

ARKANSAS SENATE
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of Senate Bill No. 1011

TO PROTECT PUBLIC SCHOOL STUDENTS FROM CHILD MALTREATMENT; AND TO REQUIRE THE
TERMINATION OF EMPLOYMENT AND REVOCATION OF THE LICENSE OF A LICENSED EDUCATOR
WITH A TRUE REPORT OF CHILD MALTREATMENT.

Amendment No. 1 to Senate Bill No. 1011

Amend Senate Bill No. 1011 as originally introduced:

Page 1, delete lines 9 through 12 and substitute:
"MALTREATMENT; TO ESTABLISH A SPECIFIC VIOLATION OF THE CODE OF ETHICS FOR
EDUCATORS CONCERNING AN EDUCATOR'S INAPPROPRIATE RELATIONSHIP WITH A STUDENT;
AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:
"TO PROTECT PUBLIC SCHOOL STUDENTS FROM
CHILD MALTREATMENT; TO ESTABLISH A
SPECIFIC VIOLATION OF THE CODE OF ETHICS
FOR EDUCATORS CONCERNING AN EDUCATOR'S
INAPPROPRIATE RELATIONSHIP WITH A
STUDENT."

AND

Page 1, delete everything after the enacting clause and substitute:
"SECTION 1. Arkansas Code § 6-17-428(c)(2), concerning the code of
ethics for Arkansas educators, is amended to read as follows:

(2)(A) The State Board of Education may make an informal
disposition of the ethical violation by stipulation, settlement, consent
order, or default.

(B) A stipulation, settlement, or consent order under this
subdivision (c)(2) shall not prohibit the Professional Licensure Standards
Board or the State Board of Education from reporting under subsection (p) of
this section that an informal disposition was made.

SECTION 2. Arkansas Code § 6-17-428(m), concerning the exemption from
the Freedom of Information Act of records concerning ethics complaints under
the code of ethics for Arkansas educators, is amended to read as follows:



(m)(1) Except as provided in subsection (o) of this section, all records and all hearings, meetings, and deliberations of the Professional Licensure Standards Board and the ethics subcommittee relating to an ethics complaint are confidential and exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(2) As used in this subsection, "records" includes a report under subsection (p) of this section.

SECTION 3. Arkansas Code § 6-17-428, concerning the code of ethics for Arkansas educators, is amended to add an additional subsection to read as follows:

(p)(1) The code of ethics shall include without limitation the following provisions:

(A) A licensed educator in a supervisory role who receives a notification from the Child Abuse Hotline under § 12-18-506(a)(2) shall submit an ethics complaint to the Professional Licensure Standards Board concerning the alleged offender identified in the notification; and

(B) The failure to submit an ethics complaint under subdivision (p)(1)(A) of this section is a violation of the code of ethics.

(2)(A) Before hiring an applicant for employment as a licensed educator at an Arkansas school district, the superintendent of the school district, or his or her designee, shall ask the Professional Licensure Standards Board as to whether an ethics complaint has been filed against the applicant involving an inappropriate sexual relationship with a student or unwelcome sexual behavior directed at a student.

(B)(i) If an ethics complaint under subdivision (p)(2)(A) of this section has been filed against the applicant and the Professional Licensure Standards Board has investigated and acted upon the ethics complaint, the Professional Licensure Standards Board shall respond to the inquiry in the affirmative and:

(a) Identify the nature of a formal disposition; or

(b) State that an informal disposition was made by the State Board of Education if:

(1) After the effective date of this act, the State Board of Education made an informal disposition by stipulation, settlement, consent order, or default; or

(2) Before the effective date of this act, the State Board of Education made an informal disposition by stipulation, settlement, consent order, or default and the terms of the stipulation, settlement, or consent order do not prohibit the reporting under this subdivision (p)(2)(B).

(ii) The Professional Licensure Standards Board shall respond to the inquiry in the negative if an ethics complaint as described under subdivision (p)(2)(A) of this section:

(a) Was not filed; or

(b) Was filed and the Professional Licensure Standards Board dismissed the ethics complaint.

(iii) The person making an inquiry under subdivision (p)(2)(B) of this section, the members of the Professional Licensure Standards Board, and the person responding to the inquiry are not civilly liable for complying in good faith with the provisions of subdivision

(p)(2)(B) of this section."

SECTION 4. Arkansas Code § 12-18-506(a), concerning notification by the Child Abuse Hotline when the alleged offender works with children or is engaged in child-related activities, is amended to read as follows:

(a) If the Child Abuse Hotline receives a report naming as an alleged offender a person who is engaged in child-related activities or employment and the Department of Human Services has determined that children under the care of the alleged offender appear to be at risk of maltreatment by the alleged offender, the department:

(1) ~~may~~ May notify the following of the report made to the Child Abuse Hotline:

~~(1)(A)~~ (A) The alleged offender's employer;

~~(2) The school superintendent, principal, or a person in an equivalent position where the alleged offender is employed;~~

~~(3)(B)~~ (B) The person in charge of a paid or volunteer activity; and

~~(4)(C)~~ (C) The appropriate licensing or registering authority to the extent necessary to carry out its official responsibilities; and

(2) Shall notify the school superintendent, principal, or a person in an equivalent position where the alleged offender is employed of the report made to the Child Abuse Hotline."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Irvin

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Secretary