

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 72

By: Senator J. Sturch
By: Representative Vaught

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING BACKGROUND CHECKS FOR SCHOOL PERSONNEL;
AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING BACKGROUND CHECKS FOR SCHOOL
PERSONNEL.

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

SECTION 1. Arkansas Code § 6-17-410(b)(2), concerning teacher licensure, is amended to add an additional subdivision to read as follows:

(C) A conviction for or plea of guilty or nolo contendere to a nonviolent and nonsexual offense that is at least ten (10) years old shall not disqualify a person under this section.

SECTION 2. Arkansas Code § 6-17-414(a)(1)(B)(ii), concerning the criminal records check required as a condition for initial employment of nonlicensed personnel, is amended to read as follows:

(ii) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records background checks and the Child Maltreatment Central Registry checks required by this section.



SECTION 3. Arkansas Code § 6-17-414(a)(2), concerning the criminal records check required as a condition for initial employment of nonlicensed personnel, is amended to add an additional subdivision to read as follows:

(C) A conviction for or plea of guilty or nolo contendere to a nonviolent and nonsexual offense that is at least ten (10) years old shall not disqualify a person under this section.

SECTION 4. Arkansas Code § 6-17-415 is amended to read as follows:

6-17-415. Criminal records check and Child Maltreatment Central Registry check for existing and newly hired nonlicensed employees.

(a) ~~It is the clear intent of the General Assembly to authorize each public school district at its discretion to~~ A public school district shall require criminal background checks and Child Maltreatment Central Registry checks of existing and newly hired nonlicensed employees at least one (1) time every five (5) years in the same manner and subject to the same terms and conditions as set forth in this section, and §§ 6-17-414 and 6-17-416 ~~for newly hired nonlicensed applicants.~~

(b)(1) ~~Any~~ A public school district ~~that may~~, 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~~ pay all or part of the 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 Division of Arkansas State Police or the Department of Human Services shall forward all releasable information to the Division of Elementary and Secondary Education.

(B) Within thirty (30) days of receiving all releasable information that has been forwarded by the Identification Bureau of the Division of Arkansas State Police and the ~~Department of Human Services department~~ under subdivision (b)(2)(A) of this section, and §§ 6-17-414 and 6-17-416, the Division of Elementary and Secondary Education shall inform the board of directors of the educational entity whether or not the affected applicant is eligible for initial or continued 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.~~