

Senate Resolution 853

By: Senator Millar of the 40th

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 establish special schools; to provide that special schools include charter schools;
 4 to provide for the submission of this amendment for ratification or rejection; and for other
 5 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 special schools as provided for in Article VIII, Section V, Paragraph VII.
 24 Existing county and independent school systems shall be continued, except that the General
 25 Assembly may provide by law for the consolidation of two or more county school systems,
 26 independent school systems, portions thereof, or any combination thereof into a single

27 county or area school system under the control and management of a county or area board
 28 of education, under such terms and conditions as the General Assembly may prescribe; but
 29 no such consolidation shall become effective until approved by a majority of the qualified
 30 voters voting thereon in each separate school system proposed to be consolidated. No
 31 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 provide by law for the
 35 creation of special schools in such areas as may require them and may provide for the
 36 participation of local boards of education in the establishment of such schools under such
 37 terms and conditions as it may provide; but no bonded indebtedness may be incurred nor
 38 a school tax levied for the support of special schools without the approval of a majority of
 39 the qualified voters voting thereon in each of the systems affected. Any special schools
 40 shall be operated in conformity with regulations of the State Board of Education pursuant
 41 to provisions of law. Special schools shall include charter schools, as defined and provided
 42 for by law; provided, however, that special schools shall only be public schools. The state
 43 is authorized to expend funds for the support and maintenance of special schools in such
 44 amount and manner as may be provided by law.

45 (b) Nothing contained herein shall be construed to affect the authority of local boards of
 46 education or of the state to support and maintain special schools created prior to June 30,
 47 1983."

48 **SECTION 4.**

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

52 "() YES Shall the Constitution of Georgia be amended to allow state or local

53 () NO approval of public charter schools upon the request of local communities?"

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