

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S1/28/21

# A Bill

SENATE BILL 71

5 By: Senator J. Sturch  
6 By: Representative Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 CONCERNING ETHICAL VIOLATIONS APPLICABLE TO  
11 EDUCATORS; AND FOR OTHER PURPOSES.  
12  
13

### Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
16 CONCERNING ETHICAL VIOLATIONS APPLICABLE  
17 TO EDUCATORS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 6-17-428(c)(1)(A), concerning ethical  
23 violations, is amended to read as follows:

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

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

31 (b) A complaint form shall have the original  
32 signature of the complainant;  
33

34 SECTION 2. Arkansas Code § 6-17-428(e)-(1), concerning ethical  
35 violations, are amended to read as follows:

36 (e)(1) The ethics subcommittee shall ~~investigate~~ authorize an



1 investigation of an ethics complaint that it determines is credible.

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

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

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

11 (B) A copy of:

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

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

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

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

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

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

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

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

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

1 (2) Within ~~thirty (30)~~ fourteen (14) days of receiving notice of  
2 the initial ~~decision~~ determination, if the educator disagrees with the  
3 initial ~~decision~~ determination, the educator may request an evidentiary  
4 hearing in the manner specified in the rules of the Professional Licensure  
5 Standards Board.

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

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

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

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

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

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

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

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

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

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

33  
34 /s/J. Sturch

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36 **APPROVED: 2/10/21**