

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 H1/22/03

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.
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

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



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.

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

11 (a)(1)(A)(i) ~~On and after April 10, 1997,~~ Except as provided in
12 subdivision (a)(1)(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.

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