

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.

State of Arkansas
84th General Assembly
Regular Session, 2003

As Engrossed: H1/21/03 H1/22/03

A Bill

Act 42 of 2003
HOUSE BILL 1091

By: Representative Bennett
By: Senator Horn

For An Act To Be Entitled

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

Subtitle

AN ACT TO ALLOW A CONSOLIDATED SCHOOL
DISTRICT TO WAIVE CRIMINAL BACKGROUND
CHECKS FOR PERSONNEL CURRENTLY EMPLOYED
BY THE AFFECTED SCHOOL DISTRICTS.

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

SECTION 1. Arkansas Code § 6-17-411(a)(1) is amended to add an additional subdivision to read as follows:

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

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



employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal background check conducted as a condition of the personnel's most recent employment with the affected district as required under § 6-17-411.

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

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

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

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

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

(C)(i) The board of directors of a local school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (a)(1)(B) for personnel that are employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal background check conducted as a condition of the personnel's most recent employment with the affected district as required under § 6-17-414.

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

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 on:

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 bill; or

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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22 APPROVED: 2/3/2003
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