

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: S2/1/17 S3/1/17 S3/14/17 S3/20/17*
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 179

By: Senator Elliott

For An Act To Be Entitled

*AN ACT TO ALLOW REINSTATEMENT OF A VOLUNTARILY
SURRENDERED, SUSPENDED, OR REVOKED EDUCATOR'S LICENSE
UPON A SHOWING OF REHABILITATION AND FITNESS TO
PERFORM THE DUTIES AUTHORIZED BY THE LICENSE; AND FOR
OTHER PURPOSES.*

Subtitle

*TO ALLOW REINSTATEMENT OF A VOLUNTARILY
SURRENDERED, SUSPENDED, OR REVOKED
EDUCATOR'S LICENSE UPON A SHOWING OF
REHABILITATION AND FITNESS TO PERFORM THE
DUTIES AUTHORIZED BY THE LICENSE.*

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

SECTION 1. Arkansas Code § 6-17-411(b), concerning eligibility for employment, is amended to read as follows:

(b)(1)(A) ~~No~~ A person holding a license from the state board shall not be eligible for employment by an educational entity 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 has been found guilty of any offense that will or may result in license revocation by the state board under § 6-17-410, unless:

(i) the The state board waives revocation under § 6-17-410; or

(ii) The state board reinstates the educator's license under § 6-17-428.



(B) ~~No~~ A person holding a license issued by the state board shall not be eligible for employment by an educational entity if the results of the Child Maltreatment Central Registry check released to the Department of Education reveal that the applicant has a true report in the Child Maltreatment Central Registry, unless:

(i) the The state board waives revocation under § 6-17-410; or

(ii) The state board reinstates the educator's license under § 6-17-428.

(2) However, the board of directors of an educational entity is authorized to offer provisional employment to the affected applicant pending notification from the Department of Education that the:

(A) Applicant is eligible for employment based on the background checks; ~~or~~

(B) State board has waived the disqualifying offense or placement on the Child Maltreatment Central Registry under § 6-17-410; or

(C) State board has reinstated the educator's license under § 6-17-428.

SECTION 2. Arkansas Code § 6-17-428, concerning ethical violations by educators, is amended to add an additional subsection to read as follows:

(r)(1)(A) Except as provided in subdivision (r)(1)(C) of this section, an educator whose license has been suspended or revoked may petition the State Board of Education for reinstatement of the license as follows:

(i) For a suspension, one (1) year after the date of the suspension; and

(ii) For a revocation, two (2) years after the date of the revocation.

(B)(i) Except as provided in subdivision (r)(1)(C) of this section, an educator whose license has been voluntarily surrendered:

(a) Shall upon request receive a hearing with the Professional Licensure Standards Board on the misconduct that led to the voluntary surrender:

(1) One (1) year after the date of the voluntary surrender; or

(2) At the first regularly scheduled

meeting of the Professional Licensure Standards Board that is one (1) year after the date of the voluntary surrender; and

(b) May petition the state board for reinstatement of the license two (2) years after the date of the voluntary surrender.

(ii) An educator whose licensed has been voluntarily surrendered may petition the state board for reinstatement under subdivision (r)(1)(B)(i)(b) of this section only after having a hearing with the Professional Licensure Standards Board under subdivision (r)(1)(B)(i)(a) of this section.

(C) An educator is not eligible to petition for reinstatement under subdivision (r)(1)(A) or subdivision (B) of this section if the basis for the voluntary surrender, suspension, or revocation of the educator's license was an inappropriate relationship between the educator and one (1) or more students that met or was demonstrated by a preponderance of the evidence to be intended to culminate in the definition of sexual abuse as defined in § 12-18-103(20)(D).

(D) A person whose license has been suspended, voluntarily surrendered, or revoked before the effective date of this act is eligible for reinstatement under this subsection.

(2) The petition for reinstatement may include the following information:

(A) A personal statement addressing the educator's rehabilitation and the misconduct that led to the voluntary surrender, suspension, or revocation;

(B) Relevant and verifiable evidence of rehabilitation, including without limitation:

(i) Progress reports if the educator is or was enrolled in a rehabilitation program;

(ii) Verification of completion of a rehabilitation program;

(iii) Evidence establishing that there have been no licensure issues from a state other than Arkansas; and

(iv) Evidence that the cause for voluntary surrender, suspension, or revocation no longer exists;

(C) Character or reference letters;

(D) Work history since the voluntary surrender, suspension, or revocation, including the names of employers and type of work performed;

(E) Any civic activities engaged in following the voluntary surrender, suspension, or revocation;

(F) Any court documents indicating the:

(i) Reduction or dismissal of a criminal conviction;
and

(ii) Completion of a sentence resulting from a criminal conviction; or

(G) Other evidence demonstrating that the educator:

(i) Is fit to perform the duties authorized by the license; and

(ii) Does not pose a threat to the health or safety of students or school personnel.

(3) After conducting a hearing on the reinstatement, the state board may reinstate the educator's license if the state board determines that the educator:

(A) Has been rehabilitated and is fit to perform the duties authorized by the license; and

(B) Does not pose a threat to the health or safety of students or school personnel.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that there is a shortage of quality educators in this state; that there is currently no path for an educator whose license has been suspended, voluntarily surrendered, or revoked to seek reinstatement of the educator's license; that the public schools of this state that are in need of quality educators are being deprived of those quality educators who have been rehabilitated following a suspension, voluntary surrender, or revocation of the educator's license; and that this act is immediately necessary to ensure that public school districts are better able to fill critical staff positions with quality educators in order to benefit the public school districts and their students. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become

effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Elliott