

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

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

*As Engrossed: H1/21/03*

# A Bill

HOUSE BILL 1091

5 By: Representative Bennett  
6 *By: Senator Horn*  
7

## For An Act To Be Entitled

10 AN ACT TO ALLOW A CONSOLIDATED SCHOOL DISTRICT TO  
11 WAIVE CRIMINAL BACKGROUND CHECKS FOR PERSONNEL  
12 CURRENTLY EMPLOYED BY THE AFFECTED SCHOOL  
13 DISTRICTS; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO ALLOW A CONSOLIDATED SCHOOL  
16 DISTRICT TO WAIVE CRIMINAL BACKGROUND  
17 CHECKS FOR PERSONNEL CURRENTLY EMPLOYED  
18 BY THE AFFECTED SCHOOL DISTRICTS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 6-17-411(a)(1) is amended to add an  
25 additional subdivision to read as follows:

26 (a)(1)(A) ~~On and after April 10, 1997, Except as provided in~~  
27 subdivision (a)(1)(B), the board of directors of a local school district  
28 shall require as a condition for initial employment by the district that any  
29 person holding a license issued by the State Board of Education and making  
30 application to authorize release to the Department of Education of the  
31 results of a statewide and nationwide criminal records check by the Bureau of  
32 Identification and Information which conforms to the applicable federal  
33 standards and includes the taking of the applicant's fingerprints.

34 (B)(i) The board of directors of a local school district  
35 created by consolidation, annexation, or detachment may waive the  
36 requirements under subdivision (a)(1)(A) for personnel that are currently



1 employed by the affected school districts.

2 (ii) As used in this section, "affected district"  
 3 means a school district that loses territory or students as a result of  
 4 annexation, consolidation, or detachment.

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 6 SECTION 2. Arkansas Code § 6-17-414(a)(1) is amended to add an  
 7 additional subdivision to read as follows:

8 (a)(1)(A)(i) ~~On and after April 10, 1997,~~ Except as provided in  
 9 subdivision (a)(1)(B), the board of directors of a local school district or  
 10 an education service cooperative shall require as a condition for initial  
 11 employment in a noncertified staff position any person making application to  
 12 apply to the Bureau of Identification and Information for a statewide and  
 13 nationwide criminal records check, the latter to be conducted by the Federal  
 14 Bureau of Investigation.

15 (ii) The check shall conform to the applicable  
 16 federal standards and shall include the taking of fingerprints.

17 (B) Such person shall sign a release of information to the  
 18 Department of Education. Unless the employing school district board of  
 19 directors has taken action to pay for the cost of criminal background checks  
 20 required by this section, the employment applicant shall be responsible to  
 21 the Department of Arkansas State Police for the payment of any fee associated  
 22 with the criminal records check.

23 (C)(i) The board of directors of a local school district  
 24 created by consolidation, annexation, or detachment may waive the  
 25 requirements under subdivisions (a)(1)(A) and (a)(1)(B) for personnel that  
 26 are currently employed by the affected school districts.

27 (ii) As used in this section, "affected district"  
 28 means a school district that loses territory or students as a result of  
 29 annexation, consolidation, or detachment.

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 31 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
 32 General Assembly of the State of Arkansas that consolidated school districts  
 33 are currently required to conduct background checks on personnel employed by  
 34 existing school districts which have already conducted the background checks;  
 35 that additional background checks for existing employees are unnecessarily  
 36 duplicative; that schools consolidating in July of 2003 will unnecessarily

1 expend funds and personnel resources conducting background checks if a waiver  
2 is not granted prior to the consolidation dates. Therefore, an emergency is  
3 declared to exist and this act being immediately necessary for the  
4 preservation of the public peace, health, and safety shall become effective  
5 on:

- 6 (1) The date of its approval by the Governor;
- 7 (2) If the bill is neither approved nor vetoed by the Governor,  
8 the expiration of the period of time during which the Governor may veto the  
9 bill; or
- 10 (3) If the bill is vetoed by the Governor and the veto is  
11 overridden, the date the last house overrides the veto.

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13 */s/ Bennett*  
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