

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 72

5 By: Senator J. Sturch
6 By: Representative Vaught
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING BACKGROUND CHECKS FOR SCHOOL PERSONNEL;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE
16 CONCERNING BACKGROUND CHECKS FOR SCHOOL
17 PERSONNEL.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 6-17-410(b)(2), concerning teacher
23 licensure, is amended to add an additional subdivision to read as follows:

24 (C) A conviction for or plea of guilty or nolo contendere
25 to a nonviolent and nonsexual offense that is at least ten (10) years old
26 shall not disqualify a person under this section.
27

28 SECTION 2. Arkansas Code § 6-17-414(a)(1)(B)(ii), concerning the
29 criminal records check required as a condition for initial employment of
30 nonlicensed personnel, is amended to read as follows:

31 (ii) Unless the employing educational entity's board
32 of directors has taken action to pay for the cost of criminal background
33 checks required by this section, the employment applicant shall be
34 responsible for the payment of any fee associated with the criminal records
35 background checks and the Child Maltreatment Central Registry checks required
36 by this section.



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2 SECTION 3. Arkansas Code § 6-17-414(a)(2), concerning the criminal
3 records check required as a condition for initial employment of nonlicensed
4 personnel, is amended to add an additional subdivision to read as follows:

5 (C) A conviction for or plea of guilty or nolo contendere
6 to a nonviolent and nonsexual offense that is at least ten (10) years old
7 shall not disqualify a person under this section.

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9 SECTION 4. Arkansas Code § 6-17-415 is amended to read as follows:
10 6-17-415. Criminal records check and Child Maltreatment Central
11 Registry check for existing and newly hired nonlicensed employees.

12 ~~(a) It is the clear intent of the General Assembly to authorize each~~
13 ~~public school district at its discretion to~~ A public school district shall
14 require criminal background checks and Child Maltreatment Central Registry
15 checks of existing and newly hired nonlicensed employees at least one (1)
16 time every five (5) years in the same manner and subject to the same terms
17 and conditions as set forth in this section, and §§ 6-17-414 and 6-17-416
18 ~~for newly hired nonlicensed applicants.~~

19 (b)(1) ~~Any~~ A public school district ~~that may~~, by a vote of its local
20 school district board of directors, ~~requires criminal records background~~
21 ~~checks and Child Maltreatment Central Registry checks for existing~~
22 ~~nonlicensed employees shall pay the full~~ pay all or part of the cost of the
23 criminal records background checks and Child Maltreatment Central Registry
24 checks.

25 (2)(A) Upon completion of the statewide and nationwide criminal
26 records background checks and the Child Maltreatment Central Registry check,
27 the Identification Bureau of the Division of Arkansas State Police or the
28 Department of Human Services shall forward all releasable information to the
29 Division of Elementary and Secondary Education.

30 (B) Within thirty (30) days of receiving all releasable
31 information that has been forwarded by the Identification Bureau of the
32 Division of Arkansas State Police and the ~~Department of Human Services~~
33 department under ~~subdivision (b)(2)(A) of this section, and §§ 6-17-414 and~~
34 6-17-416, the Division of Elementary and Secondary Education shall inform the
35 board of directors of the educational entity whether or not the affected
36 applicant is eligible for initial or continued employment as provided under §

1 6-17-414.

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

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