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 | As Engrossed: H1/21/03 H1/22/03 | | |
|----|----------------------------------|---|------------------------|------------|
| 2 | 84th General Assembly | A Bill | | |
| 3 | Regular Session, 2003 | | HOUSE BILL | 1091 |
| 4 | | | | |
| 5 | By: Representative Bennett | | | |
| 6 | By: Senator Horn | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | For An Act To Be Entitled | | |
| 10 | AN ACT | TO ALLOW A CONSOLIDATED SCHOOL DISTRI | СТ ТО | |
| 11 | WAIVE (| CRIMINAL BACKGROUND CHECKS FOR PERSONN | EL | |
| 12 | CURREN | TLY EMPLOYED BY THE AFFECTED SCHOOL | | |
| 13 | DISTRI | CTS; AND FOR OTHER PURPOSES. | | |
| 14 | | | | |
| 15 | | Subtitle | | |
| 16 | AN A | ACT TO ALLOW A CONSOLIDATED SCHOOL | | |
| 17 | DIS | TRICT TO WAIVE CRIMINAL BACKGROUND | | |
| 18 | CHEC | CKS FOR PERSONNEL CURRENTLY EMPLOYED | | |
| 19 | BY 1 | THE AFFECTED SCHOOL DISTRICTS. | | |
| 20 | | | | |
| 21 | | | | |
| 22 | BE IT ENACTED BY THE | GENERAL ASSEMBLY OF THE STATE OF ARKA | NSAS: | |
| 23 | | | | |
| 24 | SECTION 1. Ark | ansas Code § 6-17-411(a)(1) is amende | d to add an | |
| 25 | additional subdivisio | on to read as follows: | | |
| 26 | (a)(1) <u>(A)</u> | and after April 10, 1997, Except as pr | <u>ovided in</u> | |
| 27 | <pre>subdivision (a)(1)(B)</pre> | , the board of directors of a local s | chool district | |
| 28 | shall require as a co | ondition for initial employment by the | district that | any |
| 29 | person holding a lice | ense issued by the State Board of Educ | ation and makin | g |
| 30 | application to author | rize release to the Department of Educ | ation of the | |
| 31 | results of a statewid | le and nationwide criminal records che | ck by the Burea | u of |
| 32 | Identification and In | formation which conforms to the appli | cable federal | |
| 33 | standards and include | es the taking of the applicant's finge | rprints. | |
| 34 | <u>(B)</u> | (i) The board of directors of a loca | <u>l school distri</u> | <u>.ct</u> |
| 35 | created by consolidat | tion, annexation, or detachment may wa | ive the | |
| 36 | <u>requirements</u> under su | ubdivision (a)(l)(A) for personnel that | t are | |



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| 1 | employed by the affected district immediately prior to the annexation, | | |
|----|---|--|--|
| 2 | consolidation, or detachment and who had a complete criminal background check | | |
| 3 | conducted as a condition of the personnel's most recent employment with the | | |
| 4 | affected district as required under § 6-17-411. | | |
| 5 | (ii) As used in this section, "affected district" | | |
| 6 | means a school district that loses territory or students as a result of | | |
| 7 | annexation, consolidation, or detachment. | | |
| 8 | | | |
| 9 | SECTION 2. Arkansas Code § 6-17-414(a)(1) is amended to add an | | |
| 10 | additional subdivision to read as follows: | | |
| 11 | (a)(l)(A)(i) On and after April 10, 1997, Except as provided in | | |
| 12 | subdivision (a)(l)(B), the board of directors of a local school district or | | |
| 13 | an education service cooperative shall require as a condition for initial | | |
| 14 | employment in a noncertified staff position any person making application to | | |
| 15 | apply to the Bureau of Identification and Information for a statewide and | | |
| 16 | nationwide criminal records check, the latter to be conducted by the Federal | | |
| 17 | Bureau of Investigation. | | |
| 18 | (ii) The check shall conform to the applicable | | |
| 19 | federal standards and shall include the taking of fingerprints. | | |
| 20 | (B) Such person shall sign a release of information to the | | |
| 21 | Department of Education. Unless the employing school district board of | | |
| 22 | directors has taken action to pay for the cost of criminal background checks | | |
| 23 | required by this section, the employment applicant shall be responsible to | | |
| 24 | the Department of Arkansas State Police for the payment of any fee associated | | |
| 25 | with the criminal records check. | | |
| 26 | (C)(i) The board of directors of a local school district | | |
| 27 | created by consolidation, annexation, or detachment may waive the | | |
| 28 | requirements under subdivisions (a)(1)(A) and (a)(1)(B) for personnel that | | |
| 29 | are employed by the affected district immediately prior to the annexation, | | |
| 30 | consolidation, or detachment and who had a complete criminal background check | | |
| 31 | conducted as a condition of the personnel's most recent employment with the | | |
| 32 | affected district as required under § 6-17-414. | | |
| 33 | (ii) As used in this section, "affected district" | | |
| 34 | means a school district that loses territory or students as a result of | | |
| 35 | annexation, consolidation, or detachment. | | |
| 36 | | | |

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| 1 | SECTION 3. EMERGENCY CLAUSE. It is found and determined by the | | | | |
|----|---|--|--|--|--|
| 2 | General Assembly of the State of Arkansas that consolidated school districts | | | | |
| 3 | are currently required to conduct background checks on personnel employed by | | | | |
| 4 | existing school districts which have already conducted the background checks; | | | | |
| 5 | that additional background checks for existing employees are unnecessarily | | | | |
| 6 | duplicative; that schools consolidating in July of 2003 will unnecessarily | | | | |
| 7 | expend funds and personnel resources conducting background checks if a waiver | | | | |
| 8 | is not granted prior to the consolidation dates. Therefore, an emergency is | | | | |
| 9 | declared to exist and this act being immediately necessary for the | | | | |
| 10 | preservation of the public peace, health, and safety shall become effective | | | | |
| 11 | <u>on:</u> | | | | |
| 12 | (1) The date of its approval by the Governor; | | | | |
| 13 | (2) If the bill is neither approved nor vetoed by the Governor, | | | | |
| 14 | the expiration of the period of time during which the Governor may veto the | | | | |
| 15 | <u>bill; or</u> | | | | |
| 16 | (3) If the bill is vetoed by the Governor and the veto is | | | | |
| 17 | overridden, the date the last house overrides the veto. | | | | |
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| 19 | /s/ Bennett | | | | |
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