

1 State of Arkansas *As Engrossed: S2/1/17 S3/1/17 S3/14/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 179

4

5 By: Senator Elliott

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For An Act To Be Entitled

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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

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PERFORM THE DUTIES AUTHORIZED BY THE LICENSE; AND FOR

12

OTHER PURPOSES.

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Subtitle

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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.

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

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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 suspension, one (1) year after the date of
 27 the suspension; and

28 (ii) For a voluntary surrender or revocation, two
 29 (2) years after the date of the voluntary surrender or revocation.

30 (B) An educator is not eligible to petition for
 31 reinstatement under subdivision (r)(1)(A) of this section if the basis for
 32 the voluntary surrender, suspension, or revocation of the educator's license
 33 was an inappropriate relationship between the educator and one (1) or more
 34 students that met or was demonstrated by a preponderance of the evidence to
 35 be intended to culminate in the definition of sexual abuse as defined in §
 36 12-18-103(20)(D).

1 (C) A person whose license has been suspended, voluntarily
2 surrendered, or revoked before the effective date of this act is eligible for
3 reinstatement under this subsection.

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

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

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

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

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

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

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

19 (C) Character or reference letters;

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

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

25 (F) Any court documents indicating the:

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

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

30 (G) Other evidence demonstrating that the educator:

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

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

35 (3) After conducting a hearing on the reinstatement, the state
36 board may reinstate the educator's license if the state board determines that

1 the educator:

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

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

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7 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that there is a shortage of quality
9 educators in this state; that there is currently no path for an educator
10 whose license has been suspended, voluntarily surrendered, or revoked to seek
11 reinstatement of the educator's license; that the public schools of this
12 state that are in need of quality educators are being deprived of those
13 quality educators who have been rehabilitated following a suspension,
14 voluntary surrender, or revocation of the educator's license; and that this
15 act is immediately necessary to ensure that public school districts are
16 better able to fill critical staff positions with quality educators in order
17 to benefit the public school districts and their students. Therefore, an
18 emergency is declared to exist, and this act being immediately necessary for
19 the preservation of the public peace, health, and safety shall become
20 effective on:

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

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

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

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28 /s/Elliott
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