

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
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2556

4
5 By: Representative Chesterfield
6
7

For An Act To Be Entitled

8
9 AN ACT TO ENSURE THE SAFETY OF SCHOOL CHILDREN BY
10 REQUIRING CRIMINAL BACKGROUND CHECKS FOR ALL
11 PERSONS WHO WORK ON SCHOOL GROUNDS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14
15 TO ENSURE THE SAFETY OF SCHOOL CHILDREN
16 BY REQUIRING CRIMINAL BACKGROUND CHECKS
17 FOR ALL PERSONS WHO WORK ON SCHOOL
18 GROUNDS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 6, Chapter 13, Subchapter 1 is amended
24 to add additional sections to read as follows:

25 6-13-112. Requirements applicable to private contractors.

26 (a) No school district may contract with a private contractor or other
27 entity, excluding other school districts, for services to be provided for or
28 at a public school or school district, including, without limitation, school
29 busing, maintenance, construction, vending, landscaping, or cleaning, unless
30 the private contractor or other entity contractually agrees:

31 (1)(A) To require any employee, subcontractor, or any employee
32 of a subcontractor who may have access to children in relation to the
33 performance of duties under the contract to apply to the Identification
34 Bureau of the Department of Arkansas State Police for statewide and
35 nationwide criminal record checks. The nationwide criminal records check
36 shall be conducted by the Federal Bureau of Investigation.



1 (B) The criminal records checks shall conform to the
2 applicable federal standards and shall include the taking of fingerprints.

3 (C) The contractor, subcontractors, or employees of the
4 contractor who may have access to children in relation to the performance of
5 duties under the contract shall sign a release of information to the
6 Department of Education.

7 (D) A school district shall not be responsible to the
8 Arkansas State Police or the Federal Bureau of Investigation for the payment
9 of any fee associated with the criminal records checks required by this
10 section; and

11 (2) To not employ or subcontract with any person who has pleaded
12 guilty or nolo contendere to or has been found guilty of any of the offenses
13 listed in § 6-17-414(b) by any court in the State of Arkansas or of any
14 similar offense by a court in another state or of any similar offense by a
15 federal court.

16 (b) In addition to the criminal background checks required under
17 subsection (a) of this section, any person employed by or subcontracting with
18 a private contractor or other entity, excluding school districts, who
19 provides school busing services to school districts shall have a driving
20 record verification under § 6-19-107 and a certification under § 6-19-108.

21 (c) Any private contractor or other entity that fails to comply with
22 the provisions of this section shall be liable for any damages resulting from
23 its failure to comply with the criminal background checks, driving record
24 verification, or certification requirements of this section.

25
26 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that the law has specific
28 requirements regarding criminal background checks, driving record background
29 checks, and certification of school bus drivers to ensure the safety of
30 public school children who ride on school buses; and that this act is
31 immediately necessary to close the loophole in the law that jeopardizes the
32 safety of public school children on school grounds. Therefore, an emergency
33 is declared to exist and this act being immediately necessary for the
34 preservation of the public peace, health, and safety shall become effective
35 on:

36 (1) The date of its approval by the Governor;

1 (2) If the bill is neither approved nor vetoed by the Governor,
2 the expiration of the period of time during which the Governor may veto the
3 bill; or

4 (3) If the bill is vetoed by the Governor and the veto is
5 overridden, the date the last house overrides the veto.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36