



**STATE OF ARKANSAS**  
**THE ATTORNEY GENERAL**  
**DUSTIN MCDANIEL**

Opinion No. 2014-035

June 2, 2014

The Honorable Bill Gossage  
State Representative  
Post Office Box 221  
Ozark, Arkansas 72949-0221

Dear Representative Gossage:

I am writing in response to your request for my opinion on the following questions:

1. Pursuant to A.C.A. § 20-78-227(b), where a public school district operates a licensed child care center, is the public school district exempt from the requirement of general liability insurance coverage?
2. Is it permissible for the Arkansas Department of Human Services to exempt public school districts from the general liability insurance coverage requirement under the above mentioned statute?

**RESPONSE**

I must respectfully decline to answer your questions, which are the subject of current litigation in the Pulaski County Circuit Court under the style *Fort Smith School District, et al. v. Beebe et al.*, Case No. 60CV-14-718. The referenced case involves the precise issues you have raised in your questions. Resolving such disputes is a task traditionally left to the courts. In order to avoid encroaching upon exclusively judicial prerogatives, it has long been the policy of this executive-branch office to avoid rendering opinions on matters that are pending in the courts.

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I regret I could not be of assistance in this matter.

Assistant Attorney General Jack Druff prepared the foregoing opinion, which I hereby approve.

Sincerely,



DUSTIN McDANIEL  
Attorney General

DM/JHD:cyh