

Proposed Popular Name: A Constitutional Amendment to be known as the “Public Schools Amendment of 2022”.

Proposed Ballot Title: A proposed amendment to the Arkansas Constitution, Article 1, § 4, concerning public education in the State of Arkansas; to guarantee every person in Arkansas is entitled to a free world-class education from kindergarten through grade 12; to guarantee every child in Arkansas is entitled to a free, safe, clean, convenient, equitably funded, and suitable state-funded prekindergarten program from ages 3 years to 6 years of age; in addition to regular and normal funding sources and appropriations, to require the General Assembly to supplement and appropriate to each public school district an additional \$400 per student per year for 5 consecutive years after the effective date of the amendment; to require the General Assembly to adequately fund a public school district that is unable to adequately fund a world-class education; on and after July 1, 2023, to require the state to fairly and professionally compensate a full-time classroom teacher or instructor, with a minimum 5% salary increase for the next 4 years of continuous employment; to require that a full-time classroom teacher who earns less than the minimum starting salary under the amendment shall have his or her salary increased to correspond to the minimum salary requirements; to provide an annual bonus of at least \$10,000 to a full-time classroom teacher who is certified by the National Board for Professional Teaching Standards and has been employed on a full-time basis with an Arkansas public school district for at least 5 of the previous 12 months, with an increase to at least \$15,000 if employed at a school in which at least 1/2 of the students are eligible for free or reduced lunches; to provide that the supervision and administration of a public school district is wholly vested in a locally elected school board with at least 3 elected board members, except that a public school district with more than twenty thousand (20,000) students shall have a minimum of 7 elected board members; to require that a public school board member shall serve a term of 4 years; to provide that a school district boundary in place on July 1, 2023, shall remain the same until at least July 1, 2024, after which time the boundary may be redrawn as provided by law; to provide that within 3 years of July 1, 2023, each locally elected school board shall redraw according to law its public school district into wards from which each public school board member shall be elected, except that a board member serving at the time the wards are drawn may complete his or her term regardless of the new ward boundaries; to provide that a school board may request advisory administrative, operational, or financial assistance from the state or a private entity, but the state may not exercise advisory administrative or operational assistance for more than 3 full or partial years, nor may the school board be divested of administrative or operational control of the public school district; to require that at least 80% of kindergarten through grade 5 teachers, 75% of grade 6-8 teachers, and 70% of grade 9-12 teachers be certified; to establish a constitutionally independent Division of Primary and Secondary Education to ensure a free, equitably funded, and world-class education to every child in Arkansas who attends a public school, to oversee the implementation and administration of childhood academic education in primary and secondary schools, to establish school standards, to oversee teacher and instructor licensing and certification, and to dedicate an internal department to support, advocate for, and assist every employee of public schools; to provide that the Division may accept input from the executive and

legislative branches and is bound by judicial branch decisions, shall be operated by a nine-member board of directors to be considered constitutional officers, with 5 of the members appointed by the Governor and 1 member elected from each congressional district for a total of 4 members; to provide that the Division appointed board members serve six-year terms and elected board members serve four-year terms, with the chair of the board elected from among the members, vacancies filled by appointment of the Governor, and power vested in the board to employ an Executive Director for the Division and its professional and administrative staff; to provide that the Division shall not employ a person who has in the 10 years preceding July 1, 2023, been a member of the State Board of Education, a Secretary of the Department of Education, a Director of the Division of Primary and Secondary Education, or a Commissioner of Education; to require that members of the board of the Division shall have at least 3 years of teaching experience, and either an education-related doctorate degree, a master's degree in early childhood education or elementary education or secondary education, or a degree that is the equivalent of either the master's degree or doctorate degree; to provide that the Division shall establish any necessary rules or policies, none of which are required to be reviewed by the General Assembly or the Governor; to require that the salary and compensation of the board of the Division shall be equal and determined by the independent citizens commission, and to amend Arkansas Constitution, Article 19, § 31, regarding same; to provide that the General Assembly shall fund the Division in a sufficient and timely manner; to provide that on and after July 1, 2023, the Department of Education may continue to conduct necessary and ministerial administrative operations related to Arkansas public schools until the Division conducts the first meeting of its board, at which time all functions previously assigned to the Department of Education shall immediately cede to and be assumed by the Division; to provide that any substantive matter conducted by the Department of Education after July 1, 2023, and before the first meeting of the board is temporary and may be retained or reversed in whole or in part by the Division; to require that the state shall not prohibit the collective bargaining rights of anyone employed by a public school or district and to prohibit retaliation against a teacher or educator who alerts the state of a collective bargaining rights violation; to define "fairly and professionally compensated" as a minimum starting annual salary of at least the national average teacher salary; to define "proper funding level" to mean that Arkansas is in of all states and the District of Columbia on a per capita student funding level the top 1/2 by July 1, 2026, the top 1/3 by July 1, 2029, and the top 10 by July 1, 2034; to define "world-class education" as public school education that is taught by a classroom teacher or instructor who is fairly and professional compensated and afforded a reasonable amount of time to prepare for instruction in a classroom and facility that are safe, clean, equitable, suitable, convenient, sufficiently supplied, and technologically updated, is held in classroom settings that do not exceed 20 students for kindergarten through grade 5, 23 students for grades 6-8, and 25 students for grades 9-12, is provided with necessary supplemental professional support and staff services, is provided at no charge, and is entitled to proper funding levels; to provide definitions of terms used within the proposed amendment; to provide the amendment is effective on and after July 1, 2023; to provide that the initial members of the board of the Division of Primary and Secondary Education shall serve staggered terms to be determined by lot; to provide that the elected members of the board of the Division shall be elected at the 2024 general election and that until the time they

are qualified, interim members shall be appointed by September 1, 2023, by the Governor; to provide that if a public school district does not have a locally elected school board on July 1, 2023, the superintendent of the district shall assume control over the district until the locally elected school board is elected, no later than 90 days after July 1, 2023.

SECTION 1. This amendment shall be known and may be cited as the “Public Schools Success Amendment of 2022”.

SECTION 2. Arkansas Constitution, Article 14, § 4, is amended to read as follows:

§ 4. Supervision of schools.

The supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to, such officers as may be provided for by the General Assembly.

(a) Fundamental rights.

(1) Every person in Arkansas is entitled to a free world-class education from kindergarten through grade twelve (K-12) as a matter of right, including without limitation being taught by classroom teachers and instructors who are fairly and professionally compensated as provided under this amendment.

(2) Every child in Arkansas who is at least three (3) years of age but not more than six (6) years of age is entitled to a free, safe, clean, convenient, equitably funded, and suitable state-funded prekindergarten program as a matter of right.

(b) Equitable school funding.

(1) Except as provided in subdivision (b)(2) of this section, in order to achieve a world-class education for the children of Arkansas, the General Assembly shall directly supplement and annually appropriate to each public school district an additional four hundred dollars (\$400) per student enrolled in the public school district on April 1 of each year, to be paid on July 1 each year for five (5) consecutive years following the effective date of this amendment.

(2) Direct supplements and annual appropriations under this subsection are in addition to all other regular and normal funding sources and appropriations for a public school district from any source.

(3) If, due to economic conditions or other legitimate reasons, a public school district determines it is unable to adequately fund the public school district in a manner that assures each child in the public school district a world-class education, the General Assembly shall appropriate and provide additional supplemental funds to adequately fund the public school district.

(4) Each regular session, the General Assembly shall enact a concurrent resolution that sets forth and explains the methodology used to determine whether all public school districts in the state are equitably and sufficiently funded under this section.

(c) Teacher, instructor, and administration compensation.

(1)(A)(i) On and after July 1, 2023, the state shall fairly and professionally compensate a full-time classroom teacher or instructor.

(ii) A full-time classroom teacher or instructor shall receive a salary increase of at least five percent (5%) for each of the next four (4) years he or she is continuously employed as a classroom teacher or instructor in this state.

(B) Salaries for classroom teachers or instructors under this subsection may be funded by a combination of funds provided by the state and local government, including without limitation any federal funds or funds from any other source, so long as the salaries are fully funded.

(C) A full-time classroom teacher or instructor employed by a public school district who earns less than the starting salary under this subdivision (c)(1) on July 1, 2023, shall have his or her salary increased to the amount required under this subdivision (c)(1).

(2)(A) No later than March 31 of each year, the state shall pay an annual bonus of at least ten thousand dollars (\$10,000) to a full-time classroom teacher or instructor who at that time:

(i) Is certified by the National Board for Professional Teaching Standards; and

(ii) Has been employed for no less than five (5) of the previous twelve (12) months by one (1) or more public school districts to teach students enrolled in an Arkansas public school district on a full-time basis or one (1) or more entities contracted by a public school district or the state to teach students enrolled in an Arkansas public school district on a full-time basis. A combination of time employed by one (1) or more public school districts and one (1) or more entities contracted by a public school district or the state to teach students enrolled in an Arkansas public school district shall be aggregated to satisfy this subdivision (c)(2)(A)(ii).

(B) The annual bonus under subdivision (c)(2)(A) of this section shall increase to at least fifteen thousand dollars (\$15,000) if the full-time classroom teacher or instructor is employed at a school in which at least one-half (1/2) of the students are eligible for free or reduced lunches.

(d) Public school administration.

(1)(A) The supervision and administration of a public school district, and the execution of the laws regulating the administration and operation of a public school district, is wholly vested in a locally elected school board.

(B) A locally elected school board shall have at least three (3) elected public school board members.

(C) A public school district with more than twenty thousand (20,000) students shall have a locally elected school board with at least seven (7) elected public school board members.

(D) A public school board member shall serve a term of four (4) years.

(2)(A)(i) A school district boundary in place on July 1, 2023, shall remain as constituted before July 1, 2023, for at least one (1) year following July 1, 2023.

(ii) After July 1, 2024, a school district boundary may be redrawn as provided by law.

(B)(i) Within three (3) years of July 1, 2023, each locally elected school board, by a majority vote, shall draw its respective public school district into wards representing the geographical areas of the public school district and a public school board member shall be elected from each ward and represent the constituents within the ward.

(ii) Wards shall be drawn in compliance with this Constitution, the United States Constitution, and state and federal law.

(iii) After wards are established under this subdivision (d)(2)(B), a public school board member shall not be elected from the public school district at large.

(iv) A public school board member who is serving at the time that wards are drawn under subdivision (d)(2)(B)(i) of this section may complete his or her term, regardless of whether he or she resides within the boundaries of the ward within which his or her school board position is assigned.

(3) A locally elected school board may request one (1) or more of the following from the state or a private entity, according to the rules of the locally elected school board:

(A) Advisory administrative assistance;

(B) Operational assistance; and

(C) Financial assistance.

(4)(A) At no time may the state exercise advisory administrative or operational assistance over a public school district for more than three (3) full or partial years.

(B) A locally elected school board shall not be divested of administrative or operational control of the public school district it serves.

(e) Certification of classroom teachers and instructors.

(1) At least eighty percent (80%) of all kindergarten through grade five (K-5) teachers or instructors employed by a public school district shall be certified.

(2) At least seventy-five percent (75%) of all grade six through eight (6-8) teachers or instructors employed by public school district shall be certified.

(3) At least seventy percent (70%) of all grade nine through twelve (9-12) teachers or instructors shall be certified.

(f) Division of Primary and Secondary Education.

(1)(A) There is established a constitutionally independent Division of Primary and Secondary Education that is solely empowered to:

(i) Ensure that every child in Arkansas who attends a public school is entitled to a free, equitable, and world-class education as a matter of right; and

(ii) Oversee the implementation and administration of childhood academic education in primary and secondary schools.

(B) The Division of Primary and Secondary Education shall:

(i) Establish and maintain educational and academic standards for primary and secondary schools;

(ii) Oversee teacher and instructor licensing and certification; and

(iii) Dedicate a department within the Division of Primary and Secondary Education to the support of, advocacy of, and assistance for public school staff, sanitation workers, janitors, cooks and food servers, transportation workers, security personnel, contracted specialists, extracurricular activity volunteers, and maintenance personnel.

(C) The Division of Primary and Secondary Education at its discretion may accept input from the executive and legislative branches.

(D) The Division of Primary and Secondary Education shall be bound by decisions from the judicial branch.

(2)(A) The Division of Primary and Secondary Education shall be operated by a board of directors consisting of nine (9) members as follows:

(i) Five (5) members appointed by the Governor; and

(ii) One (1) member elected from each congressional district of the state, for a total of four (4) members.

(B) Members of the board of directors shall be considered constitutional officers and afforded all rights afforded to other constitutional officers.

(C)(i) Appointed members of the board of directors shall serve terms of six (6) years.

(ii) Elected members of the board of directors shall serve terms of four (4) years.

(D) The chair of the board of directors shall be elected from among the members of the board of directors.

(E)(i) In the event of a vacancy on the board of directors, the Governor shall appoint a person to serve the remainder of the vacated term.

(ii) A person appointed by the Governor under subdivision (f)(2)(E) (i) of this section:

(a) Shall meet the qualifications under subdivision (f)(4) of this section; and

(b) Is not eligible for appointment or election to the board after the remainder of the term for which the person was appointed expires.

(3)(A) The board of directors may employ an Executive Director of the Division of Primary and Secondary Education and professional and administrative staff as necessary to fulfill the requirements of this amendment.

(B) A person who served in any of the following positions in the ten (10) years preceding July 1, 2023, shall not be employed by the Division of Primary and Secondary Education in any capacity:

(i) Member of the State Board of Education;

(ii) Secretary of the Department of Education;

(iii) Commissioner of Education; or

(iv) Director of the Division of Primary and Secondary Education.

(4) All members of the board of directors and, if employed, the Executive Director of the Division of Primary and Secondary Education shall meet the following minimum academic and professional qualifications:

(A) Have at least three (3) years of classroom or instructional experience in a primary or secondary school as a classroom teacher or instructor; and

(B) Have earned at least one (1) of the following:

(i) A master's degree in early childhood education, elementary education, or secondary education;

(ii) A doctorate degree in an education-related field; or

(iii) A degree that is the equivalent of at least one (1) of the degrees under subdivisions (f)(4)(B)(i) and (ii) of this section.

(5)(A) The Division of Primary and Secondary Education shall establish any rule or policy necessary to fulfill the spirit and the requirements of this section, including without limitation compensation and benefits for the Executive Director and the staff of the Division of Primary and Secondary Education.

(B) A rule or policy of the Division of Primary and Secondary Education under subdivision (f)(5)(A) of this section is not required to be reviewed or approved by the General Assembly or the Governor.

(C) Salary and compensation for all members of the board of directors shall be:

(i) Equal; and

(ii) Determined by the independent citizens commission under Arkansas Constitution, Article 19, § 31.

(6) The General Assembly shall fund the Division of Primary and Secondary Education in a sufficient and timely manner.

(7)(A) On an after July 1, 2023, the Department of Education may continue to conduct only necessary and ministerial administrative operations pertaining to the oversight and administration of Arkansas public schools until the Division of Primary and Secondary Education conducts the first meeting of its board of directors.

(B) After July 1, 2023, but before the first meeting of the board of directors, any substantive decision, act, or omission conducted by the Department of Education is temporary in nature and may be retained in whole or in part or summarily reversed by the Division of Primary and Secondary Education.

(C) All oversight and administrative functions previously assigned to the Department of Education concerning Arkansas public schools are immediately ceded to and assumed by the Division of Primary and Secondary Education upon the call to order of the first meeting of the board of directors of the Division of Primary and Secondary Education.

(g) Rights of teachers and educators.

(1) The state shall not prohibit the collective bargaining rights of teachers, educators, instructors, or staff of a public school or public school district.

(2) A teacher or educator shall not be retaliated against for alerting the state or the public of a violation of this section.

(h) Definitions. As used in this section:

(1) "Classroom teacher or instructor" means a qualified and certified classroom teacher, educator, or instructor of children in a public school district;

(2) "Clean" means that a public school district has provided a learning environment that is free from unreasonable allergens, contaminants, refuse, water leaks, excessive moisture, mold, mildew, pollutants, or other unsightly, unsanitary, or soiled conditions that are not conducive to a productive learning environment;

(3) "Compensation" means the salary and any benefits provided to an employee of a public school district;

(4) "Convenient" means that a public school is physically close in proximity to the students it serves, taking into account the relative population density of a public school district and whether the public school district is located in an urban or rural area;

(5)(A) "Core curriculum" means the base subjects that are used to measure a student's academic growth, including without limitation the following subjects:

- (i) Reading;
- (ii) Mathematics;
- (iii) Literacy;
- (iv) Science; and
- (v) Social studies.

(B) "Core curriculum" does not include the following subjects or programs:

- (i) Physical education;
- (ii) Art;
- (iii) Music;
- (iv) Band;
- (v) Theater;
- (vi) Library;
- (vii) Team sports;
- (viii) Study hall;
- (ix) Gifted and talented programs;
- (x) Any extracurricular activity; or
- (xi) Any other activities required or offered by a public school district;

(6) "Fairly and professionally compensated" means a minimum starting salary of at least the national average teacher salary per year;

(7)(A) "Heightened" means the condition of being more than or in excess of commonly reasonable, normal, or generally expected.

(B) "Heightened" includes without limitation a goal, policy, effort, expectation, or requirement that is increased or intensified, especially as compared to one's neighbors or others in a similarly situated condition.

(C) "Heightened" does not mean striving for the impossible or attempting to achieve an unrealistic expectation given the attendant circumstances;

(8) "Locally elected school board" means a board elected by the qualified electors of the contiguous geographic area of the established public school district;

(9) "Primary or secondary school" means a public school that operates an educational facility with instruction, in whole or in part, for kindergarten through grade twelve (K-12);

(10) "Proper funding level" means that:

(A) By July 1, 2026, Arkansas is in and shall remain in the top one-half (1/2) of all states and the District of Columbia on a per capita student funding level;

(B) By July 1, 2029, Arkansas is in and shall remain in the top one-third (1/3) of all states and the District of Columbia on a per capita student funding level; and

(C) By July 1, 2034, Arkansas is in and shall remain in the top ten (10) of all states and the District of Columbia on a per capita student funding level;

(11)(A) "Public school" means a publicly funded school that includes all or part of kindergarten through grade twelve (K-12) not directly administered by the state or a state agency.

(B) "Public school" does not include:

(i) A school run by the Division of Correction or its successor agency;

(ii) A school run by the Department of Human Services or its successor agency;

(iii) The Arkansas School for Mathematics, Sciences, and the Arts; or

(iv) The Arkansas School for the Deaf and Arkansas School for the Blind;

(12) "Public school board member" means a person elected to a locally elected school board;

(13) "Public school district" means a learning institution or facility or collection of associated institutions or facilities composed of, in whole or in part, kindergarten through grade twelve (K-12), that is publicly funded in whole or in part;

(14) "Publicly funded" means that a public school receives, in whole or in part, public funds, including without limitation:

(A) Funds from state taxes;

(B) Funds from a state agency;

(C) Federal funding; or

(D) Funds provided through an appropriation by the General Assembly;

(15) "Safe" means that a public school district has provided a learning environment that has in place heightened measures to protect students and employees of the public school district from:

(A) Violence and threats of violence;

(B) Communicable diseases, pathogens, or carcinogens that are believed by the established scientific or medical community to cause, result in, or expose a person to serious physical or mental harm, injury, or trauma; and

(C) Foreseeable dangers or threats caused by or resulting from the environment or the natural world;

(16) "Suitable" means that the public school district, the public school district's administration and governance, and the public school district's policies are appropriate and proper in light of the population, needs, desires, and goals of the:

(A) Public school district's students;

(B) Parents or guardians of the public school district's students; and

(C) Neighborhoods and community at large in which the public school district is located; and

(17) "World-class education" means every child at a public school is:

(A) Taught by a classroom teacher or instructor who is fairly and professionally compensated and afforded a reasonable amount of time to prepare for instruction in a classroom and facility that are:

- (i) Safe;
- (ii) Clean;
- (iii) Equitable;
- (iv) Suitable;
- (v) Convenient;
- (vi) Sufficiently supplied; and
- (vii) Technologically updated;
- (B) Placed in a classroom setting that does not have more than:
 - (i) Twenty (20) students assigned to it at one (1) time while teaching core curriculum for kindergarten through grade five (K-5);
 - (ii) Twenty-three (23) students assigned to it at one (1) time while teaching core curriculum for grades six through eight (6-8); and
 - (iii) Twenty-five (25) students assigned it at one (1) time while teaching core curriculum for grades nine through twelve (9-12);
- (C) Afforded supplemental professional support and staff services as needed, including without limitation:
 - (i) Teaching specialists;
 - (ii) Special education instructors;
 - (iii) Medical and nursing assistance;
 - (iv) Social workers;
 - (v) Counselors and therapists;
 - (vi) Nutrition specialists;
 - (vii) Athletic staff, including without limitation coaches for individual sports; and
 - (viii) Art, music, library, and technology instructors;
- (D) Provided at no charge to the student all necessary educational materials, including without limitation:
 - (i) Supplies;
 - (ii) Textbooks in good condition; and
 - (iii) Non-antiquated and current technology; and
- (E) Entitled to a proper funding level for the public school in which the child is enrolled.
 - (i) Immunity. Arkansas Constitution, Article 5, § 20, does not prevent a person with standing from bringing a claim in the courts of this state or the United States to enforce the requirements of this section.
 - (j) Special or local legislation. No provision of this amendment shall be considered special or local legislation.

SECTION 3. Arkansas Constitution, Article 19, § 31(a), concerning the authority of the General Assembly to set salaries, is amended to read as follows:

(a) As provided in this section, members of the General Assembly shall have no authority to set salaries for:

- (1) Their positions as members of the General Assembly;

- (2) Elected constitutional officers of the executive department;
- (3) Justices;
- (4) Judges; ~~and~~
- (5) Prosecuting attorneys; and
- (6) Members of the board of directors of the Division of Primary and Secondary

Education.

SECTION 4. Arkansas Constitution, Article 19, § 31(b)(1), concerning the purpose of the independent citizens commission, is amended to read as follows:

(b)(1) There is created an independent citizens commission for the purpose of setting salaries of elected constitutional officers of the executive department, members of the General Assembly, justices, judges, ~~and~~ prosecuting attorneys, and members of the board of directors of the Division of Primary and Secondary Education as provided in this section.

SECTION 5. Arkansas Constitution, Article 19, § 31(d), concerning duties of the independent citizens commission, is amended to read as follows:

(d) The independent citizens commission shall have the duty to review and adjust as it deems necessary the salaries for the following positions:

- (1) Governor;
- (2) Lieutenant Governor;
- (3) Attorney General;
- (4) Secretary of State;
- (5) Treasurer of State;
- (6) Auditor of State;
- (7) Commissioner of State Lands;
- (8) Member of the General Assembly;
- (9) Chief Justice of the Supreme Court;
- (10) Justice of the Supreme Court;
- (11) Chief Judge of the Court of Appeals;
- (12) Judge of the Court of Appeals;
- (13) Circuit court judge;
- (14) District court judge; ~~and~~
- (15) Prosecuting attorney; and
- (16) Member of the board of directors of the Division of Primary and Secondary

Education.

SECTION 6. EFFECTIVE DATE. (a) This amendment is effective on an after July 1, 2023.

(b)(1) This amendment does not cut short the term of a member of a locally elected school board elected before July 1, 2023, and the provisions of this amendment regarding membership on a locally elected public school board shall be implemented through the law governing the filling of vacancies on locally elected public school boards.

(2) Persons elected to a locally elected school board on and after July 1, 2023, shall serve a term of four (4) years.

(c)(1)(A) The first meeting of the board of directors of the Division of Primary and Secondary Education shall be called by the Governor and shall occur no later than September 1, 2023.

(B) All appointments to the board of directors shall be made before September 1, 2023.

(2)(A) At the first meeting of the board, the initial members appointed to the board of directors shall draw lots so that one (1) member serves a term of two (2) years, one (1) member serves a term of three (3) years, one member serves a term of four (4) years, one (1) member serves a term of five (5) years, and one member serves a term of six (6) years.

(B) Persons subsequently appointed to the board of directors shall serve a term of six (6) years.

(3)(A) The initial members elected to the board of directors shall draw lots so that two (2) members serve a term of two (2) years and two (2) members serve a term of four (4) years.

(B) Persons subsequently elected to the board of directors shall serve terms of four (4) years.

(4) If the Governor does not make his or her appointment to the board of directors by September 1, 2023, the appointment shall be made by the Arkansas Education Association.

(d)(1) The elected members of the board of directors shall be elected at the 2024 general election.

(2)(A) By September 1, 2023, the Governor shall appoint four (4) interim members of the board of directors, who shall serve until the four (4) elected members are elected and qualified.

(B) If the Governor under subdivision (d)(2)(A) of this section does not make the appointment by September 1, 2023, the appointment shall be made by the Arkansas Education Association.

(e)(1) If a public school district does not have a locally elected school board on July 1, 2023, the superintendent of the public school district shall immediately assume administrative and operational control over the public school district on a temporary basis until the locally elected school board is elected.

(2) An election for a locally elected school board for a public school district that does not have a locally elected school board on July 1, 2023, shall be held within ninety (90) days of July 1, 2023.