

**6-17-411. Criminal records check as a condition for initial employment of licensed personnel.**

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

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

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

**(B) (i)** The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivision (a)(1)(A) of this section for personnel who were employed by an affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal background check conducted as a condition of the person's most recent employment with the affected district as required under this section.

**(ii)** As used in subdivision (a)(1)(B)(i) of this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

**(2)** Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks or the Child Maltreatment Central Registry checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check and the Child Maltreatment Central Registry check.

**(3)** At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

**(4) (A)** Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

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

**(C)** Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

**(5)** The Department of Education shall promptly inform the board of directors of the educational entity whether or not the affected applicant is eligible for employment as provided by subsection (b) of this section.

**(b) (1) (A)** No person holding a license from the state board shall be eligible for employment by an educational entity if the results of the criminal records check released to the Department of Education by the applicant reveal that the

applicant has pleaded guilty or nolo contendere to or has been found guilty of any offense that will or may result in license revocation by the state board under § 6-17-410, unless the state board waives revocation.

**(B)** No person holding a license issued by the state board shall be eligible for employment by an educational entity if the results of the Child Maltreatment Central Registry check released to the Department of Education reveal that the applicant has a true report in the Child Maltreatment Central Registry, unless the state board waives revocation under § 6-17-410.

**(2)** However, the board of directors of an educational entity is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education.

**(c)** As used in this section, "educational entity" means a school district, open-enrollment public charter school, education service cooperative, or the Department of Education.

**HISTORY:** Acts 1997, No. 1313, § 3; 2003, No. 42, § 1; 2005, No. 2151, § 6; 2009, No. 1173, §§ 9-12; 2013, No. 455, § 2.

**6-17-412. National Board for Professional Teaching Standards certification.**

**(a)** As used in this section and § 6-17-413:

**(1)** "Classroom teacher" means an individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

**(2)** "National board" means the National Board for Professional Teaching Standards;

**(3)** "Starting bonus" means a one-time bonus given during the school year in which an individual first obtains national board certification; and

**(4)** "Yearly bonus" means a bonus that is given once every school year following the year of initial certification.

**(b) (1)** The national board was established in 1987 as an independent nonprofit organization to establish high and rigorous standards for teachers, to develop and operate a national voluntary system to assess and certify teachers who meet these standards, and to advance related education reforms for the purpose of improving student learning in the United States.

**(2)** In order to apply for the national board certification process, the national board requires teachers to have three (3) years or more of teaching experience, to have graduated from an accredited college or university, and to possess a valid state teaching license.

**(3)** A teacher may become national board certified by successfully completing a year-long certification process in which the teacher must develop a portfolio of student work and videotapes of teaching and learning activities for national board review, participate in the national board assessment center simulation exercises, and successfully pass an examination testing content knowledge.

**(c) (1)** The State Board of Education may issue a standard Arkansas teaching license to any teacher, building-level principal, or building-level assistant principal trained in and licensed by a state other than Arkansas who seeks Arkansas

licensure and who has received national board certification from the national board while teaching in a state other than Arkansas.

**(2)** Any applicant under subdivision (c)(1) of this section who seeks employment as an Arkansas teacher, building-level principal, or building-level assistant principal shall not have to comply with § 6-17-402 or § 6-17-403 but shall comply with § 6-17-410.

**HISTORY:** Acts 1997, No. 1225, § 1; 2001, No. 1060, § 1; 2011, No. 989, § 38.

**6-17-413. National Board for Professional Teaching Standards certification funding -- Bonuses.**

**(a) (1) (A)** The Department of Education shall pay the full amount of the participation fee of the National Board for Professional Teaching Standards and provide, if determined to be necessary by the department, substitute pay for a maximum of three (3) days of approved paid leave for teachers selected by the State Board of Education to participate in the program of the national board.

**(B)** A teacher shall have completed at least three (3) years of teaching in the Arkansas public school system before applying for the assistance under this section and § 6-17-412 and shall not have previously received state funding for participation in any certification area in the program of the national board.

**(2) (A)** The State Board of Education shall promulgate rules and regulations for the selection process of teacher participants in the program of the national board.

**(B)** The number of teacher participants each year will be determined by the amount of funding available for the program.

**(3) (A)** The department shall pay a starting incentive bonus of two thousand dollars (\$2,000) upon receiving the certification of the national board and a yearly incentive bonus of two thousand dollars (\$2,000) for every school year for the life of the certificate of the national board to any classroom teacher, building-level principal, or building-level assistant principal who:

**(i)** Is selected by the State Board of Education to participate in the program of the national board;

**(ii)** Successfully completes the certification process of the national board;

**(iii)** Receives certification of the national board; and

**(iv)** Is, at the time of receiving the bonus:

**(a)** Employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school district; or

**(b) (1)** After working a minimum of three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district, employed full time as a teacher in an accredited teacher preparation program at a state-supported institution of higher education.

**(2) (A)** Only teachers who hold national board certification on or after August 1, 2009, shall be eligible for a

bonus for employment as provided under this subdivision (a)(3)(A)(iv)(b) if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i).

**(B)** However, a bonus payment shall not be made retroactive.

**(B) (i)** A teacher certified by the national board who moves into the state and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school district shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the person is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in a local public school district for the life of the certificate of the national board.

**(ii)** A teacher who holds national board certification on or after August 1, 2009, who moves into the state shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the teacher is employed full time for the life of the certificate of the national board if, after working for three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district in this state, the teacher is employed as a teacher in an accredited teacher preparation program at a state-supported institution of higher education if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i).

**(C)** The starting incentive bonus and the yearly incentive set forth in subdivisions (a)(3)(A) and (B) of this section shall increase yearly as follows:

**(i)** The starting incentive bonus and the yearly incentive for 2003 shall be three thousand dollars (\$3,000);

**(ii)** The starting incentive bonus and the yearly incentive for 2004 shall be four thousand dollars (\$4,000); and

**(iii)** The starting incentive bonus and the yearly incentive for 2005 and each year thereafter shall be five thousand dollars (\$5,000).

**(D)** The increased incentive bonuses provided in this section shall not be retroactive.

**(E)** No person shall receive a starting bonus and a yearly incentive for the same school year.

**(F)** A person shall not receive either a starting incentive bonus or a yearly incentive bonus, irrespective of the person's past participation in the certification of the national board, as a teacher, building-level principal, or building-level assistant principal in an Arkansas public school district or teacher in an accredited teacher preparation program at a state-supported institution of higher education if the person:

**(i)** Leaves the full-time employment of an Arkansas public school district;

**(ii)** Becomes employed as a school district-level central office administrator;

**(iii)** Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or

**(iv)** Is employed by an education service cooperative and does not teach in a classroom with students.

**(G)** At the time that the national board establishes a certification of the national board for school administrators and an Arkansas school district-level central office administrator becomes certified by the national board, the school district-level central office will be eligible to receive incentive bonuses in the amount awarded to teachers certified by the national board for every year for the life of the administrator certificate of the national board.

**(4)** The State Board of Education is authorized to promulgate rules and regulations to establish a support program for teachers selected to participate in the program of the national board.

**(b) (1)** A teacher who receives state moneys for the participation fee of the national board but who does not complete the certification process within three (3) years after the teacher's entry into the certification program of the national board or who becomes certified by the national board but does not teach or serve as a building-level principal or building-level assistant principal in the Arkansas public school system for three (3) continuous school years after receiving the certification by the national board shall repay the department the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly bonus.

**(2)** If the teacher, principal, or assistant principal leaves the employment of a public school district before the three (3) continuous years are completed and is employed by an Arkansas institution of higher education or employed by an education service cooperative and the teacher does not teach in a classroom with students, the teacher, principal, or assistant principal shall repay the department the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly salary bonus.

**(3)** The State Board of Education may suspend the Arkansas teacher's license of any person that fails, when required to do so, to repay moneys contributed by the department for the certification program of the national board.

**(4)** Repayment of moneys contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the national board or does not teach in the Arkansas public school system for three (3) continuous school years after completing the certification process of the national board.

**(c) (1)** Provisions of this section and § 6-17-412 shall apply only to the extent that funds are appropriated to the department to pay for these provisions.

**(2) (A)** For a member of the Arkansas Teacher Retirement System, the department shall withhold any employee contributions when necessary from the incentive bonus and shall send the employee contributions to the system for credit as a part of the member's salary.

**(B)** The employer contributions shall be provided from funds that are appropriated to the department to pay for the bonuses and shall be sent to the system for credit as employer contributions to match the member's salary.

**(d) (1)** As used in this subsection, "speech-language pathologist" means a speech-language pathologist who:

**(A)** Has a master's degree, which includes medical-based training;

**(B)** Has completed a one-year clinical fellowship;

**(C)** Has passed the specialty area of the National Teachers Examination; and

**(D)** Holds a Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association.

**(2)** By December 1 of each year, the department shall pay a yearly incentive bonus of five thousand dollars (\$5,000) to a speech-language pathologist who:

**(A)** Holds an Arkansas teaching license in speech-language pathology;

**(B)** Is a full-time employee of an Arkansas education service cooperative or public school district as a speech-language pathologist at the time of receiving the bonus; and

**(C)** Is not considered a purchased service contractor but may be employed under a teacher contract subject to renewal under § 6-17-1506.

**(3) (A) (i)** Bonuses paid to a certified speech-language pathologist under this subsection shall be paid from the funds appropriated and available for bonuses to speech-language pathologists.

**(ii)** If sufficient funds are not available to pay the full amount of the bonus to each certified speech-language pathologist as provided under this section, the department may reduce the amount of the bonus for each qualified recipient proportionately as necessary to provide a bonus to each qualified speech-language pathologist in an equal amount.

**(B)** The cost and expenses related to training for or acquisition of the certificate shall not be funded through the program created under this section and § 6-17-412 but shall be the responsibility of the certified speech-language pathologist.

**(4)** Although a certified speech-language pathologist entitled to a bonus under this subsection will hold a valid Arkansas teaching license in speech-language pathology, references to "teacher" under this section shall mean a classroom teacher as defined under § 6-17-412(a)(1) who is in the program but not a certified speech-language pathologist.

**(5) (A) (i)** If a speech-language pathologist who receives a bonus under this subsection leaves employment in the Arkansas public school system before completing three (3) continuous school years of employment, the speech-language pathologist shall repay the department a prorated portion of the bonus received in the school year based on a daily rate for the remainder of a school year in which the speech-language pathologist leaves employment.

**(ii)** The first year of the three (3) continuous school years is the first year that the speech-language pathologist received a bonus under this subsection (d).

**(iii)** The daily rate is calculated as the amount of the annual bonus paid to the speech-language pathologist divided by the number of days in the speech-language pathologist's contract.

**(B)** The State Board of Education may suspend the Arkansas speech-language pathology license of any person who fails to repay the amount of the bonus required to be repaid under this subdivision (d)(5).

**(C)** Repayment of all or a portion of a bonus under this subdivision (d)(5) is not required if, due to the death or disability of the speech-language pathologist or other extenuating circumstances as may be recognized by the State Board of Education, the speech-language pathologist does not remain employed in the Arkansas public school system for three (3) continuous school years after first receiving the bonus under this subsection.

**HISTORY:** Acts 1997, No. 1225, § 2; 1999, No. 58, § 1; 2001, No. 1060, § 2; 2003, No. 1803, § 1; 2005, No. 1187, § 1; 2009, No. 1326, § 1; 2009, No. 1449, §§ 1-4; 2011, No. 1035, §§ 1, 2.

**6-17-414. Criminal records check as a condition for initial employment of nonlicensed personnel.**

**(a) (1) (A) (i)** Except as provided in subdivision (a)(1)(C) of this section, the board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment in a nonlicensed staff position any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks, the latter to be conducted by the Federal Bureau of Investigation.

**(ii)** The checks shall conform to the applicable federal standards and shall include the taking of fingerprints.

**(iii)** The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

**(iv)** The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.

**(B) (i)** The person shall sign a release of information to the Department of Education.

**(ii)** Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records checks.

**(C) (i)** The board of directors of a school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (B) of this section for personnel who were employed by an affected district immediately prior to the annexation, consolidation, or detachment and who had complete criminal background checks conducted as a condition of the person's most recent employment with the affected district as required under this section.

**(ii)** As used in subdivision (a)(1)(C)(i) of this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

**(2)** Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the person to the Department of Education, which shall promptly inform the board of directors of the educational entity whether or not the applicant is eligible for employment as provided by subsection (b) of this section.

**(3) (A)** The board of directors of an educational entity shall require as a condition for initial employment or noncontinuous reemployment of all nonlicensed personnel a Child Maltreatment Central Registry check by the Department of Human Services.

**(B)** The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

**(C)** The Department of Human Services shall forward all releasable information concerning the applicant to the Department of Education upon completion of the Child Maltreatment Central Registry check.

**(b)** No person, including without limitation nonlicensed persons who provide services as a substitute teacher, shall be eligible for employment, whether initial employment, reemployment, or continued employment, by an educational entity in a nonlicensed staff position if that person has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

**(1)** Capital murder as prohibited in § 5-10-101;

**(2)** Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;

**(3)** Manslaughter as prohibited in § 5-10-104;

**(4)** Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;

**(5)** Aggravated assault as prohibited in § 5-13-204;

**(6)** Terroristic threatening in the first degree as prohibited in § 5-13-301;

**(7)** Kidnapping as prohibited in § 5-11-102;

**(8)** Rape as prohibited in § 5-14-103;

**(9)** Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 -- 5-14-127;

**(10)** Incest as prohibited in § 5-26-202;

**(11)** Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;

**(12)** Distribution to minors as prohibited in § 5-64-406;

**(13)** Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;

**(14)** Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;

**(15)** Sexual indecency with a child as prohibited in § 5-14-110;

- (16)** Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (17)** Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (18)** False imprisonment in the first degree as prohibited in § 5-11-103;
- (19)** Permanent detention or restraint as prohibited in § 5-11-106;
- (20)** Permitting abuse of a child as prohibited in § 5-27-221(a);
- (21)** Negligent homicide as prohibited by § 5-10-105(a);
- (22)** Assault in the first degree as prohibited by § 5-13-205;
- (23)** Coercion as prohibited by § 5-13-208;
- (24)** Public sexual indecency as prohibited by § 5-14-111;
- (25)** Indecent exposure as prohibited by § 5-14-112;
- (26)** Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
- (27)** Computer child pornography as prohibited in § 5-27-603;
- (28)** Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
- (29)** Felony theft as prohibited in §§ 5-36-103 -- 5-36-106 and § 5-36-203;
- (30)** Robbery as prohibited by §§ 5-12-102 and 5-12-103;
- (31)** Breaking or entering as prohibited by § 5-39-202;
- (32)** Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
- (33)** Forgery as prohibited by § 5-37-201;
- (34)** Video voyeurism as prohibited by § 5-16-101;
- (35)** Domestic battering in the first degree as prohibited by § 5-26-303;
- (36)** Domestic battering in the second degree as prohibited by § 5-26-304;
- (37)** Felony violation of an order of protection as prohibited by § 5-53-134;
- (38)** Prostitution as prohibited by § 5-70-102;

**(39)** Sexual solicitation as prohibited by § 5-70-103;

**(40)** Promoting prostitution in the first degree as prohibited by § 5-70-104;

**(41)** Promoting prostitution in the second degree as prohibited by § 5-70-105;

**(42)** Stalking as prohibited by § 5-71-229;

**(43)** Failure to notify by a mandated reporter in the first degree as prohibited by § 12-18-201; and

**(44)** Any felony not listed in this subsection and involving physical or sexual injury, mistreatment, or abuse against another.

**(c)** However, the board of directors of an educational entity is authorized to offer provisional employment to an applicant pending receipt of eligibility information from the Department of Education.

**(d) (1)** Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

**(2)** Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

**(3)** Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

**(e)** The State Board of Education shall determine that an applicant for employment with an educational entity in a nonlicensed staff position is ineligible for employment if the applicant:

**(1)** Is required to pass an examination as a requirement of his or her position and the applicant's completed examination test score was declared invalid because of the applicant's improper conduct;

**(2)** Has an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense listed in subsection (b) of this section;

**(3)** Knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit;

**(4)** Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period; or

**(5)** Has a true report in the Child Maltreatment Central Registry.

**(f) (1)** The superintendent or director of an educational entity shall report to the state board the name of any person

currently employed by the educational entity who:

**(A)** Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (b) of this section;

**(B)** Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

**(C)** Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division; or

**(D)** Has a true report in the Child Maltreatment Central Registry.

**(2)** The failure of a superintendent or director to report information as required by this subsection (f) may result in sanctions imposed by the state board.

**(g) (1) (A)** If an applicant for employment with an educational entity has been determined ineligible for employment because the applicant has a true report in the Child Maltreatment Central Registry, the board of directors of an educational entity shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.

**(B)** If an applicant for employment with an educational entity has been determined ineligible for employment because the applicant has pled guilty or nolo contendere to, has been found guilty of, or has an expunged or a pardoned conviction for a sexual or physical abuse offense committed against a child or an offense listed in subsection (b) of this section, the board of directors of the educational entity shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.

**(2)** The waiver shall be requested no more than thirty (30) days after receipt of the notice of the denial of employment.

**(3)** The waiver may be requested by:

**(A)** The hiring official;

**(B)** The affected applicant; or

**(C)** The person subject to dismissal.

**(4)** Circumstances for which a waiver may be granted shall include without limitation the following:

**(A)** The age at which the incident was committed;

**(B)** The circumstances surrounding the incident;

**(C)** The length of time since the incident;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

(5) (A) The board of directors of the educational entity may grant the waiver by adoption of a written resolution identifying the applicant by name and listing the specific facts and circumstances for which the waiver is being granted.

(B) After adopting a resolution granting a waiver, the board of directors of an educational entity shall immediately provide a copy of the resolution and waiver request to the Department of Education.

(C) The resolution and waiver request are public records subject to the provisions of the Freedom of Information Act of 1967, § 25-19-101 et seq.

(6) A waiver request may be discussed and acted upon by the board of directors of an educational entity only in an open public meeting and not in an executive session.

(h) As used in this section:

(1) "Educational entity" means a school district, open-enrollment public charter school, or education service cooperative; and

(2) "Nonlicensed staff position" includes parental monitors on school buses as permitted under § 6-19-127.

**HISTORY:** Acts 1997, No. 1314, § 1; 2003, No. 42, § 2; 2003, No. 1087, § 10; 2003, No. 1387, § 1; 2003 (2nd Ex. Sess.), No. 103, § 1; 2005, No. 2151, § 7; 2007, No. 823, § 1; 2007, No. 1573, § 24; 2009, No. 376, § 25; 2009, No. 1173, §§ 13-17; 2011, No. 984, § 2; 2013,

**6-17-415. Criminal records check and Child Maltreatment Central Registry check for existing nonlicensed employees.**

(a) It is the clear intent of the General Assembly to authorize each public school district at its discretion to require criminal background checks and Child Maltreatment Central Registry checks of existing nonlicensed employees in the same manner and subject to the same terms and conditions as set forth in this act for newly hired nonlicensed applicants.

(b) Any school district which by a vote of its local school district board of directors requires criminal background checks and Child Maltreatment Central Registry checks for existing nonlicensed employees shall pay the full cost of the criminal background checks and Child Maltreatment Central Registry checks.

**HISTORY:** Acts 1997, No. 1314, § 2; 2009, No. 1173, § 18; 2011, No. 989, § 39.

**6-17-416. Criminal records check and Child Maltreatment Central Registry check of employees of more than one school district.**

Employees, whether new or existing, who have a contract with or work for more than one (1) school district in one (1) year shall be required to have only one (1) criminal background check and one (1) Child Maltreatment Central Registry check to satisfy the requirements of all employing school districts for that year.

**HISTORY: Acts 1997, No. 1313, § 5; 1997, No. 1314, § 3; 2007, No. 1573, § 25; 2009, No. 1173, § 19.**

**6-17-417. Fingerprint or name check.**

In any instance where a person must apply to the Identification Bureau of the Department of Arkansas State Police for a statewide and nationwide criminal records check as a condition for a license issued by the State Board of Education or as a condition for employment by a local school district and where a legible set of fingerprints, as determined by the Identification Bureau of the Department of Arkansas State Police, cannot be obtained after a minimum of three (3) attempts, the Department of Education or the local school district shall determine eligibility for licensure or employment based upon a name check by the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

**HISTORY: Acts 1997, No. 1272, § 1; 2005, No. 2151, § 8.**

**6-17-418. Teacher licensure -- Arkansas history requirement.**

(a) A person shall not be licensed as a social studies teacher or as an elementary school teacher unless the person has successfully completed at least three (3) hours of college course work in Arkansas history.

(b) However, social studies teachers and elementary school teachers entering Arkansas from another state shall receive a one-year nonrenewable provisional license to teach in Arkansas schools as authorized by § 6-17-403.

(c) The provisions of this section are not applicable to the renewal of a license for a teacher who was licensed before March 24, 1997.

**HISTORY: Acts 1997, No. 787, § 3; 2011, No. 989, § 40.**

**6-17-419. Expired license renewal requirements.**

(a) (1) Any person who held a valid teaching license prior to January 1, 1988, shall be allowed to renew that teaching license by meeting the general renewal requirements that are applicable to renewal for all other license holders and shall not be required to take a basic skills test, to take the National Teacher Examination, or to fulfill any other requirement that is not also required of all other teachers for license renewal.

(2) Any person who held a valid teaching license prior to January 1, 1988, shall be entitled to a provisional license by meeting the general requirements that are applicable to all other persons seeking a provisional license.

(b) This section does not allow a person whose license was revoked under § 6-17-410 to renew his or her license.

**HISTORY: Acts 2003, No. 989, § 1; 2003, No. 1570, § 1; 2005, No. 2151, § 9.**

**6-17-420. [Repealed.]**

**6-17-421. Criminal records check for fraudulent acts.**

**(a) For purposes of this section:**

**(1) "Applicant" means an individual who is applying for initial employment as a fiscal officer of an educational entity;**

**(2) "Educational entity" means:**

**(A) A school district;**

**(B) An open-enrollment public charter school; or**

**(C) An education service cooperative;**

**(3) "Fiscal officer" means any licensed or nonlicensed employee of an educational entity who has any right, duty, or responsibility to access funds of an educational entity in excess of five thousand dollars (\$5,000), specifically including without limitation superintendents, fiscal officers, and bookkeepers; and**

**(4) "Fraudulent act" means an act:**

**(A) Performed willfully and with the specific intent to deceive or cheat for the purpose of either causing some financial loss to another or bringing about some financial gain to the actor; and**

**(B) For which the actor has pleaded guilty or nolo contendere or has been found guilty by any court in this state, by a court in another state, or by a federal court.**

**(b) (1) (A) Upon making application for employment in a position as a fiscal officer of an educational entity, the board of directors of the educational entity shall require the employment applicant to authorize release to the Department of Education the results of statewide and nationwide criminal records checks by the Identification Bureau of the Department of Arkansas State Police.**

**(B) Unless the employing educational entity's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check.**

**(2) (A) The criminal background check shall conform to the applicable federal standards and include the taking of the employment applicant's or currently employed fiscal officer's fingerprints.**

**(B) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.**

**(3) (A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.**

**(B) Any information made available to the affected employment applicant or fiscal officer shall be information pertaining to that applicant only.**

**(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than the background check.**

**(4) The Department of Education shall promptly inform the board of directors of the educational entity whether or not the affected employment applicant is eligible for employment as provided in this subsection.**

**(c) (1) No person shall be eligible for employment as a fiscal officer by an educational entity if the results of the criminal records check released to the Department of Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act but only after an opportunity for a hearing before the State Board of Education upon reasonable notice in writing.**

**(2) However, the board of directors of an educational entity is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education.**

**(d) (1) The superintendent or director of an educational entity shall report to the state board the name of any fiscal officer who is currently employed or was employed during the two (2) previous school years by the educational entity who has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act.**

**(2) A superintendent or director who knowingly fails to report information as required by this subsection may be subject to sanctions imposed by the state board.**

**(e) A prosecuting attorney who prosecutes a person who he or she knows is an educational entity employee in a case in which the employee has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act shall report the name of the employee and the nature of the crime to the educational entity in which the person is employed and to the state board.**

**(f) An educational entity shall dismiss from employment a fiscal officer who pleads guilty or nolo contendere to or has been found guilty of a fraudulent act but only after the fiscal officer has an opportunity for a hearing before the state board upon reasonable notice in writing.**

**(g) (1) The state board shall be entitled to consider:**

**(A) The age of the fiscal officer at the time the criminal act occurred;**

**(B) The length of time since the conviction;**

**(C) Whether the fiscal officer has pleaded guilty or nolo contendere to or has been found guilty of any other**

**criminal violation since the original conviction;**

**(D) Whether the original conviction was expunged or pardoned; and**

**(E) Any other relevant facts.**

**(2) The state board after conducting a hearing and issuing a decision in writing may determine not to prevent the employment or not to require the termination of employment of the fiscal officer as required in subsections (c) and (f) of this section.**

**HISTORY: Acts 2003 (2nd Ex. Sess.), No. 82, § 1; 2005, No. 2151, § 10; 2011, No. 989, § 41; 2013, No. 455, § 4.**