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HOUSE JOINT RESOLUTION NO. 474

Offered January 11, 2023

Prefiled January 2, 2023

Proposing amendments to Sections 2, 4, 5, 6, and 8 of Article VIII of the Constitution of Virginia, relating to the Board of Education; repeal; transfer powers and duties to Superintendent of Public Instruction.

Patron—March (By Request)

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 amendments to the Constitution of Virginia be, and the same hereby are, 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 2, 4, 5, 6, and 8 of Article VIII of the Constitution of Virginia as follows:

ARTICLE VIII

EDUCATION

Section 2. Standards of quality; State and local support of public schools.

Standards of quality for the several school divisions shall be determined and prescribed from time to time by the ~~Board of Education~~ *Superintendent of Public Instruction*, subject to revision only by the General Assembly. The General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.

Section 4. ~~Board of Education~~ *General supervision of public school system.*

The general supervision of the public school system shall be vested in a ~~Board of Education of nine members, to be the Superintendent of Public Instruction~~ appointed by the Governor, subject to confirmation by the General Assembly. Each appointment shall be for four years, except that those to fill vacancies shall be for the unexpired terms. Terms shall be staggered, so that no more than three regular appointments shall be made in the same year in accordance with Section 6.

Section 5. Powers and duties of the ~~Board of Education~~ *Superintendent of Public Instruction.*

The powers and duties of the ~~Board of Education~~ *Superintendent of Public Instruction* shall be as follows:

(a) Subject to such criteria and conditions as the General Assembly may prescribe, the ~~Board~~ *Superintendent* 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) ~~He~~ *He* 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) ~~He~~ *He* 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~~ *Superintendent* shall appoint him.

(d) ~~He~~ *He* 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~~ *Superintendent* shall have primary responsibility and authority for effectuating the educational policy set forth in this article, and ~~he~~ *he* shall have such other powers and duties as may be prescribed by law.

Section 6. Superintendent of Public Instruction.

A Superintendent of Public Instruction, who shall be an experienced educator, shall be appointed by the Governor, subject to confirmation by the General Assembly, for a term coincident with that of the Governor making the appointment, but the General Assembly may alter by statute this method of selection and term of office. The powers and duties of the Superintendent, *in addition to the powers and duties set forth in Section 4*, shall be prescribed by law.

INTRODUCED

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59 Section 8. The Literary Fund.

60 The General Assembly shall set apart as a permanent and perpetual school fund the present Literary
61 Fund; the proceeds of all public lands donated by Congress for free public school purposes, of all
62 escheated property, of all waste and unappropriated lands, of all property accruing to the Commonwealth
63 by forfeiture except as hereinafter provided, of all fines collected for offenses committed against the
64 Commonwealth, and of the annual interest on the Literary Fund; and such other sums as the General
65 Assembly may appropriate. But so long as the principal of the Fund totals as much as eighty million
66 dollars, the General Assembly may set aside all or any part of additional moneys received into its
67 principal for public school purposes, including the teachers retirement fund.

68 The General Assembly may provide by general law an exemption from this section for the proceeds
69 from the sale of all property seized and forfeited to the Commonwealth for a violation of the criminal
70 laws of this Commonwealth proscribing the manufacture, sale or distribution of a controlled substance or
71 marijuana. Such proceeds shall be paid into the state treasury and shall be distributed by law for the
72 purpose of promoting law enforcement.

73 The Literary Fund shall be held and administered by the ~~Board of Education~~ *Superintendent of*
74 *Public Instruction* in such manner as may be provided by law. The General Assembly may authorize the
75 ~~Board Superintendent~~ to borrow other funds against assets of the Literary Fund as collateral, such
76 borrowing not to involve the full faith and credit of the Commonwealth.

77 The principal of the Fund shall include assets of the Fund in other funds or authorities which are
78 repayable to the Fund.