

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S4/2/13

# A Bill

SENATE BILL 1011

5 By: Senator Irvin  
6

## For An Act To Be Entitled

8 AN ACT TO PROTECT PUBLIC SCHOOL STUDENTS FROM CHILD  
9 *MALTREATMENT; TO ESTABLISH A SPECIFIC VIOLATION OF*  
10 *THE CODE OF ETHICS FOR EDUCATORS CONCERNING AN*  
11 *EDUCATOR'S INAPPROPRIATE RELATIONSHIP WITH A STUDENT;*  
12 *AND FOR OTHER PURPOSES.*

## Subtitle

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16 *TO PROTECT PUBLIC SCHOOL STUDENTS FROM*  
17 *CHILD MALTREATMENT; TO ESTABLISH A*  
18 *SPECIFIC VIOLATION OF THE CODE OF ETHICS*  
19 *FOR EDUCATORS CONCERNING AN EDUCATOR'S*  
20 *INAPPROPRIATE RELATIONSHIP WITH A*  
21 *STUDENT.*

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 *SECTION 1. Arkansas Code § 6-17-428(c)(2), concerning the code of*  
27 *ethics for Arkansas educators, is amended to read as follows:*

28 *(2)(A) The State Board of Education may make an informal*  
29 *disposition of the ethical violation by stipulation, settlement, consent*  
30 *order, or default.*

31 *(B) A stipulation, settlement, or consent order under this*  
32 *subdivision (c)(2) shall not prohibit the Professional Licensure Standards*  
33 *Board or the State Board of Education from reporting under subsection (p) of*  
34 *this section that an informal disposition was made.*

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36 *SECTION 2. Arkansas Code § 6-17-428(m), concerning the exemption from*



1 the Freedom of Information Act of records concerning ethics complaints under  
2 the code of ethics for Arkansas educators, is amended to read as follows:

3 (m)(1) Except as provided in subsection (o) of this section, all  
4 records and all hearings, meetings, and deliberations of the Professional  
5 Licensure Standards Board and the ethics subcommittee relating to an ethics  
6 complaint are confidential and exempt from the Freedom of Information Act of  
7 1967, § 25-19-101 et seq.

8 (2) As used in this subsection, "records" includes a report  
9 under subsection (p) of this section.

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11 SECTION 3. Arkansas Code § 6-17-428, concerning the code of ethics for  
12 Arkansas educators, is amended to add an additional subsection to read as  
13 follows:

14 (p)(1) The code of ethics shall include without limitation the  
15 following provisions:

16 (A) A licensed educator in a supervisory role who receives  
17 a notification from the Child Abuse Hotline under § 12-18-506(a)(2) shall  
18 submit an ethics complaint to the Professional Licensure Standards Board  
19 concerning the alleged offender identified in the notification; and

20 (B) The failure to submit an ethics complaint under  
21 subdivision (p)(1)(A) of this section is a violation of the code of ethics.

22 (2)(A) Before hiring an applicant for employment as a licensed  
23 educator at an Arkansas school district, the superintendent of the school  
24 district, or his or her designee, shall ask the Professional Licensure  
25 Standards Board as to whether an ethics complaint has been filed against the  
26 applicant involving an inappropriate sexual relationship with a student or  
27 unwelcome sexual behavior directed at a student.

28 (B)(i) If an ethics complaint under subdivision (p)(2)(A)  
29 of this section has been filed against the applicant and the Professional  
30 Licensure Standards Board has investigated and acted upon the ethics  
31 complaint, the Professional Licensure Standards Board shall respond to the  
32 inquiry in the affirmative and:

33 (a) Identify the nature of a formal  
34 disposition; or

35 (b) State that an informal disposition was  
36 made by the State Board of Education if:

1 (1) After the effective date of this  
 2 act, the State Board of Education made an informal disposition by  
 3 stipulation, settlement, consent order, or default; or

4 (2) Before the effective date of this  
 5 act, the State Board of Education made an informal disposition by  
 6 stipulation, settlement, consent order, or default and the terms of the  
 7 stipulation, settlement, or consent order do not prohibit the reporting under  
 8 this subdivision (p)(2)(B).

9 (ii) The Professional Licensure Standards Board  
 10 shall respond to the inquiry in the negative if an ethics complaint as  
 11 described under subdivision (p)(2)(A) of this section:

12 (a) Was not filed; or

13 (b) Was filed and the Professional Licensure  
 14 Standards Board dismissed the ethics complaint.

15 (iii) The person making an inquiry under subdivision  
 16 (p)(2)(B) of this section, the members of the Professional Licensure  
 17 Standards Board, and the person responding to the inquiry are not civilly  
 18 liable for complying in good faith with the provisions of subdivision  
 19 (p)(2)(B) of this section."

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 21 SECTION 4. Arkansas Code § 12-18-506(a), concerning notification by  
 22 the Child Abuse Hotline when the alleged offender works with children or is  
 23 engaged in child-related activities, is amended to read as follows:

24 (a) If the Child Abuse Hotline receives a report naming as an alleged  
 25 offender a person who is engaged in child-related activities or employment  
 26 and the Department of Human Services has determined that children under the  
 27 care of the alleged offender appear to be at risk of maltreatment by the  
 28 alleged offender, the department:

29 (1) may ~~may~~ May notify the following of the report made to the Child  
 30 Abuse Hotline:

31 ~~(1)(A)~~ (A) The alleged offender's employer;

32 ~~(2) The school superintendent, principal, or a person in~~  
 33 ~~an equivalent position where the alleged offender is employed;~~

34 ~~(3)(B)~~ (B) The person in charge of a paid or volunteer  
 35 activity; and

36 ~~(4)(C)~~ (C) The appropriate licensing or registering authority

1 *to the extent necessary to carry out its official responsibilities; and*  
2 *(2) Shall notify the school superintendent, principal, or a*  
3 *person in an equivalent position where the alleged offender is employed of*  
4 *the report made to the Child Abuse Hotline.*

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6 */s/ Irvin*  
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