



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

(501) 371-2007

STEVE CLARK  
ATTORNEY GENERAL  
OPINION NO. 85-128

June 7, 1985

Hon. Doug Wood  
State Representative  
201 West Broadway  
P. O. Box 5606  
North Little Rock, AR 72119

Dear Representative Wood:

This is in response to your opinion request wherein you posed the following inquiries:

1. Are the test scores of the 25,007 teachers who took the test on March 23, 1985, available under Act 76 of 1983 since it was the only applicable law Arkansas had in force at the time the tests were given and it provided for the release of scores by district?
2. Does Act 693 apply to the March 23, 1985, test even though it contained no retroactive clause and was not "the law of the land" at the time the test was given and taken by 94% of the State's teachers?
3. When does Act 693 become applicable? (It is noted that the makeup test is scheduled for May 18, 1985, for those who had excused absences for the March 23, 1985, test.)
4. When Act 695 becomes effective on June 28, 1985, does it supersede Act 693 because it was signed last, and thus, will it only allow the release of the test scores statewide?

It is the opinion of this office that all of your inquiries are disposed of by the following premise. The law in effect at the time the test scores become available for distribution is controlling. Drawing from this premise, one can conclude that if the test scores in question were to be available prior to the effective date of Act 695 of 1985, Act 693 of 1985 would control and the reporting should occur on a county basis only. If, however, the test scores are not available until after the effective date of Act 695, then the test scores would be reported only on a statewide basis.

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The foregoing opinion, which I hereby approve, was prepared  
by C. Randy McNair, III, Assistant Attorney General.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Clark".

STEVE CLARK  
Attorney General

JSC:CRM:jk