

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

# A Bill

SENATE BILL 71

4  
5 By: Senator J. Sturch  
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## For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
9 CONCERNING ETHICAL VIOLATIONS APPLICABLE TO  
10 EDUCATORS; AND FOR OTHER PURPOSES.  
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## Subtitle

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14 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
15 CONCERNING ETHICAL VIOLATIONS APPLICABLE  
16 TO EDUCATORS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 6-17-428(c)(1)(A), concerning ethical  
22 violations, is amended to read as follows:

23 (A)(i) ~~Receive and investigate~~ Authorize the investigation  
24 of ethics complaints.

25 (ii)(a) ~~The ethics subcommittee shall not accept a~~  
26 ~~facsimile or electronic signature on a complaint form but shall require that~~  
27 ~~a complaint form bear the original signature of the complainant~~ A complaint  
28 form sent via facsimile or with an electronic signature shall not be  
29 accepted.

30 (b) A complaint form shall have the original  
31 signature of the complainant;  
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33 SECTION 2. Arkansas Code § 6-17-428(e)-(1), concerning ethical  
34 violations, are amended to read as follows:

35 (e)(1) The ethics subcommittee shall ~~investigate~~ authorize an  
36 investigation of an ethics complaint that it determines is credible.



1 (2) Following an interview conducted as part of an investigation  
 2 of an ethics complaint, the investigator shall place in the investigation  
 3 file a written report of the interview.

4 (f)(1) Within ten (10) business days of authorizing an ethics  
 5 complaint investigation, the ~~ethics subcommittee~~ staff of the Professional  
 6 Licensure Standards Board shall provide ~~to~~ the educator under investigation  
 7 with:

8 (A) Written notice of the investigation and the nature of  
 9 the alleged ethical violation; and

10 (B) A copy of:

11 (i) The documents and evidence provided by the  
 12 complainant concerning the facts alleged in the ethics complaint;

13 (ii) Provisions of this section or other state  
 14 statutory law applicable to an ethical violation under this section; and

15 (iii) The applicable rules in effect at the time the  
 16 ethics complaint is filed.

17 (2) Upon the completion of the investigation and before an  
 18 initial consideration of the investigation, the ~~ethics subcommittee~~ staff of  
 19 the Professional Licensure Standards Board shall provide to the educator:

20 (A) A copy of the documents and evidence concerning the  
 21 investigation of the ethics complaint; and

22 (B) Written notice that the ethics subcommittee will  
 23 consider taking an action against the educator.

24 (g)(1) Within ~~thirty (30)~~ fourteen (14) calendar days after an  
 25 educator receives the notice, documentation, and evidence from the ~~ethics~~  
 26 ~~subcommittee~~ staff of the Professional Licensure Standards Board under  
 27 subsection (f) of this section, the educator may respond to the ethics  
 28 complaint in writing.

29 (2) The ethics subcommittee may permit additional time for a  
 30 response.

31 (h)(1) Upon receipt of the results of the investigation and any  
 32 written response from the educator who is the subject of the ethics  
 33 complaint, the ethics subcommittee shall issue an initial ~~decision~~  
 34 determination and provide notice of the initial ~~decision~~ determination to the  
 35 educator.

36 (2) Within ~~thirty (30)~~ fourteen (14) days of receiving notice of

1 the initial ~~decision~~ determination, if the educator disagrees with the  
 2 initial ~~decision~~ determination, the educator may request an evidentiary  
 3 hearing in the manner specified in the rules of the Professional Licensure  
 4 Standards Board.

5 (i)(1) Upon ~~receipt of a~~ request for a hearing, the ~~ethics~~  
 6 ~~subcommittee~~ staff of the Professional Licensure Standards Board shall ~~grant~~  
 7 ~~and conduct a hearing~~ provide the educator with notice of the time and date  
 8 of the hearing, which shall be conducted in accordance with ~~its rules~~ the  
 9 rules of the Professional Licensure Standards Board.

10 (2) The educator and the Professional Licensure Standards Board  
 11 may be represented by representatives of their choosing.

12 (j) Within ten (10) business days of the ethics subcommittee's taking  
 13 action following a hearing, the ethics subcommittee shall provide ~~to~~ the  
 14 educator under investigation ~~a~~ with written notice of the action.

15 (k) The ~~ethics subcommittee~~ Professional Licensure Standards Board  
 16 shall complete its investigation of an ethics complaint and the ethics  
 17 subcommittee shall take action:

18 (1) Within one hundred fifty (150) days of authorizing the  
 19 investigation of the ethics complaint; or

20 (2) If a hearing is conducted, within one hundred eighty (180)  
 21 days of authorizing the investigation of the ethics complaint.

22 (1)(1) The Professional Licensure Standards Board may waive the time  
 23 limitations imposed under this section ~~may be waived~~ when reasonable under  
 24 certain circumstances, including without limitation inclement weather, state  
 25 or national emergencies, or other unforeseeable events ~~by the~~

26 ~~(1) Educator if the time limitation is imposed upon the ethics~~  
 27 ~~subcommittee; or~~

28 ~~(2) Ethics subcommittee if the time limitation is imposed upon~~  
 29 ~~the educator.~~

30 (2) The staff of the Professional Licensure Standards Board and  
 31 the educator may agree to waive any deadline imposed under this section.

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