

Stricken language would be deleted from and underlined language would be added to present law.
Act 103 of the 2nd Extraordinary Session

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: H1/22/04

A Bill

Call Item 4

HOUSE BILL 1122

5 By: Representative Gillespie
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For An Act To Be Entitled

9 AN ACT CONCERNING A CRIMINAL RECORDS CHECK AS A
10 CONDITION FOR INITIAL EMPLOYMENT OF NONCERTIFIED
11 PERSONNEL IN SCHOOL DISTRICTS; TO ALLOW THE STATE
12 BOARD OF EDUCATION TO GRANT AN EMPLOYMENT
13 ELIGIBILITY WAIVER UNDER CERTAIN CIRCUMSTANCES;
14 AND FOR OTHER PURPOSES.
15

Subtitle

17 AN ACT CONCERNING A CRIMINAL RECORDS
18 CHECK AS A CONDITION FOR INITIAL
19 EMPLOYMENT OF NONCERTIFIED PERSONNEL IN
20 SCHOOL DISTRICTS AND TO ALLOW THE STATE
21 BOARD OF EDUCATION TO GRANT A WAIVER TO
22 ALLOW EMPLOYMENT ELIGIBILITY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 6-17-414, concerning a criminal records
28 check as a condition for initial employment of noncertified personnel in
29 school districts, is amended to add an additional subsection to read as
30 follows:

31 (e)(1) The employment eligibility provisions of subdivision (b)(1) of
32 this section may be waived by the State Board of Education upon request by:

33 (A) The board of a local school district; or

34 (B) An affected applicant for employment.

35 (2) Circumstances for which a waiver may be granted shall
36 include, but not be limited to, the following:



- 1 (A) The age at which the crime was committed;
- 2 (B) The circumstances surrounding the crime;
- 3 (C) The length of time since the crime;
- 4 (D) Subsequent work history;
- 5 (E) Employment references;
- 6 (F) Character references; and
- 7 (G) Other evidence demonstrating that the applicant does
- 8 not pose a threat to the health or safety of school children or school
- 9 personnel.

10 (3) No waiver shall be granted if the state board determines
 11 that the offense was a violent, physical, or sexual offense.

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13 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 14 General Assembly of the State of Arkansas that existing restrictions on the
 15 employment of noncertified personnel in school districts are too restrictive;
 16 that this act provides more flexibility in hiring; and that this act is
 17 immediately necessary to assist school districts. Therefore, an emergency is
 18 declared to exist and this act being immediately necessary for the
 19 preservation of the public peace, health, and safety shall become effective
 20 on:

- 21 (1) The date of its approval by the Governor;
- 22 (2) If the bill is neither approved nor vetoed by the Governor,
 23 the expiration of the period of time during which the Governor may veto the
 24 bill; or
- 25 (3) If the bill is vetoed by the Governor and the veto is
 26 overridden, the date the last house overrides the veto.

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28 /s/ Gillespie

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31 APPROVED: 2/10/2004

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