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.

Act 938 of the Regular Session

1	State of Arkansas	As Engrossed: H3/26/09			
2	87th General Assembly	A Bill			
3	Regular Session, 2009		HOUSE BILL	1859	
4					
5	By: Representatives Abernathy, Blount				
6	By: Senators J. Jeffress, Bryle	es			
7					
8					
9		For An Act To Be Entitled			
10	AN ACT T	O PROVIDE FOR THE CONFIDENTIALITY C)F		
11	CERTAIN	DOCUMENTS AND PROCEDURES RELATING T	O CODE		
12	OF ETHIC	S PROCEEDINGS OF THE PROFESSIONAL			
13	LICENSUR	E STANDARDS BOARD; AND FOR OTHER			
14	PURPOSES				
15					
16		Subtitle			
17	TO PR	OVIDE FOR THE CONFIDENTIALITY OF			
18	CERTA	IN DOCUMENTS AND PROCEDURES			
19	RELAT	ING TO CODE OF ETHICS PROCEEDINGS			
20	OF TH	E PROFESSIONAL LICENSURE STANDARDS			
21	BOARD	•			
22					
23					
24	BE IT ENACTED BY THE GI	ENERAL ASSEMBLY OF THE STATE OF ARK	ANSAS:		
25					
26	SECTION 1. Arkan	nsas Code § 6-17-422 is amended to	add two (2)		
27	additional subsections	to read as follows:			
28	(i)(l) Except un	nder subdivision (i)(4) of this sec	tion, all record	<u>s</u>	
29	and all hearings, meets	ings, and deliberations of the Prof	essional Licensu	<u>re</u>	
30	Standards Board relating to an ethics complaint against an administrator or				
31	teacher under this section are confidential and exempt from the Freedom of			<u>f</u>	
32	Information Act of 1967	7, § 25-19-101 et seq.			
33	(2) All re	ecords pertaining to an ethics comp	laint under this		
34	subsection (i) shall be	e open for inspection and copying b	y the person aga	<u>inst</u>	
35	whom the complaint is	<u>lodged.</u>			

1	(3) The person against whom the complaint is lodged and his or			
2	her representative are entitled to be present at all hearings.			
3	(4)(A) A hearing before the State Board of Education to consider			
4	the possible revocation, suspension, or other sanction of an administrator's			
5	or a teacher's license based on a recommendation of the Professional			
6	Licensure Standards Board for enforcement of an alleged ethics violation			
7	under this section, including without limitation an informal disposition by			
8	the State Board of Education of an ethics complaint under this section by			
9	stipulation, settlement, consent order, or default, is open to the public.			
10	(B) All records on which the State Board of Education			
11	relies at a hearing under this subdivision (i)(4) to make its decision are			
12	subject to public disclosure under the Freedom of Information Act of 1967, §			
13	<u>25-19-101 et seq.</u>			
14				
15	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the			
16	General Assembly of the State of Arkansas that having qualified teachers and			
17	administrators in public school districts is essential to providing a free			
18	and adequate public education system; that the current provisions for			
19	proceedings on ethics complaints under the code of ethics for educators do			
20	not provide for the confidentiality of certain documents and proceedings; and			
21	that this act is immediately necessary because the release of information			
22	before there has been a final adverse adjudication could irreparably damage			
23	the reputation of an educator, resulting in a school district's losing a			
24	qualified teacher or administrator. Therefore, an emergency is declared to			
25	exist and this act being immediately necessary for the preservation of the			
26	public peace, health, and safety shall become effective on:			
27	(1) The date of its approval by the Governor;			
28	(2) If the bill is neither approved nor vetoed by the Governor,			
29	the expiration of the period of time during which the Governor may veto the			
30	bill; or			
31	(3) If the bill is vetoed by the Governor and the veto is			
32	overridden, the date the last house overrides the veto.			
33				
34	/s/ Abernathy			
35				
36	APPROVED: 4/6/2009			