

## HOUSE AMENDMENT 1 TO hb2247.

inserting immediately after Section 1 on page 2 additional sections to read as follows:

"SECTION 2. Board created.

(a) The Arkansas Professional Educators Standards and Practices Board is hereby created.

(b) The board shall be composed of sixteen (16) voting members.

(1) (A) Eight (8) members of the board shall be licensed public school classroom teachers or other licensed, non-supervisory professional public school personnel, to be appointed in the following manner:

(i) one (1) member from each of the four (4) congressional districts to be appointed by the governor;

(ii) two (2) at-large members to be appointed by the governor;

(iii) two (2) members to be elected by the Arkansas Education Association;

(B) At least one (1) of these two (2) members elected by the Arkansas Education Association shall be a Non-Caucasian member.

(C) Candidates for the teacher positions must be licensed for the position to which currently assigned and have at least five (5) years of teaching experience, including two (2) years in Arkansas immediately preceding the appointment or election.

(2) (A) Two (2) members of the board shall be school administrators with one (1) administrator elected by the Arkansas Association of Educational Administrators and one (1) appointed by the governor.

(B) Candidates for the administrator position must be licensed for the position to which currently assigned and have at least (5) years of public school administrative experience, including two (2) years in Arkansas immediately preceding the appointment or election.

(3) (A) Three (3) members of the board shall be from a faculty or teacher education division of Arkansas colleges and universities with one (1) to be elected by the Arkansas Association of Teacher Educators, one (1) to be elected by the Arkansas Association of Colleges of Teacher Education and one (1) to be appointed by the governor.

(B) Candidates for the teacher educator positions shall have at least five (5) years of professional experience, including two (2) years in Arkansas immediately preceding election.

(4) One (1) member of the board shall represent the public and shall be appointed by the governor. He or she shall not be, or ever have been, employed as a teacher, administrator or in a professional position in any institution of post-secondary education. He or she shall represent public school parents.

(5) One (1) member shall be the Director of the General Education Division of

the Department of Education or his designee.

(6) One (1) member shall be the director of the Vocational Division of the Department of Education or his designee.

(c) Two (2) teachers and one (1) teacher educator on the initial board shall serve one (1) year terms; three (3) teachers, one (1) administrator, and one (1) teacher educator on the initial board shall serve two (2) year terms; three (3) teachers, one (1) administrator, one (1) teacher educator and the lay representative on the initial board shall serve three (3) year terms. The initial terms shall be determined by lot. Thereafter, board members shall serve three (3) year terms provided that no person, except the Directors of General Education Vocational Education, shall serve more than two (2) full terms. Service for two (2) years of more shall count as a full term.

### SECTION 3. Vacancies.

(a) Any member of the board who through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he or she was appointed or elected shall no longer be eligible to serve in that position, and the position shall become vacant thirty (30) days following notice to the board of the member's change in circumstances. Vacancies shall be filled for the remainder of the unexpired term by appointment by the remainder of the board.

(b) The board shall establish rules for the removal of any member from the board for cause.

### SECTION 4. Compensation.

(a) All members of the board shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of board business in accordance with § 25-16-901 et seq.

(b) A member of the board who is an employee of this state or any of its subdivisions, including a school district, shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.

### SECTION 5. Officers.

The board shall annually elect from its own number a chairperson and vice-chairperson. They shall hold office for a one (1) year term and may be re-elected up to two (2) times. No member may serve as chairperson or vice-chairperson for more than three (3) consecutive years.

### SECTION 6. Meetings.

(a) The board shall hold at least six (6) meetings annually. The chairperson may call a special meeting at any time and shall call a special meeting upon the written request of six (6) or more members of the board.

(b) The presence of a majority of the members of the board shall constitute a quorum for transaction of business.

(c) Written and oral presentations may be made to the board in accordance with procedures promulgated by the board.

(d) No member of the board shall participate in any matter before the board in which he or she has a pecuniary interest or other conflict of interest. The board shall adopt regulations defining what constitutes a conflict of interest with the advice and consent of the ethics commission.

#### SECTION 7. Staff.

(a) The board shall employ an executive director who shall perform and discharge under the direction and control of the board those duties and responsibilities vested in the board and delegated to the executive director by the board. The executive director may be dismissed by a majority vote of the members.

(b) The executive director with the approval of the board, may employ additional professional and clerical personnel as may be necessary to carry out his or her duties and responsibilities. The board shall be an equal opportunity employer.

#### SECTION 8. Issuance and Revocation of License.

(a) The board shall have the exclusive authority to issue, revoke, or suspend licenses of teachers and administrators. The board shall adopt regulations setting forth the types and requirements for licensure within one (1) year after the effective date of this act and shall modify or supplement these regulations as appropriate. The board's regulations should be responsive to new developments in the field of education. The board shall establish such rules and regulations for the revocation, suspension and issuance of a license.

(b) A certificate which was issued pursuant to the laws and regulations of this state prior to the effective date of this act shall remain in force as long as it continues to be valid under the laws and regulations pursuant to which it was issued. Any person who holds such a valid certificate shall, upon proper application, be granted a license of the type most nearly equivalent to the type of certificate held at the time of application, notwithstanding any other provision of this act.

(c) Any person whose application for the issuance of a license is denied shall be entitled to a hearing before the board as a whole, in accordance with this act.

#### SECTION 9. Grounds for Suspension or Revocation of License.

The board shall have the authority to suspend for a specified period of time or revoke a license granted pursuant to this act in accordance with the laws of the State of Arkansas.

SECTION 10. Complaint - Investigation - and Notice.

(a) This section shall supplement and be an addition to the procedures set out in the Administrative Procedure Act, § 25-15-201, et seq.

(b) A proceeding to suspend or revoke a license shall be commenced by filing a complaint with the executive director. The complaint shall be in a form prescribed by the board. It shall specify the nature and character of the charges. It shall be verified under oath by the complaining party.

(c) Upon receipt of the complaint, the executive director shall give notice by certified mail, return receipt requested, to the person against whom the complaint has been lodged and the basis upon which the facts or conduct may result in the suspension or revocation of that person's license. The notice shall also require the person against whom the complaint is lodged to forward to the executive director a written response to the charges in the complaint within twenty (20) days.

(d) The executive director shall then present the complaint and the response to the board. The board shall determine whether on the basis of the complaint and response, if a response is provided, the board desires to proceed further and hold a hearing to determine whether grounds for suspension or revocation exist. If the board determines not to hold a hearing, then it shall inform the party charged that it has decided not to take any action on the complaint. If the board decides to hold a hearing then it shall follow the procedures set out in the Administrative Procedure Act.

(e) If the board decides to hold a hearing, the board may ask the executive director or other non-voting representative of the board to conduct further investigation regarding all of the facts.

(f) The board is authorized to issue subpoenas for the attendance and testimony of witnesses and the production of documents or other pertinent information.

(g) The hearing shall be closed, unless the affected professional educator requests that it be open.

(h) If the hearing is not scheduled to take place within one hundred twenty (120) days after the time the affected professional educator is first notified of the allegations, the board shall order the investigation discontinued and the complaint dismissed.

(i) If, after the hearing, the board determines to take some disciplinary action, it may:

(1) issue a public reprimand;

(2) suspend the license for a period of time to be determined by the board; and

(3) revoke the license.

(j) Any person whose certificate has been suspended or revoked may apply to the board for a lifting of the suspension or a reinstatement of the certificate. The board may order such a lifting or reinstatement based upon standards prescribed by the board and regulations.

(k) The person against whom a complaint is lodged shall have the right to representation of his or her choice throughout the hearing process.

(l) A complainant who is found by the board to have filed a frivolous charge(s) shall bear the cost of expenses relevant to the frivolous charge(s) incurred.

SECTION 11. Approval of Teacher Preparation Program.

(a) The board shall have the exclusive authority to approve, renew approval, and withdraw approval of teacher preparation programs. The board shall adopt by regulation the standards governing the approval and withdrawal of approval of teacher preparation programs and shall modify or supplement these regulations as appropriate.

(b) Whenever the board denies approval to or withdraws approval from a teacher preparation program, the institution of higher education offering the program shall be entitled to appeal such denial or withdrawal in the manner prescribed in this act. Approval may not be denied to or withdrawn from a teacher preparation program except by a majority vote of the board.

(c) The board may enter into agreements with the agencies of other states for reciprocal approval of teacher preparation programs in accordance with resolutions adopted by the board.

(d) Any approval of a teacher preparation program which was granted pursuant to the laws or regulations of this state prior to the effective date of this act shall remain in force until the time for renewing approval under this act.

(e) Applications for licensure from persons who were enrolled and participating in a teacher preparation program when that program lost its approval or who entered an unapproved teacher preparation program that subsequently received its approval while they were still enrolled and participating shall be dealt with individually by the board in accordance with regulations adopted by the board.

SECTION 12. Annual Report.

The board shall publish and submit to the State Board of Education and the General Assembly an annual report of its activities. The report shall include specific findings and conclusions with regard to licensure and teacher preparation program approval, an official audit of all board expenditures, and such additional information as the board deems appropriate. The board shall publish, from time to time, such other reports as it deems appropriate. The board shall develop and recommend to the General Assembly for its consideration any necessary or desirable legislation with regard to the matters covered by this act. The board shall appoint such committees as is deemed appropriate to assist it in an advisory capacity.

SECTION 13. Delegation.

Except as otherwise provided in this act, the board may delegate to one (1) or more

of its members, staff, or other agents the authority to perform any of the functions to be performed by the board itself under this act, and performance by the delegates shall for purposes of this act be deemed an action of the board.

SECTION 14. Transition.

(a) All rules, regulations, procedures and practices in effect upon the adoption of this act shall continue in effect until the board issues regulations to the contrary.

(b) All powers, duties and functions pertaining to the licensure of educators, including but not limited to determining qualifications for licensure and suspension and revocation of licenses are transferred from the State Board of Education and the Department of Education at such time as the board determines that it is prepared and capable of carrying out those functions but no later than January 1, 1999.

(c) Members of the board may be appointed or elected any time after the date of enactment of this act, except that time spent by a member in office prior to the effective date of this act shall not be considered as part of the term of such members for purposes of Section 3 of this act.

SECTION 15. Funding.

The board shall have the authority to establish its operating budget. The legislature shall provide an annual appropriation which shall be used to pay costs incurred in administering this act.

SECTION 16. The board shall have the exclusive authority to establish fees to be charged for obtaining and renewing licenses. These fees shall not be deposited in the state treasury, but shall be deposited in one (1) or more financial institutions located in this state. These revenues shall not be subject to the cash funds restrictions of § 19-4-801 et seq., or any other law pertaining to cash funds and shall not be subject to appropriation by the General Assembly.

SECTION 17. Penalties.

The board may impose fines or other monetary penalties on school districts for employing a nonlicensed person or assigning a licensed educator to perform duties outside the terms of his or her license. The board shall forward any monies received pursuant to this section to the State Treasurer for deposit in the general treasury of this state."

AND

by appropriately renumbering the subsequent sections