

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING EDUCATOR LICENSURE

August 23, 2019

CHAPTER 5:
LICENSE EFFECTIVE DATES, RENEWAL, REINSTATEMENT,
AND CONVERSION

5-3.02 REINSTATEMENT OF A REVOKED LICENSE

5-3.02.1 The State Board may reinstate a revoked license if:

5-3.02.1.1 Ten years has passed since the date of revocation if the revocation was based on a felony disqualifying offense under § 6-17-410, or an ethics violation under § 6-17-428; or

5-3.02.1.2 Five years after the date of revocation for any other reason.

5-3.02.2 The State Board shall not reinstate a revoked license when the reasons for the revocation concerned the:

5-3.02.2.1 Physical or sexual injury of another person;

5-3.02.2.2 Physical or sexual abuse of another person;

5-3.02.2.3 Physical mistreatment of another person resulting in death; or

5-3.02.2.4 Sexual mistreatment of another person.

5-3.02.3 The State Board may reinstate a revoked license with or without a hearing if the applicant provides evidence from the Department of Human Services that the Department has removed the applicant's name from the Child Maltreatment Central Registry.

5-3.02.4 An application for reinstatement of revoked license must include the following:

5-3.02.4.1 A written request notifying the Office of Educator Effectiveness and PLSB of intent to seek the reinstatement of a revoked license;

5-3.02.4.2 An updated criminal records background check. All associated costs are the responsibility of the applicant;

5-3.02.4.3 A minimum of three reference letters from educational professionals attesting to the applicant's character and fitness to serve as an educator. Each individual providing a reference must submit the letter directly to

the Office of Educator Effectiveness and PLSB. The letter must include the notarized signature of the individual providing the reference and his or her contact information including email address, mailing address, and telephone number; and

5-3.02.4.4 Documentation of having completed any and all requirements of any criminal sentence, made restitution if applicable, paid any fine issued by the State Board of Education for ethics violations and, does not pose a threat to the health, safety, and welfare of public school students and public school employees:

5-3.02.5 The applicant must meet all current certification requirements in place at the time of application for an initial certification, including current testing requirements.

5-3.02.6 After receipt of a complete application for reinstatement of a revoked license, the Division of Elementary and Secondary Education shall send notice to the applicant that he or she may request a hearing before the State Board.

5-3.02.7 Reinstatement of a Revoked License Hearing Procedures.

5-3.02.7.1 An individual whose teaching license was revoked following an ethics complaint under 6-17-428 shall release to the State Board any confidential information regarding an ethics complaint made against an individual upon the individual's application for reinstatement of his or her revoked license. Any confidential information concerning student information/pictures/electronic media pictures/videos and/ or electronic communication shall be redacted and or edited to protect the identity of the person(s) that is currently or was a student at the time of the incident.

5-3.02.7.2 Each party shall exchange exhibits and witness lists not less than ten (10) calendar days before the scheduled hearing date, unless both parties agree to a shorter period of time.

5-3.02.7.3 Requests for subpoenas must be received in the Office of Legal Counsel not less than ten (10) calendar days before the hearing date.

5-3.02.7.4 Each party will have the opportunity to present an opening statement of no longer than five (5) minutes, beginning with the representative of the Division. The Chairperson of the State Board may, only for good cause shown and upon the request of either party, allow either party additional time to present their opening statements.

5-3.02.7.5 Each party will have ten (10) minutes to present their cases, beginning with the representative of the Division. The Chairperson of the State Board may, only for good cause shown and upon the

request of either party, allow either party additional time to present their cases.

5-3.02.7.6 Every witness giving oral testimony must be sworn under oath by the Chair of the State Board and shall be subject to direct examination, cross examination, and questioning by the State Board.

5-3.02.7.7 For the purposes of the record, documents offered during the hearing by the Division shall be clearly marked "DESE" and numbered in sequential, numeric order (for example: DESE-1).

5-3.02.7.8 For the purposes of the record, documents offered during the hearing by the Educator shall be clearly marked "Educator" and numbered in sequential, numeric order (for example: Educator-1).

5-3.02.7.9 While the scope of each party's presentation ultimately lies within the State Board Chairperson's discretion, case presentation should be arranged in such a way as to avoid redundant testimony.

5-3.02.7.10 After both parties have presented their cases, the State Board may allow each party to present limited rebuttal testimony.

5-3.02.7.11 Each party will be given five (5) minutes to present a closing argument, ending with the Division.

5-3.02.7.12 After making its decision, the State Board shall reduce its decision to writing and shall mail copies of the decision to each party and each party's attorney.

EMERGENCY CLAUSE

WHEREAS, Ark. Code. Ann § 6-17-402 requires the State Board of Education to promulgate rules to implement rules governing educator licensure; and

WHEREAS, the State Board of Education and the Division of Elementary and Secondary Education are proposing this section of the Division of Secondary and Elementary Education Rules Governing Educator Licensure for the purpose of providing qualified educators in Arkansas public schools, and to remove barriers to former educators who meet the requirement of Act 628 of 2019; and

WHEREAS, Act 628 of 2019, which allows the State Board of Education to reinstate a revoked educator's license under certain circumstances, requires the State Board of Education to promulgate rules setting forth the criteria for reinstatement. These emergency rules are necessary to expedite the process and allow qualified applicants the ability to reinstate their license; and

WHEREAS, the State Board of Education finds that imminent peril exists to the public educational health, safety and welfare of the school children of Arkansas due to the need for qualified and effective licensed educators in public schools.

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of Arkansas public schools will result without the immediate promulgation of these rules.