

House Resolution 1162

By: Representatives Jones of the 46th, Coleman of the 97th, Lindsey of the 54th, Kaiser of the 59th, Morgan of the 39th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution of Georgia so as to clarify the authority of the
 2 state to establish state-wide education policy; to restate the authority of the General
 3 Assembly to create special schools; to delineate types of schools that the General Assembly
 4 may authorize and clarify funding authority; to provide for the submission of this amendment
 5 for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article VIII, Section I of the Constitution is amended by revising Paragraph I as follows:

9 "Paragraph I. ***Public education; free public education prior to college or postsecondary***
 10 ***level; support by taxation.*** The provision of an adequate public education for the citizens
 11 shall be a primary obligation of the State of Georgia. Public education for the citizens prior
 12 to the college or postsecondary level shall be free and shall be provided for by taxation, and
 13 the General Assembly may by general law provide for the establishment of education
 14 policies for such public education. The expense of other public education shall be provided
 15 for in such manner and in such amount as may be provided by law."

16 **SECTION 2.**

17 Article VIII, Section V of the Constitution is amended by revising Paragraph I as follows:

18 "Paragraph I. ***School systems continued; consolidation of school systems authorized;***
 19 ***new independent school systems prohibited.*** Authority is granted to county and area
 20 boards of education to establish and maintain public schools within their limits; provided,
 21 however, that the authority provided for in this paragraph shall not diminish any authority
 22 of the General Assembly otherwise granted under this article, including the authority to
 23 establish and maintain special schools as provided for in Article VIII, Section V, Paragraph
 24 VII. Existing county and independent school systems shall be continued, except that the
 25 General Assembly may provide by law for the consolidation of two or more county school
 26 systems, independent school systems, portions thereof, or any combination thereof into a

27 single county or area school system under the control and management of a county or area
 28 board of education, under such terms and conditions as the General Assembly may
 29 prescribe; but no such consolidation shall become effective until approved by a majority
 30 of the qualified voters voting thereon in each separate school system proposed to be
 31 consolidated. No independent school system shall hereafter be established."

32 **SECTION 3.**

33 Article VIII, Section V of the Constitution is amended by revising Paragraph VII as follows:

34 "Paragraph VII. *Special schools.* (a) The General Assembly may define and provide by
 35 law for the creation of special schools in such areas as may require them and may provide
 36 for the participation of local boards of education in the establishment of such schools under
 37 such terms and conditions as it may provide; but no bonded indebtedness may be incurred
 38 nor a school tax levied for the support of special schools without the approval of a majority
 39 of the qualified voters voting thereon in each of the systems affected. Any such special
 40 schools shall be operated in conformity with regulations of the State Board of Education
 41 pursuant to provisions of law. Special schools may include, but are not limited to, schools
 42 for the deaf and the blind, special school districts for incarcerated juveniles, any type of
 43 charter schools, vocational schools, and schools that offer virtual instruction; provided,
 44 however, that special schools shall only be public schools. The state is authorized to
 45 expend funds for the support and maintenance of special schools in such amount and
 46 manner as may be provided by law, which may include, but not be limited to, adjusting the
 47 proportion of state funds with respect to the affected local school systems.

48 (b) Nothing contained herein shall be construed to affect the authority of local boards of
 49 education or of the state to support and maintain special schools created prior to June 30,
 50 1983."

51 **SECTION 4.**

52 The above proposed amendment to the Constitution shall be published and submitted as
 53 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 54 above proposed amendment shall have written or printed thereon the following:

55 "() YES Shall the Constitution of Georgia be amended for the purpose of raising
 56 student achievement by allowing state and local approval of public charter
 57 () NO schools upon the request of local communities?"

58 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 59 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 60 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 61 become a part of the Constitution of this state.