

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.

Act 710 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

As Engrossed: S3/7/07

A Bill

SENATE BILL 772

4  
5 By: Senator Broadway  
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8 **For An Act To Be Entitled**

9 AN ACT TO REMOVE THE REQUIREMENT THAT A PUBLIC  
10 SCHOOL DISTRICT MUST FILE A PUBLIC SCHOOL  
11 TEACHER'S CONTRACT WITH THE COUNTY CLERK; TO  
12 REMOVE THE REQUIREMENT FOR COUNTY CLERKS TO  
13 REVIEW TEACHER CONTRACTS; AND FOR OTHER PURPOSES.

14  
15 **Subtitle**

16 AN ACT TO REMOVE THE REQUIREMENT FOR  
17 FILING A PUBLIC SCHOOL TEACHER'S  
18 CONTRACT WITH THE COUNTY CLERK.  
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20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 6-13-620(a)(4)(B), concerning the duty of a  
24 school district board of directors to file a teacher's contract with the  
25 county clerk, is amended to read as follows:

26 (B) There shall be ~~four (4)~~ three (3) copies of each  
27 contract made:

28 (i) One (1) copy to be retained by the school  
29 district board of directors;

30 (ii) One (1) copy to be given to the employee; and

31 (iii) (a) One (1) copy to be forwarded to the county  
32 treasurer if the county treasurer serves as treasurer for the school  
33 district; ~~and.~~

34 (b)(1) A county treasurer acting as treasurer  
35 for a public school district shall destroy teacher contracts that have been



1 filed in his or her office for more than two (2) years.

2 (2)(A) Within thirty (30) days of  
3 the date a school district replaces a county treasurer with its own school  
4 district treasurer, the county treasurer shall destroy all teacher contracts  
5 filed in his or her office.

6 (B) The county treasurer  
7 shall provide written notice to the school district of the date it will  
8 destroy the records.

9 (3) The county treasurer shall  
10 destroy teacher contracts in a manner that will protect the confidentiality  
11 of personally identifiable information including the name, residence address,  
12 and social security number of the teacher who is a party to the contract.

13 ~~(iv) One (1) copy to be filed with the county clerk.~~

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15 SECTION 2. Arkansas Code § 6-17-401 is amended to read as follows:  
16 6-17-401. Teacher's license requirement.

17 (a) Except as permitted under § 6-17-309, no teacher shall be employed  
18 in any public school of the state who is not licensed to teach in the State  
19 of Arkansas by a license issued by the State Board of Education.

20 ~~(b) No license shall be valid in any county until it has been~~  
21 ~~registered in the office of the county clerk.~~

22 ~~(e)(b)~~ Any person who shall teach in a public school in this state  
23 without a legal certificate of qualification to teach shall not only be  
24 entitled to receive any compensation from the school funds for such services  
25 if the person has:

26 (1) A valid license issued by the state board; or

27 (2) Other documentation from the Office of Professional  
28 Licensure of the Department of Education authorizing employment as a teacher  
29 under the conditions set forth by the department in the documentation.

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31 SECTION 3. Arkansas Code § 6-17-408 is repealed.

32 ~~6-17-408. Failure to file teacher's license—Defense.~~

33 ~~(a) In any action filed in any court in this state wherein the party~~  
34 ~~instituting the action seeks or has sought to impose upon any county~~  
35 ~~treasurer or superintendent of schools any liability arising out of failure~~  
36 ~~to file a teacher's certificate in the office of the county clerk and arising~~

1 ~~out of the failure to file a teacher's contract which would have been valid~~  
2 ~~except for prior failure to file a teacher's certificate in the office of the~~  
3 ~~county clerk, the county treasurer or school superintendent against whom such~~  
4 ~~liability is sought to be imposed may assert as a complete defense the filing~~  
5 ~~in the office of the county clerk at any time before final judgment in the~~  
6 ~~action of a teacher's certificate for the particular teacher involved showing~~  
7 ~~on its face that the particular teacher to whom the certificate was issued~~  
8 ~~possesses all the qualifications required by law and the particular teacher's~~  
9 ~~contract as of the date the teacher was required to perform the teaching~~  
10 ~~contract.~~

11 ~~(b) Such teacher's certificate marked "Valid" as of a particular date~~  
12 ~~stamped or written on the certificate shall be prima facie evidence of the~~  
13 ~~qualifications of the teacher for whom the certificate was issued.~~

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15 SECTION 4. Arkansas Code § 6-17-919 is amended to read as follows:  
16 6-17-919. Warrants void without valid certificate and contract.

17 (a) All warrants issued in payment of teachers' salaries are void  
18 unless:

19 (1)(A) ~~The teacher has a valid teacher's certificate filed with~~  
20 ~~the county clerk's office~~ is licensed to teach in the State of Arkansas by a  
21 license issued by the State Board of Education; or

22 (B) The public school district employing the teacher has  
23 other documentation from the Office of Professional Licensure of the  
24 Department of Education authorizing employment of the teacher under the  
25 conditions set forth by the department in the documentation;

26 (2) The teacher has been employed by a valid written contract;  
27 and

28 (3) Copies of such contract are on file in the ~~offices~~ office of  
29 the county treasurer or the school district treasurer if the school district  
30 has its own treasurer.

31 (b) The district superintendent of schools and the superintendent's  
32 surety shall be liable for any warrants which he or she countersigns in  
33 payment of teachers' salaries unless and until ~~there is a valid teacher's~~  
34 ~~ertificate and contract for the teacher on file with the county clerk~~ the  
35 state board has issued a valid license or the department has provided the  
36 documentation required by subdivision (a)(1)(B) of this section.

1 (c) The county treasurer, or the school district treasurer if the  
2 school district has its own treasurer, and his or her surety shall be liable  
3 for all warrants in payment of teachers' salaries which he or she pays unless  
4 and until there is a valid contract on file in his or her office.

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6 SECTION 5. Arkansas Code § 6-17-920 is repealed.

7 ~~6-17-920. Examination of teachers' contracts—Effect.~~

8 ~~(a) It shall be the duty of the county clerk when the teachers'~~  
9 ~~contracts are filed, as required by §§ 6-13-620 and 6-17-919, to examine such~~  
10 ~~contracts.~~

11 ~~(b) If the county clerk finds that any board of directors has entered~~  
12 ~~into contracts with teachers who have not recorded a valid teacher's~~  
13 ~~certificate with the clerk, he or she shall immediately notify the board of~~  
14 ~~directors in writing to correct the contract or contracts to conform to the~~  
15 ~~legal requirements.~~

16 ~~(c) If the board of directors does not make contracts in accordance~~  
17 ~~with this subsection and other legal requirements, the county clerk shall~~  
18 ~~notify the county treasurer that the contracts are invalid.~~

19 ~~(d) It shall then be the duty of the county treasurer, or the school~~  
20 ~~district treasurer if the school district has its own treasurer, to refuse~~  
21 ~~payment of warrants issued upon the contracts, and he and his surety shall be~~  
22 ~~liable for failure to do so.~~

23 ~~(e) Moreover, the county clerk and his or her surety shall be liable~~  
24 ~~for any warrants countersigned which are inconsistent with the provisions of~~  
25 ~~this section.~~

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27 SECTION 6. NOT TO BE CODIFIED. Destruction of records.

28 (a) On or before December 31, 2007, each county clerk in this state  
29 shall destroy each teacher contract, teaching certificate, and teaching  
30 license filed in the county clerk's office pursuant to §§ 6-13-620, 6-17-401,  
31 and 6-17-408.

32 (b) The teacher contracts, teaching certificates, and teaching  
33 licenses shall be destroyed in a manner that will protect the confidentiality  
34 of personally identifiable information including the name, residence address,  
35 and social security number of the teacher who is the subject of the contract,  
36 teaching certificate, or teaching license.

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*/s/ Broadway*

*APPROVED: 3/30/2007*