

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1700

5 By: Representative Wooten  
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## For An Act To Be Entitled

8 AN ACT CONCERNING BACKGROUND CHECKS OF APPLICANTS OF  
9 EDUCATIONAL ENTITIES; TO REQUIRE THAT THE RESULTS OF  
10 AN APPLICANT'S BACKGROUND CHECK BE SENT TO THE  
11 EDUCATIONAL ENTITY TO WHICH THE APPLICANT IS  
12 APPLYING; AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO REQUIRE THAT THE RESULTS OF AN  
16 APPLICANT'S BACKGROUND CHECK BE SENT TO  
17 THE EDUCATIONAL ENTITY TO WHICH THE  
18 APPLICANT IS APPLYING.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 6-17-411(a)(1)(A), concerning the  
25 requirement of a criminal record check as a condition for initial employment  
26 by an educational entity, is amended to read as follows:

27 (a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section,  
28 the board of directors of an educational entity shall require as a condition  
29 for initial employment by the educational entity that ~~any a~~ a person holding a  
30 license issued by the State Board of Education and ~~making application~~  
31 applying for employment authorize release to the Department of Education and  
32 to the educational entity to which the person is applying the results of:

33 (i) Statewide and nationwide criminal records  
34 background checks by the Identification Bureau of the Department of Arkansas  
35 State Police, which conform to the applicable federal standards and include  
36 the taking of the applicant's fingerprints; and



1 (ii) The Child Maltreatment Central Registry check  
 2 by the Department of Human Services.

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 4 SECTION 2. Arkansas Code § 6-17-411(a)(4), concerning the reporting of  
 5 the results of an applicant’s criminal records background check and Child  
 6 Maltreatment Central Registry check, is amended to read as follows:

7 (4)(A)(i) Any information received by the Department of  
 8 Education from the Identification Bureau of the Department of Arkansas State  
 9 Police or the Department of Human Services ~~pursuant to~~ under this section  
 10 shall not be available for examination except by the affected applicant for  
 11 employment or his or her duly authorized representative and the educational  
 12 entity to which the affected applicant is applying, and no record, file, or  
 13 document shall be removed from the custody of the Department of Education or  
 14 the educational entity to which the affected applicant is applying.

15 (ii) Within ten (10) days of receipt, the Department  
 16 of Education shall send by registered mail to the educational entity to which  
 17 the affected applicant is applying the information from the Identification  
 18 Bureau of the Department of Arkansas State Police or the Department of Human  
 19 Services under subdivision (a)(4)(A)(i) of this section.

20 (B) Any information made available to the affected  
 21 applicant for employment shall be information pertaining to that applicant  
 22 only.

23 (C) Rights of privilege and confidentiality established  
 24 under this section shall not extend to any document created for purposes  
 25 other than ~~this~~ the criminal records background check and the Child  
 26 Maltreatment Central Registry check.

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 28 SECTION 3. Arkansas Code § 6-17-411(c), concerning the criminal  
 29 records background check and Child Maltreatment Central Registry check of a  
 30 preservice teacher at an educational entity, is amended to read as follows:

31 (c) The board of directors of an educational entity shall require as a  
 32 condition for supervised clinical practice at the educational entity that a  
 33 preservice teacher seeking to conduct his or her supervised clinical practice  
 34 ~~shall~~ authorize the release to the Department of Education and the  
 35 educational entity at which the preservice teacher seeks to conduct his or  
 36 her supervised clinical practice of the results of the criminal records

1 background check and Child Maltreatment Central Registry check required under  
 2 subdivision (a)(1)(A) of this section.

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 4 SECTION 4. Arkansas Code § 6-17-415(b), concerning the criminal  
 5 records check and Child Maltreatment Central Registry check of an existing  
 6 nonlicensed employee, is amended to read as follows:

7 (b)(1) Any school district ~~which~~ that, by a vote of its local school  
 8 district board of directors, requires criminal records background checks and  
 9 Child Maltreatment Central Registry checks for existing nonlicensed employees  
 10 shall pay the full cost of the criminal records background checks and Child  
 11 Maltreatment Central Registry checks.

12 (2) The results of a criminal records background check and Child  
 13 Maltreatment Central Registry check under subdivision (b)(1) of this section  
 14 shall be reported to the school district that employs the existing  
 15 nonlicensed employee.

16 (3) A public school district under subdivision (b)(1) of this  
 17 section may require that an existing nonlicensed employee complete a criminal  
 18 records background check and Child Maltreatment Central Registry check at  
 19 least one (1) time every five (5) years.