

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.

INTERIM STUDY PROPOSAL 2009-087

State of Arkansas

As Engrossed: S3/16/09

87th General Assembly

**A Bill**

Regular Session, 2009

SENATE BILL 1006

By: Senator J. Key

Filed with: Senate Interim Committee on Education  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO ALLOW A WAIVER OF CERTAIN PROVISIONS OF  
THE CONDITIONS FOR EMPLOYMENT OF NONLICENSED  
PERSONNEL AT A PUBLIC SCHOOL; AND FOR OTHER  
PURPOSES.

**Subtitle**

TO ALLOW A WAIVER OF CERTAIN PROVISIONS  
OF THE CONDITIONS FOR EMPLOYMENT OF  
NONLICENSED PERSONNEL AT A PUBLIC  
SCHOOL.

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

*SECTION 1. Arkansas Code § 6-17-414, concerning the criminal records check as a condition for initial employment of nonlicensed school personnel, is amended to add an additional subsection to read as follows:*

*(g)(1) The requirements of subsection (b) of this section may be waived by the state board if:*

*(A) An applicant for employment who is affected by subsection (b) of this section files with the Department of Education an application requesting a waiver; and*

*(B) The waiver is supported by:*

*(i) The superintendent of the employing school district;*



1 (ii) The director of the employing public charter  
2 school; or

3 (iii) The director of the employing educational  
4 service cooperative.

5 (2) The state board may grant a waiver based on one (1) or more  
6 of the following considerations:

7 (A) The age at which a conviction or plea of guilty or  
8 nolo contendere was entered;

9 (B) The circumstances surrounding the criminal offense;

10 (C) The amount of time that has lapsed since the  
11 commission of the criminal offense;

12 (D) The applicant's subsequent work history and employment  
13 references;

14 (E) Character references for the applicant; and

15 (F) Any other evidence deemed sufficient by the state  
16 board demonstrating that the applicant does not pose a threat to the health  
17 or safety of students, employees, or patrons of a public school, public  
18 charter school, or education service cooperative.

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20 /s/ J. Key  
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