

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/26/09

A Bill

HOUSE BILL 1859

5 By: Representatives Abernathy, Blount
6 By: Senators J. Jeffress, Bryles
7

For An Act To Be Entitled

10 AN ACT TO PROVIDE FOR THE CONFIDENTIALITY OF
11 CERTAIN DOCUMENTS AND PROCEDURES RELATING TO CODE
12 OF ETHICS PROCEEDINGS OF THE PROFESSIONAL
13 LICENSURE STANDARDS BOARD; AND FOR OTHER
14 PURPOSES.

Subtitle

17 TO PROVIDE FOR THE CONFIDENTIALITY OF
18 CERTAIN DOCUMENTS AND PROCEDURES
19 RELATING TO CODE OF ETHICS PROCEEDINGS
20 OF THE PROFESSIONAL LICENSURE STANDARDS
21 BOARD.

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23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 6-17-422 is amended to add two (2)
27 additional subsections to read as follows:

28 (i)(1) Except under subdivision (i)(4) of this section, all records
29 and all hearings, meetings, and deliberations of the Professional Licensure
30 Standards Board relating to an ethics complaint against an administrator or
31 teacher under this section are confidential and exempt from the Freedom of
32 Information Act of 1967, § 25-19-101 et seq.

33 (2) All records pertaining to an ethics complaint under this
34 subsection (i) shall be open for inspection and copying by the person against
35 whom the complaint is lodged.

36 (3) The person against whom the complaint is lodged and his or



1 her representative are entitled to be present at all hearings.

2 (4)(A) A hearing before the State Board of Education to consider
3 the possible revocation, suspension, or other sanction of an administrator's
4 or a teacher's license based on a recommendation of the Professional
5 Licensure Standards Board for enforcement of an alleged ethics violation
6 under this section, including without limitation an informal disposition by
7 the State Board of Education of an ethics complaint under this section by
8 stipulation, settlement, consent order, or default, is open to the public.

9 (B) All records on which the State Board of Education
10 relies at a hearing under this subdivision (i)(4) to make its decision are
11 subject to public disclosure under the Freedom of Information Act of 1967, §
12 25-19-101 et seq.

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14 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that having qualified teachers and
16 administrators in public school districts is essential to providing a free
17 and adequate public education system; that the current provisions for
18 proceedings on ethics complaints under the code of ethics for educators do
19 not provide for the confidentiality of certain documents and proceedings; and
20 that this act is immediately necessary because the release of information
21 before there has been a final adverse adjudication could irreparably damage
22 the reputation of an educator, resulting in a school district's losing a
23 qualified teacher or administrator. Therefore, an emergency is declared to
24 exist and this act being immediately necessary for the preservation of the
25 public peace, health, and safety shall become effective on:

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

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

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

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33 /s/ Abernathy
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