

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: S1/28/21  
**A Bill**

SENATE BILL 71

By: Senator J. Sturch  
By: Representative Vaught

### For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING ETHICAL VIOLATIONS APPLICABLE TO  
EDUCATORS; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING ETHICAL VIOLATIONS APPLICABLE  
TO EDUCATORS.

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

SECTION 1. Arkansas Code § 6-17-428(c)(1)(A), concerning ethical violations, is amended to read as follows:

(A)(i) ~~Receive and investigate~~ Authorize the investigation of ethics complaints.

(ii)(a) ~~The ethics subcommittee shall not accept a facsimile or electronic signature on a complaint form but shall require that a complaint form bear the original signature of the complainant~~ 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;

SECTION 2. Arkansas Code § 6-17-428(e)-(1), concerning ethical violations, are amended to read as follows:

(e)(1) The ethics subcommittee shall ~~investigate~~ authorize an



investigation of an ethics complaint that it determines is credible.

(2) Following an interview conducted as part of an investigation of an ethics complaint, the investigator shall place in the investigation file a written report of the interview.

(f)(1) Within ten (10) business days of authorizing an ethics complaint investigation, the ~~ethics subcommittee~~ staff of the Professional Licensure Standards Board shall provide ~~to~~ the educator under investigation with:

(A) Written notice of the investigation and the nature of the alleged ethical violation; and

(B) A copy of:

(i) The documents and evidence provided by the complainant concerning the facts alleged in the ethics complaint;

(ii) Provisions of this section or other state statutory law applicable to an ethical violation under this section; and

(iii) The applicable rules in effect at the time the ethics complaint is filed.

(2) Upon the completion of the investigation and before an initial consideration of the investigation, the ~~ethics subcommittee~~ staff of the Professional Licensure Standards Board shall provide to the educator:

(A) A copy of the documents and evidence concerning the investigation of the ethics complaint; and

(B) Written notice that the ethics subcommittee will consider taking an action against the educator.

(g)(1) Within ~~thirty (30)~~ fourteen (14) calendar days after an educator receives the notice, documentation, and evidence from the ~~ethics subcommittee~~ staff of the Professional Licensure Standards Board under subsection (f) of this section, the educator may respond to the ethics complaint in writing.

(2) The ethics subcommittee may permit additional time for a response.

(h)(1) Upon receipt of the results of the investigation and any written response from the educator who is the subject of the ethics complaint, the ethics subcommittee shall issue an initial ~~decision~~ determination and provide notice of the initial ~~decision~~ determination to the educator.

(2) Within ~~thirty (30)~~ fourteen (14) days of receiving notice of the initial ~~decision~~ determination, if the educator disagrees with the initial ~~decision~~ determination, the educator may request an evidentiary hearing in the manner specified in the rules of the Professional Licensure Standards Board.

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

(j) Within ten (10) business days of the ethics subcommittee's taking action following a hearing, the ethics subcommittee shall provide ~~to~~ the educator under investigation ~~a~~ with written notice of the action.

(k) The ~~ethics subcommittee~~ staff of the Professional Licensure Standards Board shall complete its investigation of an ethics complaint and the ethics subcommittee shall take action:

(1) Within one hundred fifty (150) days of authorizing the investigation of the ethics complaint; or

(2) If a hearing is conducted, within one hundred eighty (180) days of authorizing the investigation of the ethics complaint.

(1)(1) The Professional Licensure Standards Board may waive the time limitations imposed under this section ~~may be waived~~ when reasonable under certain circumstances, including without limitation inclement weather, state or national emergencies, or other unforeseeable events ~~by the~~

~~(1) Educator if the time limitation is imposed upon the ethics subcommittee; or~~

~~(2) Ethics subcommittee if the time limitation is imposed upon the educator.~~

(2) The staff of the Professional Licensure Standards Board and the educator may agree to waive any deadline imposed under this section.

/s/J. Sturch