

*As Engrossed: 1/23/95*

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senator Hopkins**

# **A Bill**

**ACT 385 OF 1995**  
**SENATE BILL 201**

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

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 6-15-407 TO  
9 PROVIDE THE DEPARTMENT OF EDUCATION FLEXIBILITY IN  
10 ADMINISTERING THE OUTCOMES-BASED ASSESSMENT EXAMINATION;  
11 AND FOR OTHER PURPOSES."

## **Subtitle**

14 "PROVIDE THE DEPARTMENT OF EDUCATION  
15 FLEXIBILITY IN ADMINISTERING THE  
16 OUTCOMES-BASED ASSESSMENT EXAMINATION."

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

20 SECTION 1. Arkansas Code Annotated 6-15-407 is amended to read as  
21 follows:

22 "§ 6-15-407. Basic competency tests generally.

23 (a) Beginning with the 1996-97 school year, all *public school* students  
24 must successfully complete an outcome-based assessment examination in order to  
25 receive a high school diploma. The Director of the General Education Division  
26 of the Arkansas Department of Education shall have the authority, through  
27 rules and regulations, to extend the deadline by which students must  
28 successfully complete such examination in order to receive a high school  
29 diploma. However, all school districts must administer the examination  
30 beginning with the 1996-97 school year.

31 (b) Students may take this examination during the eleventh (11th) and/or  
32 twelfth (12th) grades.

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

35 (d) However, students with disabilities, as defined by the Individuals  
36 With Disabilities Education Act, must receive a high school diploma if they

1 fulfill the requirements of their individual educational program.

2 (e)(1) Students with disabilities, as defined by Section 504 of the  
3 Rehabilitation Act of 1973, shall only be required to take this test if it  
4 appropriately measures the student's abilities.

5 (2) The local school district shall determine whether the assessment tool  
6 appropriately measures a student's abilities and whether a particular student  
7 must successfully pass the outcome-based assessment before receiving a high  
8 school diploma.

9 (f) The Department of Education is authorized to do any and all things  
10 necessary to develop an outcome-based assessment test and to cooperate with  
11 the General Educational Development Testing Service to fulfill the  
12 requirements of this section.

13 (g) For purposes of determining whether a General Educational Development  
14 (GED) test is an appropriate alternative to an outcome-based assessment, the  
15 State Board of Education shall establish a pilot program during the 1994-95  
16 school year whereby GED tests will be administered to public high school  
17 seniors in a maximum of ten (10) Arkansas school districts that differ in  
18 location and in size and which agree to participate in the pilot program.

19 (h) The State Board of Education is authorized to promulgate rules and  
20 regulations to implement this program.

21 (i) Competency and outcome-based assessment means an age-appropriate  
22 test or assessment of student academic knowledge in science, arts, humanities,  
23 mathematics, history, social studies, language, communication, foreign  
24 language, physical education, health, technology, or related academic skills.

25 (j) Neither competency and outcome-based assessment nor any other  
26 assessment or testing procedure used in the public schools shall test or  
27 assess student religious beliefs, political beliefs, ethics, attitudes, or  
28 values.

29 (k) Public school testing or assessment of student self-esteem, mental  
30 health, emotional health, or home or family life shall not be permitted for  
31 the purpose of determining academic grades or high school graduation.

32 (l) The nonacademic assessment of student conduct for the purpose of  
33 encouraging good behavior and decorum at school shall be permitted."

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35 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to  
5 any person or circumstance is held invalid, such invalidity shall not affect  
6 other provisions or applications of the act which can be given effect without  
7 the invalid provision or application, and to this end the provisions of this  
8 act are declared to be severable.

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

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*/s/Hopkins*

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APPROVED: 2-20-95

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