

House Resolution 1162 (AS PASSED HOUSE AND SENATE)

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 establish special schools; to provide that special schools include state charter
 4 schools; to provide for related matters; to provide for the submission of this amendment for
 5 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 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 the local
 39 board of education and a majority of the qualified voters voting thereon in each of the
 40 systems affected. Any special schools shall be operated in conformity with regulations of
 41 the State Board of Education pursuant to provisions of law. Special schools may include
 42 state charter schools; provided, however, that special schools shall only be public schools.
 43 A state charter school under this section shall mean a public school that operates under the
 44 terms of a charter between the State Board of Education and a charter petitioner; provided,
 45 however, that such state charter schools shall not include private, sectarian, religious, or
 46 for profit schools or private educational institutions; provided, further, that this Paragraph
 47 shall not be construed to prohibit a local board of education from establishing a local
 48 charter school pursuant to Article VIII, Section V, Paragraph I. The state is authorized to
 49 expend state funds for the support and maintenance of special schools in such amount and
 50 manner as may be provided by law; provided, however, no deduction shall be made to any
 51 state funding which a local school system is otherwise authorized to receive pursuant to
 52 general law as a direct result or consequence of the enrollment in a state charter school of
 53 a specific student or students who reside within the geographic boundaries of the local
 54 school system.

55 (b) Nothing contained herein shall be construed to affect the authority of local boards of
 56 education or of the state to support and maintain special schools created prior to June 30,
 57 1983."

58 **SECTION 4.**

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

62 " YES Shall the Constitution of Georgia be amended to allow state or local
63 NO approval of public charter schools upon the request of local communities?"
64 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
65 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
66 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
67 become a part of the Constitution of this state.