

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 86th General Assembly
3 Regular Session, 2007
4
5 By: Senator Broadway
6
7

A Bill

SENATE BILL 772

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

Subtitle

15 AN ACT TO REMOVE THE REQUIREMENT FOR
16 FILING A PUBLIC SCHOOL TEACHER'S
17 CONTRACT WITH THE COUNTY CLERK.
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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) All teacher contracts received by the
35 county treasurer under this subdivision (a)(4)(B) are confidential and are
36 not subject to examination or disclosure as public information under the



1 Freedom of Information Act of 1967, § 25-19-101 et seq.

2 (c)(1) A county treasurer acting as
3 treasurer for a public school district shall destroy teacher contracts that
4 have been filed in his or her office for more than two (2) years.

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

9 (B) The county treasurer
10 shall provide written notice to the school district of the date it will
11 destroy the records.

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

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

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18 SECTION 2. Arkansas Code § 6-17-401 is amended to read as follows:
19 6-17-401. Teacher's license requirement.

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

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

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

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

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

33
34 SECTION 3. Arkansas Code § 6-17-408 is repealed.

35 ~~6-17-408. Failure to file teacher's license—Defense.~~

36 ~~(a) In any action filed in any court in this state wherein the party~~

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

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

17
 18 SECTION 4. Arkansas Code § 6-17-919 is amended to read as follows:
 19 6-17-919. Warrants void without valid certificate and contract.

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

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

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

29 (2) The teacher has been employed by a valid written contract;
 30 and

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

34 (b) The district superintendent of schools and the superintendent's
 35 surety shall be liable for any warrants which he or she countersigns in
 36 payment of teachers' salaries unless and until ~~there is a valid teacher's~~

1 ~~certificate and contract for the teacher on file with the county clerk~~ the
 2 state board has issued a valid license or the department has provided the
 3 documentation required by subdivision (a)(1)(B) of this section.

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

8
 9 SECTION 5. Arkansas Code § 6-17-920 is repealed.

10 ~~6-17-920. Examination of teachers' contracts—Effect.~~

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

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

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

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

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

29
 30 SECTION 6. NOT TO BE CODIFIED. Destruction of records.

31 (a) After the effective date of this act, all teacher contracts,
 32 teaching certificates, and teaching licenses received by county clerks
 33 pursuant to Arkansas Code §§ 6-13-620, 6-17-401, and 6-17-408 are
 34 confidential and are not subject to examination or disclosure as public
 35 information under the Freedom of Information Act of 1967, § 25-19-101 et seq.

36 (b) On or before December 31, 2007, each county clerk in this state

1 shall destroy each teacher contract, teaching certificate, and teaching
2 license filed in the county clerk's office pursuant to §§ 6-13-620, 6-17-401,
3 and 6-17-408.

4 (c) The teacher contracts, teaching certificates, and teaching
5 licenses shall be destroyed in a manner that will protect the confidentiality
6 of personally identifiable information including the name, residence address,
7 and social security number of the teacher who is the subject of the contract,
8 teaching certificate, or teaching license.

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