

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/29/19

A Bill

HOUSE BILL 1700

5 By: Representative Wooten
6

For An Act To Be Entitled

8 AN ACT CONCERNING BACKGROUND CHECKS OF APPLICANTS OF
9 *EDUCATIONAL ENTITIES; TO REQUIRE THE DEPARTMENT OF*
10 *EDUCATION TO INFORM AN EDUCATIONAL ENTITY TO WHICH AN*
11 *INDIVIDUAL IS APPLYING WHETHER THE INDIVIDUAL IS*
12 *ELIGIBLE FOR EMPLOYMENT BASED ON THE RESULTS OF THE*
13 *INDIVIDUAL'S CRIMINAL RECORDS BACKGROUND CHECKS AND*
14 *CHILD MALTREATMENT CENTRAL REGISTRY CHECK; AND FOR*
15 *OTHER PURPOSES.*
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Subtitle

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19 *TO REQUIRE THE DEPARTMENT OF EDUCATION TO*
20 *INFORM AN EDUCATIONAL ENTITY TO WHICH AN*
21 *INDIVIDUAL IS APPLYING WHETHER THE*
22 *INDIVIDUAL IS ELIGIBLE FOR EMPLOYMENT*
23 *BASED ON THE RESULTS OF THE INDIVIDUAL'S*
24 *BACKGROUND CHECKS.*
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 *SECTION 1.* Arkansas Code § 6-17-411(a)(4) and (5), concerning
30 the reporting of the results of an applicant's criminal records background
31 check and Child Maltreatment Central Registry check, are amended to read as
32 follows:

33 (4)(A) Any information received by the Department of Education
34 from the Identification Bureau of the Department of Arkansas State Police or
35 the Department of Human Services ~~pursuant to~~ under this section shall not be
36 available for examination except by the affected applicant for employment or



1 his or her duly authorized representative, and no record, file, or document
2 shall be removed from the custody of the Department of Education

3 (B) Any information made available to the affected applicant
4 for employment shall be information pertaining to that applicant only.

5 (C) Rights of privilege and confidentiality established under
6 this section shall not extend to any document created for purposes other than
7 ~~this~~ the criminal records background check and the Child Maltreatment Central
8 Registry check.

9 ~~(5)(A) The Department of Education shall promptly inform the~~
10 ~~board of directors of the educational entity whether or not the affected~~
11 ~~applicant is eligible for employment as provided by subsection (b) of this~~
12 ~~section~~ Upon completion of the statewide and nationwide criminal records
13 background checks and the Child Maltreatment Central Registry check, the
14 Identification Bureau of the Department of Arkansas State Police or the
15 Department of Human Services shall forward all releasable information to the
16 Department of Education.

17 (B) Within thirty (30) days of receiving all releasable
18 information that has been forwarded by the Identification Bureau of the
19 Department of Arkansas State Police and the Department of Human Services
20 under subdivision (a)(5)(A) of this section, the Department of Education
21 shall inform the board of directors of the educational entity whether or not
22 the affected applicant is eligible for employment as provided under
23 subsection (b) of this section.

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25 SECTION 2. Arkansas Code § 6-17-415(b), concerning the criminal
26 records check and Child Maltreatment Central Registry check of an existing
27 nonlicensed employee, is amended to read as follows:

28 (b)(1) Any school district ~~which that,~~ by a vote of its local school
29 district board of directors, requires criminal records background checks and
30 Child Maltreatment Central Registry checks for existing nonlicensed employees
31 shall pay the full cost of the criminal records background checks and Child
32 Maltreatment Central Registry checks.

33 (2)(A) Upon completion of the statewide and nationwide criminal
34 records background checks and the Child Maltreatment Central Registry check,
35 the Identification Bureau of the Department of Arkansas State Police or the
36 Department of Human Services shall forward all releasable information to the

1 Department of Education.

2 (B) Within thirty (30) days of receiving all releasable
3 information that has been forwarded by the Identification Bureau of the
4 Department of Arkansas State Police and the Department of Human Services
5 under subdivision (b)(2)(A) of this section, the Department of Education
6 shall inform the board of directors of the educational entity whether or not
7 the affected applicant is eligible for employment as provided under § 6-17-
8 414.

9 (3) A public school district under subdivision (b)(1) of this
10 section shall require that an existing nonlicensed employee complete a
11 criminal records background check and Child Maltreatment Central Registry
12 check at least one (1) time every five (5) years.

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14 /s/Wooten

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17 **APPROVED: 4/16/19**
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