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SENATE JOINT RESOLUTION NO. 93

Offered January 13, 2016

Prefiled January 13, 2016

Submitting to the voters a proposed amendment to the Constitution of Virginia in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia.

Patrons—Suetterlein and Obenshain

Referred to Committee on Privileges and Elections

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the 2015 Regular Session and referred to this, the next regular session held after the 2015 general election of members of the House of Delegates, as required by the Constitution of Virginia; and

WHEREAS, Section 2 of Article XII of the Constitution of Virginia provides that if any such amendment is agreed to by a majority of all the members elected to each house at this, the next regular session held after the 2015 general election of members of the House of Delegates, it shall be the duty of the General Assembly to submit the proposed amendment to the voters qualified to vote in elections by the people, in such manner as it shall prescribe; and

WHEREAS, § 30-19 of the Code of Virginia provides that such amendment shall be submitted to the people by a bill or resolution introduced for such purpose; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 5 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 such criteria and conditions as the General Assembly may prescribe, it shall have authority to establish charter schools within the school divisions of the Commonwealth.*

(f) 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.; *and, be it*

RESOLVED FURTHER, That the officers conducting the election to be held on the Tuesday after the first Monday in November 2016, at the places appointed for holding the same, open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution; and, be it

RESOLVED FURTHER, That the ballot contain the following question:

"Question: Shall Section 5 of Article VIII of the Constitution of Virginia be amended to grant the Board of Education the authority to establish charter schools within the school divisions of the Commonwealth, subject to criteria and conditions that may be prescribed by the General Assembly?"; and, be it

RESOLVED FURTHER, That the ballots be prepared, distributed, and voted, and the results of the election be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia.

59 The State Board of Elections shall comply with § 30-19.9 of the Code of Virginia and shall cause to be
60 sent to the electoral boards of each county and city sufficient copies of the full text of the amendment
61 and question contained herein for the officers of election to post in each polling place on election day;
62 and be, it

63 RESOLVED FURTHER, That the electoral board of each county and city make out, certify, and
64 forward an abstract of the votes cast for and against such proposed amendment in the manner now
65 prescribed by law in relation to votes cast in general elections; and, be it

66 RESOLVED FURTHER, That the State Board of Elections open and canvass such abstracts and
67 examine and report the whole number of votes cast at the election for and against such amendment in
68 the manner now prescribed by law in relation to votes cast in general elections. The State Board of
69 Elections shall record a certified copy of such report in its office and without delay make out and
70 transmit to the Governor an official copy of such report, certified by it. The Governor shall without
71 delay make proclamation of the result, stating therein the aggregate vote for and against the amendment;
72 and, be it

73 RESOLVED FURTHER, That if a majority of those voting vote in favor of the amendment, it shall
74 become effective on January 1, 2017; and, be it

75 RESOLVED FINALLY, That the Clerk of the Senate transmit a copy of this resolution to the
76 Governor and the Department of Elections in order that they may be apprised of the actions of the
77 General Assembly taken in furtherance of its duty to submit to the voters any proposed amendment
78 agreed to by a majority of the members elected to each of the two houses of the General Assembly, in
79 conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia and in
80 accordance with the authority set forth in § 30-19 of the Code of Virginia.