

1 State of Arkansas *As Engrossed: S2/1/17 S3/1/17 S3/14/17 S3/20/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 179

5 By: Senator Elliott

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.*

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.*

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

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)(C) of this section,
 23 an educator whose license has been suspended or revoked may petition the
 24 State Board of Education for reinstatement of the license as follows:

25 (i) For a suspension, one (1) year after the date of
 26 the suspension; and

27 (ii) For a revocation, two (2) years after the date
 28 of the revocation.

29 (B)(i) Except as provided in subdivision (r)(1)(C) of this
 30 section, an educator whose license has been voluntarily surrendered:

31 (a) Shall upon request receive a hearing with
 32 the Professional Licensure Standards Board on the misconduct that led to the
 33 voluntary surrender:

34 (1) One (1) year after the date of the
 35 voluntary surrender; or

36 (2) At the first regularly scheduled

1 meeting of the Professional Licensure Standards Board that is one (1) year
2 after the date of the voluntary surrender; and

3 (b) May petition the state board for
4 reinstatement of the license two (2) years after the date of the voluntary
5 surrender.

6 (ii) An educator whose licensed has been voluntarily
7 surrendered may petition the state board for reinstatement under subdivision
8 (r)(1)(B)(i)(b) of this section only after having a hearing with the
9 Professional Licensure Standards Board under subdivision (r)(1)(B)(i)(a) of
10 this section.

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

18 (D) A person whose license has been suspended, voluntarily
19 surrendered, or revoked before the effective date of this act is eligible for
20 reinstatement under this subsection.

21 (2) The petition for reinstatement may include the following
22 information:

23 (A) A personal statement addressing the educator's
24 rehabilitation and the misconduct that led to the voluntary surrender,
25 suspension, or revocation;

26 (B) Relevant and verifiable evidence of rehabilitation,
27 including without limitation:

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

30 (ii) Verification of completion of a rehabilitation
31 program;

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

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

36 (C) Character or reference letters;

1 (D) Work history since the voluntary surrender,
2 suspension, or revocation, including the names of employers and type of work
3 performed;

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

6 (F) Any court documents indicating the:

7 (i) Reduction or dismissal of a criminal conviction;
8 and

9 (ii) Completion of a sentence resulting from a
10 criminal conviction; or

11 (G) Other evidence demonstrating that the educator:

12 (i) Is fit to perform the duties authorized by the
13 license; and

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

16 (3) After conducting a hearing on the reinstatement, the state
17 board may reinstate the educator's license if the state board determines that
18 the educator:

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

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

23
24 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that there is a shortage of quality
26 educators in this state; that there is currently no path for an educator
27 whose license has been suspended, voluntarily surrendered, or revoked to seek
28 reinstatement of the educator's license; that the public schools of this
29 state that are in need of quality educators are being deprived of those
30 quality educators who have been rehabilitated following a suspension,
31 voluntary surrender, or revocation of the educator's license; and that this
32 act is immediately necessary to ensure that public school districts are
33 better able to fill critical staff positions with quality educators in order
34 to benefit the public school districts and their students. Therefore, an
35 emergency is declared to exist, and this act being immediately necessary for
36 the preservation of the public peace, health, and safety shall become

1 effective on:

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

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

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

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/s/Elliott

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