

House Resolution 1162

- HR 1162 is the logical response to the Georgia Supreme Court decision from May 2011. With a controversial 4-3 vote, the Court invalidated the General Assembly's creation of an alternate authorizer for charter schools. An alternate authorizer is any entity other than a local school district. The big problem with the Court decision is that it is very broad. The Court explicitly held that local school districts have exclusive control over public education.
- Most people agree that the local school districts do not have exclusive control over public education. The state plays a large role in public education through enactment of a variety of laws, oversight of local school districts, funding in great amounts, and development of practices and policies. With that in mind, HR 1162 is designed to reassert the state's role in public education and thus put the Constitution back in order.
- In many respects, HR 1162 is an attempt to form the Constitution in the way that many people thought it already existed prior to the Court's action. Without HR 1162 it is possible that other laws could be subject to litigation as well. While it is uncertain how far other courts might extend the May 2011 decision, it is clear that uncertainty will persist and the potential for future litigation is apparent.
- HR 1162 is designed to allow the General Assembly to create an alternate authorizer if it so chooses. History has shown that charter schools are stronger, better performing, and more apt to grow if local school districts are not the only authorizers allowed by law. If the state dedicates time and resources to creation and management of charter schools, then the local school districts could focus on district schools and share the responsibility for charter schools.
- An important feature that could occur under HR 1162 is a funding mechanism where the money follows the child. If a student chooses a district school or a charter school, then it seems fair to allow taxpayer dollars to follow to the school chosen by the student and his or her family. The focus should be on the student and the ability to deliver the best type of education, not on the system and on making sure that one level of government gets to keep some portion of the taxpayers' money.
- Public education has been and should be a shared effort by state and local entities to deliver the best education possible to the students of Georgia. HR 1162 is an attempt to do just that.