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4

As Engrossed: S3/28/23

A Bill

SENATE BILL 364

5 By: Senators C. Tucker, L. Chesterfield, F. Love
6 By: Representatives V. Flowers, T. Shephard, Ennett, McCullough, F. Allen, A. Collins, Hudson,
7 Springer
8

For An Act To Be Entitled

9
10 AN ACT CONCERNING A PUBLIC SCHOOL DISTRICT UNDER THE
11 AUTHORITY OF THE STATE BOARD OF EDUCATION; TO REQUIRE
12 THE STATE BOARD OF EDUCATION TO ESTABLISH WITHIN TWO
13 YEARS OF ITS ASSUMPTION OF AUTHORITY OVER A PUBLIC
14 SCHOOL DISTRICT CLASSIFIED AS IN NEED OF LEVEL 5 –
15 INTENSIVE SUPPORT THE CONDITIONS UNDER WHICH THE
16 PUBLIC SCHOOL DISTRICT SHALL BE RETURNED TO LOCAL
17 CONTROL; AND FOR OTHER PURPOSES.
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Subtitle

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21 TO REQUIRE THE STATE BOARD OF EDUCATION
22 TO ESTABLISH WITHIN TWO YEARS OF ITS
23 ASSUMPTION OF AUTHORITY OVER A PUBLIC
24 SCHOOL DISTRICT THE CONDITIONS UNDER
25 WHICH THE PUBLIC SCHOOL DISTRICT SHALL BE
26 RETURNED TO LOCAL CONTROL.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code § 6-15-2917 is amended to read as follows:
32 6-15-2917. Public school district under authority of State Board of
33 Education.

34 (a) For a public school district under the authority of the State
35 Board of Education, the state board shall review quarterly the progress of
36 the public school district toward improving the issues that caused the



1 classification of the public school district as in need of Level 5 –
2 Intensive support.

3 (b) At any time during the second full school year following the
4 assumption of authority or any time thereafter:

5 (1) The state board may direct the Commissioner of Elementary
6 and Secondary Education to update the analysis of all school district systems
7 to determine if the public school district has demonstrated substantial
8 improvement of the issues that caused the classification of the public school
9 district as in need of Level 5 – Intensive support;

10 (2) The commissioner may recommend to the state board that the
11 state board:

12 (A) Take additional action concerning the public school
13 district under § 6-15-2916; or

14 (B) Return the public school district to local control
15 through the appointment or election of a board of directors; and

16 (3)(A) The state board may return the public school district to
17 local control through the appointment or election of a newly elected public
18 school district board of directors upon the recommendation of the
19 commissioner.

20 (B) The state board may limit the powers and duties of the
21 public school district board of directors under § 6-13-620 or any other law
22 but allow the public school district board of directors to operate under the
23 direction and approval of the commissioner.

24 (C) The state board shall define the powers and duties of
25 the public school district board of directors if the state board limits the
26 powers and duties under subdivision (b)(3)(B) of this section.

27 (D) The public school district board of directors shall
28 act in an advisory capacity to the commissioner in regards to all other
29 powers and duties maintained by the commissioner.

30 (E) The state board may grant additional powers and duties
31 to the public school district board of directors if the public school
32 district demonstrates progress toward improving the issues that caused the
33 classification of the public school district as in need of Level 5 –
34 Intensive support.

35 (c)(1) ~~If the public school district has not demonstrated to the state~~
36 ~~board and the Division of Elementary and Secondary Education that has not~~

1 returned a public school district classified as in need of Level 5 –
2 Intensive support to local control as authorized under subsection (b) of this
3 section, then, no later than two (2) years after the assumption of authority
4 of the public school district, the state board shall establish the criteria,
5 publicly and in writing, by which the public school district meets the
6 criteria to may exit Level 5 – Intensive support within five (5) years of the
7 assumption of authority, the state board shall annex, consolidate, or
8 reconstitute the public school district under § 6-13-1401 et seq. and this
9 subchapter.

10 ~~(2) The state board shall promulgate rules to establish the~~
11 ~~criteria by which a public school district may exit Level 5 – Intensive~~
12 ~~support.~~

13 (d) A public school district classified as in need of Level 5 –
14 Intensive support that demonstrates to the state board that the public school
15 district meets the criteria established by the state board under subsection
16 (c) of this section to exit Level 5 – Intensive support shall be returned to
17 full local control as soon as:

18 (1) The state board determines that the public school district
19 meets the criteria established by the state board under subsection (c) of
20 this section to exit Level 5 – Intensive support, but in no case longer than
21 five (5) years after the assumption of authority of the public school
22 district; and

23 (2) A democratically elected public school district board of
24 directors has been elected during a school election.

25 (e)(1) If a public school district classified as in need of Level 5 –
26 Intensive support has not demonstrated to the state board that the public
27 school district meets the criteria established by the state board under
28 subsection (c) of this section to exit Level 5 – Intensive support within
29 five (5) years of the assumption of authority, then, five (5) years after the
30 assumption of authority, the state board shall either:

31 (A) Return the public school district to full local
32 control; or

33 (B) Annex, consolidate, or reconstitute the public school
34 district under § 6-13-1401 et seq. and this subchapter.

35 (2)(A) If the state board elects to return a public school
36 district classified as in need of Level 5 – Intensive support to full local

1 control under subdivision (e)(1)(A) of this section, then the state board
2 shall do so no later than five (5) years after its assumption of authority.

3 (B) If the state board elects to annex, consolidate, or
4 reconstitute a public school district under subdivision (e)(1)(B) of this
5 section, then any portion or form of the public school district remaining
6 following its annexation, consolidation, or reconstitution under subdivision
7 (e)(1)(B) of this section shall be returned to full local control no later
8 than five (5) years after the assumption of authority.

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10 /s/C. Tucker

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13 **APPROVED: 4/11/23**
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