

Act 866 of the 1989 Regular Session.

Act 866

HB1615

By: Representative Mahony

"AN ACT TO AMEND TITLE 6, CHAPTER 17, SUBCHAPTER 4 OF THE ARKANSAS CODE OF 1987, TO PROVIDE FOR THE REVOCATION OR SUSPENSION OF ANY TEACHING CERTIFICATE ISSUED BY THE STATE BOARD OF EDUCATION; AND FOR OTHER PURPOSES."

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

SECTION 1. Ark. Code 6-17-405, is hereby amended to read as follows:

"(a) The State Board of Education may revoke or suspend the teaching certificate of any person holding such a certificate for cause occurring after the effective date of this act, but only after an opportunity for a hearing before the State Board of Education upon reasonable notice in writing of the cause to be considered.

(b) "Cause" for the purposes of this section means any of the following:

(1) Conviction of a felony.
(2) The acknowledged or admitted commission of an act which would constitute a felony under the Arkansas Criminal Code.
(3) Holding a teaching certificate obtained by fraudulent means.
(4) Revocation of a certificate in another state.
(5) Intentionally compromising the validity or security of any student test or testing program administered by and/or required by the Arkansas Department of Education.

(6) Knowingly submitting, through the superintendent or directly to the Arkansas Department of Education, falsified information which is requested or required by the Arkansas Department of Education.

(c) For cause as stated above, the State Board of Education is authorized to:

(1) Revoke a teaching certificate permanently;
(2) Suspend a certificate for a terminable period of time;
(3) Place a person on probationary status for a terminable period of time with the teaching certificate to be revoked or suspended if the probationary period is not successfully completed;
(4) Accept voluntary surrender of a certificate.

(d) Upon notice in writing that a revocation, suspension or probation is being sought by the State Board of Education for a cause set forth herein, a person may:

(1) Voluntarily surrender the teaching certificate.
(2) Decline to answer the notice, in which case a hearing will be held before the State Board of Education to establish by a preponderance of the evidence that cause for the proposed action exists.
(3) Contest the complaint, in which case the person shall be given an evidentiary hearing before the State Board of Education if one is requested.

(4) Admit the allegations of fact and request an informal hearing before the State Board in mitigation of any penalty which may be assessed.

(5) Stipulate or reach a negotiated agreement which must be approved by the State Board of Education.

(e) The State Board of Education is authorized to adopt the necessary rules and regulations to fully implement the provisions of this act."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Ark. Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 22, 1989
