

House Resolution 1335

By: Representatives Holcomb of the 82nd, Frazier of the 123rd, Ashe of the 56th, Hugley of the 133rd, Parent of the 81st, 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 authorize the creation of state charter
 3 schools; to authorize the State Board of Education to overturn a decision by a local board of
 4 education regarding the approval or denial of a local charter school; to provide for the
 5 submission of this amendment 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 II of the Constitution is amended by adding a new Paragraph to read as
 18 follows:

19 "Paragraph II. ***Charter schools.*** (a) The General Assembly may define and provide by law
 20 for the creation of state charter schools if such schools have been previously denied
 21 authorization by the local board of education as local charter schools. Further, the General
 22 Assembly may provide for the participation of local boards of education in the
 23 establishment of such state charter schools under such terms and conditions as it may
 24 provide. Any such state charter schools shall be operated in conformity with regulations
 25 of the State Board of Education pursuant to provisions of law. The state is authorized to

26 expend state funds for the support and maintenance of state charter schools in such amount
 27 and manner as may be provided by law; provided, however, that nothing contained herein
 28 shall be construed to permit the state to adjust the proportion of state funds with respect to
 29 the affected local school systems.

30 (b) Notwithstanding Article VIII, Section V, Paragraph I, the State Board of Education
 31 shall be authorized to overturn a decision by a local board of education regarding the
 32 approval or denial of a local charter school, in accordance with general law."

33 **SECTION 3.**

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

37 "() YES Shall the Constitution of Georgia be amended to authorize the state to create
 38 and fund state charter schools when such schools have been denied by a
 39 () NO local board of education?"

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