

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S2/16/23

A Bill

SENATE BILL 190

By: Senator R. Murdock

By: Representatives Cozart, Vaught

For An Act To Be Entitled

AN ACT CONCERNING PUBLIC SCHOOL DISTRICT WAIVERS; TO
AMEND THE PROCESS BY WHICH A PUBLIC SCHOOL DISTRICT
MAY OBTAIN A WAIVER; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROCESS BY WHICH A PUBLIC
SCHOOL DISTRICT MAY OBTAIN A WAIVER.

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

SECTION 1. Arkansas Code § 6-15-103(c)-(e), concerning the granting of a petition for a waiver submitted by a public school district, are amended to read as follows:

(c)(1)(A) The state board shall use the same criteria as is used for open-enrollment public charter school waivers in order to grant or deny, in whole or in part, a petition for a waiver submitted by a public school district within ninety (90) days of receiving the petition.

(B)(i) The Division of Elementary and Secondary Education may request additional information from a public school district if necessary following the public school district's submission of a waiver under subdivision (c)(1)(A) of this section.

~~(ii) If the division determines that additional information is necessary, the state board shall grant or deny, in whole or in part, the petition for a waiver within ninety (90) days of receiving the requested additional information.~~

~~(2) The state board shall notify the superintendent of the~~



~~public school district in writing of the decision of the state board.~~

~~(3) A waiver that is granted to a public school district, in whole or in part, shall be valid for the duration approved by the state board not to exceed the duration that the waiver is valid for the open enrollment charter school.~~

~~(4) A waiver under this section shall not be granted for a period of time exceeding five (5) years.~~

(d) The division may promulgate rules to implement this section.

~~(e)(1) To conduct a review of a waiver granted under this section, the state board shall~~ The state board may revoke a waiver granted under this section only upon showing cause.

(2) To revoke a waiver granted under this section, the state board shall:

~~(A)(i)(a)~~ (A)(i) Give a public school district superintendent and a local public school district board of directors' president at least fifteen (15) business days' notice in writing and by electronic mail of the state board's intent to ~~conduct a review~~ revoke a waiver granted to the public school district under this section.

~~(b) Notification required under subdivision (e)(1)(A)(i)(a) of this section shall include the time, date, and location at which the review under this section will be conducted.~~

(ii) A failure to notify a public school superintendent and a local public school district board of directors' president as required under subdivision ~~(e)(1)(A)(i)~~ (e)(2)(A)(i) of this section shall result in a waiver of the right of the state board to ~~conduct a review~~ revoke a waiver granted under this section until the notification requirement under subdivision ~~(e)(1)(A)(i)~~ (e)(2)(A)(i) of this section is met;

(B) Provide the specific reason for the state board's intent to ~~conduct a review~~ revoke a waiver granted to a public school district under this section; and

(C) State additional information that is required by the division or the public school district.

~~(2) Following a review of a waiver granted under this section, the state board may modify, in whole or in part, or revoke, in whole or in part, a waiver granted under this section.~~

/s/R. Murdock

APPROVED: 3/21/23