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.

1	State of Arkansas	As Engrossed: H1/21/03 H1/22/03		
2	84th General Assembly	A Bill		
3	Regular Session, 2003		HOUSE BILL	1091
4				
5	By: Representative Bennett			
6	By: Senator Horn			
7				
8				
9		For An Act To Be Entitled		
10	AN ACT	TO ALLOW A CONSOLIDATED SCHOOL DISTRI	СТ ТО	
11	WAIVE (CRIMINAL BACKGROUND CHECKS FOR PERSONN	EL	
12	CURREN	TLY EMPLOYED BY THE AFFECTED SCHOOL		
13	DISTRI	CTS; AND FOR OTHER PURPOSES.		
14				
15		Subtitle		
16	AN A	ACT TO ALLOW A CONSOLIDATED SCHOOL		
17	DIS	TRICT TO WAIVE CRIMINAL BACKGROUND		
18	CHEC	CKS FOR PERSONNEL CURRENTLY EMPLOYED		
19	BY 1	THE AFFECTED SCHOOL DISTRICTS.		
20				
21				
22	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKA	NSAS:	
23				
24	SECTION 1. Ark	ansas Code § 6-17-411(a)(1) is amende	d to add an	
25	additional subdivisio	on to read as follows:		
26	(a)(1) <u>(A)</u>	and after April 10, 1997, Except as pr	<u>ovided in</u>	
27	<pre>subdivision (a)(1)(B)</pre>	, the board of directors of a local s	chool district	
28	shall require as a co	ondition for initial employment by the	district that	any
29	person holding a lice	ense issued by the State Board of Educ	ation and makin	g
30	application to author	rize release to the Department of Educ	ation of the	
31	results of a statewid	le and nationwide criminal records che	ck by the Burea	u of
32	Identification and In	formation which conforms to the appli	cable federal	
33	standards and include	es the taking of the applicant's finge	rprints.	
34	<u>(B)</u>	(i) The board of directors of a loca	<u>l school distri</u>	<u>.ct</u>
35	created by consolidat	tion, annexation, or detachment may wa	ive the	
36	<u>requirements</u> under su	ubdivision (a)(l)(A) for personnel that	t are	



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1	employed by the affected district immediately prior to the annexation,		
2	consolidation, or detachment and who had a complete criminal background check		
3	conducted as a condition of the personnel's most recent employment with the		
4	affected district as required under § 6-17-411.		
5	(ii) As used in this section, "affected district"		
6	means a school district that loses territory or students as a result of		
7	annexation, consolidation, or detachment.		
8			
9	SECTION 2. Arkansas Code § 6-17-414(a)(1) is amended to add an		
10	additional subdivision to read as follows:		
11	(a)(l)(A)(i) On and after April 10, 1997, Except as provided in		
12	subdivision (a)(l)(B), the board of directors of a local school district or		
13	an education service cooperative shall require as a condition for initial		
14	employment in a noncertified staff position any person making application to		
15	apply to the Bureau of Identification and Information for a statewide and		
16	nationwide criminal records check, the latter to be conducted by the Federal		
17	Bureau of Investigation.		
18	(ii) The check shall conform to the applicable		
19	federal standards and shall include the taking of fingerprints.		
20	(B) Such person shall sign a release of information to the		
21	Department of Education. Unless the employing school district board of		
22	directors has taken action to pay for the cost of criminal background checks		
23	required by this section, the employment applicant shall be responsible to		
24	the Department of Arkansas State Police for the payment of any fee associated		
25	with the criminal records check.		
26	(C)(i) The board of directors of a local school district		
27	created by consolidation, annexation, or detachment may waive the		
28	requirements under subdivisions (a)(1)(A) and (a)(1)(B) for personnel that		
29	are employed by the affected district immediately prior to the annexation,		
30	consolidation, or detachment and who had a complete criminal background check		
31	conducted as a condition of the personnel's most recent employment with the		
32	affected district as required under § 6-17-414.		
33	(ii) As used in this section, "affected district"		
34	means a school district that loses territory or students as a result of		
35	annexation, consolidation, or detachment.		
36			

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1	SECTION 3. EMERGENCY CLAUSE. It is found and determined by the				
2	General Assembly of the State of Arkansas that consolidated school districts				
3	are currently required to conduct background checks on personnel employed by				
4	existing school districts which have already conducted the background checks;				
5	that additional background checks for existing employees are unnecessarily				
6	duplicative; that schools consolidating in July of 2003 will unnecessarily				
7	expend funds and personnel resources conducting background checks if a waiver				
8	is not granted prior to the consolidation dates. Therefore, an emergency is				
9	declared to exist and this act being immediately necessary for the				
10	preservation of the public peace, health, and safety shall become effective				
11	<u>on:</u>				
12	(1) The date of its approval by the Governor;				
13	(2) If the bill is neither approved nor vetoed by the Governor,				
14	the expiration of the period of time during which the Governor may veto the				
15	<u>bill; or</u>				
16	(3) If the bill is vetoed by the Governor and the veto is				
17	overridden, the date the last house overrides the veto.				
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19	/s/ Bennett				
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