

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S2/16/23

A Bill

SENATE BILL 190

5 By: Senator R. Murdock
6 By: Representatives Cozart, Vaught
7

For An Act To Be Entitled

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

15 TO AMEND THE PROCESS BY WHICH A PUBLIC
16 SCHOOL DISTRICT MAY OBTAIN A WAIVER.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-15-103(c)-(e), concerning the granting of
22 a petition for a waiver submitted by a public school district, are amended to
23 read as follows:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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/s/R. Murdock