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STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

February 19, 1985

(501) 371-2007

OPINION NO. 85-44

The Honorable Kevin Hatfield
State Representative
P.O. Box 113
Huntsville, AR 72740

Dear Representative Hatfield:

This is in response to your request for an official opinion on the following question:

Can a school teacher who currently holds a valid teaching certificate in the State of Arkansas which does not expire until sometime in the 1990's, and who does not take the teacher's test as mandated by Act 76 of the First Extraordinary Session of 1983, have his/her teaching certificate revoked?

No teacher can have their certificate revoked for failure to comply with Act 76 of the First Extraordinary Session of 1983. Act 76 provides that any certified personnel employed by the public schools of this State during the 1984-1985 school year will not be able to be recertified if they fail to comply with the requirements of the act. Therefore, if the teacher fails to comply with the Act the only penalty pursuant to Act 76 is failure to have their current certificate renewed when it expires.

The foregoing opinion, which I hereby approve, was prepared by Deputy Attorney General Curtis L. Nebben.

Sincerely,


STEVE CLARK
Attorney General

SC/CN/pw