

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

*As Engrossed: S2/1/17 S3/1/17*  
**A Bill**

SENATE BILL 179

5 By: Senator Elliott  
6

7 **For An Act To Be Entitled**

8 *AN ACT TO ALLOW REINSTATEMENT OF A VOLUNTARILY*  
9 *SURRENDERED, SUSPENDED, OR REVOKED EDUCATOR'S LICENSE*  
10 *UPON A SHOWING OF REHABILITATION AND FITNESS TO*  
11 *PERFORM THE DUTIES AUTHORIZED BY THE LICENSE; AND FOR*  
12 *OTHER PURPOSES.*

13  
14  
15 **Subtitle**

16 *TO ALLOW REINSTATEMENT OF A VOLUNTARILY*  
17 *SURRENDERED, SUSPENDED, OR REVOKED*  
18 *EDUCATOR'S LICENSE UPON A SHOWING OF*  
19 *REHABILITATION AND FITNESS TO PERFORM THE*  
20 *DUTIES AUTHORIZED BY THE LICENSE.*

21  
22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code § 6-17-411(b), concerning eligibility for  
26 employment, is amended to read as follows:

27 (b)(1)(A) ~~No~~ A person holding a license from the state board shall not  
28 be eligible for employment by an educational entity if the results of the  
29 criminal records check released to the Department of Education by the  
30 applicant reveal that the applicant has pleaded guilty or nolo contendere to  
31 or has been found guilty of any offense that will or may result in license  
32 revocation by the state board under § 6-17-410, unless:

33 (i) the The state board waives revocation under § 6-  
34 17-410; or

35 (ii) The state board reinstates the educator's  
36 license under § 6-17-428.



1 (B) ~~No~~ A person holding a license issued by the state  
 2 board shall not be eligible for employment by an educational entity if the  
 3 results of the Child Maltreatment Central Registry check released to the  
 4 Department of Education reveal that the applicant has a true report in the  
 5 Child Maltreatment Central Registry, unless:

6 (i) ~~the~~ The state board waives revocation under § 6-  
 7 17-410; or

8 (ii) The state board reinstates the educator's  
 9 license under § 6-17-428.

10 (2) However, the board of directors of an educational entity is  
 11 authorized to offer provisional employment to the affected applicant pending  
 12 notification from the Department of Education that the:

13 (A) Applicant is eligible for employment based on the  
 14 background checks; ~~or~~

15 (B) State board has waived the disqualifying offense or  
 16 placement on the Child Maltreatment Central Registry under § 6-17-410; or

17 (C) State board has reinstated the educator's license  
 18 under § 6-17-428.

19  
 20 SECTION 2. Arkansas Code § 6-17-428, concerning ethical violations by  
 21 educators, is amended to add an additional subsection to read as follows:

22 (r)(1)(A) Except as provided in subdivision (r)(1)(B) of this section,  
 23 an educator whose license has been voluntarily surrendered, suspended, or  
 24 revoked may petition the State Board of Education for reinstatement of the  
 25 license as follows:

26 (i) For a revocation, one (1) year from the date of  
 27 revocation; or

28 (ii) For a voluntary surrender or suspension, a  
 29 period, whichever is greater, of:

30 (a) One (1) year from the date of voluntary  
 31 surrender or suspension; or

32 (b) One-half (1/2) of the time that has  
 33 elapsed since the voluntary surrender was made or suspension was imposed.

34 (B) An educator is not eligible to petition for  
 35 reinstatement under subdivision (r)(1)(A) of this section if the basis for  
 36 the voluntary surrender, suspension, or revocation of the educator's license

1 was an inappropriate relationship between the educator and one (1) or more  
2 students that met or was demonstrated by a preponderance of the evidence to  
3 be intended to culminate in the definition of sexual abuse as defined in §  
4 12-18-103(20)(D).

5 (2) The petition for reinstatement may include the following  
6 information:

7 (A) A personal statement addressing the educator's  
8 rehabilitation and the misconduct that led to the voluntary surrender,  
9 suspension, or revocation;

10 (B) Relevant and verifiable evidence of rehabilitation,  
11 including without limitation:

12 (i) Progress reports if the educator is or was  
13 enrolled in a rehabilitation program;

14 (ii) Verification of completion of a rehabilitation  
15 program;

16 (iii) Evidence establishing that there have been no  
17 licensure issues from a state other than Arkansas; and

18 (iv) Evidence that the cause for voluntary  
19 surrender, suspension, or revocation no longer exists;

20 (C) Character or reference letters;

21 (D) Work history since the voluntary surrender,  
22 suspension, or revocation, including the names of employers and type of work  
23 performed;

24 (E) Any civic activities engaged in following the  
25 voluntary surrender, suspension, or revocation;

26 (F) Any court documents indicating the:

27 (i) Reduction or dismissal of a criminal conviction;  
28 and

29 (ii) Completion of a sentence resulting from a  
30 criminal conviction; or

31 (G) Other evidence demonstrating that the educator:

32 (i) Is fit to perform the duties authorized by the  
33 license; and

34 (ii) Does not pose a threat to the health or safety  
35 of students or school personnel.

36 (3) After conducting a hearing on the reinstatement, the state

1 board may reinstate the educator's license if the state board determines that  
2 the educator:

3 (A) Has been rehabilitated and is fit to perform the  
4 duties authorized by the license; and

5 (B) Does not pose a threat to the health or safety of  
6 students or school personnel.

7

8

/s/Elliott

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