

*As Engrossed: 1/15/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Mahony**

# A Bill

**HOUSE BILL 1043**

## For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 6, CHAPTER 15, SUBCHAPTER 4 OF THE  
9 ARKANSAS CODE OF 1987, AS AMENDED, TO PRESCRIBE  
10 REQUIREMENTS FOR THE SELECTION OF TESTS OF STUDENT  
11 ACHIEVEMENT; TO AUTHORIZE THE DEPARTMENT OF EDUCATION TO  
12 DEVELOP RULES FOR ADMINISTRATION OF THE TESTS; TO PROVIDE  
13 PENALTIES; AND FOR OTHER PURPOSES."

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15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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17 SECTION 1. Title 6, Chapter 15, Subchapter 4 of the Arkansas Code of  
18 1987, as amended, is hereby amended by adding the following new sections to  
19 read as follows:

20 "6-15-419. (a) Beginning with the 1993-94 school year, the tests to be  
21 administered to students under this subchapter *should* include both a state  
22 mandated criterion-referenced based test and a state mandated nationally norm-  
23 referenced test which should be updated on a regularly published schedule and  
24 has been normed within the *five years previous to selection or extension*.

25 (b) The Department of Education shall require the provision of  
26 longitudinal information on student achievement for selection of the tests.  
27 Any test which fails to provide such information shall be excluded from  
28 competitive bidding. *The Department may negotiate to extend a contract.*

29 (c) The Department of Education shall participate as frequently as  
30 possible in the National Assessment of Education Progress.

31 6-15-420. (a) The Department of Education shall develop rules and  
32 regulations for the proper administration of the basic competency tests  
33 required under this subchapter.

34 (b) The violation of, the refusal or failure to follow the rules set  
35 forth by the department concerning the administration of the basic competency

1 tests shall be considered 'cause' for purposes of revocation or suspension of  
2 a teaching certificate under Ark. Code §6-17-405 or the State Board of  
3 Education may withhold not less than one forty-eighth (1/48) or no more than  
4 one twelfth (1/12) of the compensation due under the annual contract of a  
5 person found in violation of the rules."

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7 SECTION 2. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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21 /s/J. Mahony

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