

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Roberts**

# A Bill

**HOUSE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 6-17-405 TO  
9 PROVIDE THAT A TWENTY-FIVE PERCENT (25%) OR MORE STUDENT  
10 REMEDIATION RATE AFTER THE ADMINISTRATION OF NATIONALLY  
11 NORM-REFERENCED TESTS SELECTED BY THE STATE BOARD OF  
12 EDUCATION SHALL BE CAUSE FOR SUSPENSION OR REVOCATION OF A  
13 TEACHING CERTIFICATE HELD BY A PUBLIC SCHOOL TEACHER; AND  
14 FOR OTHER PURPOSES."

## Subtitle

16  
17 "TO PROVIDE THAT A 25% OR MORE STUDENT REMEDIATION RATE  
18 SHALL BE CAUSE FOR SUSPENSION OR REVOCATION OF A TEACHING  
19 CERTIFICATE."

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. Arkansas Code § 6-17-405 is hereby amended to read as  
24 follows:

25 "6-17-405. License revocation generally - Teachers.

26 (a) The State Board of Education may revoke or suspend the teaching  
27 certificate of any person holding such a certificate for cause occurring after  
28 July 3, 1989, but only after an opportunity for a hearing before the State  
29 Board of Education upon reasonable notice in writing of the cause to be  
30 considered.

31 (b) Cause for the purposes of this section means any of the  
32 following:

33 (1) Conviction of a felony;

34 (2) The acknowledged or admitted commission of an act which would  
35 constitute a felony under the Arkansas Criminal Code;

1           (3) Holding a teaching certificate obtained by fraudulent means;

2           (4) Revocation of a certificate in another state;

3           (5) Intentionally compromising the validity or security of any  
4 student test or testing program administered by or required by the State  
5 Department of Education;

6           (6) Knowingly submitting, through the superintendent or directly  
7 to the State Department of Education, falsified information which is requested  
8 or required by the State Department of Education;

9           (7) A twenty-five percent (25%) or more student remediation rate  
10 after the administration of nationally norm-referenced tests selected by the  
11 State Department of Education;

12          (c) For cause as stated above, the State Board of Education is  
13 authorized to:

14           (1) Revoke a teaching certificate permanently;

15           (2) Suspend a certificate for a terminable period of time;

16           (3) Place a person on probationary status for a terminable period  
17 of time, with the teaching certificate to be revoked or suspended if the  
18 probationary period is not successfully completed;

19           (4) Require successful completion of graduate courses in the  
20 teacher\_s educational field within a specified period of time, with the  
21 teaching certificate to be revoked or suspended if the courses are not  
22 successfully completed;

23           (5) Accept voluntary surrender of a certificate.

24          (d) Upon notice in writing that a revocation, suspension, or probation  
25 is being sought by the State Board of Education for a cause set forth herein,  
26 a person may:

27           (1) Voluntarily surrender the teaching certificate;

28           (2) Decline to answer the notice, in which case a hearing will be  
29 held before the State Board of Education to establish by a preponderance of  
30 the evidence that cause for the proposed action exists;

31           (3) Contest the complaint, in which case the person shall be  
32 given an evidentiary hearing before the State Board of Education if one is  
33 requested;

34           (4) Admit the allegations of fact and request an informal hearing  
35 before the State Board of Education in mitigation of any penalty which may be

1 assessed;

2           (5) Stipulate or reach a negotiated agreement, which must be  
3 approved by the State Board of Education.

4           (e) The State Board of Education is authorized to adopt the necessary  
5 rules and regulations to fully implement the provisions of this section."

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7           SECTION 2. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11           SECTION 3. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17           SECTION 4. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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