting allegations of criminal misconduct, as delineated in § 6-17-405, by a school district employee and involving a student or students.

(2) Results of any such investigation shall not be available for examination

except by the employee or his duly authorized representative or the office of the prosecuting attorney.

(3) Failure to comply with the requirements of this subsection shall be a Class C misdemeanor."