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HOUSE JOINT RESOLUTION NO. 633

Offered January 14, 2015

Prefiled January 14, 2015

Proposing an amendment to Sections 5 and 7 of Article VIII of the Constitution of Virginia, relating to the Board of Education; power to establish, maintain, operate, or supervise schools.

Patron—Landes

Referred to Committee on Privileges and Elections

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Sections 5 and 7 of Article VIII of the Constitution of Virginia as follows:

ARTICLE VIII

EDUCATION

Section 5. Powers and duties of the Board of Education.

The powers and duties of the Board of Education shall be as follows:

(a) Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose.

(b) It shall make annual reports to the Governor and the General Assembly concerning the condition and needs of public education in the Commonwealth, and shall in such report identify any school divisions which have failed to establish and maintain schools meeting the prescribed standards of quality.

(c) It shall certify to the school board of each division a list of qualified persons for the office of division superintendent of schools, one of whom shall be selected to fill the post by the division school board. In the event a division school board fails to select a division superintendent within the time prescribed by law, the Board of Education shall appoint him.

(d) It shall have authority to approve textbooks and instructional aids and materials for use in courses in the public schools of the Commonwealth.

(e) Subject to the ultimate authority of the General Assembly, the Board shall have primary responsibility and authority for effectuating the educational policy set forth in this article, and it shall have such other powers and duties as may be prescribed by law. *Such other powers and duties may include assuming the operation or supervision of one or more schools within a school division on a temporary basis when necessary to ensure that an educational program of high quality is established and continually maintained, or establishing, maintaining, or operating one more elementary or secondary schools pursuant to Section 9 of Article VIII.*

Section 7. School boards.

~~The~~ *Except as provided in subparagraph (e) of Section 5 of Article VIII,* supervision of schools in each school division shall be vested in a school board, to be composed of members selected in the manner, for the term, possessing the qualifications, and to the number provided by law.

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