



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

(501) 371-2007

February 7, 1985

OPINION NO. 85-30

The Honorable Alvin Dwigins  
State Senator  
State Capitol  
Little Rock, Arkansas 72201

HAND DELIVERED

Dear Senator Dwigins:

You have asked for an official opinion regarding the following question:

Does Act 76 of the 1983 Extraordinary Session require people who are certified to teach to be an administrator in public schools in the State of Arkansas, but are employed by a public school in some other capacity such as a substitute teacher, bus driver, ect. during the 1984-85 school year to be tested or lose their certification?

Section 2(a) of Act 76 of 1983 (1st Ex. Sess.) (hereinafter "Act 76") provides:

During the 1984-85 school year, all certified personnel employed by public schools of this State shall undergo testing of their functional academic skills, including but not limited to, reading, writing and mathematics. (Emphasis added).

Act 76 does not subsequently delineate any exemptions to its provision that all certified personnel employed by public schools must take the functional academic skills test. Therefore, it is my opinion that certified personnel employed in the public school system in Arkansas in the 1984-85 school year are required to take the functional academic skills test even if they are employed in some other capacity by a public school such as a substitute teacher, bus driver, etc. I might add that this interpretation is in accordance with the interpretation of the Arkansas State Department of Education.

The Honorable Alvin Dwiggin  
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The foregoing opinion, which I hereby approve, was prepared by  
Deputy Chief of Staff R. B. Friedlander.

Sincerely,

A handwritten signature in cursive script that reads "Steve Clark". The signature is written in dark ink and is positioned above a horizontal line.

STEVE CLARK  
Attorney General

SC:ble