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HOUSE JOINT RESOLUTION NO. 85

Offered January 9, 2008

Prefiled January 4, 2008

Directing the Joint Legislative Audit and Review Commission to study implications of granting fiscal autonomy to elected school boards in the Commonwealth. Report.

Patron—Rust

Referred to Committee on Rules

WHEREAS, the General Assembly in 1992 enacted legislation authorizing local referendums on the popular election of school board members; and

WHEREAS, following referendums approving such action, 106 of the 135 localities have converted from appointed to elected school boards, resulting in 78 percent of local school board members in the Commonwealth being elected to their positions by popular vote; and

WHEREAS, nationally, approximately 96 percent of school board members are elected and approximately 85 percent of school boards have fiscal autonomy; and

WHEREAS, since the advent of elected school boards in Virginia, the implications of fiscal autonomy for elected school boards have never been studied; and

WHEREAS, fiscal autonomy has taken various forms in other states, and the local real property tax has been cited as the most important revenue source for school boards in nearly all states; and

WHEREAS, although consistent with the Constitution of Virginia, the Commonwealth's method of funding public education, placing supervisory authority with local school boards while requiring the local governing bodies to appropriate funds for educational purposes, is unique; and

WHEREAS, the existing school funding arrangement often puts elected school board members at odds with the budgetary and taxing decisions of another elected body of the same constituency; and

WHEREAS, Virginia's counties and cities collect billions of dollars annually using local taxing instruments and expend several billion dollars more per year for education than is currently required by state law; and

WHEREAS, the prospect of fiscal autonomy for elected school boards presents serious issues for the Commonwealth and local governing bodies; and

WHEREAS, school board fiscal autonomy issues are relevant to the current examination of basic school aid funding and the current study of the state's tax structure; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study implications of granting fiscal autonomy to elected school boards in the Commonwealth.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) examine state constitutional and statutory issues regarding school board supervisory authority, (ii) study the respective roles of local school boards and the relevant local governing body in delivering and funding public education, (iii) examine fiscal authority models in other states, and (iv) consider such other issues as it deems appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Education and the staffs of the House Committee on Appropriations and the Senate Committee on Finance. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2008, and for the second year by November 30, 2009, and the Chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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