

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# A Bill

**ACT 846 OF 1993**  
**HOUSE BILL 1433**

4 **By: Representatives Mahony and McGinnis**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 6-15-401 ET  
9 SEQ. TO PROVIDE A COMPREHENSIVE COMPETENCY AND OUTCOME-  
10 BASED ASSESSMENT PROGRAM FOR EVALUATING PERFORMANCE IN THE  
11 PUBLIC SCHOOLS; AND FOR OTHER PURPOSES."

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## **Subtitle**

14 "TO PROVIDE A COMPREHENSIVE COMPETENCY AND OUTCOME-BASED  
15 ASSESSMENT PROGRAM FOR EVALUATING PERFORMANCE IN PUBLIC  
16 SCHOOLS."  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 6-15-401 is hereby amended to read as follows:

22 "6-15-401. Title.

23 The title of this subchapter shall be the Competency and Outcome-Based  
24 Assessment Act .\_"

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26 SECTION 2. Arkansas Code § 6-15-402 is hereby amended to read as  
27 follows:

28 "6-15-402. Purpose.

29 (a) The purpose of the Competency and Outcome-Based Assessment Act is  
30 to provide the statutory framework necessary to ensure that all students in  
31 the public schools of this state demonstrate their competency in academic  
32 subjects and higher order thinking skills consistent with state and national  
33 goals for the year 2000.

34 (b) The purposes of the assessment program developed pursuant to the  
35 provisions of the Competency and Outcome-Based Assessment Act shall be to:

36 (1) Improve classroom instruction and learning;

- 1           (2) Provide public accountability by exemplifying expected
- 2 achievement levels and reporting on student and school performance;
- 3           (3) Provide program evaluation data;
- 4           (4) Assist policymakers in decision making."
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6           SECTION 3. Arkansas Code § 6-15-403 is hereby amended to read as  
7 follows:

8           "6-15-403. Definitions. The State Board of Education through the  
9 Department of Education is hereby authorized to:

10          (1) Develop a comprehensive testing and assessment program, which  
11 utilizes the most current and effective testing, evaluation, and assessment  
12 research information, designed to achieve the purposes set forth in this  
13 subchapter.

14          (2) Promulgate such rules and regulations as may be necessary to  
15 administer the testing program during the transition period and to develop and  
16 implement the comprehensive testing and assessment program.

17          (3) Employ staff and enter into contracts as may be necessary to carry  
18 out the provisions of this subchapter."

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20           SECTION 4. Arkansas Code § 6-15-404 is hereby amended to read as  
21 follows:

22           "6-15-404. Authority of State Board of Education.

23           (a) During a transition period, to be determined by the State Board of  
24 Education and to end no later than June 30, 1996, the Department of Education  
25 shall continue to test public school students at grades three (3), six (6),  
26 and eight (8) using the Arkansas Minimum Performance Test, or similar  
27 criterion-referenced, basic skills tests in areas to include reading, language  
28 arts, and mathematics. However, the State Board of Education may grant a  
29 waiver of this requirement to any school or district participating in a  
30 Department of Education-sponsored pilot program and using any new curricula or  
31 alternative assessment.

32           (b) For any school or district receiving a waiver in subsection (a),  
33 the Department of Education shall select the type of assessment method that  
34 the school or district will administer.

35           (c) During the transition period, the State Board of Education shall

1 continue to establish expected levels of mastery on the Arkansas Minimum  
2 Performance Test or its successor.

3 (d) During the transition period, a student failing to achieve expected  
4 levels of mastery on the Arkansas Minimum Performance Test or its successor  
5 shall be evaluated by the student\_s school principal, teachers, and counselor  
6 who shall jointly develop an academic skills plan to assist the student in  
7 achieving mastery in subject areas in which performance is deficient.

8 (e) During the transition period, any school or school district that  
9 has a definable group of students failing to achieve mastery levels on the  
10 Arkansas Minimum Performance Test or its successor at a rate significantly  
11 different from that of the general student population in Arkansas shall  
12 develop and implement a plan, reviewed and approved by the Department of  
13 Education, to assist the identifiable group achieve mastery.

14 (f) During the transition period, performance on the Arkansas Minimum  
15 Performance Test or its successor may not be used as the sole criterion for  
16 promotion or retention of a student.

17 (g) During the transition period, any school or school district that  
18 has less than eighty-five percent (85%) of its students achieving mastery on  
19 the Arkansas Minimum Performance Test or its successor shall participate in a  
20 school improvement program approved by the Department of Education.

21 (h) During the transition period, the State Board of Education is  
22 hereby authorized to promulgate regulations regarding the appropriate use of  
23 the Arkansas Minimum Performance Test for students with disabilities and under  
24 what circumstances the scores of these students shall be included in  
25 calculating a school\_s or school district\_s mastery percentages.

26 (i) During the transition period, the Department of Education shall  
27 continue to test public school students at grades four (4), seven (7), and ten  
28 (10) with a nationally norm-referenced test to be selected by the State Board  
29 of Education.

30 (j) During the transition period, any school or district that has more  
31 than twenty-five percent (25%) of its students in the lowest quartile of the  
32 norm-referenced test shall participate in a school improvement plan approved  
33 by the Department of Education.

34 (k) During the transition period, the Department of Education and the  
35 local school districts shall annually compile and disseminate to the general

1 public results of administrating the Arkansas Minimum Performance Test or its  
2 successor and the nationally norm-referenced test."

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4 SECTION 5. Arkansas Code § 6-15-405 is hereby amended to read as  
5 follows:

6 "6-15-405. All school districts to participate - Reports.

7 (a) As a part of the comprehensive testing and assessment  
8 program, the Department of Education shall institute a *comprehensive*  
9 *competency based testing and assessment program that includes teacher*  
10 *observations and classroom evaluations* in grades one (1), two (2), and three  
11 (3) in reading and mathematics, beginning in the 1993-94 school year.

12 (b) The State Board of Education shall establish a minimum expected  
13 level of achievement for the grades one (1), two (2), and three (3) reading  
14 and mathematics test.

15 (c) Any student who fails to achieve the minimum expected level on any  
16 of the tests shall participate in a program specifically designed to achieve  
17 competency."

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19 SECTION 6. Arkansas Code § 6-15-406 is hereby amended to read as  
20 follows:

21 "6-15-406. Basic skills. The comprehensive testing and assessment  
22 program to be developed by the State Board of Education shall include, but is  
23 not limited to, the following components or characteristics:

24 (1) Performance assessments at grade levels selected to be tested by  
25 the Department of Education;

26 (2) Performance assessments of the core concepts, abilities, thinking,  
27 and problem-solving skills defined in the Arkansas Learner Outcomes and the  
28 Arkansas Curriculum Frameworks;

29 (3) Longitudinal data collection;

30 (4) A variety of testing and assessment methods;

31 (5) Construction of a data base that will allow the Department of  
32 Education, over time, to identify those instructional strategies or programs  
33 that are particularly successful or unsuccessful; and

34 (6) Meaningful comparisons of Arkansas students with those of other  
35 states, regions, and the nation."

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2 SECTION 7. Arkansas Code § 6-15-407 is hereby amended to read as  
3 follows:

4 "6-15-407. Basic competency tests generally.

5 (a) Beginning with the 1996-97 school year, all students must  
6 successfully complete an outcome-based assessment examination in order to  
7 receive a high school diploma.

8 (b) Students may take this examination during the eleventh (11th),  
9 and/or twelfth (12th) grade.

10 (c) School districts shall develop academic improvement plans for each  
11 student who fails to pass this examination.

12 (d) However, students with disabilities, as defined by the Individuals  
13 With Disabilities Education Act, must receive a high school diploma if they  
14 fulfill the requirements of their Individual Educational Program.

15 (e) Students with disabilities, as defined by Section 504 of the  
16 Rehabilitation Act of 1973, shall only be required to take this test if it  
17 appropriately measures the student\_s abilities. The local school district  
18 shall determine whether the assessment tool appropriately measures a student\_s  
19 abilities and whether a particular student must successfully pass the outcomes  
20 based assessment before receiving a high school diploma.

21 (f) The Arkansas Department of Education is authorized to do any and  
22 all things necessary to develop an outcomes based assessment test to fulfill  
23 the requirements of this subsection.

24 (g) The State Board of Education is authorized to promulgate rules and  
25 regulations to implement this program.

26 (h) *Competency and Outcome-Based Assessment means an age appropriate*  
27 *test or assessment of student academic knowledge in science, arts, humanities,*  
28 *mathematics, history, social studies, language, communication, foreign*  
29 *language, physical education, health, technology, or related academic skills.*

30 (i) *Neither Competency and Outcome-Based Assessment nor any other*  
31 *assessment or testing procedure used in the public schools shall test or*  
32 *assess student religious beliefs, political beliefs, ethics, attitudes, or*  
33 *values.*

34 (j) *Public school testing or assessment of student self-esteem, mental*  
35 *health, emotional health, or home or family life shall not be permitted for*

1 the purpose of determining academic grades or high school graduation.

2 (k) The non-academic assessment of student conduct for the purpose of  
3 encouraging good behavior and decorum at school shall be permitted."

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5 SECTION 8. Arkansas Code §§ 6-15-408 through 6-15-413 are hereby  
6 repealed.

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

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12 SECTION 10. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 11. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

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24 /s/Jodie Mahony, et al

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26 APPROVED: 4/2/93

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***As Engrossed: 2/10/93 2/19/93 2/25/93 3/29/93***

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