

ARKANSAS DEPARTMENT OF EDUCATION
PROPOSED RULES GOVERNING CRIMINAL BACKGROUND CHECKS
FOR SUBSTITUTE TEACHERS

1.00 AUTHORITY

- 1.01 The Arkansas State Board of Education’s authority for promulgating these rules is pursuant to Ark. Code Ann. § 6-11-105.
- 1.02 These rules shall be known as the Arkansas Department of Education Rules Governing Criminal Background Checks for Substitute Teachers.

2.00 DEFINITIONS

For the purpose of these rules, the following terms shall mean as follows:

- 2.01 “Applicant” means an individual who is being considered for employment as a substitute teacher by a local school district.
- 2.02 “Initial employment” means the first time that an applicant has been considered for employment by a local school district.
- 2.03 “Non-licensed staff position” means a position with a local school district which does not require the holder of the position to possess an Arkansas teacher’s license pursuant to Ark. Code Ann. § 6-17-401 *et seq.*
- 2.04 “Non-continuous employment” means consideration for employment as a substitute teacher in a local school district by an applicant who has been previously employed by the same local school district in a non-licensed staff position and the last previous employment of the applicant by the district was no earlier than the previous school year.
- 2.05 “Substitute teacher” means an individual who does not hold an Arkansas teacher’s license who is employed by a local school district to provide classroom teaching services on an occasional or temporary basis.

3.00 CRIMINAL BACKGROUND CHECKS FOR SUBSTITUTE TEACHERS

- 3.01 The board of directors of a local school district or an education service cooperative shall require, as a condition for initial employment or non-continuous employment as a substitute teacher, that an individual apply to the Identification Bureau of the Arkansas State Police for statewide and national criminal records checks.

- 3.02 The Identification Bureau of the Arkansas State Police shall forward the information necessary for the processing of the nationwide criminal records check to the Federal Bureau of Investigation for the completion of the criminal records check.
 - 3.03 The applicant shall sign a release of information permitting the completed statewide and nationwide criminal records checks to be submitted to the Arkansas Department of Education.
 - 3.04 Upon completion of the criminal records check, the Identification Bureau of the Arkansas State Police shall forward all releasable information obtained concerning the applicant to the Department of Education.
 - 3.05 The Department of Education shall promptly inform the board of directors of the local school district or education service cooperative whether or not the applicant is eligible for employment pursuant to Ark. Code Ann. § 6-17-414(b).
 - 3.06 No non-licensed applicant shall be eligible for employment as a substitute teacher by a local school district or education service cooperative if the applicant has pleaded guilty or *nolo contendere* to or has been found guilty of any offense listed under Ark. Code Ann. § 6-17-414(b) 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.
 - 3.07 The board of directors of a local school district or education service cooperative may offer provisional employment to a substitute teacher pending receipt of eligibility information from the Department of Education.
 - 3.08 Any information received by the Department of Education from the Identification Bureau of the Arkansas State Police 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.
 - 3.08.1 Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.
- 4.00 NON-LICENSED SUBSTITUTE TEACHERS WORKING FOR MORE THAN ONE (1) SCHOOL DISTRICT
- 4.01 Any non-licensed individual who has successfully completed the statewide and nationwide criminal records checks referenced in Section 3.00 of these rules, and who is employed as a substitute teacher for a local school

district for a given school year, may also be concurrently employed by one (1) or more other local school districts during the same school year without the necessity of completing another statewide and nationwide criminal records check.

- 4.02 Local school districts who wish to hire an applicant covered under Section 4.01 of these rules may, upon verifying that the applicant is employed as a substitute teacher for a local school district, contact the Department of Education's Office of Professional Licensure to ascertain the applicant's eligibility for employment.
- 4.03 Under no circumstances shall the Department of Education release information received from the Identification Bureau of the Arkansas State Police on any applicant to any local school district.