

Stricken language would be deleted from and underlined language would be added to present law.
Act 633 of the Regular Session

State of Arkansas
94th General Assembly
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As Engrossed: S3/28/23

A Bill

SENATE BILL 364

By: Senators C. Tucker, L. Chesterfield, F. Love

By: Representatives V. Flowers, T. Shephard, Ennett, McCullough, F. Allen, A. Collins, Hudson,
Springer

For An Act To Be Entitled

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

Subtitle

TO REQUIRE THE STATE BOARD OF EDUCATION
TO ESTABLISH WITHIN TWO YEARS OF ITS
ASSUMPTION OF AUTHORITY OVER A PUBLIC
SCHOOL DISTRICT THE CONDITIONS UNDER
WHICH THE PUBLIC SCHOOL DISTRICT SHALL BE
RETURNED TO LOCAL CONTROL.

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

*SECTION 1. Arkansas Code § 6-15-2917 is amended to read as follows:
6-15-2917. Public school district under authority of State Board of
Education.*

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

/s/C. Tucker

APPROVED: 4/11/23