

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

A Bill

SENATE BILL 657

4
5 By: Senators Bisbee, Hendren
6 By: Representatives Kenney, Anderson

For An Act To Be Entitled

10 AN ACT TO REPEAL THE REQUIREMENT THAT TEACHER
11 CONTRACTS AND LICENSES BE FILED WITH THE COUNTY
12 CLERK; AND FOR OTHER PURPOSES.

Subtitle

15 AN ACT TO REPEAL THE REQUIREMENT THAT
16 TEACHER CONTRACTS AND LICENSES BE FILED
17 WITH THE COUNTY CLERK.

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19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 6-13-620(a)(4)(B), concerning the duty of a
23 school district board of directors to file a teacher's contract with the
24 county clerk, is amended to read as follows:

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

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

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

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

33 (b) All contracts received by the county
34 treasurer under this subdivision (a)(4)(B) are confidential and are not
35 subject to examination or disclosure as public information under the Freedom
36 of Information Act of 1967, § 25-19-101 et seq.



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

SECTION 2. Arkansas Code § 6-17-401 is amended to read as follows:

6-17-401. Teacher's license requirement.

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

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

~~(e)(b)~~ Any person who shall teach in a public school in this state without a ~~legal certificate of qualification~~ valid license to teach shall not be entitled to receive any compensation from the school funds for such services.

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 Arkansas Code § 6-17-408 is repealed.

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

~~(a) In any action filed in any court in this state wherein the party instituting the action seeks or has sought to impose upon any county treasurer or superintendent of schools any liability arising out of failure to file a teacher's certificate in the office of the county clerk and arising out of the failure to file a teacher's contract which would have been valid except for prior failure to file a teacher's certificate in the office of the county clerk, the county treasurer or school superintendent against whom such liability is sought to be imposed may assert as a complete defense the filing in the office of the county clerk at any time before final judgment in the action of a teacher's certificate for the particular teacher involved showing on its face that the particular teacher to whom the certificate was issued possesses all the qualifications required by law and the particular teacher's contract as of the date the teacher was required to perform the teaching contract.~~

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

SECTION 4. Arkansas Code § 6-17-919 is amended to read as follows:

6-17-919. Warrants void without valid ~~certificate~~ license and contract.

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

3 (1) The teacher has a valid teacher's ~~certificate filed with the~~
4 ~~county clerk's office~~ license issued by the State Board of Education; and

5 (2) The teacher has been employed by a valid written contract,
6 and.

7 ~~(3) Copies of such contract are on file in the offices of the~~
8 ~~county treasurer or the school district treasurer if the school district has~~
9 ~~its own treasurer.~~

10 (b) The district superintendent of schools and the superintendent's
11 surety shall be liable for any warrants which he or she countersigns in
12 payment of teachers' salaries unless and until there is a valid teacher's
13 ~~certificate~~ license and contract for the teacher ~~on file with the county~~
14 ~~clerk.~~

15 (c) The county treasurer, or the school district treasurer if the
16 school district has its own treasurer, and his or her surety shall be liable
17 for all warrants in payment of teachers' salaries which he or she pays unless
18 and until there is a valid ~~contract on file in his office~~ teacher's license
19 and contract for the teacher.

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21 SECTION 4. Arkansas Code § 6-17-920 is repealed.

22 ~~6-17-920. Examination of teachers' contracts—Effect.~~

23
24 ~~(a) It shall be the duty of the county clerk when the teachers'~~
25 ~~contracts are filed, as required by §§ 6-13-620 and 6-17-919, to examine such~~
26 ~~contracts.~~

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

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

35 ~~(d) It shall then be the duty of the county treasurer, or the school~~
36 ~~district treasurer if the school district has its own treasurer, to refuse~~

1 ~~payment of warrants issued upon the contracts, and he and his surety shall be~~
2 ~~liable for failure to do so.~~

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

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