

16100596D

**HOUSE BILL NO. 3**

Offered January 13, 2016

Prefiled November 16, 2015

*A BILL to provide for the submission to the voters of a proposed amendment to Section 5 of Article VIII of the Constitution of Virginia, relating to the establishment of charter schools.*

Patrons—Bell, Robert B., LaRock, Morris and Poindexter

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:**

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2016, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

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.

§ 2. The ballot shall 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?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

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

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1,

INTRODUCED

HB3

**59** 2017.

**60** The expenses incurred in conducting this election shall be defrayed as in the case of election of  
**61** members of the General Assembly.