

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

HOUSE BILL 1859

4  
5 By: Representatives Abernathy, Blount  
6 By: Senators J. Jeffress, Bryles

## For An Act To Be Entitled

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10 AN ACT TO PROVIDE FOR THE CONFIDENTIALITY OF  
11 CERTAIN DOCUMENTS AND PROCEDURES RELATING TO CODE  
12 OF ETHICS PROCEEDINGS OF THE PROFESSIONAL  
13 LICENSURE STANDARDS BOARD; AND FOR OTHER  
14 PURPOSES.

## Subtitle

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17 TO PROVIDE FOR THE CONFIDENTIALITY OF  
18 CERTAIN DOCUMENTS AND PROCEDURES  
19 RELATING TO CODE OF ETHICS PROCEEDINGS  
20 OF THE PROFESSIONAL LICENSURE STANDARDS  
21 BOARD.

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

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26 SECTION 1. Arkansas Code § 6-17-422 is amended to add two (2)  
27 additional subsections to read as follows:

28 (i)(1) Except under subdivision (i)(4) of this section, all records  
29 and all hearings, meetings, and deliberations relating to an ethics complaint  
30 against an administrator or teacher under this section are confidential and  
31 exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.,  
32 including without limitation an ethics complaint involving an alleged ethics  
33 violation that also meets the definition of child maltreatment under the  
34 Arkansas Child Maltreatment Act, § 12-12-501 et seq.

35 (2) All records pertaining to an ethics complaint under this  
36 subsection (i) shall be open for inspection and copying by the person against



1 whom the complaint is lodged.

2 (3) The person against whom the complaint is lodged and his or  
3 her representative are entitled to be present at all hearings.

4 (4) Following a final decision of the State Board of Education  
5 on an ethics complaint under this section, all records upon which the State  
6 Board of Education based its decision shall be subject to public disclosure  
7 under the Freedom of Information Act of 1967, § 25-19-101 et seq., except to  
8 the extent that such disclosure would constitute a clearly unwarranted  
9 invasion of personal privacy.

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11 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
12 General Assembly of the State of Arkansas that having qualified teachers and  
13 administrators in public school districts is essential to providing a free  
14 and adequate public education system; that the current provisions for  
15 proceedings on ethics complaints under the code of ethics for educators do  
16 not provide for the confidentiality of certain documents and proceedings; and  
17 that this act is immediately necessary because the release of information  
18 before there has been a final adverse adjudication could irreparably damage  
19 the reputation of an educator, resulting in a school district's losing a  
20 qualified teacher or administrator. Therefore, an emergency is declared to  
21 exist and this act being immediately necessary for the preservation of the  
22 public peace, health, and safety shall become effective on:

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

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

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

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