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Transcripts of Meetings of the State of Georgia Constitutional Revision Committee to Revise Article VIII, Vol. III

State of Georgia



STATE OF GEORGIA
SELECT COMMITTEE ON
CONSTITUTIONAL REVISION
1977-1981

TRANSCRIPTS OF MEETINGS
COMMITTEE TO REVISE

ARTICLE VIII

VOL. III



STATE OF GEORGIA
SELECT COMMITTEE ON CONSTITUTIONAL REVISION

Transcripts of Meetings
1977-1981

COMMITTEE MEMBERS:

GEORGE BUSBEE
GOVERNOR
CHAIRMAN
BILL MILLER
LIEUTENANT GOVERNOR
THOMAS B. MURPHY
SPEAKER, HOUSE OF REPRESENTATIVES
ROBERT H. JORDAN
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ATTORNEY GENERAL
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SENIOR JUDGE, SUPERIOR COURTS



SELECT COMMITTEE
ON
CONSTITUTIONAL REVISION

ROOM 23H
47 TRINITY AVENUE
ATLANTA, GEORGIA 30334
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COMMITTEES MEMBERS:

AL HOLLOWAY
SENATE PRESIDENT PRO TEMPORE
JACK CONNELL
SPEAKER PRO TEMPORE
ROY E. BARNES
CHAIRMAN, SENATE JUDICIARY COMMITTEE
WAYNE SNOW, JR.
CHAIRMAN, HOUSE JUDICIARY COMMITTEE
FRANK H. EDWARDS
SPECIAL COUNSEL
J. ROBIN HARRIS
EXECUTIVE DIRECTOR
MELVIN B. HILL, JR.
ASSISTANT EXECUTIVE DIRECTOR

MEETINGS HELD ON CONSTITUTIONAL REVISION

COMMITTEE TO REVISE ARTICLE VIII

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STATE OF GEORGIA
COMMITTEE TO REVISE ARTICLE VIII
OF THE
CONSTITUTION OF GEORGIA

SUBCOMMITTEE ON
LOCAL SCHOOL SYSTEMS

Room 401-A
State Capitol
Atlanta, Georgia

Thursday, August 21, 1980
10:00 a.m.

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BRANDENBURG & HASTY — SCIENTIFIC REPORTING



6-14 8-11-80

PRESENT:

COMMITTEE MEMBERS:

CHAIRMAN DONALD THORNHILL
DOLORES COOK
JOSEPH GREENE
LeANNA WALTON

ALSO PRESENT:

MELVIN B. HILL, Jr.
VICKIE GREENBERG
JENNYE GUY
ROBERT WOODARD
DAVID WATTS
DAN CLARKE

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P R O C E E D I N G S

CHAIRMAN THORNHILL: Are we ready to go on and get started?

We will call our meeting into session. I'm happy today we have three members of our committee here. Mrs. Cook and I held the fort down the last time we met but, Joe, I know you had a previous commitment, and Mrs. Walton was tied up in a principals' meeting, so we are happy to have Mrs. Walton with us today and Mr. Joe Greene from the grand state of McDuffie.

There are some people whose faces are familiar to us, and then there are a couple of new people visiting with us. We'll just ask the visitors, if you would, please, to introduce yourselves.

MS. GUY: I'll say hello again. I am Jennye Guy from the Urban Studies Institute.

CHAIRMAN THORNHILL: One of our regulars.

MR. WOODARD: Robert Woodard with the Georgia School Boards Association.

MR. WATTS: I am David Watts with OPB.

MR. CLARKE: Dan Clarke with the Georgia Municipal Association.

CHAIRMAN THORNHILL: Very good. We are happy to have you all with us.

We have been having some sessions, we're looking at



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1 the various articles we're dealing with, and we have had a
2 great number of people who are experts in the various areas
3 that we've been dealing with come in to speak to us, and
4 have been working from a decision kind of agenda format.

5 Today we are going to be looking at the draft of
6 some of the things that we have tried to put together.

7 Mel, do you have any suggestions as to what would be
8 the best way to approach this task today?

9 MR. HILL: I would suggest we just start with the
10 language and work through it. If there is a problem that's
11 raised, we'll try to point out the decisions that were made
12 on the decision agenda that are refelected in what we have done
here as we go along, and after we get through all the draft
14 we may want to discuss a couple other additional items I
15 have handed out.

16 CHAIRMAN THORNHILL: Okay. We will just take it
17 paragraph by paragraph as we go through Section V. I can
18 read each line and we can take it that way, or we can take
19 it a paragraph at a time and generate discussion from that
20 point. We all can read, so I won't read it to you.

21 MR. HILL: The basic intention of this paragraph
22 was to preserve the present organizational structure for
23 every school district or independent school system in the
24 state, but to allow for the consolidation of two or more
25 systems pursuant to referendum in the area.

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1 CHAIRMAN THORNHILL: Basically what we did in this
2 particular paragraph, I think the major revision in it was
3 simply to remove the what, 51 percent majority that had been
4 spelled out in the old constitution for a merger of school
5 systems, so actually we have not changed anything. The
6 school districts can still be organized the way they are,
7 it still provides for the 181 school districts that we now
8 have -- I think it's 181.

9 MS. GREENBERG: 187.

10 CHAIRMAN THORNHILL: 187. So that was really the
11 only change that we made in that particular paragraph.

12 Any comments from members of the committee, further
13 comments?

14 MR. GREENE: I don't have any comment. It seems to
15 me it states it very clearly and pretty succinctly what we
16 tried to accomplish, especially with reference to the matter
17 of consolidation.

18 CHAIRMAN THORNHILL: We do not have any area boards
19 at the present time, do we, Mel?

20 MR. HILL: No.

21 CHAIRMAN THORNHILL: There are none. However, this
22 does provide for that. An area board is where you do have
23 this merger.

24 MR. HILL: The constitution recognizes that there
25 will be three basic types of school systems. You have the

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1 county system, the independent system or the area school
2 board.

3 CHAIRMAN THORNHILL: If there are no further
4 comments on that one, let's go on to the second paragraph
5 which deals with the boards of education.

6 Here again, I think we have left it where boards of
7 education can either be appointed or elected.

8 MR. HILL: Yes. This Paragraph II should be read
9 in conjunction with Paragraph IV which states that the
10 composition of the boards and term of office as provided by
11 law on June 30, 1983, will be the same until changed by
12 either general or local law conditioned upon approval of the
13 majority of those voting in a referendum on that, so the
14 intention of Paragraphs II, III and IV is to carry forward
15 exactly what we have in every system that we have, but to
16 allow for change in those systems by general or local law
17 subject to referendum.

18 MS. GREENBERG: There was one deletion which I
19 discussed with you, and that is the provision presently in
20 Paragraph II of Section V which provides that each county
21 shall compose one school district, and that provision has
22 been taken out, and there was some question whether or not it
23 would be advisable to maintain that in the constitution
24 since as the revised draft is written it would allow for
25 school systems not to be as large as counties. You could

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1 probably rewrite your school districts so that they would not
2 be contiguous with county lines.

3 CHAIRMAN THORNHILL: Are you saying, Vickie, that
4 the way the draft is that actually you could have smaller than
5 county --

6 MS. GREENBERG: Yes, I believe it would provide for
7 any modifications.

8 CHAIRMAN THORNHILL: I don't know if we want to go
9 that route. I think it's one of the problems we have now,
10 and of course if you can break your breakdown into even
11 smaller than county school districts that's going to create,
12 could possibly create more school districts.

13 MRS. WALTON: Wasn't there some other place we
14 talked independent systems, all those who had them could
15 keep them, but there could not be any more formed? Wasn't
16 that another part we talked about?

17 MR. HILL: Yes. That's in Paragraph VI.

18 MS. GREENBERG: What could happen is one county
19 system could possibly incorporate another portion of another
20 county system, you could just change your district lines I
21 imagine, so you wouldn't have an independent system, but it
22 would be a portion of a county, you would end up with
23 possibly half a county being in one system and another
24 county incorporating the other half of the county.

25 MRS. WALTON: Merging one county with part of

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1 another county is what you're saying?

2 MS. GREENBERG: Also if you said --

3 CHAIRMAN THORNHILL: I don't think we need to have
4 that kind of provision in there. That's just my opinion.
5 I don't think we want to go that route.

6 I think we established to begin with that we didn't
7 want to push consolidation one way or the other, but I think
8 that we all recognize the need for some consolidation, and
9 I don't think that just to incorporate a part of another
10 school district is going to --

11 MS. GREENBERG: That's what we have provided for in
12 Paragraph I, consolidation or merger of any two or more
13 county school districts or any portion or combination thereof
14 into a single area school district.

15 CHAIRMAN THORNHILL: Any portion thereof. I've got
16 some reservations about "any portion or combination thereof".

17 MRS. WALTON: The majority of the voters voting
18 would have to approve it, so you don't want them to do it
19 even if they want to, huh?

20 MR. HILL: That is the present language. I mean we
21 authorize that at the present time.

22 CHAIRMAN THORNHILL: Is that the present language?
23 I just have some problems with that.

24 MR. HILL: It could work like a consolidation of
25 cities and counties has worked, the way it worked in

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1 Columbus like where you have a gradual annexation by the city
2 of unincorporated territory until you almost have the whole
3 county in there and you have accomplished your consolidation
4 eventually in stages, and I'm not sure if that's practical in
5 a school system situation, but it might have been what was
6 anticipated where you have a system that would take in this
7 subdivision and this subdivision, and before you know it the
8 consolidation of the two systems seems more practical than
9 continuing to have a --

10 CHAIRMAN THORNHILL: I'll tell you my real -- one
11 of the hangups I have on it, and that is of course it's tied
12 to financing of school systems.

13 Just to give you an example, we're next to Augusta.
14 We have had a large portion of our county that borders
15 Richmond County, the Martinez-Evans area. Joe, you know
16 what I'm talking about. We've gotten very much suburbanized
17 and, you know, it's almost an extension of the Augusta area.

18 All right. Now let's suppose that for some reason
19 or another they wanted to merge with the Richmond County
20 school system, that portion, the Martinez-Evans area.

21 All right. They have -- The majority of the people
22 in the county of course reside in this area, and they could by
23 referendum carry that vote to merge.

24 All right. They become part of the Richmond County
25 school system. This would enrich the Richmond County school



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1 system, but the other portion of Columbia County which is
2 the less -- you know, that would be eliminating a large
3 portion of their tax base for schools, and I think it's kind
4 of like the rich getting richer and the poor getting poorer
5 kind of situation.

6 That's the reservation I have. Maybe you have the
7 same kind or a similar situation.

8 MRS. WALTON: We don't let anybody from the county
9 come to our schools.

10 CHAIRMAN THORNHILL: We don't let any come into our
11 schools, but suppose by referendum though that part of
12 Columbia County was annexed into the Richmond County school
system, you see, which this provides for.

14 MR. HILL: What if we eliminated "or any portion
15 or combination thereof," and require a consolidation be an
16 entire system or it be none?

17 I don't believe we've had any partial mergers, have
18 we?

19 MRS. WALTON: It's never happened before, but you
20 just want to make sure it doesn't.

21 CHAIRMAN THORNHILL: Right.

22 MR. GREENE: In connection with that, I guess I
23 would assume that this would be the case: Suppose following
24 a merger or consolidation of the systems they discovered that
25 the marriage just simply does not work and they want to

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1 return to the separate entities. This Paragraph I doesn't
2 address that issue. I'm assuming that they would go the same
3 route of a majority of, a referendum and a majority of the
4 citizens voting to separate the systems again. Is that an
5 issue we ought to look at?

6 MR. HILL: What worries me about addressing it in
7 the constitution, it may encourage vulcanization of or
8 creating additional systems where we're trying to go the
9 opposite direction.

10 I think if you asked me what would happen presently
11 if someone wanted to do that, I think it would be an open
12 question as to whether the General Assembly was able to do
that.

14 CHAIRMAN THORNHILL: I don't think presently there's
15 any provision for that, is there. There's a provision for
16 consolidation, but there's none for deconsolidation.

17 MRS. WALTON: Whatever the word is.

18 You said you don't want to give them an out, once
19 they merge.

20 MR. HILL: Joe has a good point. I mean it depends
21 on how flexible you want the constitution to be. The present
22 constitution does not address that issue. You know, it does
23 not come through this section.

24 I feel the people who worked on this earlier thought
25 the consolidation was what they were trying to encourage, and



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1 they weren't going to think about or address deconsolidation.
2 That's something that's an option for this committee if you
3 feel that is something you want to allow for.

4 MR. GREENE: I did not give it any thought until
5 the question was raised to me, you know, you could conceivably
6 have that kind of situation where systems under this provision
7 merged anticipating certain economies of operation and
8 whatnot, only to discover a couple of years later that they're
9 not happy with the merger and want to return to the separate
10 systems.

11 CHAIRMAN THORNHILL: Joe, we have had a number of
12 systems under this provision, basically city systems merging
13 with county systems, that has taken place. I don't know of
14 any that the merger didn't work out in that particular
15 situation.

16 Now, of course, we've never had any merger of
17 county systems. That would be an entirely new kind of thing
18 for us in the state. The closest we've come to that is where
19 some systems have entered into mutual contracts.

20 For example, the Tri-County High School had three
21 counties that went together and built a combination high
22 school. Of course, that high school is being administered
23 by one group of the three, the others just contract for the
24 services.

25 Personally I don't have any real problem with

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1 provision for dissolving a consolidation, a consolidated
2 situation, but I do -- the elimination of "any portion or
3 combination thereof," I would like to see that particular
4 part of it removed.

5 MR. WATTS: Excuse me. If you eliminate those words
6 then you do eliminate the possibility of say the Marion-
7 Schley-Webster thing that they did where they went together
8 to do a comprehensive high school, but not the elementary
9 schools, they remain under the separate jurisdictions.

10 CHAIRMAN THORNHILL: I don't think we would because
11 don't we have another section that does say that school
12 systems can contract with each other for varying services
and this sort of thing. Of course, in those situations they
14 don't lose their identities as school systems, they just by
15 contract handle that.

16 MS. GREENBERG: This only refers to districts
17 rather than schools -- If you delete it, I would hate to
18 delete it and preempt a way of creating a good system. If
19 there's a situation where there is a part of a system close
20 to another county and for economies of operation they had
21 better be with another county and not with the rest of their
22 county, it seems like you're not allowing them to be the
23 most efficient system possible by deleting that "any portion
24 or combination thereof."

25 MRS. WALTON: Like if the other portion of the



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1 county doesn't have the taxes, you've got to protect everybody.

2 CHAIRMAN THORNHILL: I can really see where that
3 might be a situation that could very easily develop, very
4 easily develop.

5 MR. WATTS: Like Fulton County might want to merge
6 with Cobb County, North Fulton County.

7 CHAIRMAN THORNHILL: That's right, which might be
8 good for Cobb, but for the remainder of Fulton County it
9 might not be so hot, that's right.

10 In fact, right off, I was just trying to think where
11 there could possibly be a situation where the merger of a
12 portion of a county with another school system would be good
for the remainder of that county and the other school system,
14 and I can't think of any situation where that would -- I think
15 one would suffer. One would gain, one would suffer.

16 MRS. WALTON: Also the courts could say "Okay, you
17 did this, you can take part of this county." You know, what
18 I'm saying is I think you can even do it for another things
19 besides just merger. I agree with you.

20 MR. GREENE: I can see, for instance, in your
21 county where you would have some problems because in that area
22 where you have a tremendous growth associated with the
23 Augusta area, and the remaining part of your county --

24 CHAIRMAN THORNHILL: The north end of the county is
25 just basically rural.

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1 MR. GREENE: Sure.

2 MRS. WALTON: In our county too people move right
3 over to Lee County, you know, so that if they took part of
4 that county away in the next ten years there would be a
5 problem for us.

6 CHAIRMAN THORNHILL: Then of course you get into not
7 only just the matter of educational services, you get into a
8 matter of portions of a county where maybe groups of industry
9 are located -- here again I use the Augusta area where in the
10 southern part of Richmond County is where you have all your
11 heavy industry, if Burke County could swing some kind of deal
12 where they could lop off that part even though there might not
be very many students involved in it they would have a nice
14 tax base there for the county, or vice versa.

15 I would think that --

16 MRS. WALTON: It opens up too many doors.

17 CHAIRMAN THORNHILL: It opens up a lot of doors in
18 my thinking.

19 MS. GREENBERG: Does the committee want to go on
20 record as moving to delete that?

21 MR. GREEN: What kind of -- What would it do to
22 the paragraph if we were to, in your opinion if you were to
23 delete that? Would it destroy the integrity of what you're
24 trying to accomplish or what we're trying to accomplish in
25 this paragraph do you think?



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1 MR. HILL: I think it would prevent what Don is
2 concerned about, the possibility of a small section of
3 another county that's well developed being merged into a
4 system and leaving the system that it is cut off from without
5 sufficient resources to have a viable system, so I think --

6 It's never been used, it's been here and it's never
7 been used, and so part of me wonders if it's doing any harm
8 by staying here, but then the other side of the question is
9 do you want to make sure that it would never happen. We're
10 really straining to see if there's any situation where this
11 would be a worthwhile provision.

12 As I say, if you're trying to encourage consolida-
13 tion of two systems, you may be able to do it a little bit at
14 a time as opposed to all at once, and that would be -- I
15 think that is one possible advantage of allowing it to happen,
16 but it might be -- the price of that may be too high for the
17 system that is losing people.

18 MRS. WALTON: They'd be chopping up counties for
19 that reason, and somebody would want to do it for some other
20 reason. I think there would be just too many --

21 MS. GREENBERG: The other part is the next sentence
22 provides that the vote shall be by a majority of the voters
23 from each separate school district or school system, it
24 really doesn't provide for a vote by the voters in each
25 area.

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1 MR. HILL: By the same token, what Don was saying
2 was that there is enough voters in that area to carry the
3 county.

4 MRS. WALTON: To carry the county.

5 CHAIRMAN THORNHILL: That's right.

6 MRS. WALTON: I would vote we delete it.

7 MS. GREENBERG: If we delete that, we'll have to
8 delete that portion in the last sentence of that paragraph
9 which states "and the school districts or school systems or
10 portions thereof," just delete "portions thereof."

11 CHAIRMAN THORNHILL: Joe?

12 MR. GREENE: I can envision some problems possibly
in that, so I would support deleting that.

14 CHAIRMAN THORNHILL: Mrs. Cook?

15 MRS. COOK: Well, from this short audience I've
16 given it, it seems to me you've cut out more potential
17 problems than benefits, so I would support it.

18 CHAIRMAN THORNHILL: Any other points that we need
19 to discuss about Paragraph I?

20 In other words, what we're saying now is that the
21 school districts can consolidate, but they must consolidate
22 as a school district. Okay.

23 We had gotten into Paragraph II.

24 MR. HILL: Vickie, now in the present constitution
25 it says except as provided in Paragraph I each county now



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1 in existence, each county shall compose one school district.
2 Wouldn't that exception going back to Paragraph I mean the
3 integrity of county lines is not being recognized? I mean
4 it's as if up here in the old language the "or any portion
5 or combination thereof" would allow you to go across county
6 lines without worrying about it, so I don't know if there is
7 a need for that additional phrase that's in this constitution
8 about each county shall compose one school district.

9 MS. GREENBERG: I think we have closed off any way
10 of it not. Either a school district has to be one county
11 or two counties, or it has to be a county plus a city, so
12 I don't think there's any other options available except --

13 MR. HILL: Plus in Paragraph I the authority is
14 granted to county and area boards to establish and maintain
15 schools within their limits, and I think that locks it in
16 pretty well also, so I just think to add that phrase would be
17 redundant and unnecessary.

18 MS. GREENBERG: I think I'm in agreement with you.

19 I would also like to note that Paragraph II answers
20 a potential problem posed by the pre-1877 school systems.

21 One of the areas that's identified as an area of
22 potential difference between how those systems are run and
23 how these other systems which come under general provisions
24 are run is that their boards of education are selected
25 differently than as provided for in the constitution, but

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1 this Paragraph II would in essence grandfather all the systems
2 in as they are presently selected.

3 CHAIRMAN THORNHILL: All right. They're elected or
4 appointed. I'm trying to think what school systems predate
5 that constitution. I guess that would be --

6 MR. GREENE: Savannah and something, I don't
7 remember.

8 CHAIRMAN THORNHILL: How are they selected
9 differently? They're either appointed or elected.

10 MRS. COOK: Sometimes a combination as we have --

11 MS. GREENBERG: Some are appointed and some are
12 elected by the people.

13 MRS. COOK: The elected ones either represent the
14 counties or the cities. We have a ten-member board; only
15 eight are elected by popular vote, the other two are appointed
16 by the governmental body such as the county commission or
17 city.

18 CHAIRMAN THORNHILL: Okay. I see what you mean.

19 MRS. COOK: And an alderman serves also on the board.
20 He's elected to serve on city council.

21 MS. GREENBERG: I have an Attorney General's opinion
22 which lists the pre-1877 school systems. You will note there
23 are five city systems and there are 46 county systems that
24 predate the 1877 constitution.

25 MR. HILL: You see, if all the systems are created



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1 by law, then it seems to me that our omnibus provision that
2 says the composition of boards and term of office and method
3 of selection of board members and the superintendent shall be
4 as provided by law applicable thereto on June 30, '83 would
5 cover that situation. The problem would be if those pro-
6 visions differ with the proposed constitutional limitations
7 in some other place.

8 For example, there's a 20-mill tax limitation, and
9 there are other limitations, and that was probably -- well,
10 that was the purpose of that one phrase that said systems
11 established prior to 1877 shall not be affected by this
12 constitution. It appears that was intended to say that
13 whatever deviations that existed in those laws, pre-1877 laws,
14 from the present constitution are preserved and carried
15 forward with no change, so Vickie has done some initial
16 research.

17 MS. GREENBERG: If you want to get into that now, I
18 identified what I hope are the only five areas of possible
19 distinctions between the pre-1877 systems and the post-1877
20 systems, and they are in the areas of the method of selection
21 of the board of education, the method of selection of the
22 school superintendent, the millage rate limitation, but in
23 the present constitution the millage rate limitation can be
24 changed by referendum, so I think we have also tried to
25 provide for that.

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1 There's two other major areas. One is who controls
2 the school's budget. The present constitutional provision
3 which is Article VIII, Section VII, provides that automatic
4 levy by the school board without any oversight by the county
5 or city governing body, and in some of these independent or
6 pre-1877 systems it provides for oversight of the school board
7 budget by the county or city governing authority. They have
8 the right to veto the school board's levy, so that's another
9 distinctive area between post and pre-1877 systems.

10 The fifth area which is over in Article IX under
11 the debt limitation may or may not be different. There is a
12 debt limitation for political subdivisions in the state, and
13 that includes school systems, and these pre-1877 school systems
14 may not have to conform to the provisions of Article IX under
15 debt limitation, and that's a problem I'm not sure about,
16 that's a problem I don't know how we can address, and do we
17 want them to be under the uniform provision of the
18 constitution; do we want to allow them to exceed that
19 limitation, and which ones are exceeding it, if any.

20 MR. HILL: I don't think our intention was to change
21 anything, so we wouldn't mind if they're exceeding it now or
22 if they exceeded it, you know, it's been a decision of their
23 people I suppose by a referendum in that area, so --

24 CHAIRMAN THORNHILL Are all of the -- I like to
25 refer to them as the protected systems, all of them or some



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1 of them have their millage limitation, or there is no limit
2 on the amount of millage they can levy; is that correct?

3 MS. GREENBERG: I don't know. The problem is I
4 would have to go through all the local amendments and all the
5 local legislation for each of these counties and cities to
6 determine if they have any limitation at all, or if they can
7 exceed it.

8 Again, the present constitution allows for a
9 referendum by the voters in that particular area to provide
10 for either a set limitation on the millage rate or no limita-
11 tion.

12 If you'll read in Paragraph II of Section VII, the
13 vote can be for no limitation, so if we provide a general
14 grandfathering in, again, it could protect all the present
15 millage rates, but it would take quite a while to go through
16 all the local acts. It could be done.

17 The other way we could do it is possibly by
18 contacting all these counties and cities and giving them a
19 draft of the provision, of our proposed provision, and asking
20 them to comment on it if they have any problems with it.

21 MR. HILL: There is a provision over in Section VII
22 on local taxation in the proposed draft which we haven't
23 gotten to yet, but I'll just mention it now, that says that
24 the 20-mill limitation provided for shall not apply to those
25 counties which are authorized on June 30, 1983, to levy

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1 a school tax in excess thereof. It would seem to me that
2 would grandfather in any higher, or if there's no limitation
3 that it would grandfather that in, so that if we're correct
4 in thinking these five areas are the areas that were the
5 points of conflict between what they have and what the
6 constitution states, and in each of these areas we provide a
7 grandfather provision, I don't see how they can object to it.

8 I mean they may object anyway just because it scares
9 them, and I wouldn't be surprised if they insisted on having
10 it left the way it is, but at least from a legal standpoint
11 I don't think they would have any basis for argument, but as
12 Vickie says, the only way we know that for sure is to look at
13 each one of the 47 or 58 laws plus all the amendments to these
14 laws, and that could be a major research task to identify them
15 all.

16 CHAIRMAN THORNHILL: What you're saying is you feel
17 like that we might want to consider grandfathering, putting a
18 grandfather clause in.

19 MR. HILL: Back in again. I hate to -- I'm not
20 saying that's what I'm recommending, but like Vickie said we
21 could draft -- we could cover what we think are the problems
22 and then send a letter to the county attorneys, or I mean the
23 school district attorneys in all of these cases, and send a
24 copy of the draft, indicate we have attempted to grandfather
25 in the present provisions, and see what reaction they have



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1 to it.

2 CHAIRMAN THORNHILL: Ms. Cook, what's your reaction
3 to that?

4 MRS. COOK: Everybody knows what my reaction is,
5 but I think the point is well taken. I think some feedback
6 from the affected areas would be important, would make any
7 decision we come to much more valid.

8 MRS. WALTON: If we want what we decide supported,
9 then we should get their reaction. That way we're saying
10 we're trying to help you, then they may not fight against it.
11 Get them on your side to begin with.

12 MRS. COOK: Because the things that I know about
13 this kind of problem are that it's as complicated as they
14 might be in some other areas, the main problem that I've had
15 experience with is not so much how much money but who controls
16 it, who makes that decision; you see, it's a matter of
17 authority. That has been the big bugaboo between the two
18 areas in Bibb County, so that we squabble a lot not so much
19 about whether or not this is the right number of dollars,
20 but who has the say-so about this being -- in case we do want
21 another amount some time and the commission has decided we
22 should not have that much, who's the boss. That's really what
23 the whole issue is about in Bibb County.

24 It might be much more involved in some other areas,
25 so I don't think anybody, any one person from one background

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1 could make a very knowledgeable analysis, so I would like to
2 think about this suggestion.

3 CHAIRMAN THORNHILL: Why don't we -- let's just set
4 aside this whole business of the protected systems, Mel.
5 Do you want to -- How big a task would it be for you to
6 do what we were talking about?

7 MR. HILL: I don't think it would be impossible.
8 We would just have to write a letter explaining what the draft
9 attempted to do, the five areas we thought we would cover,
10 and send a copy of the draft to them, and ask for reaction,
11 and I think we should say we want specific reasons why, not
12 just a reaction "We don't like it."

13 MRS. COOK: That's what they usually say, "We've
14 always done that."

15 MS. GREENBERG: I received a letter from the Macon
16 school board attorney, and the one area which he focused on
17 was the way the board was selected, and that was really the
18 only thing he focused on except for saying that he doesn't
19 want it changed, the provision changed.

20 MRS. COOK: I know. I could read the letter for you.

21 MR. HILL: If any one of these letters says "If it
22 ain't broke, don't fix it," we're going to have a bonfire
23 with these.

24 (Laughter.)

25 CHAIRMAN THORNHILL: Can we handle it that way, Mel?



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1 There would be no problem?

2 MR. HILL: Yes.

3 CHAIRMAN THORNHILL: Okay. Does everyone agree to
4 that?

5 Let's see. Where are we, on Paragraph III? Are we
6 back to III?

7 MR. HILL: Yes. I think II, III and IV we're looking
8 at as a whole, which are to preserve what we have with the
9 authorization to change either the method of selection of
10 the board or the school superintendent, or both, by general
11 or local law subject to referendum.

12 CHAIRMAN THORNHILL: Do any members of the committee
have any comments you want to make about selection of boards,
14 superintendents, the methods to be used?

15 Really there is no change in what is transpiring at
16 the present time. Right, Mel?

17 MR. HILL: That was the intention of this language,
18 yes.

19 CHAIRMAN THORNHILL: Okay. Hearing no comments, I
20 assume that everyone is satisfied with the language in those
21 particular provisions.

22 How about Paragraph IV, powers of the boards to
23 contract with each other, what we were talking about earlier?

24 MR. HILL: This provision is very similar to the
25 provision that we now have. I might point out that there is

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1 one paragraph that we have decided to omit, the committee has
2 decided to omit from this draft, and that is the meetings of
3 the boards of education -- we had talked about this earlier,
4 and there was a decision made at that time that we should not
5 include this provision that's in the present constitution to
6 the effect that all official meetings of county or area boards
7 of education shall be open to the public, and in light of the
8 recent supreme court case that essentially --

9 CHAIRMAN THORNHILL: We felt that was a statutory
10 matter and not a constitutional matter. Wasn't that it?

11 MR. HILL: Yes. So that was omitted, Is everyone
12 still in agreement with that?

13 MR. GREENE: I am, I certainly am.

14 MR. HILL: As I say, the power to contract, that
15 provision is essentially the same as we have in the present
16 constitution.

17 CHAIRMAN THORNHILL: Is there any problem with "any
18 combination thereof" in this Paragraph V?

19 MR. HILL: That's okay there, because what we're
20 talking about there is we could have any combination of the
21 boards, two, three or however many you want to combine, work
22 together for the care and transportation of pupils. It
23 doesn't affect the integrity of the systems.

24 CHAIRMAN THORNHILL: That's right.

25 MR. HILL: Now, in the handout that I had given you



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1 the proposed addition you might want to take a look at
2 Section V.

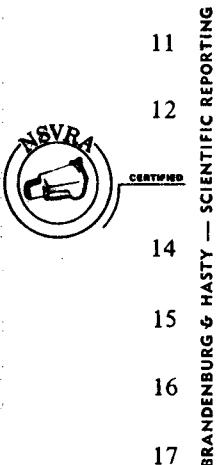
3 The proposed addition 1, there was some feeling on
4 the part of the committee that there should be an authorization
5 for joint administrative authority. Now, I am not sure
6 myself what the committee had in mind, but this language as
7 proposed is in addition to this Paragraph V on powers of the
8 boards to contract with each other.

9 CHAIRMAN THORNHILL: Yeah, this is dealing with --
10 Well, I'll use the example of the Tri-County High School,
11 while it is a contractual relationship between three counties,
12 only one has the administrative authority of the operation of
13 the school. I think this provides that there would have to be
14 a joint authority, representatives from each of the boards
15 to handle that. Is that right, Mel?

16 MR. HILL: It would be whatever arrangement they
17 wanted to provide, but there was some question as to whether
18 they would be able to do that without this specific
19 authorization, in fact take the jurisdiction away from this
20 -- not take it away, but have a shared authority among several
21 boards.

22 CHAIRMAN THORNHILL: This gives them that option;
23 right?

24 MS. GREENBERG: Do you think this should be made
25 mandatory, rather than "may" put the word "shall provide



1 therefor," alleviating the problem or the potential problem
2 that they may not provide it and therefore come up with a
3 situation that the boards will want to have joint administra-
4 tive authority but not have the authority granted to them by
5 the General Assembly?

6 MR. HILL: I personally would prefer to leave it
7 as "May," because it's not something that we would want to
8 see mandated in every case, and it's not something that I
9 think the local boards should be able to mandate either,
10 because the authority for the boards comes from the General
11 Assembly, and if the General Assembly wants to decide instead
12 of giving it here and here they're going to create a new joint
authority, it should originate in the General Assembly. I
14 don't think the General Assembly is unresponsive to the
15 requests for that, but you're more familiar with it, what's
16 your reaction, Don?

17 CHAIRMAN THORNHILL: I agree with you. I don't
18 think we need to make it a mandate.

19 MRS. WALTON: You're saying if two or three counties
20 have a problem, the legislature would enact a law?

21 MR. HILL: The word "may" gives them that option if
22 they want to.

23 MR. GREENE: The respective systems can petition
24 the legislature to do something about it if there is a broad
25 enough --



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1 MRS. WALTON: I like "may" better. If we put
2 "shall" they will have to. I like "may" better.

3 What I'm saying, do you think this section should be
4 added?

5 CHAIRMAN THORNHILL: I would like to see this
6 section added. I think it would be good.

7 MS. GREENBERG: I was thinking of making this
8 subsection (b) of Paragraph V, and the first section sub-
9 section (a) if necessary. The supreme court of Georgia has
10 interpreted this provision to forbid the joint administrative
11 authority, so this would provide for that.

12 CHAIRMAN THORNHILL: I think that needs to be in
there.

14 You know -- Yeah, I see now. Okay. I started to
15 ask how did our assessors exist because they have joint --
16 you know, they're local boards, our assessors are made up of
17 representatives of school districts, it's joint authority.

18 Okay. Mel, what other comments did you want to
19 make?

20 MR. HILL: That was all I had under how the boards
21 contract with each other.

22 Now, Vickie had suggested to me, and the committee
23 may want to consider this, putting the provision of special
24 schools under here as well, but my own feeling was that that
25 should be addressed in a separate section similar to the way

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1 it is now, except the language would be much briefer, and
2 that's Number 2 on your sheet here.

3 CHAIRMAN THORNHILL: In other words, what you're
4 saying is that Number 2 on the sheet would simply replace
5 what Section IX, Special Schools --

6 MR. HILL: Yes.

7 CHAIRMAN THORNHILL: All of that long --

8 MR. HILL: Vickie is right, the way this is set up
9 now special schools are created only by virtue of the
10 cooperation between local systems, so it does have some
11 relation to the contracting power and the cooperation between
12 them, but I thought it might get lost if we put it in that
paragraph. I would prefer to keep it as a special section.

14 I'm not sure, we might want to address that now, the
15 special schools provision.

16 CHAIRMAN THORNHILL: Why don't we do that, then we
17 can come back and take a look at the taxation.

18 MS. GREENBERG: Have we finished Paragraph VI of the
19 original draft, independent systems?

20 CHAIRMAN THORNHILL: No, we didn't.

21 MS. GREENBERG: Looking at Paragraph VI again, I
22 wonder whether or not it's even necessary, considering the
23 language of Paragraph I which states existing county school
24 districts and independent school systems shall be continued,
25 comma -- the only thing that's concerning the support of



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1 those systems, and I think that's why Paragraph VI is in the
2 constitution because it provides that the city shall maintain
3 them and support them.

4 CHAIRMAN THORNHILL: One other thing is that no
5 independent school system shall be hereafter established too.

6 MRS. WALTON: That's what we put it in there for.

7 MR. GREENE: Then it would be redundant, though,
8 for the first sentence to simply restate as Vickie has
9 pointed out what is already covered under the Paragraph I,
10 the reference to existing county school districts and so on
11 shall be continued.

12 MR. HILL: Except there is a difference. I think
13 in Paragraph I we're referring to the boards, and their
14 authority to establish and maintain schools. In Paragraph VI
15 we're talking about the city's ability to support those
16 systems; in other words, it's a tax and financial matter.

17 MR. GREENE: Okay. It does say municipal. There
18 is a big difference.

19 MS. GREENBERG: I think this goes back to the
20 distinction between who has the authority over the purse.
21 The county systems have the authority over the purse in the
22 county systems, but -- then again it goes back to the pre-1877,
23 city governing authority has the authority over the purse in
24 the city systems.

25 CHAIRMAN THORNHILL: I really don't know of any

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1 big problem with that Paragraph VI the way it is set up.

2 MRS. COOK: I would like to keep it.

3 CHAIRMAN THORNHILL: It says they'll just remain as
4 they are, but there will just be no new ones, and that doesn't
5 bother me.

6 MS. GREENBERG: Can I just say one -- this just hit
7 me. This goes back to those distinctions. If we wanted a
8 city school board at some point to have an automatic levy
9 such as is under the general provisions of the constitution
10 as authorized for county boards, county boards have an
11 automatic levy they can automatically levy, but it seems like
12 city boards cannot automatically levy.

13 MR. HILL: We're going to see that -- at least the
14 committee has decided so far to have them treated the same,
15 and the independent board would certify to the municipal
16 taxing authority the levy, and the city taxing authority
17 would levy the same as the county does. In other words,
18 there was a decision earlier to treat them the same.

19 Now, I understand the Municipal Association is not
20 supporting that change, and we'll hear more about that, but I
21 think we're going to get to that in a minute on that local
22 financing section draft.

23 Do you want to get to that now?

24 CHAIRMAN THORNHILL: We could do that, yeah, and
25 then come back to the special schools later.



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1 MR. HILL: As Vickie pointed out, presently we have
2 two different ways of doing business in terms of local
3 financing.

4 With the county school boards, they certify county
5 authority, fiscal authority, the school tax, and then that
6 fiscal authority shall annually levy that tax, but we don't
7 have that with the independent systems, but there was a
8 feeling on the part of the committee in an earlier meeting
9 that they should be treated the same, and that's how this was
10 drafted, and you should read through that now and see if you
11 still agree that that is the way to proceed, and I don't see
12 GMA here, so I don't know when we're going to hear from them,
but I have heard they are not in agreement with this change.

14 CHAIRMAN THORNHILL: I understand.

15 MS. GREENBERG: Do you think that in light of the
16 five areas I found as far as distinctions between pre and post-
17 1877 systems that we could use that same type of grandfather
18 clause here providing that the fiscal authority shall be as
19 it is on June 30th, 1983, unless changed by referendum, work
20 up some language like that?

21 CHAIRMAN THORNHILL: Yes, that's a good suggestion,
22 Vickie.

23 MR. GREENE: I think so.

24 CHAIRMAN THORNHILL: I like that. What do you think?

25 MRS. COOK: Fine. It sounds good.

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1 CHAIRMAN THORNHILL: I like that.

2 Then you can also contact --

3 MR. HILL: This will be part of the draft we would
4 send out to them, and we would just point out in there we
5 felt there were five areas in which there was a potential
6 conflict, and we attempted to grandfather in for those five
7 areas, are there any other things that are going to create
8 any problems for them.

9 CHAIRMAN THORNHILL: Yes.

10 MS. GREENBERG: Now we're talking also -- we're not
11 talking about pre-1877 systems only, we're talking about
12 independent systems too which are municipal corporations, so
we may have to send it to those, this change to those 27
14 systems.

15 MR. GREENE: Is it 27 independent systems?

16 MS. GREENBERG: Actually 28 independent systems,
17 but there are five here, so that would be 23 additional.

18 MR. HILL: Let's go back a minute. I thought that
19 the committee had felt that it should be handled the same way
20 and that they wanted to make that policy change, and it wasn't
21 a question of just grandfathering in everything under this
22 provision, and you in fact wanted to see the independent
23 board certify to the city board what the tax would be, and
24 then the city levy it.

25 MRS. WALTON: I think Dr. Fulbright was going to



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1 push that point very strongly.

2 MR. HILL: How does the rest of the committee feel
3 on that? Do you prefer to grandfather it in, or do you want
4 to -- You see, it's either leaving them alone or it's
5 trying to change the way they are operated now.

6 MR. GREENE: If we leave them alone, they don't have
7 the capacity to do that; is that right?

8 MR. HILL: If we leave them alone, it's up to the
9 city school board, I mean city --

10 CHAIRMAN THORNHILL: City fathers.

11 MR. HILL: The governing authority to decide how
12 much of that they're going to levy.

13 CHAIRMAN THORNHILL: If we change it, it would make
14 them all the same without grandfathering. Then --

15 MS. GREENBERG: School boards would be fiscally
16 autonomous.

17 CHAIRMAN THORNHILL: That's right, just as the
18 county.

19 MR. HILL: Maybe we should go one step short of
20 this --

21 CHAIRMAN THORNHILL: If you grandfather it, it could
22 go either way.

23 MS. GREENBERG: Under the present provision you can't
24 change that, that can't be changed; presently you can't change
25 it, there's no provision for changing the way the budget is

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1 levied, the taxes are levied.

2 MRS. WALTON: If you grandfather it in, they could
3 change it by referendum if they wanted to, couldn't they?

4 MS. GREENBERG: If you put that provision in.

5 CHAIRMAN THORNHILL: If you put that provision-in
6 it, yeah.

7 MS. GREENBERG: Unless you change it by local
8 constitutional amendment.

9 CHAIRMAN THORNHILL: That's what we're trying to get
10 away from is so many constitutional amendments.

11 MR. HILL: Would you want the General Assembly by
12 local law to be able to require that, or by general law to be
able to require that?

14 I mean to what extent is that considered a change
15 that is advisable or a change that you want to push to allow
16 the city board, I mean the independent board to set the
17 millage in the city? Right now it's a matter of negotiation
18 I suppose.

19 MR. GREENE: I don't think that's healthy,
20 personally. You know, I think that my position initially
21 was to give those independent school boards the same kind of
22 authority that county boards enjoy, because unless you're
23 actually involved in this business from day to day you don't
24 have an appredation totally of what the problems are fiscally.

25 MS. GREENBERG: Shouldn't the final authority



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1 really be with the voters? If someone is mismanaging -- I
2 don't know if that's possible, but if a school board is
3 possibly not the best group to determine the budget, to
4 assess the millage, or if possibly the county governing
5 authority is not the best and they're abusing their power --

6 CHAIRMAN THORNHILL: I think the school board would
7 be more in a position to make that determination than the
8 city council. That's what you were saying.

9 MR. GREENE: Sure.

10 MRS. COOK: I think when we discussed this before,
11 though, it was a pretty general agreement that we are con-
12 cerned that school systems be treated fairly and equally, and
that if there is to be an autonomy here, there should be
14 autonomy there so that whatever we're talking about now should
15 as far as I'm concerned include that privilege.

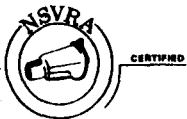
16 The constitution should treat everybody equally,
17 shouldn't it? That's the purpose of having one.

18 I don't think we should single out an independent
19 school district and say we're going to treat them like
20 stepchildren.

21 MR. HILL: In other words, what you have decided
22 now, you do not want to grandfather in what we have, the way
23 it exists now, but rather to mandate that they be done the
24 same as county boards?

25 MRS. COOK: I guess that's what it would amount to.

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1 I'm not sure the objections that you have voiced about that.

2 MR. HILL: The only objection I'm voicing is that's
3 not the way it's being done now in cities, and I can see the
4 municipal governing authorities of those independent systems --

5 CHAIRMAN THORNHILL: They're going to fight that.
6 They're going to fight it tooth and toenail.

7 MRS. COOK: You think we would be wasting our time
8 to avoid grandfathering it in now?

9 MRS. WALTON: If we think it's worthy of change, we
10 certainly ought to make a stab at it whether they fight it or
11 not. There's no point of our being here if we're not going
12 to try to --

MRS. COOK: I do think it's worthy of change.

14 MRS. WALTON: Don't give up the fight before you
15 get started.

16 MR. HILL: By the same token, there are ways of
17 facilitating that without using a two-by-four to do it, and
18 I'm saying that if you wanted that to happen and you went
19 ahead to authorize that to be done by local law subject to
20 referendum, at least you eliminate the need for a constitu-
21 tional amendment in the future to change it so it would be
22 easier than we have now, so that would be a step in the right
23 direction.

24 You know, I think we have a range of options in
25 terms of how seriously you want to go to the mat on this one,



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1 and certainly at the least I would think you would approve
2 allowing that to be done by local act subject to referendum,
3 and then you would put the burden on the legislature to have
4 it approved and the people to approve it, but in the
5 constitution to mandate such a thing as to these 27 schools,
6 what is going to be the reaction of all the people in those
7 cities, are they going to feel that the independent boards
8 in these cities are being given more authority than they
9 intended them to have at the time at the time they voted for
10 them? You know, it's hard to say, there's a lot of factors
11 here, and I agree with what you're trying to do and the
12 result, but I think that you may want to do it a little more
slowly.

14 MRS. COOK: Well, it's the end result that concerns
15 me more than the procedure, so if what you say will make for
16 some facilitation, I'm not going to argue about procedure
17 as long as we can accomplish something toward that end.

18 MRS. WALTON: The local people make the final
19 decisio**n**, we could allow them a referendum if they want to
20 and they can vote it and change it.

21 MR. HILL: Yes.

22 MR. GREENE: How do we accomplish that, then? What
23 do you propose?

24 MR. HILL: I think we would have to redraft this
25 section to say that boards of education of each county or

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1 area school district shall certify, do it the same way, but
2 then subsection (b) would be the boards of education of any
3 independent school system shall follow the same procedure.
4 You know, we'll have to work on the language, but may have
5 a tax or certify a tax to the municipal governing authority
6 pursuant to local law subject to referendum.

7 I mean it would be that we would leave the county
8 systems as they are, and with respect to the independent systems
9 we would say that they will stay as they are on the date of
10 ratification of the constitution, but then thereafter it
11 could be changed to conform to the county method upon a local
12 law subject to referendum.

13 MS. GREENBERG: It's not just the independent
14 systems, though, it's also some of the pre-1877 systems that
15 have that.

16 MRS. COOK: The unprotected systems?

17 MS. GREENBERG: The committee consensus is to lock
18 into the constitution this provision as it applies to counties
19 and not give them the ability to change their method of
20 budgetary -- You're not allowing them at some point in the
21 future to say "Well, we don't want the school board to
22 automatically levy, we want oversight in the county
23 commissioners"?

24 MRS. COOK: No, that isn't what we're saying. I'm
25 saying just the opposite.



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1 CHAIRMAN THORNHILL: What we're saying is we want
2 the local, the boards, the county boards to have the authority
3 to levy up to a limitation which has been spelled out as 20
4 mills.

5 MRS. COOK: I thought she said we did not want the
6 county boards --

7 CHAIRMAN THORNHILL: But the independent systems
8 and/or protected systems would continue with the method that
9 they are now working under with a provision to change that by
10 law subject to referendum.

11 MRS. WALTON: That would be discriminatory against
12 the counties, it wouldn't give them the chance to have a
local referendum to change what they're doing.

14 MR. HILL: That's the other side of the coin. Is
15 there any reason not to allow the counties to change its
16 method if it wants to?

17 MRS. COOK: I thought that was your suggestion.
18 I thought your suggestion included both systems.

19 MR. HILL: I originally suggested -- my original
20 suggestion just went to the independent systems in allowing
21 them to conform to the present county method if they wanted
22 to. I didn't look at the other side, but perhaps what we're
23 moving toward is agreement that we should have it the same way
24 as exists now, but in the future it may be changed in either
25 direction by local law subject to referendum.

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1 MRS. COOK: The chance to change it.

2 MR. GREENE: If they want to.

3 MRS. COOK: Yes.

4 CHAIRMAN THORNHILL: I'm not sure if --

5 MRS. WALTON: Be careful, there's an election coming
6 up.

7 MS. GREENBERG: Could the situation ever arise that
8 you would not want the school board to have that much
9 authority?

10 MRS. COOK: It already is an existing situation in
11 many cases.

12 CHAIRMAN THORNHILL: Yes. For example, I can think
13 of a situation, this is a protected school system, Richmond
14 County there, there's been a lot of talk about local
15 referendum to limit their taxing powers now. In a protected
16 system, I think theirs is unlimited, isn't it?

17 MR. GREENE: It is, and we're trying to put a cap on
18 it.

19 CHAIRMAN THORNHILL: Trying to put a cap on it.

20 MRS. COOK: It seems to me if you have elected
21 officials as board members and elected officials as county
22 commissioners that there's something disrespectful about the
23 fact that you say that one group of elected officials must be
24 subordinate to the decisions made by another group of elected
25 officials, and that's what bothers me. That is a very



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1 discriminatory process there, and the problem that I've
2 looked at is that of the need for the board to have some
3 control over budgetary decisions, millage rates, and to be
4 given that authority that seems to be rightfully theirs as
5 elected officials.

6 MR. HILL: You know, under the present system when
7 we allow the county board to set the millage and require the
8 county governing authority to levy it, you have given the
9 highest priority, almost like an earmarking of funds for
10 education at the county level, and it does not allow the
11 county levy to get mixed in with all the other demands of
12 government, and that may -- that's probably the very intent
of that provision to make sure that the county board that
14 has no other reason for being than to assure an adequate
15 education is provided, they do what they feel is best, and
16 then the county has to somehow come up with the money and
17 live with it.

18 If you're going to allow the county to merely
19 recommend to the -- I mean the county board to recommend to
20 the county governing authority what the levy should be and
21 then allow it to be subject to the fights over budgets of
22 every other part of the county I think you could see a
23 decline in the support of education, so I'm not sure that --
24 you know, I'm sort of coming around to the way Don feels,
25 the way it is now the flexibility is good, but the system



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1 we have now does in fact --

2 CHAIRMAN THORNHILL: I think the system we have
3 does exactly what you say, you know, what you have just said,
4 what you have just stated; it accomplishes that, and that is
5 that the authority that is charged with the responsibility
6 of educating the youth of the school district puts that as
7 their first priority, they can go and say "This is what we
8 need," but there's a limit to it, there's a cap on it of that
9 20 mills.

10 MR. HILL: It is a political restraint because all
11 these people are elected, and so they're not going to vote
12 for the moon, they're going to try to be reasonable.

MR. GREENE: That's exactly right.

14 MR. HILL: So maybe my own feeling is that --

15 CHAIRMAN THORNHILL: I'm not opposed to to grand-
16 fathering the independent systems, to allow them to change;
17 I'm not opposed to that, I just don't want to --

18 MRS. WALTON: You're worrying about opening up the
19 can of worms at the other end.

20 CHAIRMAN THORNHILL: Opening up the other door.

21 MRS. WALTON: I'm inclined to agree, leave the
22 counties alone. It's not fair for them to -- There may be
23 cases that they would abuse that power, so that would give
24 the voters a chance to do something about it.

25 MRS. COOK: You know, anything you decide on,



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1 whether you're talking about a constitutional revision or
2 anything, there's always that maybe case that somebody is
3 going to abuse the power, and if we're going to be hung up
4 on that possibility we aren't going to make a whole lot of
5 progress.

6 CHAIRMAN THORNHILL: We've got a situation as it is
7 now, if you've got someone who's abusing that power to levy
8 the tax you can get rid of that every four years, you can take
9 care of that.

10 Would we be in agreement to say that we leave this
11 as it is with the exception of the independent systems, put
12 a grandfather clause in to take care of their situation as it
now exists, but also to put a provision in that it could be
14 changed?

15 MRS. WALTON: Yes.

16 MR. GREENE: Yes.

17 MRS. COOK: Yes.

18 CHAIRMAN THORNHILL: Let's go on down. Are there
19 any problems with the sentences in there concerning taxable
20 property and territories, those sorts of things?

21 I would like to get some opinions on down where it
22 says school tax funds shall be expended only for the support
23 and maintenance of public schools, public education and
24 activities necessary or incidental thereto, including school
25 lunch purposes.

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1 We have had a series of amendments that have come
2 out to allow, for example, the expenditure of tax money for
3 all kinds of -- well, for activities, athletics for example.

4 I would like to get -- Mel, what would be the
5 interpretation of the way this thing is written here as to
6 how school funds could be used?

7 MR. HILL: I think it would be read very restric-
8 tively under this language, and the language we have in the
9 present constitution -- I don't know that this committee ever
10 addressed that issue directly about how broad you feel the
11 taxes for education should be able to be used, so you may wish
12 to broaden that language, you may wish to leave it as is.
I'm not sure you've ever discussed it.

14 My own feeling is it probably should be broadened.

15 CHAIRMAN THORNHILL: Well, I was just thinking of
16 some things that have come up under our present constitution.
17 For example, there's been some situations where a school
18 system would purchase band uniforms and, you know, it's been
19 challenged as to whether or not that was a legal expenditure
20 under the language that we now have.

21 MR. HILL: I think the problem is the gratuities
22 prohibition in Article III that prohibits the state from
23 giving away anything, and as soon as you start providing
24 lunches for students or providing uniforms for students --

25 CHAIRMAN THORNHILL: The lunches actually came about

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1 as a result of an amendment to the constitution.

2 MR. HILL: I think the amendment to the constitution
3 came about because of that gratuity prohibition, so I think
4 that's what we're addressing with all of these exceptions.

5 CHAIRMAN THORNHILL: Activities necessary and
6 incidental thereto; would athletics be covered under that?

7 MR. HILL: It would depend on your reading.

8 CHAIRMAN THORNHILL: They're not necessary.

9 MR. HILL: They're not necessary.

10 CHAIRMAN THORNHILL: But incidental.

11 MS. GREENBERG: Is that a problem? Are you
12 suggesting it's been a problem as far as getting funds for
spending in the past?

14 CHAIRMAN THORNHILL: In the past, school systems
15 have not been able to, for example, spend tax money for the
16 purchase of athletic uniforms, those kinds of things. All
17 that had to come from the programs themselves.

18 MR. WATTS: Larger systems naturally have more
19 revenue to spend on that since they get more attendance at
20 ball games, et cetera. The small systems think they're being
21 discriminated against.

22 MS. GREENBERG: Is it the feeling of the committee
23 that you would like to expand the interpretation of what --

24 MR. GREENE: I don't.

25 MRS. WALTON: No. In our county we had more money

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1 spent on the stadium than I think should ever have been. If
2 I call maintenance, they're going to get to the stadium and
3 work on it instead of taking care of my building, so I don't
4 want them to spend more money on athletics in Dougherty
5 County. These people get a lot of things I need.

6 MR. HILL: Maybe we could say including school
7 lunch purposes, but not football.

8 MRS. WALTON: I'll buy that.

9 (Laughter.)

10 MR. GREENE: No, don't say that.

11 (Laughter.)

12 CHAIRMAN THORNHILL: I don't know, maybe we better
13 not mess with it at all, keep it as you have it. School
14 lunch purposes I think that ought to be in there --

15 MRS. WALTON: Yes.

16 CHAIRMAN THORNHILL: -- as a matter of clarification
17 because that is very, very essential I think.

18 MS. GREENBERG: I would like to do some research
19 into that language and possibly come up with something else,
20 support and maintenance necessary and incidental, and maybe
21 come up with some better language for that, that would limit
22 but not limit it, allow school lunches but not allow --

23 MR. HILL: You can see how restrictive they've read
24 it. They may not have read it that restrictively, --

25 CHAIRMAN THORNHILL: I agree with you, even though



1 I like athletics and this sort of thing, but a lot of times
2 you get different pressure groups working with, you know,
3 putting pressure on the board of education for a new stadium
4 when maybe they need reading books or something else. This
5 can be --

6 MS. GREENBERG: Who makes that decision, the elected
7 school board.

8 MRS. WALTON: I think the constitution is sufficient
9 now to let them do it any way they want to, because somehow
10 apparently it's covered either way, isn't it? If it isn't,
11 somebody is violating the constitution.

12 CHAIRMAN THORNHILL: It would be very interesting,
I think.

14 I'm sure this one area of the constitution is
15 constantly being violated more than any others.

16 MRS. COOK: When you say necessary or incidental,
17 what are you leaving out?

18 MRS. WALTON: It could be anything.

19 CHAIRMAN THORNHILL: Okay. Increasing or removing
20 the tax rate, the second paragraph.

21 MRS. WALTON: Does that mean you can remove it
22 completely?

23 CHAIRMAN THORNHILL: Yes, it can be removed
24 completely, or you can increase it.

25 MS. GREENBERG: That's the present provision.

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1 CHAIRMAN THORNHILL: Has there ever been a system
2 to completely remove it? Did DeKalb County remove it, or
3 did they just raise it?

4 MR. HILL: I'm not aware.

5 MS. GREENBERG: We had a list of -- did I hand that
6 out to the committee -- of the '79 millage levies?

7 MRS. COOK: Yes.

8 MR. HILL: That was mailed to the subcommittee.

9 MRS. COOK: Is this it? This is --

10 MS. GREENBERG: That's not it, that's the per pupil
11 expenditures.

12 I don't think any county has left it open.

13 CHAIRMAN THORNHILL: I don't think so. I think
14 maybe DeKalb raised it.

15 MS. GREENBERG: It was handed out with a memo dated
16 July 21st.

17 These are the county systems, there's no county
18 systems where they levy over 20 mills. There may be some
19 independent systems where they levy over 20 mills, though.
20 I don't have those listed.

21 MR. WATTS: Does that include the required local
22 effort?

23 CHAIRMAN THORNHILL: Yes, that's the total millage
24 for M&O.

25 MR. WATTS: I thought DeKalb was over 20 mills.

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1 CHAIRMAN THORNHILL: I think at one time it did
2 exceed the 20-mill limit, I know it was over 20 mills at one
3 time, but I think they have dropped back down.

4 MR. GREENE: 19.710, pretty close.

5 MS. GREENBERG: They may be authorized to levy more,
6 but they have not. They may be authorized to levy more, but
7 this is the actual '79 levy.

8 CHAIRMAN THORNHILL: Does anyone have any problems
9 with that second paragraph as far as increasing or removing
10 the millage or any of the language that's in there at the
11 present time?

12 That doesn't bother me. How about you?

13 MRS. WALTON: No.

14 CHAIRMAN THORNHILL: Joe?

15 MR. GREENE: No.

16 CHAIRMAN THORNHILL: Mrs. Cook, you don't have any --

17 MRS. COOK: I have no problems.

18 CHAIRMAN THORNHILL: Okay. The next thing we need
19 to take a look at then is the Section V, Paragraph VI,
20 Special Schools.

21 MR. HILL: This is one provision I am very anxious
22 to have reviewed carefully by Office of Legislative Counsel,
23 because I am not sure that everything that we want to be done
24 can be done by law; that was my assumption when we drafted it,
25 it all should just be provided for by law and gotten out of

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1 the constitution, and that's how it's stated, but there's
2 some limitation that you can't have a bonded indebtedness or
3 levy a school tax without a referendum. I felt those were
4 the major issues in that special schools provision, but
5 until we talk to Harvey Findley and the others in that office
6 we're not going to be totally sure that this does the job.

7 CHAIRMAN THORNHILL: All right. We're talking about,
8 basically we're talking about what type of schools?

9 MR. HILL: I didn't include a listing here.
10 Perhaps you would like me to so that it's clear what we are
11 talking about, but the present constitution states special
12 schools such as vocational trade schools, schools for
13 exceptional children and schools for adult education, it
14 does list those three types, but I thought that even a
15 definition of special schools should be provided for by law,
16 you know, whatever schools other than the primary and secondary
17 education level schools, that if the General Assembly wished
18 to provide then they could do so by law. I didn't see the
19 need for any more specificity than that unless you are afraid
20 it will be unclear to somebody who reads it exactly what
21 we're thinking about.

22 CHAIRMAN THORNHILL: I wonder if the schools for
23 exceptional children -- are we going to get into any problems
24 with federal laws as it relates to this levying of school tax
25 and so on?



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1 We're pretty well locked in to provide services for
2 exceptional children -- what is it, 94-whatever -- I can't
3 ever remember the numbers on it. If that requires a special
4 school be established, then you really don't have a whole lot
5 of choice in the matter, and if we had to go to a referendum
6 to --

7 MR. HILL: I don't think the federal government
8 mandates creation of a special school, it mandates the
9 support of --

10 MRS. WALTON: The less restrictive environment.
11 They're pushing for mainstreaming them, they're putting them
12 all integrated with the regular school.

13 CHAIRMAN THORNHILL: The same thing would be true,
14 wouldn't it, even with your vocational schools. That was the
15 whole idea of the comprehensive high school.

16 MR. GREENE: Specified skills?

17 MRS. COOK: We include here when we speak of
18 vocational-technical schools we're also talking about those
19 that go beyond the high school, we're talking about the post-
20 secondary vocational programs too, are we not, so that you're
21 not just talking about high school programs?

22 MR. HILL: We're not just talking about that, right.

23 MRS. COOK: While we're talking about that too --
24 this may not be important, but as I talk with people in
25 educational circles they do make a difference between adult

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1 education and adult basic education, and among educators
2 adult education is interpreted to include college, state
3 supported college programs, so when you're thinking about
4 language you might want to take that point into consideration
5 and specify adult basic education if you're talking about
6 reading, writing and arithmetic only and not college, state
7 supported college programs which would certainly be adult
8 education.

9 MR. HILL: Do you feel we would be better of to
10 specify the kinds of special schools we have in mind, or to
11 leave it up to the General Assembly to provide?

12 MRS. WALTON: I think this is sufficient. I think
13 when you start naming them you could think of fifty million
14 different kinds. I think it's better not to name them at
15 all, let the laws provide like you say.

16 MRS. COOK: Use the language like you used generally.

17 CHAIRMAN THORNHILL: If you name one or two, that
18 limits it to them.

19 MS. GREENBERG: This section contemplates really --
20 it's almost akin to that contracting provision in Section V,
21 it's actually considered an area school. Those political
22 subdivisions can come together for one purpose, whether it's
23 vocational education or for exceptional children, and share
24 that facility by creating this area special school, so it is
25 really a third option rather than consolidation or rather



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1 contracting for services, you can actually create a special
2 area school under this provision, and I don't think it is
3 limited to those three areas as you said, vocational
4 educational or exceptional children or adult education.

5 MR. HILL: Do you think this belongs under the
6 local systems section as a separate paragraph there?

7 We could have a separate paragraph, that's how I
8 proposed it in here that we have a separate section on it,
9 I mean a separate paragraph of sections whatever it is on
10 special -- on local systems.

11 MS. GREENBERG: As far as the history, I think I
12 sent that out to you last time. The only reason it's a
13 special section is because it was transferred from Article IX
14 under financing, local finance is one section, so this was a
15 way of -- this was the contracting provision under that
16 article, and they brought it over to education so it would be
17 with schools and allow local governments to contract with each
18 other and after a referendum and to create a binding issue
19 and create a local school and tax those persons affected by
20 the service.

21 MRS. WALTON: Mel, when you say an area, you thought
22 it might get lost here, or you thought it should be a separate
23 section?

24 MR. HILL: I think it would get lost if we had it as
25 subsection (c) under the contracting paragraph, but I didn't

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mean I thought it would get lost --

CHAIRMAN THORNHILL: Keep it under Section V as you have written it, but as a separate paragraph.

MR. HILL: Yes.

CHAIRMAN THORNHILL: That doesn't bother me.

MRS. WALTON: No.

MR. HILL: It might help us consolidate our provisions.

I think we may need a subsection (c) here that grandfathers in what we have on special schools, these provisions up in here. We may need a separate paragraph. We'll have to talk with Legislative Counsel about that.

We have to get more assistance on that.

CHAIRMAN THORNHILL: All right.

MS. GREENBERG: One other thing that I didn't do was to -- I know in an earlier meeting we had talked about that spillover fund from utilities.

MR. HILL: Right.

MS. GREENBERG: We have not yet drafted a provision.

MR. HILL: We haven't drafted a provision because we're not real clear exactly what you have in mind. Partly that, partly it causes us to shake when we start to write the provision.

CHAIRMAN THORNHILL: I can imagine.

MR. GREENE: I think it causes us to shake as we



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1 come to it that we haven't talked about it any more.

2 MRS. WALTON: I missed that meeting, so I don't
3 know --

4 MR. HILL: The question was whether, you know,
5 under the present circumstances if there is a utility in a
6 particular school district, they reap all kinds of benefits
7 but it's only for the benefit of that county.

8 CHAIRMAN THORNHILL: Should those benefits be
9 distributed on a statewide basis.

10 MS. GREENBERG: Primarily because the burden is
11 statewide, so why shouldn't the --

12 MR. HILL: The utility rate is statewide.

13 MRS. WALTON: We better not touch that.

14 MR. GREENE: I think it's Upton County, what a
15 disproportionate --

16 MS. GREENBERG: Expenditure per pupil, and the
17 lowest per pupil expenditures, the mean must --

18 MR. GREENE: I looked at this and tried to get a
19 mean, the mean must be something like 35 when we look at the
20 whole system, all the systems, and then you look at here,
21 that has to be attributed to the fact that the nuclear plant
22 is down there.

23 MRS. WALTON: Have you set the next meeting?

24 MS. GREENBERG: September 4th, isn't it.

25 MR. HILL: September 4th, yes.

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1 MRS. WALTON: Is that going to be a morning --?

2 MR. HILL: Morning at ten o'clock.

3 Do I take it we're not going to address Vickie's
4 question?

5 MRS. WALTON: I don't think we should address that
6 really. I do not think we should address that.

7 MR. GREENE: I have some mixed feelings about it.
8 I don't think that --

9 MS. GREENBERG: It could again provide the General
10 Assembly may provide for setting up this type of fund, and
11 whether public pressure would require them to do it in the
12 future, at least it would be there in the constitution.

13 MRS. WALTON: You get all kinds of industries and
14 all kinds of different things; people drink beer all over the
15 state too, and we've got a Miller brewery at home, so we get
16 all the taxes from that, so we reap that too.

17 MR. HILL: What Vickie is saying is that utilities
18 are statewide, state regulated, and the rates you pay are the
19 result of statewide application of the formula.

20 CHAIRMAN THORNHILL: Let's take all the revenues
21 from utilities and write a constitutional provision that they
22 shall be used for school building purposes. We need a steady
23 source of income just for building new facilities.

24 MR. HILL: What about Vickie's suggestion that we
25 have a provision that says the General Assembly may provide



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1 by law for the creation of a special fund for the --

2 MR. GREENE: Okay. That sounds fair.

3 MRS. COOK: That's better than ignoring it. I
4 would not want to ignore the problem.

5 MRS. WALTON: I didn't know it was a problem.

6 MR. GREENE: It's a problem for taxpayers.

7 MR. HILL: We will make that Paragraph III under
8 local taxation, just draft a broad authorization to them to
9 do that.

10 CHAIRMAN THORNHILL: Okay.

11 MS. GREENBERG: This will come up in the full
12 committee, don't worry.

MRS. WALTON: I know it will.

14 CHAIRMAN THORNHILL: That will be addressed many
15 times before the end of everything.

16 MR. HILL: The meeting on the 4th at ten o'clock?

17 (Whereupon, at 11:55 a.m. the subcommittee meeting
18 was adjourned.)

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Committee to Revise Article VIII

Subcommittee Meeting Held on Aug. 21, 1980

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STATE OF GEORGIA
COMMITTEE TO REVISE ARTICLE VIII
OF THE
CONSTITUTION OF GEORGIA

SUBCOMMITTEE ON
LOCAL SCHOOL SYSTEMS

Room 401-A
State Capitol
Atlanta, Georgia

Thursday, September 4, 1980
10:00 a.m.



BRANDENBURG & HASTY — SCIENTIFIC REPORTING

PRESENT:

COMMITTEE MEMBERS:

CHAIRMAN DON THORNHILL
MR. JOSEPH GREENE
MS. DOLORES COOK
MS. LeANNA WALTON

ALSO PRESENT:

MELVIN B. HILL, Jr.
VICKIE GREENERG
HARVEY FINDLEY
GARY ASHLEY
CHARLES PYLES
KEN JONES
JENNYE GUY
TERRY McKINZIE



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P R O C E E D I N G S

CHAIRMAN THORNHILL: It is 10:11, we will go ahead and get started.

We are happy to have some visitors with us this morning. Some of them have familiar faces, and some of them I don't know.

The young lady from the Municipal --

MS. GUY: Urban Study Institute.

CHAIRMAN THORNHILL: Urban Study Institute. We are happy to have you back with us again. Your name?

MS. GUY: Jennye Guy.

CHAIRMAN THORNHILL: And Mr. Gary Ashley, who is the Executive Vice -- Executive Secretary?

MR. ASHLEY: Executive Vice President of Georgia School Boards Association, a gentleman I have known for some time. Gary, we are happy to have you with us.

We have a couple of gentlemen here, if you will introduce yourselves, please.

MR. FINDLEY: Harvey Findley from Office of Legislative Counsel.

MR. McKENZIE: Terry McKinzie from Legislative Counsel.

CHAIRMAN THORNHILL: Very good.

And this gentleman over here?

MR. JONES: Ken Jones from Georgia Municipal



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1 Association.

2 CHAIRMAN THORNHILL: We are happy to have you.

3 Of course, our reporter -- You have been with us
4 before. I can't call your name right now.

5 THE REPORTER: Len Partain.

6 CHAIRMAN THORNHILL: Of course, members of the
7 committee, Mr. Joe Greene from McDuffie County, a member of
8 the Board of Education there, and Mrs. Dolores Cook from
9 Macon, Bibb County, and on the Board of Education.

10 MRS. COOK: Previously served.

11 CHAIRMAN THORNHILL: Previously served on the Board
12 of Education.

13 And Mrs. LeAnna Walton who is the principal down in
14 Albany, Georgia, and myself, Don Thornill, from Columbia
15 County.

16 I hope this is going to be the last meeting of our
17 subcommittee. We have been working with Article V dealing
18 with local school system matters, and thanks to our excellent
19 staff who have done a fantastic job in gathering information
20 and guiding us through this whole process we have a second
21 working draft that we want to look at today, and hopefully
22 this will be the final draft that we will be looking at
23 before it is submitted to the committee, the full committee.

24 A couple of things that we asked the staff to do
25 to help us wind this project up today, and one of the things

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1 was what is proper expenditures for the support and
2 maintenance of public schools.

3 There has been a great deal of discussion about that
4 in previous years, and staff has gone to the Attorney
5 General's office and some other places citing some court cases
6 and so on as to what can be and what can't be -- I think it
7 is rather interesting, it is legal that we can pay for the
8 disposal of our garbage resulting from the lunch program,
9 the transportation of pupils, physical education facilities
10 which may incidentally include a field house or related
11 athletic facilities, and this is where I think this whole
12 business of school expenditures really has been brought into
question as it relates to athletic programs.

14 The athletic programs in the state have to be pretty
15 much self-supporting in terms of their gate receipts, booster
16 club activities, this kind of thing. The tax money cannot be
17 expended for those kinds of programs; however, there have been
18 some interpretations on this which do allow for certain
19 expenditures, and this is one of them. The board of education
20 wants to build a field house for its football team, then if
21 they build a physical education facility which just happens
22 to include that, that would be legal, which we just got
23 through doing in my system.

24 School crossing guards. This is a rather recent
25 ruling of 1979. Before we got started with the meeting I



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1 was explaining we just went through this in our county as
2 well as our neighboring county, Richmond County, where the
3 Commissioners of Roads and Revenue were financing through
4 their sheriff's department, police departments the school
5 crossing guards.

6 These are the ladies that stand out and direct the
7 traffic and so on at certain hours of the day.

8 In Richmond County the commissioners and the city
9 fathers requested that the school board pick up this
10 expenditure since it was school related. This also happened
11 in DeKalb County and brought about the court ruling which
12 says that it can be a legal expenditure.

13 As I was commenting, we went through this, and we
14 have agreed with our commissioners to help fund this particular
15 activity by a quarter of the cost.

16 Compensation of county tax commissioner for
17 collecting school taxes as a result of a court case in 1977.

18 Coachs' salaries and transportation of athletic
19 teams on school buses. This is an unofficial opinion of the
20 Attorney General. I don't think that has ever been
21 challenged. If it was, if they were challenged and found
22 illegal, I think we would have a lot of problems in the
23 state with some of our athletic teams.

24 Some expenditures that are improper would be the
25 State Department of Education to administer the federal



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1 nutrition education program in nonprofit private schools;
2 purchase of sport uniforms and equipment; and in the support
3 of extracurricular athletic teams, except for the payment
4 of personnel and expenses involved in utilization of school
5 facilities.

6 MS. GREENBERG: I may note this opinion dealing
7 with the extracurricular athletic programs is the result of
8 a 1975 constitutional amendment to Article VII, Taxation,
9 which is Article VII, Section II, Paragraph I, subparagraph 13,
10 which specifically allows the payment of salaries of
11 personnel, to pay for the utilization of school facilities,
12 including school buses, for extracurricular interscholastic
activities including literary events, music and athletic
14 programs within individual schools and between schools in
15 the same or different school systems when such activities
16 are sponsored by local boards of education as an integral
17 part of the total school program.

18 That's on page 57 of your brown constitution.

19 CHAIRMAN THORNHILL: That came about in about --
20 what was it, about four or five years ago?

21 MS. GREENBERG: 1975.

22 CHAIRMAN THORNHILL: Right, an amendment to the
23 constitution.

24 MR. HILL: Mr. Chairman, this memo that Vickie
25 prepared relates to the proposed draft, Section VII,

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1 Paragraph 1(c), where in the provision reads that school
2 tax funds shall be expended only for the support and
3 maintenance of public schools, public education and activities
4 necessary and incidental thereto, including school lunch
5 programs, and that arose because of the question the
6 committee had about how broadly this would be interpreted, or
7 how narrowly.

8 This is the result of the research we did on that.

9 CHAIRMAN THORNHILL: I think what we will do today,
10 since this is hopefully going to be the final draft, we will
11 take it a paragraph at a time, and if you will permit me,
12 we will go through it -- I think we need to go through it
paragraph by paragraph since this is the final one, to make
14 sure that we have got all of the bases covered before we
15 turn this back to the full committee.

16 Paragraph I, School Districts. Authority is
17 granted to county and area boards of education to establish
18 and maintain public schools within their limits. Existing
19 county school districts and independent school systems shall
20 be continued, except that the General Assembly may, by general
21 or local law, provide for the consolidation or merger of any
22 two or more county school districts, independent school
23 systems, or any combination thereof into a single area school
24 district under the control and management of an area board
25 of education.

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1 I think that in that particular one we had a great
2 deal of discussion at our last meeting. There was a state-
3 ment in there that said "or any portion thereof," we agreed
4 to eliminate that, so that has been eliminated.

5 Do any of you have any questions on that particular
6 point?

7 Okay. No such consolidation or merger shall become
8 effective until approved by a majority of the voters voting
9 in a referendum in each separate school district or school
10 system being consolidated or merged. Any area school district
11 so established shall constitute a separate political sub-
12 division of the state, and the school districts or school
13 systems incorporated therein shall stand abolished, and title
14 to all school properties and assets therein shall vest in the
15 area board of education.

16 Okay. Do any of you have any comments or any
17 questions or anything dealing with that first paragraph?

18 MR. FINDLEY: A technical point.

19 CHAIRMAN THORNHILL: All right.

20 MR. FINDLEY: Most of these mergers, as you know
21 in the past have been -- all of them really have been the
22 merger of an independent school system with its county, the
23 merger of an independent school system with respect to a
24 county.

25 They haven't had any intercounty school district

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1 mergers, and technically when that happens you have an
2 independent school system inside a county, the independent
3 school system is abolished, and the result is really a county
4 school system and not an area school school system, and the
5 way this is worded it would always result with an area
6 school system or area school district.

7 It is merely a technicality, but technically the
8 result would still be a county school system if you just
9 abolished the independent school system.

10 You might want to say, to take care of both
11 contingencies, or combination thereof into a single county
12 or area school district under control and management of the
13 county or the area board of education, et cetera.

14 And the same thing in the last sentence, any county
15 or area school district -- the next sentence -- well, that is
16 the last sentence. In other words, just put "the county or"
17 in each appropriate place there so that it wouldn't
18 necessarily imply that if the city of Atlanta finally got
19 out of the school system then it would be DeKalb County
20 school district as it has been in other counties where the
21 independent school systems have been abolished over the
22 years. The result is a county school system, not an area
23 school system.

24 Area contemplates I think an intercounty type --

25 CHAIRMAN THORNHILL: Right, two counties, not the

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1 independent and city and county merger. I see what you're
2 saying, and just by simply adding "county or area" would
3 handle that.

4 MR. FINDLEY: Right.

5 CHAIRMAN THORNHILL: Do any members of the committee
6 have any comments about that, or any questions about it?

7 Mel, did you get that note?

8 MR. HILL: Yes. We will make that change.

9 CHAIRMAN THORNHILL: Okay. You're welcome to say
10 something.

11 MR. ASHLEY: As a matter of semantics, and maybe
12 I'm off base here, but when you use the words school system
and school district, what is going to be the appropriate
14 wording? Are you going to use both?

15 MR. HILL: We had discussed it, Vickie and I
16 already had an argument about this earlier, and I think that
17 we have evolved to the stage where school district implies
18 one thing, and a system implies an independent system.

19 MR. ASHLEY: Okay.

20 MR. HILL: Is that not so, Harvey? I see you
21 shaking your head.

22 MR. FINDLEY: I think school district is the
23 political subdivision, then system is the board of education,
24 the students and the whole thing, but school district I think
25 is really probably what we're talking about here.



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1 CHAIRMAN THORNHILL: In dealing with the federal
2 government, I think the federal government uses the district
3 as the political subdivision.

4 MR. ASHLEY: Right.

5 CHAIRMAN THORNHILL: Of course, locally -- like you
6 say, it's a matter of semantics. Locally we refer to our
7 school, we refer to the political subdivision as the school
8 system, but then we have districts within that system.

9 MR. ASHLEY: Right.

10 CHAIRMAN THORNHILL: So it's -- but I think for
11 the matter of consistency I think we would make that
12 determination.

13 MR. FINDLEY: They're used interchangeably in
14 practice, but I think the courts in those decisions have
15 held school district to be a political subdivision, in that
16 context they held a school district was a political sub-
17 division, and school system has a little bit different
18 context, but they are used interchangeably and I don't know
19 that it would present any particular problem for them to be
20 used in the context you mention here.

21 It might technically be existing county school
22 districts and independent school districts shall be
23 continued, except when the General Assembly -- and so forth.

24 MS. GREENBERG: I'm sorry. An independent school
25 system, is that considered a political subdivision of the



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1 state, the independent school --?

2 MR. FINDLEY: No. Really there in that case it
3 is the parent municipality that is the political subdivision.

4 MS. GREENBERG: So then we should distinguish in
5 this listing between district school systems, school
6 districts and independent municipals? I don't know how you
7 would --

8 MR. HILL: We felt that they were interchangeable,
9 but by the same token if you try to use one term for both
10 you may raise questions about whether you're trying to do
11 more than you're trying to do, so that's why we just decided
12 to continue this as is.

13 CHAIRMAN THORNHILL: Is this the way you have it
14 here pretty consistent with the old constitution? I mean
15 this is the way it is referred to in the --

16 MS. GREENBERG: Yes.

17 CHAIRMAN THORNHILL: Okay. We haven't had any
18 problems with it.

19 MS. GREENBERG: It seems like you're saying it
20 would be more proper to say county school systems and
21 municipalities. I don't know, or municipalities have
22 independent school systems --

23 MR. ASHLEY: I don't know what would be proper.
24 The point I'm raising, in practice the 187 school systems
25 are referred to as school systems from the state department



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1 and in practice, but the point that you made is very true
2 when it comes to differentiation between the political sub-
3 division and municipality and so forth, so the only reason
4 I raised the question was the question in practice, but what
5 needs to remain, you know, in the wording of the law for
6 the purpose of treatment in the constitution I think needs
7 to be done, but we just don't use the word district much
8 in practice as far as educators are concerned -- school system.

9 MR. HILL: Well, maybe we could just use system.

10 It would create less problems if we would say existing
11 county school systems and independent systems shall be
12 continued, and then provide for the consolidation of the
two systems, which is -- just use system all the way through.

14 I thought that the term district connotated an
15 area and that there was a need for clarity that the geo-
16 graphical area would remain the same as well, but that's
17 taken care of by the first sentence when it says they may
18 maintain these systems within their limits, so I think that
19 may --

20 MS. GREENBERG: Could we just say existing school
21 systems shall be continued, and that would cover everything,
22 except the General Assembly may by general or local law
23 provide for the consolidation or merger of any two or more
24 school systems or any portion or combination thereof?

25 CHAIRMAN THORNHILL: Any combination thereof.



1 MR. HILL: I don't know. I feel like we'd better --

2 MR. FINDLEY: I think your suggestion, Mel, is
3 probably the best. If you just use systems, I think either
4 one -- I think what you have is sufficient, really. I don't
5 really see that much of a problem with it.

6 Just to make it read better, if you just said
7 existing county and independent school systems shall be
8 continued, except the General Assembly may by general or local
9 law provide for the consolidation or merger of any two or
10 more county school systems, independent school systems, or
11 any combination thereof into a single county or area school
12 system under the control and management of the county or area
board of education.

14 CHAIRMAN THORNHILL: I like that.

15 MR. FINDLEY: I think that would read a little bit
16 better. I certainly think it would be sufficient because --

17 MR. HILL: The next sentence would be: No such
18 consolidation or merger shall become effective until approved
19 by a majority of the voters voting in a referendum in each
20 separate system being consolidated or merged. Right?

21 MR. FINDLEY: Right.

22 MR. HILL: Each separate school system being
23 consolidated or merged.

24 MR. FINDLEY: The same in the next. Any county
25 or area school system so established shall constitute a



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1 separate political subdivision of the state, and then there
2 would be a constitutional resolution of what political
3 subdivision was.

4 CHAIRMAN THORNHILL: Okay. Thank you.

5 Is there any other comment about the first
6 paragraph?

7 MS. GUY: May I raise a question?

8 CHAIRMAN THORNHILL: Sure. I was trying to follow
9 your last point in the last sentence, any county or area
10 school system so established shall constitute a separate
11 political subdivision of the state? Would you have conflict
12 with independent systems that are part of a larger
municipality where the municipality is a subdivision?

14 MR. FINDLEY: Not in this context because you're
15 talking about a sytem that would result from a merger. That
16 system would be a political subdivision.

17 MS. GUY: So it can exist independent from the
18 municipality, the school system?

19 MR. FINDLEY: The system that this paragraph is
20 talking about is one that would result from a merger of an
21 independent school system with a county or maybe a couple of
22 county school systems, or two county school systems, but the
23 political subdivision that would result here would result
24 from a merger so that you wouldn't be talking about an
25 independent school system as such except to the extent that



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1 it resulted from a merger with some other school system.

2 MS. GUY: Thank you.

3 CHAIRMAN THORNHILL: Before we leave Paragraph I
4 let me just kind of for the benefit of the committee make
5 sure that we're saying exactly what we want to say now.

6 In essence this simply establishes authority to
7 have your local school systems, these school systems will be
8 the same as they are presently if this goes into effect,
9 except that they can be consolidated, they cannot be
10 consolidated into anything smaller than what we have now,
11 it would have to be -- it would be a larger consolidation.
12 Everyone understands that.

13 You know, we did away with the business of "any
14 portion thereof," so --

15 MR. GREENE: Right.

16 CHAIRMAN THORNHILL: We're clear on all that?

17 MRS. WALTON: Yes.

18 CHAIRMAN THORNHILL: Okay. Good. Let's go to
19 Paragraph II, Boards of Education.

20 Each school system -- it just comes out naturally
21 -- each school system shall be under the management and
22 control of a board of education which shall have such powers
23 and duties as provided by law, the members of which shall be
24 elected or appointed as provided by law. School board
25 members shall reside within the territory embraced by the



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1 school district or system.

2 Now, we have a letter from a member of our committee,
3 Mr. Freeman Leverett, who is probably the foremost attorney
4 as it relates to school law in the state of Georgia, and he
5 has some -- has raised some questions about this particular
6 paragraph.

7 He stated he would object strenuously to Paragraph
8 II, this appears to be a deliberate effort to dilute the
9 authority of local boards of education. The existing
10 constitution, 2-5302, does not say that the board shall have
11 such powers and duties as may be provided by law. The effect
12 of this is that under prior language in the section vesting
the management and control of the school in the board of
14 education the board is hereby given constitutional powers,
15 which it is questionable how the legislature itself could
16 take away.

17 Gary, do you want to elaborate on that a little bit?

18 MR. ASHLEY: It would be difficult for me to do
19 that, frankly. I have discussed this with Freeman, I think
20 what Freeman is saying is that of course under the existing
21 constitution the school board is established with certain
22 responsibilities and, of course, by state law the powers are
23 enumerated further, and I think what he's saying is that
24 the local board needs to stay in place as it is now
25 stipulated, and evidently he has a problem with the wording

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1 here that might lift up more power to the General Assembly
2 and to the state and, of course, we don't want that to
3 happen.

4 I think that's what he is saying in simple language.

5 CHAIRMAN THORNHILL: What do you think?

6 MR. FINDLEY: Freeman's point has been hitting
7 around for years. There has always been a theory, and I
8 think our office has generally taken this approach, although
9 it's never been resolved completely in any case that I'm
10 familiar with, and I notice that Freeman said that he
11 doesn't think the General Assembly can get into it, it might
12 could, but the theory is that a county school system being
13 vested by the constitution with the control and management
14 of the school district, or the county board of education
15 being vested by the constitution directly with control and
16 management of the school system, that the General Assembly's
17 authority and the state's authority really relates to
18 funding.

19 If they decided they could get along without state
20 funding, they could really run their own school system
21 independent of the state. I doubt that that is true, but
22 it is different to vest them by the constitution itself with
23 the control and management of the school system, the county
24 board of education, and say they will have such powers and
25 duties as provided by law. It is different, it's a



1 substantial difference from the present language in the
2 constitution. Whatever the present language means in its
3 final resolution of it, I'm inclined to think that the General
4 Assembly of necessity through funding that the school
5 districts pretty well have to abide by state law. I don't
6 know of any that have taken the position they don't have to,
7 but it is different, and that's the point that he's concerned
8 about.

9 It's always been considered by local school systems
10 a very, very important constitutional provision; they like it,
11 and this is I think typical of the reaction that you'll get
12 from school boards if you change it.

13 MR. HILL: If it was eliminated it wouldn't
14 necessarily mean that the local boards had autonomy.

15 MR. FINDLEY: That's right.

16 MR. HILL: But if you put it in here it will mean
17 that they don't have autonomy.

18 MR. FINDLEY: They clearly do not have autonomy.
19 I think it legalizes what is in fact the practice.

20 I have looked through case law trying to find a
21 sentence that, or trying to find a decision that breathes
22 life clearly into that provision, that self-executing
23 language, and you can find them that skirt around it, but it
24 always winds up by saying, making reference to the school
25 laws, the boards of education draw their powers and duties

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1 and functions from the school laws, so I haven't found a
2 decision, and there may be one -- since I haven't found it
3 doesn't mean there's not one, but I haven't found a decision
4 that said that in effect local school systems are autonomous
5 as a result of this language, but it's language that the
6 school systems have always placed great importance on,
7 local school boards, that it gives them the authority to
8 run the school system.

9 MR. GREENE: The effect of what he is saying there
10 is that if we were to just simply delete --

11 CHAIRMAN THORNHILL: Which shall have such powers
12 and duties as provided by law.

13 MR. GREENE: Yes.

14 CHAIRMAN THORNHILL: He had additional language
15 toward the end of the sentence as well you might want to
16 add.

17 MR. HILL: The school board members shall reside
18 within the territory and shall have such other and further
19 qualifications as may be required by law.

20 He's not upset with the General Assembly being able
21 to determine other qualifications for school board members
22 than just residency, so that that was an addition he
23 proposed to the second sentence, but if you just cross out
24 "which shall have such powers and duties as provided by law"
25 that would fix the first part of the first sentence of that



1 paragraph.

2 CHAIRMAN THORNHILL: I'll ask the members of the
3 committee, does anyone have any objections to --

4 MR. GREENE: I do not have any objections. As a
5 matter of fact, it did not stand out to me as a significant
6 issue when we addressed ourselves initially to this, but I
7 can see his point here, and I am in support of that, of his
8 position.

9 MRS. WALTON: I agree.

10 MRS. COOK: I agree.

11 MRS. WALTON: I would like to have some wording at
12 the end about some other qualifications.

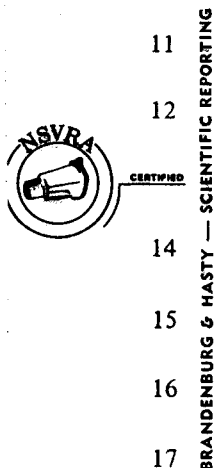
13 CHAIRMAN THORNHILL: And shall have such other and
14 further qualifications as may be required by law.

15 MRS. WALTON: That sounds good.

16 CHAIRMAN THORNHILL: Gary, what is the school
17 board association -- in that last part there what qualifica-
18 tions -- as a representative of the school board association
19 what would be the association's thinking on the qualifications
20 for the board?

21 MR. ASHLEY: We never have taken a position on it.
22 That's a hot potato.

23 I'll give you my personal opinion. I think the
24 qualifications need to be strengthened. I'm speaking
25 individually now, I'm not speaking for the association.



1 There's some political discussion there that I'm
2 not going to take on now, I want to stay a little bit longer,
3 but be that as it may, there is a lot of interest on the part
4 of some school board members and of professional educators
5 and the general public -- and of course Mr. Greene commented
6 on that also -- but to strengthen the qualifications for
7 school board members, and even to go a step further and even
8 possibly require -- and I say require, not suggest -- certain
9 developmentally trained programs to go along with that.

10 Joe, you might want to comment on that as a school
11 board member.

12 MR. GREENE: I think so. I think the way that the
13 Georgia School Board Association has embraced the new
14 training program that you recently instituted attests to that
15 fact, that the board members themselves feel that it is
16 something that is necessary, and I subscribe to that as a
17 board member.

18 I have seen instances when people who served on the
19 board obviously who were not qualified, who did not even
20 attempt to prepare themselves further.

21 CHAIRMAN THORNHILL: Okay. Are we in agreement,
22 then, that we feel like that statement should be added about
23 the qualifications?

24 MR. HILL: Of course, this will not add additional
25 qualifications automatically, it just opens the door.

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1 CHAIRMAN THORNHILL: It opens the door, the
2 legislature could.

3 MS. GREENBERG: So now that statement --

4 MR. HILL: There would be a question as to whether
5 this is the only qualification that could be required,
6 whereas if we put it in there, then it's clear the General
7 Assembly could if they decide to --

8 MR. FINDLEY: We do have some law now setting some
9 minimum qualifications, but when you add the residence
10 requirement as a constitutional qualification and stop there,
11 then arguably then the General Assembly couldn't statutorily
12 go beyond that qualification.

13 I think that's probably why Freeman added that
14 language, because you do have certain qualifications now;
15 he can't be on the board of trustees of a private school
16 system, for example, things like that.

17 CHAIRMAN THORNHILL: A good point.

18 MR. ASHLEY: An excellent point in fact, a very key
19 point.

20 CHAIRMAN THORNHILL: What is your feeling on that?

21 MRS. WALTON: I would add it.

22 MRS. COOK: I think it should be added.

23 CHAIRMAN THORNHILL: Let's add it.

24 Any other thing on Paragraph II?

25 MR. HILL: We decided to follow our initial

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1 thinking on this and say each school system in each case?

2 CHAIRMAN THORNHILL: System, right.

3 Paragraph III, School Superintendents.

4 There shall be a school superintendent of each
5 school district, or each school system who shall be the
6 chief administrative officer of the board of education and
7 who shall have such qualifications, powers and duties as
8 provided by law.

9 MR. HILL: This raises a question as to whether the
10 school superintendent should be strictly under the control of
11 the board of education or whether the powers and duties of
12 this office should be granted by law.

13 Based on the conversation just had, I'm not real
14 sure how the committee feels about this.

15 If the school superintendent is appointed by the
16 board of education, then that's the organization, I mean the
17 body to which he or she owes allegiance, and so -- you know,
18 the same question comes up as the state school superin-
19 tendent and the state board.

20 Do you see any problems with this language as to
21 the school superintendent, Harvey?

22 MR. FINDLEY: No, I don't. I think that the school
23 superintendent -- the AG wrote an opinion on that question
24 because the school superintendent question came up in some
25 county as to whether or not the constitution itself vested

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1 some powers in the school superintendent by referring to him,
2 by saying he should be chief administrative officer of the
3 board, and in the context the AG held, and I think correctly,
4 that school superintendents' powers are really in the law
5 32-10.

6 Although it should be general law, I think that it
7 would be far different situation than it is now if there were
8 any connotation that a local law could start fiddling with
9 the powers and duties of the school superintendent.

10 The school superintendent's powers are in Chapter
11 32-10, School Laws title of the education laws, and I do not
12 think that the language "shall be chief executive officer
and administrative officer of the board" in context with
14 "shall have such qualifications, powers and duties as
15 provided by law" has the effect of giving a constitutional
16 grant of powers to that office. I think for that officer's
17 powers he has to look to the law, but it's the general law.

18 MR. HILL: Maybe we should specify that, then,
19 "by general law."

20 MR. FINDLEY: I'm inclined to think that. That
21 would be the status now.

22 I think in the context that you're talking about the
23 superintendent in the present provision of the constitution,
24 placed in context that his powers and duties are by general
25 law. The only thing that could be changed by local law is

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1 how he is elected or appointed, et cetera. That could be
2 changed by local law.

3 MS. GREENBERG: And also the residency requirements
4 may be changed by local law. That's under 5(b), page 67,
5 the term of office, the residency requirements and the method
6 of election may be changed by local or general law.

7 MR. FINDLEY: That's right, residence requirements,
8 it is in the local law, they have that.

9 In other words, as Vickie points out, under the
10 present provision of the constitution, you know, all that
11 lead-in language, the term of office of a county school
12 superintendent, the residence requirements and method of
13 their election or appointment may be changed by local or
14 special law conditioned on referendum, then it goes on to
15 say the county school superintendent shall have such
16 qualifications, powers and duties and compensation as may be
17 provided by law.

18 Now, law there in the context that it appears has
19 to mean general law because you're just talking about what
20 you could do in local law, and as you rewrite it I think --
21 it would seem to me unless you by policy decision want a
22 local law to fiddle with the powers and duties of the school
23 superintendent you need to make it clear here that you're
24 talking about general law when you talk about powers and
25 duties of the county school superintendent.



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1 CHAIRMAN THORNHILL: Is there any basic difference
2 between executive officer and the chief administrative
3 officer?

4 MR. ASHLEY: I wouldn't think so.

5 MR. HILL: That is a good question, though. Should
6 we stick with the language that we now have? There wasn't an
7 intention to change it. Maybe the court would strain to
8 find a difference if we didn't use the same language; maybe
9 we should go back to "shall be the executive officer of the
10 board," and since we're not intending to make a change and
11 that language is as good, maybe we should go back to it.

12 MR. GREENE: Instead of the chief --

13 MR. FINDLEY: Yes.

14 MR. ASHLEY: This is another good discussion. As
15 you know, with 117 of 187 elected in the state, superin-
16 tendents elected, my judgment would be to leave it like the
17 language is rather than change it right at this point because
18 that opens up a lot of loopholes if you start changing wording
19 relating to that office.

20 MR. HILL: This came from the '64 proposed
21 constitution, and I'm not sure whether they had in mind
22 anything different. It might have been just at the time it
23 sounded better and seemed to be more descriptive, but this
24 committee certainly didn't have a desire to change the
25 present meaning.



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1 MR. ASHLEY: As far as terminology, I think in the
2 profession itself chief executive officer is very acceptable,
3 but you see an elected superintendent is a county officer
4 ex officio secretary and chief administrative officer both
5 I believe is what it says in all that language there, so
6 I would keep that as clean or just like it is rather than
7 change it right at this point.

8 MR. HILL: The language would read the executive
9 officer, not the chief executive officer.

10 CHAIRMAN THORNHILL: Executive officer just as it
11 stands.

12 MR. ASHLEY: Which implies to me executive officer.

13 MR. HILL: Right.

14 CHAIRMAN THORNHILL: Who shall have such qualifica-
15 tions, powers and duties as provided by --

16 MR. HILL: General law.

17 CHAIRMAN THORNHILL: -- general law.

18 Members of the committee, is everyone in agreement
19 with that?

20 MRS. WALTON: Yes.

21 MRS. COOK: Yes, it's all right with me.

22 MR. GREENE: Yes.

23 CHAIRMAN THORNHILL: Okay. Are there other
24 questions on Paragraph III?

25 Let's go to Paragraph IV, Changes in School Boards



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1 and Superintendent.

2 The composition of school boards and the term of
3 office and methods of selecting board members and school
4 superintendents shall be as provided by law applicable
5 thereto on June 30, 1983, but may be changed thereafter by
6 general or local law, conditioned upon approval by a
7 majority of those voting in a referendum in the system
8 affected.

9 Any comments about that?

10 MS. GREENBERG: I'm just wondering whether some of
11 this language is superfluous. Could we just cut some of the
12 reference to June 30th and say the composition of school
boards and the term of office and methods of selecting board
14 members and school superintendents may be changed by general
15 or local law, conditioned upon approval by a majority of
16 those voting in a referendum in the system affected? Or do
17 you think it is important to refer to that point of June 30,
18 1983?

19 MR. FINDLEY: It seems to me it would be important
20 to do that because you have eliminated the paragraph which
21 is really the old paragraph that forms the source of all
22 local school boards originally, the grand jury appointed
23 boards, and that paragraph having been eliminated so the
24 constitution doesn't speak really then to the formation, the
25 composition of school boards. It says there will be school



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1 boards, but it doesn't say how they're brought about as you
2 have revamped this, so it seems to me that some language is
3 needed for a recognition in the constitution that existing
4 school boards are continued inasmuch as the other paragraph,
5 let's say the parent of all the school boards originally has
6 been eliminated.

7 There are several other points about that paragraph
8 that I would like to raise, Mr. Chairman.

9 CHAIRMAN THORNHILL: Sure. Go ahead.

10 MR. FINDLEY: The technical kind of problems that
11 have come up over the years with this paragraph, and I don't
12 know whether you all have made a resolution of those problems
or some of the policy issues that would be involved.

14 One of those is whether or not your intention here
15 is to require any change in a school board to be conditioned
16 on a referendum, any change hereafter, because the present
17 language in the constitution, I don't much think this language
18 would change it as has been construed, and this language was
19 construed in what I thought was a very wierd decision by the
20 Supreme Court in a DeKalb County case as being cumulative of
21 existing local constitutional amendments, so that if an
22 existing local constitutional amendment authorized the
23 General Assembly to revamp a board of education without the
24 necessity of a referendum, then it could be done under that
25 local constitutional amendment. I never thought the



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1 constitution meant that, but the court said they meant it
2 because they leaped on the word "may" as the operative word
3 when it seems to me the context of the present constitution
4 the operative word is "conditioned upon approval," but at
5 any rate if it is your intention that no school board will be
6 revamped in the future without a referendum on it then I
7 think you need to reword this a little bit.

8 If it is your intention that it remain cumulative
9 of any authority given to the General Assembly by local
10 constitutional amendments, then this language would probably
11 do it because in that respect I think the court would still
12 probably construe it the way it was, although not necessarily
because it's rewritten, but that's one issue.

14 Another one is whether or not --

15 CHAIRMAN THORNHILL: Okay. Is the other issue tied
16 to that?

17 MR. FINDLEY: Yes, sir.

18 CHAIRMAN THORNHILL: Okay.

19 MR. FINDLEY: The other issue is whether or not a
20 local law could provide for the nonpartisan election of
21 school board members, and folks have disagreed on this ever
22 since it was put in the constitution in 1966.

23 I have always thought that the bare language
24 itself would clearly authorize local law to set up a non-
25 partisan election. Other people disagree with that, that



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1 the election code controls.

2 It's clear as a result of the Supreme Court
3 decision that the election code superceded existing non-
4 partisan election provisions that were in place at the time
5 the election code was adopted, but it did not resolve the
6 issue as to whether or not any subsequent local act could
7 reinstate nonpartisan elections.

8 I thought that it did. Charlie Tidwell and other
9 folks have always thought that it did not. You might want
10 to resolve that one way or the other as to whether or not
11 local acts could deal with the question of nonpartisan
12 election of school board members, might clearly address it.

CHAIRMAN THORNHILL: Okay. Let's go to the first
14 point that you raised, and that was what is the intention
15 of the committee in terms of changing the methods of selecting
16 local boards of education.

17 It was my thinking that it was the intention of the
18 committee that it would be changed only upon local referendum.
19 What was your thinking on it?

20 MR. GREENE: Yes, I think that we strived to put it
21 in the hands of the local citizens, and that was the way we
22 felt they could have the input, that if they wanted it
23 changed they could do so through a referendum. That was my
24 thinking.

25 MRS. WALTON: That was my understanding.



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1 MRS. COOK: Yes.

2 CHAIRMAN THORNHILL: You're saying if that was our
3 intention we need to look at the wording?

4 MR. FINDLEY: Yes, sir, because to me I would raise
5 that as implementing that intention, but the present provision
6 of the constitution is even clearer I thought that all changes
7 in local school boards had to be conditioned on a referendum,
8 but the Supreme Court of Georgia did not read it that way;
9 they read it as being cumulative of existing local constitu-
10 tional amendments, and it was a DeKalb County case involved
11 there.

12 CHAIRMAN THORNHILL: How would you suggest it be
changed?

14 MR. FINDLEY: Well, related to that is -- I'm a
15 little bit perplexed with the reference to general or local
16 law. What is the intention there? Since we're dealing with
17 a school board, it would necessarily be a local law.

18 MR. HILL: I don't think it's necessary -- I think
19 it was in the '64 proposal and that's how it first appeared
20 here. We haven't until now addressed that question, but I
21 would suppose that there would be no need for that general
22 law by referendum to change it unless the committee wanted to
23 allow that.

24 I mean we have used that procedure in other parts of
25 the constitution. If there was an interest in fact in having



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1 a statewide uniform method of election or appointment of the
2 school board or superintendent, then this would be an
3 opportunity to do it without amending the constitution, so
4 I'm not sure if it does any harm either.

5 I mean it may be very farfetched and unlikely and a
6 remote possibility this would ever happen, but wouldn't this
7 allow for a uniform change that would apply statewide across
8 the board?

9 MR. FINDLEY: Does it contemplate a referendum on
10 the general law?

11 MR. HILL: That's what we have required here. It
12 would be like a constitutional amendment, but it wouldn't be
because it would be just a law that people had to approve.
14 But this committee was not of the mind to try to bring about
15 radical changes in the way we were doing things presently,
16 and so this may just open all kinds of problems we don't have.

17 MR. FINDLEY: If it were the intention -- I thought
18 we might have two things in mind.

19 You might want to set up a mechanism by general law
20 where school boards could be revamped locally without
21 legislative intervention, without having the general law
22 pursuant to a petition and a referendum or action like that.

23 If it is to set up a uniform system by general law
24 for the election of school boards I doubt if this will do it
25 because the way it's conditioned, it's put on approval by a



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1 majority of those voting in the referendum in the system or
2 district affected, which means that all 187 school systems --

3 CHAIRMAN THORNHILL: Would have to approve it.

4 MR. FINDLEY: A concurrent majority would have to
5 approve it.

6 CHAIRMAN THORNHILL: You can just strike that out
7 because that won't ever happen.

8 MR. FINDLEY: The chances are fairly slim that that
9 would happen, so --

10 MR. ASHLEY: Very.

11 MR. FINDLEY: On the other hand, to have a
12 mechanism where the General law could speak to setting up a
13 system whereby the residents of the school district by a
14 certain percentage of them could petition to change the board
15 from five members to seven or whatever, and then that would
16 mandate holding a referendum on that question; that kind of
17 thing could be a constructive flexibility for the General
18 Assembly to have at some point.

19 I thought that was probably what you were trying to
20 get at.

21 MS. GREENBERG: That's the intent. I think as long
22 as the -- To me when I read this I don't see a method set
23 up for the General Assembly --

24 MR. FINDLEY: I doubt it would be that. If it's a
25 local matter it's probably going to be treated as a local



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1 matter, and the present provision confines this authority to
2 local law.

3 MS. GREENBERG: If we wanted to require that
4 referendum, could we say something like "but may be changed
5 hereafter by local law which must be conditioned -- which must
6 be approved by a majority of those voting"?

7 MR. FINDLEY: Or only -- in other words, it may be
8 thereafter changed only pursuant to local law conditioned
9 upon approval by a majority of those voting in a referendum
10 in the system or district affected.

11 Now, how the court could read that to be cumulative
12 of existing local constitutional amendments I don't know, but
-- I don't think they could.

14 I think the court just misread what the constitution
15 says.

16 CHAIRMAN THORNHILL: Give us that again.

17 MR. FINDLEY: But may be changed thereafter only
18 pursuant to local law, or only by local law conditioned upon
19 approval of the majority of those voting in a referendum in
20 the system or district affected.

21 It seems to me that would cast it in bronze that any
22 changes in the future would have to have a referendum on it.

23 MRS. WALTON: What we meant was the local people to
24 decide --

25 MR. HILL: You see, if there's been a local



1 constitutional amendment that's authorized the General
2 Assembly to do this without a referendum, the people of that
3 area have already spoken, they have already had an opportunity
4 to decide whether they wanted to have to vote on this again
5 or not; they have said "No, it's all right with us in this
6 jurisdiction if the General Assembly adopts this change
7 without our voting on it again," and --

8 CHAIRMAN THORNHILL: Do we have that situation?

9 MR. FINDLEY: The local constitutional amendment
10 involved dated back to originally 1947, and it was amended
11 itself in 1963.

12 I think the intention of the language in the present
13 constitution was clearly to require -- I hate to argue with
14 the court, because what they say the constitution means is
15 what the constitution means, right -- but the intention, I
16 feel clear in my mind it seems to me what the language did was
17 to say that all changes in school boards could be done if you
18 put a referendum on it by local law. Before that time, the
19 only way you could change it was by another constitutional
20 amendment, so this was a reform to avoid the necessity of
21 local constitutional amendments, but as a swap-off to that
22 it was to require a referendum on the change.

23 The court said that it's cumulative. I think they
24 would read this language as being cumulative as you've got it.

25 MR. HILL: Without that change you recommended.

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1 MR. FINDLEY: That's right.

2 MR. HILL: Which you think might help.

3 MR. FINDLEY: When you say only pursuant to local
4 law, it seems to me that it would preclude their amending the
5 consitution by traditional construction.

6 MR. HILL: Unless they get another local amendment
7 authorizing them to get around this, but there's nothing we can
8 do about that.

9 CHAIRMAN THORNHILL: All right. The members of the
10 committee, are you in agreement that it should be -- that we
11 should change it then as has been suggested to read "but may
12 be changed thereafter only by local law conditioned upon
approval by a majority of those voting in a referendum in the
14 system affected"?

15 MR. GREENE: Yes.

16 MRS. WALTON: Yes.

17 MR. GREENE: I don't think that destroys our intent.

18 CHAIRMAN THORNHILL: All right. The other point
19 that you raised was about nonpartisan elections.

20 MR. FINDLEY: Should a local law -- that's the
21 point -- should the general assembly have the authority by
22 local law to provide for nonpartisan elections of school
23 board members and therefore supercede the Title 34 of the
24 election code.

25 I think that question has not been resolved by the

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1 court except the question that arose in DeKalb County again
2 that said the election code superceded the 1956 DeKalb County
3 law providing for nonpartisan elections of school board
4 members.

5 CHAIRMAN THORNHILL: What about superintendents?

6 MR. FINDLEY: It did not answer the question whether
7 or not subsequent to that pursuant to this authority you could
8 go back in and reinstate it.

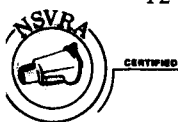
9 I think the better opinion probably is that the
10 election code would probably prevail if that case did come up,
11 and if that is what you want for the election code to prevail
12 then maybe this language would be all right because it's
essentially the same as the present language.

14 If you want to resolve it clearly one way or the
15 other, then I think that you could do that as you rewrite
16 this paragraph.

17 CHAIRMAN THORNHILL: That's an issue we have not even
18 discussed, and that is nonpartisan elections for board members
19 and superintendents.

20 I don't think we would -- I think if you went that
21 route I don't think you would want the superintendent to be
22 involved in partisan politics either.

23 MR. FINDLEY: That's right. There are certainly
24 some considerations involved as DeKalb County concluded way
25 back in 1956 that school board members really ought not to



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1 be a partisan thing; good public policy indicates they maybe
2 ought to be nonpartisan, those elections ought to be non-
3 partisan. The General Assembly would have the flexibility to
4 do that by general law, clearly. They could amend the election
5 code, and proposals have been offered from time to time to do
6 that. They haven't been passed, to set up a general policy
7 of nonpartisan election of school board members.

8 The question is do you want the General Assembly to
9 have the flexibility to do that by local act.

10 CHAIRMAN THORNHILL: I think we've got to answer
11 the question first about nonpartisan.

12 Joe, you are a board member. What is your feeling?

MR. GREENE: Nonpartisan.

14 CHAIRMAN THORNHILL: Nonpartisan.

15 MR. GREENE: Yes.

16 MRS. COOK: Partisan.

17 CHAIRMAN THORNHILL: Partisan.

18 MRS. COOK: Yes.

19 MR. HILL: Am I wrong in thinking the language we
20 have in this draft which states the methods of selecting board
21 members shall be as provided by law on the effective date of
22 the constitution -- I mean on June 30, 1983 -- would cover
23 the nonpartisan versus partisan situation? If it was non-
24 partisan, isn't that the method, isn't that a very important
25 part of the method of selecting, or is that what he's saying



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1 has been questionable whether that is really within this
2 method of selecting?

3 MR. FINDLEY: I thought the method of selecting was
4 always broad enough, the bare language which said the General
5 Assembly can do all these things by local law conditioned on
6 a referendum, including the method of -- providing for the
7 method of selecting, that that was broad enough to authorize
8 a local law to set up nonpartisan elections, but it has always
9 been a question that folks can't agree on.

10 We got painted into a corner one time. One person
11 on our staff said it was one way, and another one said it was
12 another way, so we shed a lot of heat if not light on the
question.

14 I'm just suggesting to you that it is a problem
15 under the present language of the constitution, and it would
16 be a problem under this language.

17 You could resolve it if you want to one way or the
18 other.

19 CHAIRMAN THORNHILL: We could resolve it simply by
20 putting the proper language in here, which would allow by
21 local law the amendment to the election code.

22 MR. FINDLEY: Yes, sir.

23 CHAIRMAN THORNHILL: Which would leave it in the
24 hands of the local people as to whether or not they wanted to
25 continue partisan or nonpartisan.



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1 MR. FINDLEY: Right.

2 MR. HILL: Would you want that submitted to a
3 referendum as well, that change, or not necessarily?

4 CHAIRMAN THORNHILL: I think by referendum.

5 MR. HILL: Then I would say we should just clarify
6 methods of selecting board members or school superintendents,
7 including partisan or nonpartisan elections shall be as
8 provided by law on this date, and then thereafter can only be
9 changed by local law subject to referendum. Wouldn't that --

10 MR. FINDLEY: It would if you want to come down on
11 the side it would have to be done by local act.

12 CHAIRMAN THORNHILL: Joe, what is your feeling on
that? Do you think that would do it?

14 MR. GREENE: I think it would.

15 CHAIRMAN THORNHILL: We've got two opposite ends
16 here.

17 MRS. COOK: Our guns are still in the holsters.

18 (Laughter.)

19 CHAIRMAN THORNHILL: We will keep them that way.
20 All right.

21 MRS. WALTON: That's fine.

22 CHAIRMAN THORNHILL: Okay.

23 What we're doing now is we are going to allow the
24 local system people by referendum to determine whether it will
25 be partisan or nonpartisan.

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1 MR. GREENE: That's right.

2 MS. GREENBERG: Would you read that language again?

3 CHAIRMAN THORNHILL: Mel.

4 MR. HILL: We may have to look at this longer.

5 The method of selecting board members and school
6 superintendents, including partisan or nonpartisan election,
7 shall be as provided by law.

8 I'm not sure, we'll have to look at it further, but
9 that is the idea to clarify that by method of selecting we
10 mean to include partisanship.

11 CHAIRMAN THORNHILL: Okay.

12 Any other questions about the changes in the school
boards and superintendents?

14 Okay. Let's go to Paragraph V, Power of Boards to
15 Contract with Each Other.

16 (a) Any two or more county boards of education,
17 independent school systems, or area boards of education, or
18 any combination thereof, may contract with each other for the
19 care, education and transportation of pupils and for such other
20 activities as they may be authorized by law to perform.

21 I don't have any problem with that one. Does
22 anyone?

23 MR. GREENE: No.

24 MR. HILL: That's the same identical language we
25 have in the present constitution. Perhaps you might say any



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1 two or more county boards of education, boards of education
2 of any independent school system or area boards of education;
3 it's like the boards are the contracting unit as opposed to the
4 system, so it would just clarify that some.

5 MS. GREENBERG: Do you feel just by saying any two
6 or more boards of education may contract, or any two or more
7 boards of education or combination thereof may contract is
8 too simplistic, that would possibly confuse things if they
9 don't sit there and --

10 MRS. COOK: Why not spell out boards of education?

11 CHAIRMAN THORNHILL: They all have boards.

12 MR. HILL: That's the only legal entity capable of
contracting.

14 CHAIRMAN THORNHILL: I don't see anything wrong with
15 that.

16 MR. ASHLEY: No.

17 CHAIRMAN THORNHILL: Let's simplify it, then.

18 MS. GREENBERG: Any two or more boards of education
19 or any combination thereof -- any two or more boards of
20 education may contract with each other?

21 CHAIRMAN THORNHILL: Yes.

22 Okay. (b). The General Assembly --

23 MR. HILL: Wait a minute. I didn't get that.

24 CHAIRMAN THORNHILL: I'm sorry. Any two or more
25 boards of education may contract --

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1 MR. GREENE: Just deleting that --

2 CHAIRMAN THORNHILL: Okay.

3 (b) The General Assembly may provide by general law
4 or local law for the sharing of facilities or services by and
5 between local boards of education, under such joint
6 administrative authority as may be authorized.

7 I think the key change in that was joint administra-
8 tive authority.

9 Presently one board has to be the administrative
10 authority, it can't be a joint kind of thing, and in this it
11 can be joint.

12 MS. GREENBERG: Do you feel that would solve that
13 problem?

14 MR. FINDLEY: I think it would. I think it seems to
15 me it's a very constructive change in the constitution,
16 assuming that the contracting between school systems ought to
17 be encouraged, because I think that will indeed free up --
18 I think it is a real hangup in contracting because the
19 case law indicates under the present provision of the
20 constitution just as you pointed out that they can contract
21 all right, but one school system has got to control the
22 facilities, and I think that discourages contracts.

23 In a way it would be nice to tie it back into
24 Paragraph (a), if you said something like the General
25 Assembly may provide by general or local law for the sharing

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1 of facilities and services provided between local boards of
2 education under such joint administrative authority as may be
3 authorized, and something like and for such purposes such
4 local or general law may effect the contracting authority
5 provided for in subparagraph (b) above.

6 In other words, you could pass a general law
7 authorizing school systems to contract with each other and
8 share facilities in those kinds of contracts. The authority
9 would be self-executing if it were contracts as the kind of
10 contracts we have now, but the authority could be spelled out
11 by general law or local law for that matter when the contract
12 involved a sharing of facilities, because it was the
13 construction of this contracting power in (a) by the court
14 that prohibited sharing facilities being separately stated.
15 I don't want to strain at gnats here, because I think it's
16 all right like it is.

17 MS. GREENBERG: Just combine the two into one
18 paragraph, rather than just making a long list of phrases or
19 words together just combine (a) and (b), and that would imply
20 they are related?

21 MR. FINDLEY: I think it's implied as it is. As I
22 say, I won't strain at gnats here because it seems to me that
23 paragraph overcomes that court decision and presents the
24 problem, but it was a construction of the contracting power
25 that gave rise to the problem to begin with, you see what I

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1 mean.

2 CHAIRMAN THORNHILL: I believe we have corrected
3 that. Like you say, there's nothing really wrong with the way
4 it is here.

5 MR. FINDLEY: No, sir.

6 CHAIRMAN THORNHILL: Okay.

7 MR. FINDLEY: I think it would accomplish the
8 objective intended as it's stated.

9 CHAIRMAN THORNHILL: I think it's much needed to
10 facilitate this contracting between systems, especially in
11 light of some of the special education provisions that we have
12 to take care of now. I think it's great.

13 Do the members of the committee have any comments
14 about this other than the changes that were made, and that is
15 to simplify it?

16 Okay. Let's go on then to Paragraph VI,
17 Independent Systems Continued; New Systems Prohibited.

18 Authority is hereby granted to municipal corpora-
19 tions to maintain existing independent school systems, and
20 support the same as authorized by general or local law. No
21 independent school system shall hereafter be established.

22 MR. HILL: This is essentially the same as the
23 present language, except we have omitted, which this decision
24 was made early on to omit the authority for the systems to
25 add thereto colleges.



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1 Remember that's in the present constitution. It
2 was the decision some time ago to eliminate that provision.

3 CHAIRMAN THORNHILL: Any questions on that one
4 from any members of the committee?

5 Okay. Let's move right along then to Paragraph VII,
6 Special Schools.

7 The General Assembly may provide by general or
8 local law for the creation of special schools in such areas
9 as may require them, and may provide for the participation of
10 local boards of education in the establishment of such
11 schools under such terms and conditions as it may provide.

12 Notwithstanding subparagraph (a) above, no political
13 subdivision may be authorized to incur bonded indebtedness
14 or may require the levy of a school tax for the support of
15 such schools without a referendum being held thereon. Any
16 such schools shall be operated in conformity with regulations
17 of the State Board of Education pursuant to provisions of law.
18 The state is hereby authorized to expend funds for the support
19 and maintenance of such schools in such amount and manner as
20 may be provided by law.

21 Nothing contained herein shall be construed to
22 affect the authority of local boards of education or of the
23 state to support and maintain special schools created prior
24 to June 30, 1983.

25 Any questions on that?

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1 MS. GREENBERG: On reading this I'm slightly
2 confused with that Paragraph (a), areas. Are we referring
3 to --

4 MR. HILL: No. Areas was intended to just mean
5 in such places or in such -- not area boards.

6 MS. GREENBERG: You mean like a geographic area,
7 like types --

8 MRS. COOK: Do you want to say systems here or
9 districts or locations?

10 MS. GREENBERG: I think that refers to types of
11 schools, doesn't it, refers to whether it's a school for
12 adult education or for vocational education or for --

13 MR. HILL: It would have to be supported usually
14 area-wide, that's why I was thinking of it because it covers
15 -- it's a school for let's say the deaf, and it's meant to
16 cover the entire geographic region.

17 MRS. COOK: That's what I was thinking about,
18 geographical area.

19 MR. HILL: I didn't intend this to mean it has to be
20 an area school board or area school district, which this
21 would be just --

22 MRS. COOK: Then would locations be more accurate,
23 then?

24 MR. GREENE: Or territory?

25 MR. HILL: I think I like area better.

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1 Or spots in the road?

2 (Laughter.)

3 MR. GREENE: It does leave it open for question
4 when you say area.

5 MRS. COOK: I really don't think so since we have
6 used the term area to mean pretty much the same thing.

7 MR. HILL: How about region?

8 CHAIRMAN THORNHILL: We're talking about special
9 schools, and special schools is interpreted as vocational
10 schools, et cetera.

11 MRS. WALTON: I think area would be a different
12 thing than what we were talking about while ago.

13 MRS. COOK: You think it means a different thing
14 here?

15 MRS. WALTON: Yes.

16 MRS. COOK: I don't think we should use the same
17 word with several different meanings.

18 MR. HILL: That's right. I don't think we want to
19 generate controversy where we don't intend it, so I would agree
20 with you there.

21 CHAIRMAN THORNHILL: Circle that, and we'll let it
22 stand for the time.

23 MR. HILL: I would like to ask Harvey if he has had
24 a chance to look at this provision on special schools because
25 this is something that we had come up with and tried to

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1 carry forward the authority of the General Assembly to provide
2 for this, and also to carry the limitations of indebtedness
3 and taxation, but not to affect any schools created prior to
4 this time. So that was our intention; I'm not sure if it
5 was accomplished by this language.

6 Do you see any problems with it?

7 MR. FINDLEY: I think generally it seems to me it
8 does accomplish it, Mel.

9 I think there is a technical problem in Paragraph
10 (b). The use of areas in the context of Paragraph (a)
11 doesn't trouble me because it seems to me that it could only
12 mean areas as you intended here in this context. It's a
different context entirely from the use of areas when we talk
14 about area school systems, but in (b) it seems to me there is
15 a technical problem because -- and it is technical -- but
16 technically if you may require the levy of school tax for
17 the support of special schools, you can't do it without a
18 referendum being held thereon, but technically if you have a
19 referendum it could be beat 999 to one and you could still
20 do it, you see.

21 MR. HILL: Yes, I see. Approval of a majority of
22 the --

23 MR. FINDLEY: You really need to try to borrow this
24 language you've got up in Paragraph IV and modify it to put
25 down there, because it's not --



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1 CHAIRMAN THORNHILL: I was going to raise that same
2 question.

3 MR. FINDLEY: It's not a question of a referendum,
4 it's a question of it being approved.

5 CHAIRMAN THORNHILL: And that is local too a
6 referendum of the system or systems that would be affected.
7 Right?

8 MR. HILL: Yes, that's right.

9 CHAIRMAN THORNHILL: Anything else about Paragraph
10 VII?

11 MS. GREENBERG: Paragraph VII(c), is that necessary
12 since there is some controversy as to whether or not any
13 schools have been established pursuant to this provision,
14 and if there are no schools established pursuant to it, then
15 why is it necessary.

16 MR. HILL: I guess what worried me was what's in
17 there now where it says that special schools established
18 prior to November 8, 1966, pursuant to amendments to Article
19 VII, Section VI of the constitution of '45 shall not be
20 affected by this paragraph. I thought they must have
21 something in mind.

22 MR. FINDLEY: I think there is a couple of them.

23 MRS. WALTON: I think we need it there.

24 CHAIRMAN THORNHILL: I think we need to have that
25 protection for the schools.

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1 Okay. Are we ready to go to Section VII, Local
2 Taxation for Education?

3 MR. HILL: Before you start, Mr. Chairman, I will
4 explain what happened here.

5 The last time we had one paragraph that stated that
6 all school systems will be treated alike, and that would mean
7 that the board of education would certify the millage rate to
8 the fiscal authority, and the fiscal authority would have to
9 levy that, and we decided that all the county, independent
10 and area would all be treated alike and one paragraph would
11 try to do that.

12 On further thought at the last meeting it was
13 decided that the independent systems should be allowed to
14 continue the way they're operating, but the General Assembly
15 should be authorized at some later time by law to in fact
16 bring the procedure of the independent systems into
17 conformity with the present county and area systems, so
18 what happened here is that we have broken out the county
19 school systems, the area school systems, and then instead of
20 referring to the independnet systems we just stated that all
21 of those that are operating otherwise can continue until it's
22 changed, and that's (e), so I thought that would help you
23 understand this new draft.

24 CHAIRMAN THORNHILL: Okay. Let's take Paragraph I
25 (a).

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1 The board of education of each county shall annually
2 certify to the fiscal authority of the county a school tax
3 for the support and maintenance of education, not greater
4 than twenty mills per dollar. Said fiscal authority shall
5 annually levy said tax upon the assessed value of all
6 taxable property within the county located outside any
7 independent school system or area school district therein.

8 Comments or questions on anything contained in (a)?

9 MR. GREENE: Isn't that pretty consistent with how
10 it reads now?

11 MR. HILL: Yes, it is.

12 CHAIRMAN THORNHILL: Okay. Gary?

13 MR. ASHLEY: No.

14 CHAIRMAN THORNHILL: (b) The board of education of
15 each area school district shall annually certify to the
16 fiscal authorities of the territories comprising the area
17 school district a school tax for the support and maintenance
18 of education in such amount and within such limits as may be
19 prescribed by local law applicable thereto, but such tax
20 shall not be greater than twenty mills per dollar. Said
21 fiscal authority shall annually levy said tax upon the
22 assessed value of the taxable property located within the
23 area school district, in accordance with such certification.

24 MS. GREENBERG: Are we changing district to system
25 also in this paragraph (a), (b), (c), (d) and (e)?



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1 CHAIRMAN THORNHILL: Located within the area --
2 should that be "of the school system"?

3 MRS. COOK: Why not just take out the word "area"
4 and say school system for this context.

5 MR. HILL: We're going to use system throughout in
6 accordance with our earlier decision?

7 CHAIRMAN THORNHILL: We're talking about this --
8 Okay, I see what we're talking about here. This is where
9 you have broken out the area school, this is where we had the
10 combination -- is that what we're talking about here?

11 MR. HILL: In (b).

12 CHAIRMAN THORNHILL: Yes.

MR. HILL: Yes.

14 CHAIRMAN THORNHILL: I'm dense.

15 MR. HILL: (a) is the county, and that's as it is
16 now, and (b) the function is the same, and we would put it
17 all together in one paragraph just for clarity's sake.

18 CHAIRMAN THORNHILL: I've got you. This would be
19 area school system.

20 MR. HILL: Yes, school system.

21 MR. FINDLEY: It might help it if you changed
22 outside, if you said outside the boundaries of any
23 independent or area school system instead of area.

24 MR. HILL: In (a), okay.

25 MS. GREENBERG: Instead of saying each county?



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1 CHAIRMAN THORNHILL: Okay. Any other comments about
2 paragraph (b), Paragraph I, Section (b)?

3 Okay. Are we ready to go to (c)?

4 School tax funds shall be expended only for the
5 support and maintenance of public schools, public education,
6 and activities necessary or incidental thereto, including
7 school lunch purposes.

8 Of course, we started off on that at the very
9 beginning of the meeting as to what has been held as being
10 legal in terms of expenditures for the support and maintenance
11 of public schools.

12 MS. GREENBERG: This is the exact language of the
present constitution.

14 MR. ASHLEY: Don, can I raise a point? When you
15 say public schools and then you say public education, what
16 is the reasoning there?

17 The question is, does public education go beyond
18 the system of public schools is what I'm asking.

19 MS. GREENBERG: It sounds redundant. I have not
20 seen any opinions as to any controversy between the two,
21 but I can see taking one out.

22 MR. ASHLEY: Public schools constitute the public
23 education system.

24 CHAIRMAN THORNHILL: Unless someone just wanted to
25 interpret public schools as being facilities only.



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1 MR. ASHLEY: Right. Okay.

2 MR. FINDLEY: Or K through 12.

3 CHAIRMAN THORNHILL: Right.

4 MS. GREENBERG: Are we in agreement to keep them
5 both in?

6 CHAIRMAN THORNHILL: It doesn't bother me.

7 Okay. Let's go to (d).

8 The twenty-mill limitation provided for in this
9 paragraph shall not apply to those counties, area school
10 districts -- systems or independent school systems which are
11 authorized on June 30, 1983, to levy a school tax in excess
12 thereof.

13 That simply takes care of any school system who
14 has gone beyond the twenty-mill limitation. Any questions
15 on that?

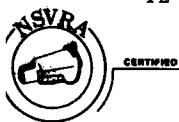
16 MR. HILL: We could probably say apply to those
17 school systems, now that we have reduced this --

18 CHAIRMAN THORNHILL: Good.

19 MR. HILL: Any problem with that? Does not apply
20 to those school systems which are authorized to levy --

21 CHAIRMAN THORNHILL: That's fine.

22 MS. GREENBERG: The necessity for (d) was because
23 the committee decided we wanted to keep a limitation in the
24 constitution, we do not want to give carte blanche, too much
25 at once.



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1 CHAIRMAN THORNHILL: Right. Okay, (e).

2 The method of certification and levy of the school
3 tax provided for in this paragraph shall not apply to those
4 systems that are authorized on June 30, 1983, to utilize a
5 different method of certification and levy of such tax, but
6 the General Assembly may by general or local law require that
7 such systems be brought into conformity with the method of
8 certification and levy hereinabove provided.

9 MR. HILL: This is a first draft.

10 (Laughter.)

11 MS. GREENBERG: Besides independent systems this is
12 supposed to address the problems of pre-1877 school systems
that may have a different method.

14 CHAIRMAN THORNHILL: That's you.

15 MRS. COOK: Amen.

16 Does this straighten it out? Does this solve our
17 problem?

18 MR. HILL: All this does is maintain, or the
19 intention of this paragraph --

20 CHAIRMAN THORNHILL: It doesn't change anything
21 other than to give the General Assembly the authority to
22 bring the systems into conformity with the --

23 Do you have any comments about that?

24 MR. FINDLEY: I was trying to think why they
25 wouldn't have that authority now. The regular school system,



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1 regular county school system is of course provided for in
2 the constitution, the school board certifies and the county
3 governing authority has to levy it.

4 Insofar as those other school systems like an
5 independent school system, that depends on what the local
6 law says.

7 The City of Atlanta has got a system like the county
8 system spelled out in its charter, the school board certifies
9 to the governing body of the city, and the city has to levy
10 the tax -- they kind of quarreled about it, but that's what
11 is in their charter, the General Assembly couldn't change it
12 as a matter of local law, and I think Macon-Bibb, Savannah-
13 Chatham and these other pre-1877 ones would -- again, it
14 would be a local law applicable to that system, would it not?

15 I'm not sure the paragraph does anything; it may.

16 MR. HILL: Well, it evolved as a compromise
17 position between requiring them all in the constitution to
18 follow the same procedure, and this would authorize the
19 General Assembly to do it, but if they can do it already
20 then we haven't really accomplished anything and it may be
21 better just to eliminate (e) if we're not willing to go the
22 route of requiring it and in fact they can do this now, and --

23 MRS. WALTON: If it doesn't do anything, there's no
24 point in having it in there.

25 MR. FINDLEY: I think that's the case. You know,

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1 I certainly want to look into it, but I think when you go
2 back to these old systems, the pre-1877 systems and city
3 independent systems -- city systems depend on what the
4 charter or local school law says, and the pre-1877 systems,
5 Savannah-Chatham and Macon-Bibb, these kind, then it depends
6 on the local law that sets up that procedure in that local
7 law, and I don't believe there is any suggestion that the
8 General Assembly couldn't amend those local laws.

9 MR. HILL: I think we would need the grandfather
10 clause in (e), because the idea here was that we would try to
11 eliminate that sentence about pre-1877 systems not being
12 affected by the constitution because we felt there were
13 about five areas in which there were problems where they may
14 not conform to the provisions of this constitution, and one
15 of them is right here, the method of certification. One of
16 them is the millage rate, one of them is the method of
17 selection of the boards and school superintendents, and we
18 have grandfathered everybody in under everything, so we feel
19 we can -- we certainly have to have the first part of (e)
20 here, yet I think we're only arguing whether the second
21 clause that the General Assembly may provide that they be
22 brought into conformity, whether that's needed.

23 MR. FINDLEY: If you put the first part in, then I
24 agree with you. If you put the first part, then you would be
25 afraid not to put the second part.



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1 It could be read to freeze it then, freeze it like
2 it is.

3 MS. GREENBERG: It appears that this doesn't even
4 address the independent municipal systems, because Paragraph
5 I(a) addresses counties, (b) addresses areas, and the only
6 reference to others is (e), and I think possibly independent
7 systems may not even be required under this draft to have a
8 twenty-mill limit and may come under Paragraph VI under
9 Independent Systems Continued, and wouldn't that under
10 Paragraph VI provide for their levying, certification or
11 whatever method they use, so the only ones that are referred
12 to under Subparagraph (e) would be the pre-1877?

13 If you take a look at VI, it talks about authority
14 granted to cities to maintain and support existing independent
15 systems as authorized by general or local law, so that would
16 cover whatever method they use of certifying, levying and
17 whatever limit they have on their millage rate.

18 CHAIRMAN THORNHILL: Paragraph VI now, that covers
19 independent systems, and not only in their existence but in
20 the way that they are funded too, doesn't it?

21 MS. GREENBERG: Yes. I think that's what it does.

22 CHAIRMAN THORNHILL: It's the same as authorized by
23 general or local law.

24 Do we need to address them in this particular
25 section?

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1 MS. GREENBERG: Paragraph VI doesn't address the
2 millage cap, it doesn't talk about a twenty-mill limit
3 like there's a twenty-mill limit on county boards and area
4 boards.

5 CHAIRMAN THORNHILL: They don't have the twenty-
6 mill cap on them now.

7 MS. GREENBERG: Right.

8 CHAIRMAN THORNHILL: They're not tied to a millage
9 rate, they're tied to the city fathers who --

10 MR. FINDLEY: Except Savannah-Chatham, the pre-1877,
11 the independent school systems the millage rate is whatever
12 is in the charter.

13 The pre-1877 systems, the constitution speaks
14 directly to Savannah-Chatham to make the twenty-mill limit
15 apply, does it not?

16 CHAIRMAN THORNHILL: The present constitution?

17 MR. HILL: Yes, it does. We dropped out the
18 Savannah-Chatham County reference earlier because we felt
19 that we were covering it in our earlier draft.

20 Now, I haven't thought about with the changes we
21 made we're still going to be in trouble with that system.

22 MR. FINDLEY: It's technically an independent school
23 system.

24 MR. HILL: We decided long ago if we could help it,
25 and I think we can help it, we don't want to have Savannah



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1 specifically stated and listed here in the constitution.

2 MR. FINDLEY: I agree. It would be very
3 unfortunate to have to repeat that.

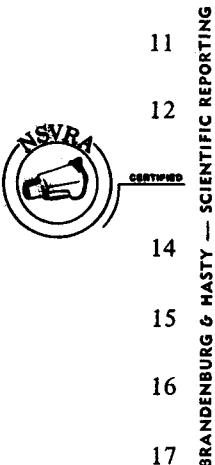
4 MR. HILL: Perhaps we need a paragraph between (b)
5 and (c) to address the independent systems and just
6 specifically state that the method of certification, levy
7 of school tax of independent systems shall be as provided by
8 law on the effective date of the constitution.

9 MS. GREENBERG: I can't see it's necessary. I
10 think paragraph (e) will cover it under Paragraph VI. I
11 don't think we even have to address them unless we want to
12 make them in conformance with the other systems, and that
would be under Paragraph VI requiring them to conform
14 under I(a) of Section VII.

15 The real problem is with the pre-1877 systems that
16 are different like in certification --

17 CHAIRMAN THORNHILL: They're covered. We've got
18 them covered with the statement down there.

19 MR. FINDLEY: The only problem at all is the
20 possibility of taking Savannah and Chatham outside of the
21 twenty-mill limit, and factually they may have removed that
22 limit so it may not be a problem. They may have got a
23 referendum and be above that limit now, but the constitution
24 specifically puts Savannah-Chatham in the twenty-mill
25 limitation, and we don't have anything left here that would



1 do that.

2 I don't know that it would present a problem from
3 the standpoint of Savannah-Chatham people anyhow if we
4 didn't take it out, but it could. In other words, it seems
5 to me you would have to find out factually what the situation
6 is down there, and do they want to be under that twenty-mill
7 limit. If they do, then it would seem to me you're going to
8 have to do something here to take the place of the fact the
9 present constitution specifically covers them.

10 CHAIRMAN THORNHILL: Why don't we just say that --
11 Mel, you can work it out, can't you?

12 MR. HILL: Try to figure out what to do with that
twenty-mill limitation.

14 CHAIRMAN THORNHILL: The twenty-mill limitation in
15 Savannah-Chatham. We could annex them to Florida or
16 something.

17 (Laughter.)

18 MS. GREENBERG: If Savannah-Chatham as a provision
19 which states it's a twenty-mill, there's no problem?

20 MR. FINDLEY: The constitution itself puts them in
21 the twenty-mill limit. Unless they have removed it, then
22 this draft would remove them.

23 MS. GREENBERG: Because of their independency.

24 MR. FINDLEY: I think if we find out factually what
25 the situation is, whether or not they would have any problem



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1 with that -- it's just you wouldn't want to surprise the
2 people down there who think they've got a twenty-mill limit
3 and find out the constitution has removed it.

4 CHAIRMAN THORNHILL: Okay.

5 MR. HILL: We could say the board of education of
6 each county, and the board of education of each independent
7 system which is coextensive with a county shall levy a
8 school tax not greater than twenty mills.

9 MR. FINDLEY: It presents a real problem in other
10 contexts trying to deal with that particular system down
11 there because of its mentinn in the constitution.

12 Certainly it can be done without continuing the
specific discussion in the constitution of Savannah-Chatham.

14 CHAIRMAN THORNHILL: You can work that out.

15 MR. HILL: Yes.

16 CHAIRMAN THORNHILL: You can also take a look at
17 (e) again, Mel. Do you think we --

18 MR. HILL: We have come full circle. I think maybe
19 we're back to feeling it better stay in here.

20 CHAIRMAN THORNHILL: Okay.

21 MR. HILL: I guess I did feel that the last clause
22 should be in conformity with the method of certification
23 and levy provided in subparagraph (a) above. Is that the
24 real method we're talking about?

25 (a) and (b) are somewhat similar, but rather than



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1 make it so cloudy I would rather just tie it back to (a)
2 if that's what we have in mind.

3 CHAIRMAN THORNHILL: Yes.

4 MS. GREENBERG: Are we also intending to bring in
5 those independent city systems under (e) that the General
6 Assembly may require the independent municipal systems --

7 MR. HILL: Yes.

8 MS. GREENBERG: I don't think this does that.

9 MR. HILL: Yes, that was the --

10 MRS. WALTON: (e) covers everything, doesn't it?

11 CHAIRMAN THORNHILL: Authorized on June 30, 1983.

12 MR. HILL: As Harvey said, you see, they can do it
13 now. All we did over in Paragraph VI was to make it clear
14 that they have the authority to continue to support these
15 systems as provided by law on the effective date of the
16 constitution, but then that law could be changed at any time
17 after that time, so this (e) would still cover independent
18 systems I think.

19 MS. GREENBERG: Even though they're not mentioned
20 under this Paragraph I, even though it only refers to counties
21 and areas. Down here in (e) when we say those systems we're
22 talking about all the systems that are different, and that
23 includes the independent?

24 CHAIRMAN THORNHILL: That's right.

25 Okay. Paragraph II, Increasing or Removing Tax Rate.

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1 The twenty-mill limitation provided in Paragraph I
2 may be increased or removed by action of the board of
3 education of the county, the area school system or
4 independent school system, but only after -- you might
5 consolidate those -- but only after such action has been
6 approved by a majority of the qualified voters voting in a
7 referendum held in the particular school system to be
8 affected in the manner provided by law.

9 MS. GREENBERG: Can't we simply say boards of
10 education, and delete all of this special reference to
11 county, area, district and so on, say by action of the
12 system's board of education --

MR. GREENE: Uh-huh.

14 MR. HILL: How about the respective boards of
15 education.

16 MR. GREENE: Something like that, yes.

17 CHAIRMAN THORNHILL: What was that, Mel?

18 MR. HILL: By action of the respective boards of
19 education, but only after --

20 CHAIRMAN THORNHILL: Any other comments on
21 Paragraph II?

22 Paragraph III, Taxation of Public Utilities for
23 Education Purposes.

24 The General Assembly may provide by law that all
25 ad valorem taxes for education purposes paid by public

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1 utilities shall be subject to collection and distribution
2 for education purposes by the state, under such terms and
3 conditions as it shall provide.

4 Of course, this is dealing with the big utilities
5 in those school systems such as, what is it --

6 MR. HILL: We had talked about this, Harvey and I
7 talked about this. We found a real snag.

8 Harvey, do you want to go ahead and address some
9 of the problems we saw with this concept?

10 MR. FINDLEY: The language itself I think from a
11 technical standpoint presents some problems even if you want
12 to do it from a policy standpoint.

13 It says the General Assembly may provide by law
14 that all ad valorem taxes for education purposes paid by
15 public utilities shall be subject to collection and so forth,
16 so technically that is referring to the ad valorem tax as
17 set by the local school district, so the local school
18 district certifies its ad valorem tax and millage rate in
19 accordance with a budget, sets the tax millage rate, and
20 that tax millage rate is applied to the public utility;
21 that's to fund a particular budget.

22 If all that money came back into the state and
23 then was distributed according to some other formula not
24 related to their budget, it would create quite a problem for
25 them, so I think you would have to authorize the General



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1 Assembly to set a uniform rate of taxation and then put that
2 money into the kitty and then distribute it out on the basis
3 of some kind of formula.

4 MRS. WALTON: They'll never do that.

5 MR. FINDLEY: The matter of trying to equalize the
6 taxing power among school districts, between school districts,
7 and what you and I were talking about, Mel, is we've had
8 very, very little impact on that and it's kind of a different
9 problem, it wouldn't really accomplish much, and the question
10 of funding district power equalization which is in the APEG
11 law now, it may take the wind out of the sails of the
12 argument, whatever wind there is in those sails to ultimately
fund EPD.

14 In other words, if you use this as a mechanism to
15 equalize the taxing power between school districts as to
16 public utilities, which I suppose is what you're talking
17 about here, then that might dilute the authority's incentive
18 to deal with proper funding of district power equalization.
19 It may be counterproductive is what I'm suggesting in the
20 long haul, but as a minimum I think it has technical
21 problems because you couldn't have the school systems setting
22 their ad valorem tax rate and then have a part of that money
23 go into a state kitty that was distributed something
24 different from -- in other words, they would set the tax
25 rate to produce \$500,000 and if the state kitty didn't send

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1 them back but \$100,000 they would have a problem.

2 MS. GREENBERG: Harvey, couldn't we provide that
3 the General Assembly could except all taxation for education
4 purposes paid by public utilities, except that tax from
5 local levy or except public utilities from local levy and
6 then instead the state assess an educational tax on these
7 public utilities that would go into a general fund?

8 MR. FINDLEY: I think that's what you would have to
9 do, and I don't believe this paragraph does it.

10 MR. HILL: As Harvey was saying, this is such a
11 drop in the bucket, that's where we -- we talked about this,
12 and the question was presented if there is a public utility
13 in this county they reap such benefits and it's not available
14 regionally, and the rates of utilities are decided on a
15 regional or statewide basis, so this is an inequity and
16 there was the thought we should try to do something about it,
17 but it's such a small drop in the bucket in terms of the
18 education funds that are available and, as Harvey was saying,
19 if this ever were authorized or provided for it might take
20 the wind out of the sails of APEG which is an effort to deal
21 with this more comprehensively, so the more we talked about it
22 the more we thought this would be just a small and very
23 insignificant contribution to a much bigger problem.

24 MRS. WALTON: It would create a lot more problems
25 than it would solve.

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1 MR. HILL: Yes, counterproductive.

2 CHAIRMAN THORNHILL: This might even -- I think
3 when we think about public utilities we think about Georgia
4 Power and this sort of thing, but aren't there some small
5 public utilities also that deal only with a local area?

6 MR. HILL: Probably local telephone companies,
7 more than just a county though. They would be a regional
8 business.

9 CHAIRMAN THORNHILL: Do we need to address this at
10 all?

11 MRS. WALTON: I think we should delete this.

12 MS. GREENBERG: But if we didn't address it, if we
left it -- you can't leave it to the General Assembly, because
14 wouldn't that -- This is sort of an earmarking and it
15 also defies the uniformity provision and things like that,
16 so if we don't address it they can't ever do it, the General
17 Assembly can't provide for some sort of a spillover fund if
18 we don't address it in the constitution. Is that correct?

19 MR. FINDLEY: That's right. There's no state tax
20 for educational purposes, so the only tax this could be
21 referring to unless you make it clear, authorize specifically
22 earmarking, that the state levy an ad valorem tax for
23 educational purposes of public utilities, put that money in a
24 kitty and then distribute it according to some kind of formula--

25 It seems to me if you want to try to deal with

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1 that, that that's the kind of language that it would take to
2 do it because this says may provide by law that all ad
3 valorem taxes for education purposes paid by public utilities.

4 Well, the only ad valorem taxes for education
5 purposes paid by public utilities is the local taxes, so you
6 have the problem of the local tax varying, fixing budgets as
7 they do, but it would all go into a kitty and the school
8 district wouldn't know how much money it was going to get
9 back to support that budget, so clearly it wouldn't work
10 like it is.

11 The larger question, of course, is whether or not
12 a tiny half-step towards funding district power equalization,
which I'm sure as all of you all know there's been conversa-
14 tion about it ever since it was put in APEG in 1974, if
15 we got this step without jeopardizing the more comprehensive
16 funding of DPE. DPE funded would make this unnecessary
17 is what I'm saying.

18 CHAIRMAN THORNHILL: We're operating very
19 informally. We could have a motion.

20 MRS. WALTON: I move we delete it.

21 CHAIRMAN THORNHILL: Does it have a second?

22 MRS. COOK: I'm inclined to -- I kind of hate for
23 us just to simply back away from that. It's a hot potato,
24 but I really don't see at this point how we can address it.
25 If we close it out of the constitution completely, then

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1 that doesn't leave any room for the General Assembly to
2 address it, and I'm just wondering if there is some kind of
3 middle ground where we can provide, make some provisions for
4 the General Assembly to look at this area without our trying
5 to say specifically how the funds would be allocated, how
6 they would be collected and so on without committing our-
7 selves to all ad valorem taxes, et cetera, et cetera.

8 I'm just asking if there is some kind of --

9 MRS. WALTON: The way it is it's not acceptable.

10 MR. GREENE: The way it is, I go with you, but I
11 hate the idea of our closing the door on any possibility at
12 all that the General Assembly could say "Look, some of these
funds should be distributed throughout the state for
educational purposes."

15 CHAIRMAN THORNHILL: Are you seconding her motion?

16 MRS. COOK: I'll second it so that the discussion
17 can be official and we can move on.

18 CHAIRMAN THORNHILL: Thank you. We have a second
19 to the motion. Now it's open for discussion and we can go
20 on.

21 MS. GREENBERG: I can understand the argument that
22 it's counterproductive to the funding of hopefully what could
23 be a very good system of financing education if that ever
24 should happen. Do you feel there's a great possibility for
25 it to happen, especially if we don't put this in, do you see

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1 any great disproportionate amount of funding?

2 MR. FINDLEY: I intended to merely raise that as
3 a possibility. I don't mean to get involved here in you
4 all's policy decision on this. I think policy-wise, if you
5 want to do something like this I think that the language that
6 you have needs to be rethought, I don't think that language
7 would do it, but it is a possibility that dealing with this
8 or authorizing the mechanism to deal with this, that if the
9 General Assembly did that then there may be a disinclination
10 if that's the right word to fund Section 47 of the APEG law
11 inasmuch as having done this.

12 That's a possibility I could see where that kind of
13 argument could be made, say "Well, we just gave them the
14 public utility money, now you all want to come in and fund
15 APEG," I mean fund EPD.

16 MRS. WALTON: Are we making progress toward that?

17 MR. FINDLEY: It's always been kind of funny to me
18 that there hasn't been that much of a movement to fund DPE
19 since it was put in the law in 1974 originally, but I think
20 I hear more noises about serious efforts to fund Section 47
21 in the last year or so than I heard before, but I can't say
22 there is any real movement to fund it.

23 Somehow it falls out of the priorities. You start
24 talking about educational priorities, and DPE falls out at
25 some early stage of the game, so --

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1 MS. GREENBERG: If we were to add something in
2 about educational taxes, how would the -- The General
3 Assembly may provide by law for a state educational tax on
4 public utilities? Would that be somewhat safe language, or
5 would that --

6 CHAIRMAN THORNHILL: That could put a tax on top of
7 the -- In other words, the utilities would be taxed
8 locally and the state too.

9 MS. GREENBERG: I understand.

10 MR. HILL: You could put in lieu of ad valorem
11 taxes paid at the local level, but the real question is
12 whether -- I mean the language could be worked on otherwise.
The question is the policy matter, and the only reason we
14 put anything in here was just so that we could talk about it,
15 but it's whether you want to address this at all or not, and
16 that is it.

17 Now, you don't want to --

18 MRS. WALTON: No.

19 CHAIRMAN THORNHILL: We haven't heard from Mrs.
20 Cook.

21 MRS. COOK: I haven't decided yet. I'm inclined to
22 think we should address it, though.

23 CHAIRMAN THORNHILL: I think we ought to address it
24 too. I don't know now, but I think it needs to be addressed.
25 I think we have a problem that needs to be addressed.

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1 MS. GREENBERG: If we don't address it on the
2 subcommittee level, it will never be addressed.

3 CHAIRMAN THORNHILL: Perhaps addressing it in the
4 manner that would allow for the collection of a statewide
5 tax and distribution on public utilities -- Of course, I
6 agree with what you say too, if we've got DPE hanging in
7 the wings out there --

8 MRS. WALTON: I think education is an important
9 factor, but the equalization seems to be the best way to go.
10 You can't do both, you can't have everything there is for
11 education, even though sometimes we want it all.

12 MR. HILL: What I was persuaded by was what a drop
13 in the bucket this would be. I mean it sounded to me when
14 we first talked about it that this would be such a
15 significant change --

16 MRS. WALTON: It doesn't mean that much money.

17 MR. HILL: I was convinced or persuaded it would be
18 such a very small part of a much bigger problem.

19 MS. GREENBERG: We can expand this concept to
20 allowing the General Assembly to provide for a state
21 education tax on many things. Why limit it to public
22 utilities? I mean allow for future expansion. If you're
23 going to put it in the constitution, you may want to provide
24 for any future changes in the method of even -- I don't know,
25 sales tax, property taxes, transportation. Who knows, you

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1 might --

2 MR. HILL: Are public utilities the main culprit
3 too? That's the other thing. We're singling them out in
4 this provision as being the major source of the problem,
5 and I don't know that that's fair to say.

6 MR. FINDLEY: Excuse me. Under the concept, when
7 I was talking to you about this, Mel, my understanding of the
8 concept was -- what you all were talking about is that you
9 really wouldn't net any more money, it would just be a matter
10 of money coming in, being redistributed, so you really
11 aren't going to increase the money available for education,
12 but you're going to set up a mechanism where a part of that
13 money would be shifted about so that the school system A
14 didn't get \$100,000, and now it got 200,000 or 170,000 or
15 110,000 or something.

16 Now, if you stack -- if you're talking about
17 stacking an earmarked tax on top of the other taxes, then
18 that would be something else where there was a net increase
19 in the revenue available and provide some kind of equitable
20 manner of distributing that. Then of course the public
21 utilities I'm sure would get all bent out of shape if you
22 asked them --

23 MRS. COOK: They would simply pass it on to the
24 consumers because it would be another tax added to the tax
25 bill.

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1 MR. FINDLEY: That's right.

2 MRS. WALTON: It would raise the utility bills.

3 MR. GREENE: Sure.

4 MR. FINDLEY: If I could add one other thing about
5 what you were saying --

6 CHAIRMAN THORNHILL: I would have to agree with you.

7 MR. FINDLEY: The provision against earmarking in
8 the constitution is pretty highly respected and a lot of
9 folks are proud of it, it's kind of a zero based budgeting
10 concept, and it's abridged with the motor fuel taxes as we
11 all know by the constitution itself, but the idea against
12 earmarking in the constitution is that each agency, all
13 moneys come into the state treasury and then each agency
14 has to come and explain how much money, why it needs this,
15 where if you earmark the proceeds of a particular tax then
16 they become less accountable, they get money anyhow, and so
17 there will be great resistance to abridging the anti
18 earmarking provision in the constitution.

19 MRS. WALTON: Education ought to be accountable like
20 everybody else.

21 MS. GREENBERG: If you're going to earmark or
22 abridge it anyway, it seems like this is probably the best
23 place to do it for the education of our citizens. I think
24 take away those other ones, take away that retirement fund
25 or whatever it is for the --



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1 MR. HILL: Firemen.

2 MS. GREENBERG: -- firemen, and take away your
3 motor fuel tax allocation earmarking, put it here where it's
4 needed.

5 Georgia ranks 48th or 51st as far as expenditures
6 per pupil.

7 MRS. WALTON: How many constitutions in the United
8 States have earmarking specifically? Do you think most
9 constitutions earmark funds in their constitutions?

10 MR. FINDLEY: I don't know if they earmark them in
11 the constitution, but I think quite a number of states, their
12 legislative bodies have flexibility to earmark proceeds of
13 a tax where in Georgia we don't. The General Assembly
14 cannot dedicate the proceeds of any particular tax to any
15 particular purpose except as Vickie points out Tom Moreland
16 and his people have got the motor fuel taxes earmarked and
17 have had for many, many years, and the firemen have got a
18 little exception to that, but the exception for the firemen
19 and the exception for the motor fuel taxes are the only
20 exceptions, and while there's been proposals over the years
21 to earmark for educational purposes, a lot of these have been
22 hotly debated and come close to passing, but there's a lot of
23 resistance to diluting the concept that each agency ought
24 to have to explain why it needs the money that it asks for
25 instead of automatically getting the proceeds of a tax

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1 arguably whether it needs it or not.

2 MRS. WALTON: If education had this priority to
3 earmark this amount of money and they came before the
4 General Assembly as the other agencies do to get more money
5 because that would not be sufficient, there might be some
6 who would say "Well, you've already gotten this," and they
7 would at some point say "We're not going to give you what
8 you need, you're already getting all of this," it might
9 make education get less money overall.

10 MR. FINDLEY: I think it might be possible. I
11 think that Tom Moreland has gone through a little bit of
12 that, although it seems to me, you know, the detached
13 servant that I am that transportation always makes out
14 pretty good in the appropriations, but the motor fuel taxes
15 are declining rapidly, and so they're having to ask for a lot
16 more money than the motor fuel taxes are producing right now,
17 so that they're in that very posture of having to ask for
18 more money than the dedicated taxes produces, and I think
19 there is some resistance, you know, "You all have already
20 got the motor fuel tax, this is all the money that comes from
21 the use of automobiles, and that's all you all need." I
22 don't think all members of the General Assembly or the
23 majority of them feel that way because they do get more
24 money than the dedicated taxes, and they will be asking for
25 substantially more money than the dedicated taxes in the

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1 upcoming session.

2 CHAIRMAN THORNHILL: We have a motion and we have
3 a second, and we have discussed.

4 All those in favor of the motion which is to not
5 address this issue at all let it be known by saying aye.

6 MRS. WALTON: Aye.

7 CHAIRMAN THORNHILL: Those opposed.

8 MS. COOK: Aye.

9 CHAIRMAN THORNHILL: Joe, you and I didn't vote.

10 MR. HILL: You know what we could do, certainly
11 we could do this much, we could say that this is an issue
12 that the committee discussed and it could reach no consensus,
13 and it's something it felt the larger committee had to
14 address, and pass it on to them, and then at least it will
15 get another airing in the larger group, and you can see then
16 if there is any sentiment for trying to do something about it.

17 CHAIRMAN THORNHILL: I think Mel has a good
18 suggestion. Would you agree with that?

19 MRS. WALTON: Yes, I agree.

20 MR. HILL: In other words, eliminate this from the
21 draft proper, but we will note in the report that this was an
22 issue on which no agreement could be reached.

23 CHAIRMAN THORNHILL: Perhaps that ought to be
24 communicated to the other members of the total committee
25 that we have looked at this issue and that we are asking

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1 them to give this consideration in the committee as a whole.

2 MR. HILL: That's what I meant, in the report from
3 this subcommittee to the full committee we would note this.

4 CHAIRMAN THORNHILL: Very good, Mel. That's a good
5 suggestion.

6 MRS. COOK: Isn't it rather strange we have agreed
7 on everything except the very last sentence.

8 CHAIRMAN THORNHILL: Mel, I think that we have gone
9 through this thing, I think we are ready to go with a few
10 little changes that you have lined out for us.

11 I see no need in this committee meeting back. Do
12 you?

13 MR. HILL: No, I don't suppose there is a need for
14 that.

15 We have not yet set the meeting of the full
16 committee, but it will be some time toward the end of this
17 month or maybe the early part of October.

18 CHAIRMAN THORNHILL: Let me say that as the
19 Chairman of this subcommittee it's been indeed a pleasure
20 to work with the subcommittee, Mr. Greene, Mrs. Cook, Mrs.
21 Walton. I couldn't have had a better subcommittee to work
22 with, and I appreciate this group here, the three of you,
23 your attendance and concern and interest in the matters that
24 we have talked about in the meetings we have had. I
25 appreciate it very much.

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So without any other business, we stand adjourned.

(Whereupon, at 12:25 p.m. the subcommittee
was adjourned.)

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Subcommittee Meeting Held on Sept. 4, 1980

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STATE OF GEORGIA
COMMITTEE TO REVISE ARTICLE VIII
OF THE
CONSTITUTION OF GEORGIA

SUBCOMMITTEE ON STATE BOARD
OF EDUCATION AND STATE SCHOOL
SUPERINTENDENT

Room 401-A
State Capitol
Atlanta, Georgia

Tuesday, September 9, 1980
2:00 p.m.



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PRESENT :

COMMITTEE MEMBERS

VICE CHAIRMAN MIRIAM GRAHAM
MR. JOHN GRAHAM, III
MR. ODELL OWENS
DR. WILLIAM PRESSLY
SENATOR TERRELL STARR
MR. TOM VANN

ALSO PRESENT :

MELVIN B. HILL, Jr.
VICKIE GREENBERG
CINDY WEATHERLY
MARILYN MELTON
CHRISTINE JENKINS
NANCY BENNETT
SUE ELLA DEADWYLER



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P R O C E E D I N G S

VICE CHAIRMAN GRAHAM: Okay. We will call the subcommittee on the State School Board of Education and the State Superintendent to order at this point.

We do anticipate that the Chairman will be coming later. He apparently has been delayed.

We do have today some visitors with us, and I have already been approached outside the door in regard to what this committee's work is all about, and before we start in with our regular business I would first of all like for our visitors to introduce themselves, and then I would like for the subcommittee to introduce -- for each of us to introduce ourselves.

We will start over here with you if you don't mind. Would you please stand and tell us your name and where you are from, and sort of what your interest is.

MS. DEADWYLER: I am Sue Ella Deadwyler, I'm from Stone Mountain Georgia, and I go to Second Ponce de Leon Baptist Church where Governor Busbee goes, by the way, and I'm Responsible Christian Citizenship Chairman for them.

MS. BENNETT: Nancy Bennett from Athens, Georgia. This is my first time at one of these meetings, so I'm just going to listen today.

MS. JENKINS: I am Christine Jenkins from Athens, Georgia, and I am just very much interested in our



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1 education department, and I hope that you don't resent our
2 being here because it is truly of deep interest.

3 MS. MELTON: I am Marilyn Melton from DeKalb
4 County, and I have three children, and I am interested very
5 much in Georgia education, and that's why I'm here.

6 MS. WEATHERLY: I am Cindy Weatherly from
7 Watkinsville, Georgia, and I have two school-age children,
8 and I'm an interested citizen as well, and here with a deep
9 interest in Georgia education.

10 VICE CHAIRMAN GRAHAM: Thank you.

11 If we could start with our Assistant Executive
12 Director first and move around the table, and each one
introduce yourself.

14 MR. HILL: I am Melvin Hill, the Assistant Executive
15 Director of the Select Committee on Constitutional Revision
16 that's overseeing this process.

17 MR. VANN: I am Tom Vann, I'm a member of the
18 committee and a member of the State Board of Education.

19 MR. GRAHAM: I am John Graham, I'm a lawyer from
20 Rome, Georgia.

21 MR. OWENS: I am Odell Owens, a member of the
22 committee, a science teacher at Cedartown High School in
23 Cedartown, Georgia, and immediate past president of the
24 Georgia Association of Educators.

25 MR. PRESSLY: I am Bill Pressly, I am on the



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1 committee and formerly president, now president emeritus of
2 the Westminster School.

3 VICE CHAIRMAN GRAHAM: I have introduced myself
4 earlier, but I am Miriam Graham, and I currently serve as
5 Chairmar. of Education for the State PTA, and we represent a
6 membership of approximately 220,000 people. I also serve on
7 various other committees that deal with education, and am
8 Vice Chairman of this subcommittee on the State School Board
9 and Superintendent.

10 SENATOR STARR: I am Terrell Starr, I'm a Senator
11 and former Chairman of the Senate Education Committee, and
12 the proud author of APEG. I work now with the Governor on
various education programs.

14 MS. DEADWYLER: What is your district, sir?

15 SENATOR STARR: 44th, Clayton County.

16 VICE CHAIRMAN GRAHAM: At this point --

17 DR. PRESSLY: Wait a minute. We can't let Vickie
18 be a dark horse.

19 VICE CHAIRMAN GRAHAM: At this point I would like
20 to ask our lady attorney to introduce herself.

21 MS. GREENBERG: I am Vickie Greenberg, staff
22 attorney for the Select Committee.

23 VICE CHAIRMAN GRAHAM: Thank you.

24 Vickie and Mel both do a superb job in providing us
25 with the assistance that we need.

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1 Before we go into the prepared materials that we
2 have been presented, I would like to ask our alternate
3 vice chairman if you have any comments that you would like
4 to make in regard to this meeting today.

5 DR. PRESSLY: No, I have no comments to make at
6 this time. I think we can just move right through our
7 agenda.

8 VICE CHAIRMAN GRAHAM: Okay. What about Mel and
9 Vickie? None?

10 MR. HILL: Nothing special, Ms. Chairman.

11 I think for the sake of the visitors it might help
12 to explain the genesis of this draft and where we have been.

13 VICE CHAIRMAN GRAHAM: Okay. At a previous
14 meeting --

15 First of all, let me explain that we are dealing
16 with Article VIII, Sections I, II and III of the State
17 Constitution. We have been meeting -- this will be the third
18 meeting we have had recently, in the last couple of months
19 I guess you would say, and we are trying to determine the
20 language of these various sections of the State Constitution.

21 We have today the revised form of what most of us
22 agreed to at the last meeting, which was August 18th, and
23 as I said to one of the visitors, that we were dealing
24 strictly with the State Board of Education, Public
25 Education, and the State School Superintendent.



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1 There has been a great deal of debate as to whether
2 or not the State School Superintendent should be appointed
3 or elected, or whether the State School Board should be
4 appointed or elected.

5 We took a vote and it came out that presently as
6 this is proposed both the State School Board and the State
7 School superintendent -- our proposal at this point is that
8 the two groups, or the group and the superintendent be
9 appointed, and this is one of the things we are here to
10 talk about, the language of this proposal, and Mr. Vann was
11 kind enough at our last meeting to give us some very good
12 information on Section I under public education.

13 Has each one of you had an opportunity to read
14 Section I, Paragraph I?

15 Do we have any questions in regard to this
16 particular section?

17 MR. GRAHAM: I wasn't here at the last meeting,
18 unfortunately, and I was prepared to bring this up at that
19 time.

20 I think the changes that have been made in Section
21 I, Paragraph I since two meetings ago are good. We have put
22 in there a due process statement that was subsequently
23 taken out -- I believe Mr. Vann put it in, and Mr. Vann took
24 it out in those two meetings -- and on reflection I would
25 agree with that, but I want to propose today some



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1 additions to what is in this working draft at some appropriate
2 time, keeping basically this working draft, but adding one
3 sentence to it.

4 Would this be a time to do that, or do you want to
5 put that on the agenda?

6 VICE CHAIRMAN GRAHAM: Yes, if you don't mind,
7 would you put your sentence in writing --

8 MR. GRAHAM: I have it.

9 VICE CHAIRMAN GRAHAM: Okay. Would you just go
10 ahead and read it if that's agreeable with the group?

11 MR. GRAHAM: Okay. I will tell you what the
12 differences are if you want to outline the differences on
your proposal.

14 It would read Paragraph I, Public Education -- I
15 have inserted the words "Educational Opportunity Without
16 Discrimination, Free Elementary and Secondary." Elementary
17 and secondary would be changed, and "Support by Taxation."

18 Then I would suggest that the entire provision
19 read this way: The provision of an adequate public
20 education for its citizens shall be a primary obligation of
21 the State of Georgia. A fundamental goal of public education
22 shall be to provide to each citizen of the State of Georgia
23 the opportunity for educational development of each citizen
24 to the limits of his or her capabilities without discrimination.
25 The State of Georgia shall provide and maintain a system of

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1 free public elementary and secondary schools, the expense of
2 which shall be provided for by taxation. The expense of
3 other public education shall be provided for in such manner
4 and in such amount as may be provided by law.

5 Now, I think I need to explain the thought
6 processes of inserting basically the second sentence, "A
7 fundamental goal of public education shall be to provide to
8 each citizen of the State of Georgia the opportunity for
9 educational development of each citizen to the limits of his
10 or her capability without discrimination."

11 Each one of us on the committee to one extent or
12 another very deeply are involved in education in one way or
13 another in the state, and each of us has ever since this
14 committee was formed out of which this subcommittee grew has
15 expressed a very deep concern for education, and a very deep
16 belief I think that the State of Georgia's obligation in
17 education is of vital importance. We have spent a lot of
18 time talking about primary and fundamental, and I think that
19 leaving the first sentence as it is, which is already in the
20 constitution, the provision of an adequate public education
21 for the citizens shall be a primary obligation of the State
22 of Georgia, is good, but I think we need to go ahead and take
23 the position that our constitution should contain standards
24 describing the level of educational opportunity which the
25 state must ensure to its citizens, and I don't think those



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1 standards should be so specific as to constrain the state or
2 the school district's discretion in making reasonable
3 educational judgments about what level and what resources are
4 required for it, but it should be specifically sufficient
5 respecting the overall level of educational opportunity we
6 need to provide, and it should specifically provide that we
7 will provide that without discrimination.

8 I'm still having very much difficulty in our state
9 constitution finding where we recognize that it's a fundamental
10 goal to provide an education to our citizens that will give
11 them an opportunity to be developed, and that will do that
12 without discrimination, and I think we've got an opportunity
now that I would just hate to pass up without putting that in
our constitution very clearly.

15 You will notice I have put "a fundamental goal of
16 public education" because I don't want to define all the
17 goals of public education, we couldn't do that, but I think we
18 can say that it is a goal of education that is fundamental,
19 that we will provide a certain standard of education without
20 discrimination.

21 VICE CHAIRMAN GRAHAM: I think we did touch briefly
22 on that matter at the last meeting.

23 Odell, would you like to elaborate on that point?

24 MR. OWENS: Yes. I would like to first ask a
25 question about it. I'm concerned with the last two

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1 sentences.

2 VICE CHAIRMAN GRAHAM: Of which proposal?

3 MR. OWENS: Of the one that he has put in.

4 You say the state of Georgia shall provide and
5 maintain a system of free public elementary and secondary
6 schools, the expense of which shall be provided for by
7 taxation.

8 MR. GRAHAM: Yes. Those two sentences are basically
9 what are already in the last draft. There's no specific
10 change there.

11 MR. OWENS: The only difference I am asking here is
12 there's so much flexibility being put in that statement that
13 it can also be tied to universities or colleges, which means
14 that -- I know the next sentence says the expense of other
15 public education shall be provided, but since it hasn't been
16 spelled out it can be separated, and I'm just asking had you
17 given that any consideration.

18 MR. GRAHAM: I would be willing to go back to the
19 language that was used last time, prior to the college or
20 post-secondary level shall be free.

21 DR. PRESSLY: I really prefer the phraseology that
22 we had last time, prior to the college or post-secondary
23 level, for several reasons.

24 One reason is I don't like to pin it to the terms
25 elementary and secondary. I think we could get in a struggle

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1 later on over education prior to kindergarten. We may be
2 headed in a direction where we start educating three and
3 four-year-olds, and I would approve of it wholeheartedly,
4 but I think we ought to get it included in here.

5 MR. GRAHAM: I'll agree with you. My concern --
6 the gist of what I'm really suggesting is the second
7 sentence, not the other three sentences.

8 MR. OWENS: The first part that you have there when
9 you're speaking of discrimination, and it's so placed it's not
10 particularly discrimination against races as such, it's
11 discrimination -- it has put back the problem that we had of
12 trying to put words in from the other state that was taken
13 out, that it's implying the fact of equal, district power
14 equalization which is very similar to saying that -- and I
15 imagine it was put in almost like the case situation we were
16 talking about, that just because an area is poor and we don't
17 have much money in a certain area and it's a rural area they
18 shouldn't be deprived of an education as such. Isn't that
19 inherent in that statement?

20 MR. GRAHAM: I think the term without discrimination
21 means without discrimination of any type.

22 MR. OWENS: That's right, which means that's
23 inherent in that.

24 MR. GRAHAM: I would argue that, yes.

25 MR. OWENS: It's flexible to argue the other point

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1 if such came up, that if a school did not have money because
2 of the local --

3 MR. GRAHAM: I'm saying that any education the
4 state provides should be done without discrimination.

5 MR. OWENS: This is going -- I'm going to try to
6 make this clear. My students say I haven't done it yet, but
7 I'm going to try.

8 Take a small rural area, you know, the money is not
9 there; take Atlanta where the money is.

10 MR. GRAHAM: There's money in the small rural areas
11 too.

12 MR. OWENS: In some rural areas. I can think of
13 some that don't have it, they're barely able to keep the
14 school doors open because they don't have the income or the
15 taxation or the possibility of taxation in the area.

16 In Atlanta they're able to provide things, and
17 because Atlanta can provide it because of their tax base
18 compared to a smaller area -- take even where I'm working --
19 then this would say that it's unfair that Atlanta can afford
20 it and we can't, so therefore there must be money in order to
21 afford it for us. Is that saying about the same thing?

22 MR. GRAHAM: I'm saying the type of education a
23 person ought to get in the state ought to be provided without
24 discrimination for any reason.

25 MR. OWENS: For any reason.



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1 DR. PRESSLY: I'm afraid here we're going back over
2 something we have been through before, and that is that this
3 sentence in my opinion puts us back into that situation we
4 were in last meeting or the meeting before last when we were
5 afraid that we might be saying that the state board of
6 education must supply exactly the same quality of education
7 to every child in the state of Georgia, and I don't believe
8 the state board of education can do this. I don't think
9 there is any way.

10 I would like to have it adequate education, because
11 then if a person is in an area where there are not enough
12 local dollars to supply the very highest type of education,
we still see to it they at least get a good adequate education,
14 but this is saying without any discrimination at all would
15 mean that a child in a very small rural school would have to
16 have as much money spent on him as a child anywhere else.

17 Now, ideally speaking, I would like to see that, but
18 we can't afford that. That would break the state of Georgia.

19 SENATOR STARR: There are some local areas that
20 are going to do more than that.

21 MR. GRAHAM: Are you saying you don't think it ought
22 to be a goal of the state of Georgia to be able to provide
23 education to all of the citizens without discrimination of
24 any sort?

25 SENATOR STARR: I'm not saying that. We've got



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1 DPE and APEG.

2 MR. GRAHAM: DPE and APEG doesn't do anything.

3 SENATOR STARR: It don't if you don't fund it.

4 I'm not opposed to doing it, it reads awfully good, and I
5 agree with you in theory, but what Dr. Pressly says has some
6 merit, and if it could be construed as saying you had to do
7 exactly the same thing in every system you're never going to
8 be able to accomplish that.

9 MR. GRAHAM: If that's the way the courts construe
10 it.

11 I'm asking you two, though, to tell me whether or
12 not you think it ought to be a fundamental goal of education
in the state of Georgia to provide each citizen of the state
14 the opportunity for education without discrimination.

15 DR. PRESSLY: Go ahead, Odell.

16 MR. OWENS: I think it ought to be, and I feel
17 strongly about that, but I have been trying to think in terms
18 also of the feasibility of what we're talking about.

19 MR. GRAHAM: If we say it ought to be, and if we
20 don't say that how is anybody going to enforce it? Where
21 are they going to derive their right?

22 MR. OWENS: How can you enforce a thing that is not
23 reasonable? That's what I'm saying.

24 MR. GRAHAM: All right. Fourteen states in the last
25 three years have enforced it. Now --



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1 SENATOR STARR: With exactly the same dollars in
2 every locale?

3 MR. GRAHAM: Not the same dollars; reasonable equal
4 educational opportunity.

5 DR. PRESSLY: That's what we're trying to say with
6 the word adequate.

7 MR. GRAHAM: That's exactly what we're trying to
8 say. We've never said equal, Doctor, we've never said equal.

9 I'm asking you all if you think it is a fundamental
10 goal of education in the state of Georgia that the state ought
11 to provide to each citizen without discrimination of any sort
12 the opportunity for education without that discrimination.
13 And, if so, then we ought to say it in our constitution so
14 that we can establish that standard so if the people are going
15 to be deprived they have a right to go to court and to contest
16 it. If we don't say it in the constitution, they have no
17 right to argue that because we haven't given them that
18 constitutional privilege.

19 DR. PRESSLY: I just basically don't think the
20 constitution of the state is the place where we ought to say
21 something that we know very well cannot be put into effect.

22 MR. GRAHAM: Why cannot the state have as its goal
23 the provision of education without discrimination?

24 SENATOR STARR: I think that's its goal right now.

25 DR. PRESSLY: I do too.

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1 MR. GRAHAM: I think we ought to say it. I think
2 we ought to say it because if people say that they're being
3 discriminated against they can then go and have it righted.

4 SENATOR STARR: You're the lawyer, and I think you
5 would understand better than any of us probably the suscepti-
6 bility of being challenged if you say that.

7 MR. GRAHAM: If we don't say it, then if somebody
8 comes to me and says "I'm being discriminated against," I'm
9 going to say "That's fine, because the constitution doesn't
10 prohibit that discrimination."

11 MR. VANN: I don't think that would necessarily be
12 true. If -- Excuse me. I didn't mean to break in.

13 VICE CHAIRMAN GRAHAM: Mr. Vann?

14 MR. VANN: We were discussing before the actual
15 place for an equal protection provision is not in the
16 educational section but in the overall article dealing with
17 the rights of citizens that ought to permeate every section
18 of the constitution and not just the educational section of
19 the constitution.

20 Of course, you know, if your object -- without
21 discrimination is a very broad term I suppose, and I don't
22 know who the arbiter of the words, the legislature or the
23 courts or --

24 SENATOR STARR: The courts would be.

25 MR. VANN: If the legislature tried to define it,



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1 whether the courts would uphold it --

2 It's a very broad word, it's probably even broader
3 than equal protection.

4 MR. GRAHAM: I think the constitution ought to be
5 broadly framed.

6 MR. VANN: I suggest that it even might be so broad
7 that it would even prohibit something like Florida does for
8 its residents which has some type of district power
9 equalization, but yet permits local systems to tax locally to
10 provide some enrichment, but they put some type of cap on
11 that quantity of millage that they might provide by some type
12 of local legislation.

13 In other words, if the goal of this language is to
14 provide equal dollars to every citizen or receiving an
15 opportunity for educational development, I think DPE does it
16 if it is funded, you know, and I assume that this is the
17 appropriate place to leave it is the legislature for enact-
18 ment of that type of thing.

19 I would hate for it to be construed to say that
20 local systems couldn't levee a local tax to do more than the
21 state of Georgia is providing, even though we might necessarily
22 have to put some cap on it if we do.

23 VICE CHAIRMAN GRAHAM: Okay. Odell had his hand up
24 and wanted to make a statement.

25 MR. OWENS: Yes. I missed a word a few minutes ago



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1 when I started.

2 VICE CHAIRMAN GRAHAM: Could you speak louder,
3 please?

4 MR. OWENS: I missed a word a few minutes ago when
5 I started talking, and that word was "goal."

6 The last time we were here we worked very hard on
7 this trying to get a statement to say what we wanted to say
8 without putting us in what we call a bind by the constitution,
9 and that word "goal" takes us out of the bind that we tried to
10 work out last time, and I wasn't paying very much attention
11 to the word goal. It didn't say that we must now and always
12 be, but that it must be the goal for us to work toward, which
really helps put in what we have been trying to say before.

14 I talked to several other persons that said "I know
15 what it is I would like to have, but I can't put it in words."
16 This word "goal" puts it there, fundamental goal of public
17 education shall be --

18 Now, we're talking about the APEG and others, and
19 you come back and you talk about minimum foundation and all
20 that -- minimum foundation for the fifties came out, and it
21 ended into APEG and still hasn't been funded, but with this
22 in the constitution that we must constantly work -- I'm using
23 the word constant -- make it a fundamental goal of public
24 education to provide this, I think we've got something to
25 work for and to grow on, and I like that.



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1 I'm sorry I missed the word "goal" when I was
2 discussing it a few minutes ago. I was just asking really
3 questions to see whether you realized some of the information
4 that really was entailed in the statement you had.

5 MR. GRAHAM: Yes. I think goal is a selected word,
6 but equal protection of the law is important. We've got to
7 have equal protection of the law, I don't think anybody can
8 say, Dr. Pressly, we do, but we've got the standard set in
9 the constitution so if somebody is denied that they can contest
10 it. I just want a nondiscriminatory education provided,
11 I want education recognized as a fundamental -- you know, as
12 fundamental and primary, and I don't think that the language
there, if we agree that is a goal, then I think your
14 constitution ought to speak to that.

15 DR. PRESSLY: You know, I --

16 VICE CHAIRMAN GRAHAM: Excuse me. Senator Starr
17 asked to speak next.

18 SENATOR STARR: My only concern -- In reading it
19 first I like it, I like what you're saying, I like the idea
20 of it, but my belief after twelve years in working in
21 education in Georgia, the partnership between the federal,
22 state and local is a real and viable tool in Georgia. If
23 we ever get to the point where we're going to have strictly
24 public funding at the state level, then we're going to miss
25 something, we're going to be equalizing downward instead of

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1 upward because some local systems are ready and willing
2 always to put in what is necessary to do the job, and some
3 are not, and I would hate for us to make a decision to mandate
4 something on a state level without discrimination which could
5 be implied to mean that you had to spend the same amount of
6 dollars in Athens as you do in Gwinnett and Clayton County
7 on each and every child. If it's all going to be state
8 dollars, then you're going to miss something in public
9 education because we don't have the dollars to do it adequately
10 on a state level as well as it's being done now with local
11 help in a lot of cases. Some cases they're doing nothing.

12 That is my only concern about it. If you as a lawyer
13 don't think it's going to be construed in that light, I don't
14 have a whole lot of problem with it.

15 MR. GRAHAM: I've been involved in this litigation
16 I'm in for ten years now --

17 VICE CHAIRMAN GRAHAM: John, would you please
18 elaborate on that for the sake of those who might not know
19 what you're talking about?

20 MR. GRAHAM: I'm the lawyer for the plaintiffs in
21 a case that is contesting the system of financing education in
22 the state of Georgia as being unconstitutional under our
23 present constitution because the system of education we have
24 now, the system of financing education we have now does not
25 provide an adequate education for all the citizens, and it



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1 does not provide an equal educational opportunity for all
2 the citizens because the system we have now makes the type
3 of education a child receives dependent upon the wealth of
4 the school district in which the child happens to live, and
5 when APEG was passed and Section 40 was put into that of
6 district power equalization I felt a great triumph except for
7 the fact that the legislature has never funded this section
8 which would cure the constitutional defect, and to me that's
9 like voting for motherhood and apple pie but not putting any
10 apples in the pie.

11 SENATOR STARR: You don't know how hard it was to
12 make that pie. I'll assure you it was tough.

13 MR. GRAHAM: It's been sitting there four years now,
14 and the thing that I really see as I go around is that there
15 are -- the majority of students in this state are in school
16 districts with below the state average wealth per child as a
17 tax base, and we've filed in the court in the last months
18 affidavits from superintendents in the majority of these
19 school systems in the state stating "We can't provide an
20 adequate education for our students, and we're not able to
21 provide an equal educational opportunity." This is going to
22 confront the court.

23 I think that we're attacking -- we're saying it's
24 unconstitutional under our present constitution. I'm trying
25 to cure that protective language by making absolutely sure



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1 because the state in defending the case says education is no
2 more important than sewage pickup or police protection. I'm
3 trying to recognize the importance of education as a
4 fundamental right of a person of the state so that if he is
5 deprived of an educational opportunity it would have to be
6 upon some educationally based grounds, and not the wealth
7 where he happens to live or any other reason; there would
8 have to be some reasonable relationship to education.

9 The Supreme Court of Connecticut in the last year
10 said that making it dependent on the wealth of where the
11 child happens to live is about like counting the number of
12 sassafras trees in gardens and allocating money on that basis.

13 So anyhow, that is -- the case is pending. I think
14 that what this language does in relation to that position is
15 just simply makes it clear that we all agree that it is a
16 goal of education in this state, regardless of whether the
17 Attorney General argues that if you win this case we're going
18 to go to completely state controlled garbage pickup, state
19 controlled police protection and everything. We recognize
20 that education is distinct, it is the most important thing
21 we can do for our citizens, and we ought to make it a goal
22 that we can provide education without any kind of discrimina-
23 tion whatsoever. It's not clear in our present constitution,
24 frankly. I'm sorry.

25 VICE CHAIRMAN GRAHAM; Senator Starr, did you --

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1 Okay. Dr. Pressly would like to make a statement
2 at this point.

3 DR. PRESSLY: John, I would certainly say I would
4 like to see exactly what you want in the state of Georgia,
5 very definitely. I don't think we can afford that right now,
6 but the thing that worries me a little bit here is your second
7 sentence begins with a fundamental goal of public education
8 is to give this education without discrimination to everybody.
9 I'm so afraid that could be interpreted as meaning the same
10 amount of dollars have to be spent for every child in the
11 state, which I'm sure we can't afford, and I do agree with
12 Mr. Vann that we ought to let local systems if they want to
add to it, add to it. We ought to supply a good education.

14 Would you object to this, because basically what
15 you're saying I approve of, but I don't approve of it listed
16 as a fundamental goal. It seems to me that kind of ties the
17 hand -- you're a lawyer and I'm not, you can say that's
18 foolish, but see if you would buy this:

19 The provision of an adequate public education for
20 its citizens shall be a primary obligation of the state of
21 Georgia, ideally providing each citizen of the state of
22 Georgia with opportunity for educational development to the
23 limits of his or her capability without discrimination.

24 It's saying exactly what you're saying without
25 saying a fundamental goal, and saying ideally providing.

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1 In other words, I feel that word ideally means it's
2 a goal that we can't right now reach, maybe some day we will;
3 it still stays a goal, but we have said to the State
4 Department of Education and the legislature that we recognize
5 the fact that this is an ideal right now, that it is not
6 attainable, because if we say a fundamental goal it sounds to
7 me as if we're saying "Boys, you'd better put it there."

8 MR. GRAHAM: Let me say first of all, I think
9 Senator Starr will agree equal dollars is not going to
10 provide equal educational opportunity. It costs more to
11 educate students in portions of the state than it does in
12 others, and that's not the goal of the lawsuit is to provide
equal dollars.

14 DR. PRESSLY: Yes.

15 MR. GRAHAM: I think that accomplishes the same
16 purpose as my suggestion. We found out that probably the most
17 important -- I tried to get fundamental put in ahead of the
18 word obligation. Vickie found a dictionary and told me
19 primary meant fundamental, so that was all right.

20 DR. PRESSLY: I think we have already said
21 fundamental in our primary obligation.

22 VICE CHAIRMAN GRAHAM: Go ahead, Mel.

23 MR. HILL: In other meetings there was a suggestion
24 that there be a beginning statement in this section, in this
25 paragraph that set the tone for what was wanted. I'm not



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1 sure when that proposal was made.

2 VICE CHAIRMAN GRAHAM: Would that be August the 8th
3 when you met with Dr. McDaniel?

4 MR. HILL: I can't remember offhand when it was, but
5 my thought would be maybe the second sentence that's here, the
6 fundamental goal should either be -- that's the philosophy,
7 that is the tone you want to set, but you don't want to lock
8 the state into something. Maybe that could be your first
9 sentence, and then go on to say that the provision of an
10 adequate education shall be a primary obligation. Then I
11 think it might be clearer that on the one hand you're talking
12 about what your ideal is, what the minimum requirement is,
and then the fact that it must be free prior to college and
14 post-secondary education.

15 I'm not sure, it might still create the same problem
16 Dr. Pressly mentioned, but I feel that putting it in that
17 order might help to show --

18 MR. GRAHAM: Did you want to take out fundamental,
19 and just put a goal, the goal? No, you can't put the goal,
20 that makes it fundamental, doesn't it.

21 DR. PRESSLY: I like it better putting it pre myself
22 and not give it quite the importance if you stick it up there
23 as a total sentence, which is what ideally providing would do,
24 and saying exactly the same words but getting away from
25 fundamental goal to ideally providing.

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1 MR. VANN: Madame Chairman.

2 VICE CHAIRMAN GRAHAM: Mr. Vann.

3 MR. VANN: It seems to me like this sentence is
4 making an effort to define adequate, and I'm not at all sure
5 we should do that.

6 VICE CHAIRMAN GRAHAM: I was fixing to say the very
7 same thing. You go ahead and finish what you were going to
8 say. Maybe you'll say it for me.

9 MR. VANN: You go ahead and say what you want to say.

10 VICE CHAIRMAN GRAHAM: I wanted to say that I had
11 some difficulty with the word discrimination. In the days
12 that we live in these days when you say discrimination
13 generally speaking most people interpret that in another
14 manner.

15 I believe the word adequate education -- if my
16 child is not receiving an adequate education in my opinion
17 that gives me all the legal grounds I need to protest wherever
18 I need to go to, and I'm wondering if by adding the word
19 discrimination we might not be opening up another can of
20 worms, to put it very bluntly.

21 MR. VANN: What is the defect in the provisions
22 proposed?

23 MR. GRAHAM: Because I don't think adequate ensures
24 us -- you could be adequate and discriminate.

25 MR. VANN: What's the position of the state of



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1 Georgia in the lawsuit?

2 MR. GRAHAM: The position of the state of Georgia?
3 That I ought to get kicked out of court.

4 MR. VANN: Why?

5 MR. GRAHAM: Why? Because the laws that we have,
6 the system we have of financing education they say does
7 provide an adequate education, and it does provide equal
8 opportunity for education, on and on and on.

9 The State Board of Education doesn't take that
10 position. We're taking the depositions of the State Board of
11 Education representatives. They like the legislature would in
12 fact favor us winning the case because they supported APEG,
13 they have supported DPE. The legislators tell me they won't
14 ever fund DPE unless the court tells them to.

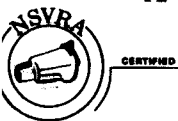
15 MR. VANN: Actually, you know, the constitutional
16 issue in your case is that you're saying that the word adequate
17 doesn't mean equal I guess, and they're saying --

18 MR. GRAHAM: I'm saying that our constitution
19 requires us to provide adequate education, and it requires us
20 to provide equal educational opportunity.

21 MR. VANN: You're saying the laws of Georgia are not
22 providing an equal education; is that correct, not the
23 constitution?

24 MR. GRAHAM: No, the laws.

25 MR. VANN: In other words, the constitution you're



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1 saying requires it to be equal now?

2 MR. GRAHAM: That's what I'm arguing.

3 MR. VANN: It would seem to me that the present
4 words meet every argument you're making.

5 MR. GRAHAM: Because the state has made a pretty
6 good argument, they say "Point them out, show me those words,"
7 and they're not there.

8 MR. VANN: Is your purpose to define adequate by
9 this?

10 MR. GRAHAM: No, I can't define adequate by that
11 language. I don't think adequate means equal; I think adequate
12 means more than without discrimination. Adequate is a quality.

13 MR. VANN: If it means all that, then we don't need
14 those extra words.

15 MR. GRAHAM: We do, because the state takes the
16 position that it means something else.

17 VICE CHAIRMAN GRAHAM: When you say the state --

18 MR. GRAHAM: The Attorney General's office.

19 VICE CHAIRMAN GRAHAM: Okay.

20 DR. PRESSLY: John, let me ask you one question
21 about your sentence, and discrimination worries our Chairman.

22 What about just saying ideally providing each
23 citizen of the state of Georgia the opportunity for educational
24 development to the limits of his or her capability, period;
25 without discrimination doesn't add anything.



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1 SENATOR STARR: That's a red flag.

2 MR. GRAHAM: I don't see that as a red flag, I see
3 those as assuring words.

4 VICE CHAIRMAN GRAHAM: I mean what other word can you
5 come up with that might mean the same?

6 MR. GRAHAM: I don't know how many ways we can think
7 of to discriminate against people, but we can think of a lot.
8 We're doing it for the handicapped right now.

9 VICE CHAIRMAN GRAHAM: I'm not thinking in terms of
10 the legal field, I'm thinking in terms of the general public,
11 and when they read the state constitution how will the average
12 Mr. Citizen interpret the word discrimination?

MR. OWENS: Most of -- I've been in education for a
14 long time, and I don't read the constitution even that much,
15 so the average citizen won't even be reading it.

16 I just wanted to add a point that I made in the
17 very beginning, that in this case the word discrimination
18 has no dealing particularly with race.

19 VICE CHAIRMAN GRAHAM: I know that, but I'm wondering
20 what the --

21 MR. OWENS: The others feel about it one way or the
22 other --

23 VICE CHAIRMAN GRAHAM: I hate to limit it to that
24 interpretation is what I'm saying.

25 MR. OWENS: It has a more extensive meaning there.



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1 MR. GRAHAM: Age, sex, national origin, race,
2 physical ability, mental ability.

3 VICE CHAIRMAN GRAHAM: Maybe it's because I'm not an
4 attorney and I'm Mrs. Average Citizen that I have difficulty
5 with the word, and I think this is why it is helpful to have
6 a Mrs. Average Somebody sitting in on a committee like this.

7 Since many of you are more familiar with the legal
8 terms and so forth and you don't have any difficulty with it,
9 then maybe I'm in error, but certainly I wouldn't want anybody
10 to think that we were thinking just in terms of racial issue
11 is what I'm saying.

12 MR. VANN: Aren't you now arguing that the present
13 language of the constitution does exactly what you say?

14 MR. GRAHAM: I'm arguing it, but I'm not winning.
15 I'm saying that is a great issue, it's a key issue that's
16 happening in all the other states, and I'm saying since we are
17 writing a constitution here now we've got the opportunity to
18 eliminate argument and to say that we will provide education
19 in this state without discrimination.

20 It doesn't say it clearly. I want to say it clearly,
21 loudly, without any --

22 MR. HILL: Did you intend with your language,
23 though, to lock this in?

24 My thought based on what Odell was saying was that
25 by using the term goal you didn't intend to in fact have that



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1 statement become an enforceable provision, and so I'm not sure
2 that you have done in this language what you wanted to do,
3 I mean if I'm hearing you both right.

4 If all you wanted to do was state a philosophy in
5 the second sentence that education is one of the most
6 important things that this state does, then you may have done
7 it this way, but I don't think you have locked --

8 MR. GRAHAM: Let me tell you what the state says
9 in the case. First they admit that the type of education a
10 child gets in this state depends upon the wealth of where he
11 happens to live. They admit it discriminates, and they admit
12 that in some cases it discriminates very, very badly. They
13 admit that it's harmful to children, and then they say to us
14 but that is the price we pay in Georgia for what they allege
15 to be local control.

16 And they're saying -- you know, the Attorney
17 General's arguments -- he's down there representing you
18 because you're a defendant in the case --

19 MR. VANN: Representing the citizens of the state
20 of Georgia.

21 MR. GRAHAM: They are saying "Yes, this present
22 system discriminates; yes, it hurts children," and so forth
23 and so on, but that's the price we've got to pay, and I
24 want to make sure --

25 MR. VANN: You would think then this language would

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1 eliminate the local control?

2 MR. GRAHAM: No. I don't think my case eliminates
3 local control. I think it enhances it, but that's another
4 argument.

5 MR. VANN: What I'm saying is if you're correct
6 the constitutinnal language we now have provides exactly what
7 you say, doesn't it?

8 MR. GRAHAM: That's right, but we're writing a
9 constitution, we've got a chance to make absolutely sure I'm
10 correct without waiting on the courts.

11 MR. VANN: I'm not so sure I want to write a
12 constitution that sets such a case.

13 MR. GRAHAM: I want to write one that makes sure
14 we don't have discrimination in education.

15 VICE CHAIRMAN GRAHAM: It seems like we have a
16 little difficulty here agreeing on what we really want to say
17 once again.

18 DR. PRESSLY: Not unusual.

19 VICE CHAIRMAN GRAHAM: I would like for you if you
20 happen to have the August 8th minutes from this particular
21 meeting to refer back to what Dr. McDaniel's suggestions and
22 statements were, and his feelings. Of course, I realize that
23 he is the State School Superintendent, and we're supposed to
24 be thinking about the overall picture, and we're supposed to
25 be putting the child's interest at heart first, and I think



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1 we are all trying to do this, but if you will notice here
2 he suggested that he did not think that the word adequate
3 education for citizens -- he didn't think that should be
4 changed.

5 Now, John, are you in agreement with the word
6 adequate?

7 MR. GRAHAM: I wasn't, but I have thought about it.
8 Adequate can be just barely, or it can mean high level. I
9 have a hard time with it.

10 VICE CHAIRMAN GRAHAM: If it's my child, it's going
11 to go up to the top, I can guarantee you.

12 It suits me fine. I might change my mind if I lived
13 in Whitfield County. Secondly --

14 MR. GRAHAM: Or in the counties I might add with the
15 majority of the school children in the state who are supporting
16 the case.

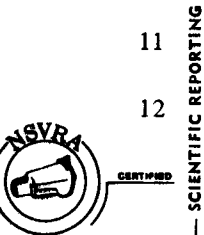
17 VICE CHAIRMAN GRAHAM: I really said that because
18 Allen Clayburn, our state PTA president, happens to be from
19 Whitfield County, and I realize what the number is there.

20 Vickie, do you have your notes there? Okay. Under
21 Number 2, would you read the recommendation there, please, of
22 August 8th?

23 MS. GREENBERG: Under Dr. McDaniel's opinions?

24 VICE CHAIRMAN GRAHAM: Right.

25 MS. GREENBERG: A majority 9 to 1 of members of the



1 board of education thought the provision stating adequate
2 education for the citizens shall be a primary obligation of
3 the state of Georgia should not be changed.

4 Dr. McDaniel thought it should be changed to
5 provide that local systems participate in funding.

6 VICE CHAIRMAN GRAHAM: Okay. Will you go ahead and
7 read Number 3? I think this might clarify a lot of the
8 questions that are going to come up later

9 MS. GREENBERG: A majority 8 to 2 of the State
10 Board of Education didn't believe the state should be
11 required to assume a greater responsibility for the financing
12 of public education. Dr. McDaniel said the state should
13 assume a greater role, and that the constitution should
14 provide for equality of educational opportunities. The
15 state board suggested a one-cent statewide sales tax.

16 DR. PRESSLY: May I have a word to say?

17 I think we could settle this and apparently please
18 everybody in the room if we would just go to word ideally,
19 and I want to move, and let's put this thing on the floor --
20 I want to move that the first sentence and second sentence
21 together read: The provision of an adequate education,
22 public education for its citizens shall be a primary
23 obligation of the state of Georgia, ideally providing each
24 citizen of the state of Georgia the opportunity for
25 educational development to the limits of his or her



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1 capability without discrimination.

2 VICE CHAIRMAN GRAHAM: Do we have a second?

3 MR. GRAHAM: I'll second.

4 VICE CHAIRMAN GRAHAM: Do we have any further
5 discussion?

6 SENATOR STARR: One question. Do you want to leave
7 without discrimination on there?

8 DR. PRESSLY: I think so. I believe we'll get it
9 passed.

10 VICE CHAIRMAN GRAHAM: Are you saying omit it or
11 leave it as is?

12 DR. PRESSLY: I prefer to omit it personally, but
I don't think it would pass without it. But let's try it,
14 let's omit it in this reading.

15 VICE CHAIRMAN GRAHAM: Would you like to amend the
16 motion, then?

17 DR. PRESSLY: Yes, to drop without discrimination,
18 put a period after capability.

19 SENATOR STARR: I'll second that.

20 MS. GREENBERG: Can I make a comment?

21 I don't think there are that many citizens who read
22 the constitution, and they're not interpreting it either,
23 and it's the courts that are interpreting it, and the word
24 discrimination has a plain meaning legally, it doesn't just
25 refer to racial discrimination.



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1 VICE CHAIRMAN GRAHAM: I know that.

2 MS. GREENBERG: I think that Mrs. Enlightened
3 Citizen knows that it means more than just race, and I think
4 that it really should remain. It doesn't destroy anything by
5 keeping it there, and it would just reinforce the meaning of
6 it.

7 DR. PRESSLY: You've sold me. I withdraw my
8 amendment.

9 MR. GRAHAM: I'll put my second back on it, then.

10 VICE CHAIRMAN GRAHAM: Okay. Would you please read
11 your motion one more time?

12 DR. PRESSLY: All right, I'll read it one more time.

13 The provision of an adequate public education for
14 its citizens shall be a primary obligation of the state of
15 Georgia, ideally providing each citizen of the state of
16 Georgia the opportunity for educational development to the
17 limits of his or her capability without discrimination.

18 We're just referring to the first two sentences.

19 VICE CHAIRMAN GRAHAM: Okay. We have the motion.
20 Do we still have a second?

21 MR. GRAHAM: Yes, Ma'am.

22 MR. VANN: How about some discussion?

23 VICE CHAIRMAN GRAHAM: We will have discussion.

24 MR. VANN: Of course, I really feel like the
25 language still leaves problems in, Dr. Pressly, that the



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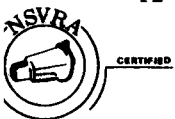
1 present sentence leaves in.

2 In the first place, in dealing with the constitution
3 I don't really -- I'm assuming that that would mean then that
4 all legislation dealing with education should be construed by
5 the court in such a way that -- to determine whether it meets
6 this ideal.

7 For instance, even if you're dealing with equality,
8 you know, you can have the lowest level of equality or the
9 highest level of equality or somewhere in between. You know,
10 if you have equal protection and everybody is getting a
11 dollar for education I guess you're equal, but that may not
12 be adequate education.

13 I just feel like our constitution expresses it and
14 that we ought to leave it to the courts to determine this
15 language, that the courts undoubtedly may be able to determine
16 exactly what John is saying for the current language, and I
17 don't feel like we should place in language which to mee seeks
18 to make some -- it must have some meaning with reference to
19 the word adequate.

20 Without discrimination -- Vickie says it has a legal
21 meaning, but it's almost read without discrimination as to
22 race, color, creed, sex, religion, national origin and things
23 of this nature, but are you saying that's all it would mean,
24 Vickie, in a constitution as it's now stated, or no, or then
25 without equal dollars I guess, without equal gymnasiums or



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1 without being a comprehensive high school or not a comprehen-
2 sive high school?

3 You know, we have left -- The role of the state is
4 very strong in education now, and what we are saying is
5 perhaps it ought to get stronger, I don't know, but over the
6 years we have developed a society in Georgia, a strong local
7 control of education with a strong constitutional provision
8 in connection with it, and with a provision in it for
9 providing local dollars for education.

10 In other words, Dr. McDaniel says there ought to be
11 some provision for furnishing of dollars by local education.
12 There are provisions in our constitution for local systems
13 to provide up to twenty mills and to take that cap off if
14 they choose to do so, and it just seems to me that, you know,
15 if the object is to provide that we should provide equal
16 dollars, if that's the object of this amendment then we ought
17 to state it I guess and --

18 SENATOR STARR: Let me ask one question. If this was
19 the end of it today, I think at this point I would agree with
20 you, but this is not the end of it. This has got a long ways
21 to travel, we've got to move on with something to the full
22 committee, then to the General Assembly, then to the people.
23 I'm willing to accept it as stated with without discrimination
24 in there because I don't think it makes a whole lot of
25 difference except in the eyes of the court as you say, and



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1 they're going to have the final word anyway.

2 Madame Chairman, I'm ready to vote with it on there.

3 VICE CHAIRMAN GRAHAM: Okay. With no further
4 discussion --

5 MR. GRAHAM: Could we change the last sentence to
6 point out what Dr. Pressly first said so we could treat the
7 whole thing as a whole?

8 VICE CHAIRMAN GRAHAM: Which last sentence now?

9 MR. GRAHAM: The next to the last sentence.

10 MR. HILL: Can we just use the draft provision?

11 MR. GRAHAM: We can use the draft provision, the
12 last two sentences.

13 DR. PRESSLY: Can't we settle the first two? We're
14 right on the verge of voting on those.

15 VICE CHAIRMAN GRAHAM: Yes. Let's take a vote on
16 this proposal right now.

17 MR. VANN: This proposal is that with reference to
18 that one first sentence; is that correct?

19 DR. PRESSLY: The first two sentences.

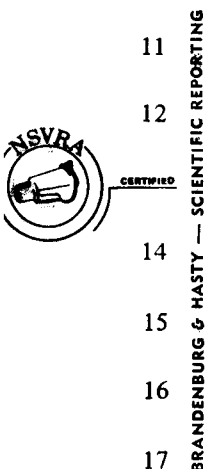
20 MR. VANN: You were only making one sentence.

21 DR. PRESSLY: There's one sentence in the motion.

22 MR. VANN: There's only one sentence in the motion
23 we're voting on now; is that correct, John?

24 MR. GRAHAM: Yes.

25 MR. VANN: I would like to make a substitute motion



1 and that is I move that we adopt the proposed draft language.

2 VICE CHAIRMAN GRAHAM: Is there a second?

3 MR. OWENS: The proposed draft language added to
4 this?

5 MR. HILL: In place of it. In other words, his
6 proposal is to use this instead.

7 MR. OWENS: Instead of this?

8 VICE CHAIRMAN GRAHAM: Do we have a second?

9 We do not have a second, so we will go back to the
10 original motion. Those in favor please raise your hand.
11 One, two, three, four.

12 Those opposing please raise your hand. One,
The Chairman will not vote.

14 SENATOR STARR: Oh, come on.

15 (Laughter.)

16 VICE CHAIRMAN GRAHAM: Okay. Shall we go on now to
17 Section II?

18 DR. PRESSLY: We've got two more sentences.

19 VICE CHAIRMAN GRAHAM: Excuse me. I was wanting to
20 hurry along.

21 MR. GRAHAM: The two sentences in the second working
22 draft that were sent out on September the 9th which read:
23 Public education for the citizens prior to the college or
24 post-secondary level shall be free, the expense of which shall
25 be provided for by taxation. The expense of other public



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education shall be provided for in such manner and in such amount as may be provided by law.

I would make the motion that the last two sentences of the --

SENATOR STARR: In lieu of yours?

MR. GRAHAM: In lieu of mine in Section I, Paragraph I.

MR. OWENS: I second it.

VICE CHAIRMAN GRAHAM: We have a motion on the floor that the last two sentences of Paragraph I, Section I read as drafted, and we have a second.

Do we have any discussion?

All those in favor please raise your hand. One, two, three, four, five.

DR. PRESSLY: We've got something unanimous. I think we ought to applaud.

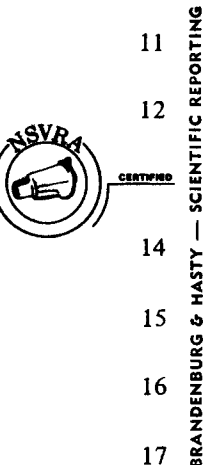
SENATOR STARR: If you don't have any fuss, it's no good.

DR. PRESSLY: That's right. Variety is the spice of life.

VICE CHAIRMAN GRAHAM: Now do we have any other discussion on Section I, Paragraph I?

There being no further discussion, now we will go to Section II, State School Board.

You have been given the original drafting as was



1 proposed by the previous members at the subcommittee meeting.
2 Do we have anyone who would like to make a motion with
3 regard to this State Board of Education section?

4 This proposal in essence means that we will have a
5 State Board of Education which will consist of one member
6 from each congressional district in the state, and will be
7 appointed by the Governor with the advice and consent of the
8 Senate, and the Governor shall not be a member of the State
9 School Board.

10 This is more or less the same language that is
11 currently in the state constitution.

12 Okay, John?

13 MR. GRAHAM: I move we adopt the language as it
14 appears in the second working draft dated September 9th.

15 MR. VANN: Second.

16 VICE CHAIRMAN GRAHAM: Okay. Do we have any
17 discussion?

18 MR. HILL: I would just point out there is one
19 change that was made last time between what we have and what
20 this is, and that is what we now have in the constitution and
21 what this would propose, and that is if there is a vacancy in
22 the board for any reason the Governor would fill it until the
23 next session of the Senate at which the confirmation hearings
24 would be held.

25 Right now the board itself fills the vacancy.

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1 SENATOR STARR: All we're doing in effect is adding
2 the confirmation by the Senate to the present appointment?

3 MR. HILL: No. The present appointment is by the
4 board members of the vacancy until the next session, at which
5 the Governor appoints somebody, but it would not have to be
6 the same person.

7 SENATOR STARR: I missed the last meeting I guess.
8 We talked about four years versus seven years. What was the
9 rationale on that?

10 MR. VANN: I gathered that this was an issue in the
11 constitution that covered more than one governor's term, I
12 guess.

13 SENATOR STARR: Does that no longer prevail?

14 MR. VANN: If he's reelected, that's true, but if
15 he's not reelected --

16 SENATOR STARR: I don't have any real strong
17 feelings on it.

18 VICE CHAIRMAN GRAHAM: Would you like to make an
19 amendment?

20 SENATOR STARR: I was asking was that discussed. I
21 missed the last meeting.

22 VICE CHAIRMAN GRAHAM: We didn't discuss it I don't
23 believe. What is everybody's feelings?

24 MR. GRAHAM: Two meetings ago we discussed the term
25 because the governor can serve a second term, and therein in

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1 eight years has an opportunity to appoint a full board, but
2 I think we went back and left it -- if I recall, we discussed
3 it but we didn't come down on it.

4 MR. HILL: We did discuss it at some point.

5 VICE CHAIRMAN GRAHAM: Yes, we did. I remember we
6 thought that might be advisable, I believe, and that --

7 SENATOR STARR: Seven years is a long time. If
8 you've got a good person, it's a short time; if you've got a
9 rotten apple on the board it's an awful long time.

10 MR. VANN: I guess if you've got a rotten apple
11 four years is a long time.

12 VICE CHAIRMAN GRAHAM: May I ask Mel and Vickie and
13 Mr. Vann and perhaps Odell -- well, those of you have worked
14 directly with the State School Board -- why you think the
15 seven-year term may have been the original intent of whoever
16 drafted the previous constitution.

17 SENATOR STARR: You didn't name me, but I think I
18 know the intent, and that was --

19 VICE CHAIRMAN GRAHAM: And I said those of us who
20 have worked directly with the State School Board. You have,
21 haven't you?

22 SENATOR STARR: Yes. But I think it was the four-
23 year term of the governor, and this would be beyond where no
24 governor could control the State Board of Education. I think
25 that was really the intent of it. Do you agree?



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1 MR. VANN: I think so, I haven't really studied
2 the issue, but that's my own thought.

3 SENATOR STARR: He can appoint the whole works now
4 anyway, so the seven years really doesn't have any meaning.

5 MR. VANN: It doesn't have any meaning if he's
6 reelected. If he's not reelected, I guess --

7 MS. GREENBERG: I go back to the notes of the
8 minutes of the meeting of July 28th, this committee voted to
9 -- voted that members of the state board should serve for
10 seven years, and Dr. McDaniel had favored either a seven or
11 ten-year term, staggered term for members of the state board.

12 VICE CHAIRMAN GRAHAM: Yes, he did. Under Number 9
13 in your August 8th notes he did say seven or ten years
14 staggered terms, whether elected or appointed.

15 SENATOR STARR: It looks like we may have some
16 unanimity. Let me withdraw my question and we'll proceed.

17 MR. HILL: I might point out it also tracks the
18 board of regents which have a seven-year term. I don't think
19 that was a factor, but at the time we discussed it --

20 SENATOR STARR: I don't have any strong feelings
21 about it. I just remember us talking about it, and I wasn't
22 here when it was finalized. I can accept seven all right.

23 DR. PRESSLY: May I ask one insignificant question?
24 Maybe it's not worth our considering, but it seems to me since
25 we changed the wording in Section I, that maybe Section (c)

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1 should be changed just so we are saying the same thing. I
2 don't think there is any great significance, but the State
3 Board of Education may establish minimum educational standards
4 for all citizens prior to college or the post-secondary level
5 of education and may provide --

6 Why do we go back now to our elementary and secondary
7 schools which we dropped previously.

8 MR. VANN: I would agree with that. Don't just use
9 elementary and secondary, just use the same language as in
10 number 1.

11 DR. PRESSLY: The same language, yes.

12 VICE CHAIRMAN GRAHAM: All right. Is everybody in
13 agreement on that particular Section (c) that we use the same
14 language as in the previous section, Paragraph I, Section --

15 MR. HILL: You were just talking about (a), though,
16 for the time being; right? We were going to go through (b),
17 (c), (d), (e) and (f), or are you doing the entire section
18 now?

19 MR. GRAHAM: I think I proposed the whole thing.

20 MR. HILL: Okay. I'm sorry.

21 MR. GRAHAM: June 30, 1983, what's going to be --

22 MR. HILL: The effective date of the constitution is
23 July 1, '83.

24 VICE CHAIRMAN GRAHAM: He's saying more or less make
25 this consistent, which is in the first --



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1 SENATOR STARR: I think it makes sense.

2 DR. PRESSLY: I do too if we make it --

3 MR. VANN: I move the motion be so amended.

4 DR. PRESSLY: I second that.

5 VICE CHAIRMAN GRAHAM: Okay. Do we have any
6 discussion?

7 MR. HILL: Secondly, or thirdly, or whatever it is,
8 Section (d) was restated from our last draft to more clearly
9 indicate what was intended with respect to vocational or
10 technical education programs, and so I would like to look at
11 that and make sure that is satisfactory.

12 VICE CHAIRMAN GRAHAM: I raised the question if we
should specify vocational-technical education programs, would
14 that meet the needs of the future if we're going to just say
15 vocational-technical education? I mean is that going to be
16 general enough?

17 What if you come up with other program, what happens
18 then?

19 MR. GRAHAM: Vocational is a very broad --

20 SENATOR STARR: I think it's a broad term.

21 MS. GREENBERG: Subsection (b) would probably
22 provide for it by law, additional programs that didn't come
23 under this, vocational-technical --

24 VICE CHAIRMAN GRAHAM: That covers that, then.

25 Okay. Before we take any vote on this, I still want



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1 to go on record -- and I'm not going to make it in the form of
2 a motion, or maybe I should -- I am still opposed to having
3 the State School Superintendent and the State School Board, so
4 we are --

5 DR. PRESSLY: We all understand that.

6 VICE CHAIRMAN GRAHAM: Okay, Well said. We will
7 move right along.

8 MR. OWENS: I call the question.

9 VICE CHAIRMAN GRAHAM: Those in favor of the motion
10 as has been made please raise your hands.

11 One, two, three, four, five.

12 Those opposed.

13 Okay. Now we are ready to move on to Section III,
14 the State School Superintendent.

15 With my last little statement, this should be a very
16 interesting one.

17 The main thrust of this proposal as drafted is that
18 the State School Superintendent be appointed by the State
19 Board of Education with the consent of the Senate. Question?

20 MR. GRAHAM: I was going to move we adopt it as it's
21 presented.

22 DR. PRESSLY: Second.

23 VICE CHAIRMAN GRAHAM: Do we have any discussion?

24 MR. VANN: Madame Chairman, I'm opposed to it, but
25 we have discussed this before. I think he ought to continue



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1 to be elected as currently provided in the constitution.
2 I don't know that I've got any support on the committee for
3 it.

4 VICE CHAIRMAN GRAHAM: You can try.

5 MR. VANN: Madame Chairman, I would make a
6 substitute motion that the current provision of the
7 constitution with reference to the election of the State
8 School Superintendent be continued.

9 MR. OWENS: I will second that motion. I would
10 like to speak to it.

11 VICE CHAIRMAN GRAHAM: At this point may Madame
12 Chairman drop out of her alternate position and let her
alternate pick up?

13 SENATOR STARR: No way. You're hooked.

14 (Laughter.)

15 MR. VANN: Madame Chairman, did you wish to yield
16 the chair? I will assume it.

17 VICE CHAIRMAN GRAHAM: I may leave the chair
18 whenever I wish.

19 MR. HILL: I feel regardless of which way it goes
20 it's going to come up again in the full committee.

21 VICE CHAIRMAN GRAHAM: I know it will.

22 DR. PRESSLY: I'm puzzled a little bit, though. We
23 voted on this thing, and voted and discussed it, and voted, and
24 here we start all over again on the same thing. We have
25

1 already made this decision and the majority has won. Have
2 we shifted majorities today?

3 VICE CHAIRMAN GRAHAM: Uh-huh.

4 MR. VANN: I am ready to call for the question on my
5 motion.

6 MR. OWENS: I wanted to speak to it. I did ask to
7 speak to it, the second to the motion.

8 VICE CHAIRMAN GRAHAM: Wait a minute. Let's get
9 this thing clear. Your motion -- you made a motion, right?

10 MR. GRAHAM: I made a motion we accept it as it was
11 presented. I think my motion should have been that we
12 reaffirm our earlier vote if necessary. That's my motion.

13 VICE CHAIRMAN GRAHAM: Your motion passed. We have
14 another motion on the floor with a second. Is there
15 discussion?

16 MR. OWENS: Yes. I wanted to state the fact, I know
17 that this passed through a very, very close vote before that
18 we accept it the way it's written here.

19 Now, as I have stated before I would really prefer
20 it as it is here, except for the fact that it's been voted in
21 another part that the board would be appointed also. They
22 say it's not feasible for the board to be elected.

23 Under that, with that in mind then I cannot accept
24 that both will be appointed, because naturally by my voting
25 one way or the other I accept the vote as it comes, but



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1 whenever the opportunity comes and raises its head again I
2 must be felt as to how I feel.

3 Now, if the board is going to be appointed, the
4 superintendent needs to be elected, so then I say let it stay
5 as it is then. That was the statement I wanted to make.
6 I feel very strongly about that, that there must be some kind
7 of accountability if you want to call it that in that office
8 from the people, and as you use the word lay people -- there's
9 another word too that doesn't come to mind at this time.

10 DR. PRESSLY: I might say for the benefit of our
11 guests that the other side of this argument that we have gone
12 through so many times is that we do have accountability when
13 they are appointed because the people who are doing the
14 appointing of them have been elected by the public, so that
15 there is accountability to the public, and our reason for
16 feeling that the State School Superintendent should be elected
17 is that -- I mean should be appointed is that the fact that
18 right now we have an elected official who works under the
19 State Board of Education and yet they in reality have no
20 authority over him whatsoever; they can't fire him, they
21 didn't hire him, he was elected, and we think he ought to be
22 hired by them, secured by them and be their arm and function
23 as they desire, because after all, they represent the entire
24 state. That's the two sides.

25 MR. GRAHAM: I call for the question.

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1 SENATOR STARR: Before you call the question, I've
2 got a question. I hate to bring it up.

3 I was just going to bring up one point, the second
4 sentence, the state board of education may prescribe the
5 qualifications, term of office, cause and method of removal,
6 duties, authority and compensation and allowances. All right.
7 You've got the state board prescribing the qualifications, the
8 term, the compensation and allowances. How is that going to
9 apply with other state officials where the salaries are set by
10 law, by the General Assembly?

11 MR. HILL: To my knowledge these other elected
12 officials, though, have a board that they report to. This
seems to be a unique situation where you have this board of
14 education that's in charge -- I mean the chancellor, let's
15 take the chancellor, he would be more comparable -- is the
16 chancellor's salary provided for by the board of regents or
17 by law, or by a combination by negotiation?

18 SENATOR STARR: You've got a point. And then also
19 he becomes a department head instead of an elected official.

20 I just raise it as a question -- again, I missed the
21 last meeting, I didn't really get in on the fine points of this,
22 but you've got a question that could get to be a problem in the
23 comparables between the departments of state, but I agree
24 you've got the same way in the regents, the regents set the
25 salary.



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1 VICE CHAIRMAN GRAHAM: Mel, could you or Vickie shed
2 light on what was the vote of the committee when you voted on
3 the appointed versus elected?

4 MR. VANN: Last time?

5 VICE CHAIRMAN GRAHAM: Not the last meeting, but the
6 meeting that I missed.

7 SENATOR STARR: Who was here at that meeting?

8 DR. PRESSLY: I was here.

9 MR. OWENS: It was tied, then the chairman voted to
10 break the tie.

11 MR. VANN: Last time I was the only one opposing it.
12 Odell, I guess you voted that way.

13 MR. OWENS: I thought we had brought you around,
14 made you see the light.

15 MR. VANN: The State Board of Education was five-five
16 on the issue, and I don't know how it's going to be decided,
17 so --

18 VICE CHAIRMAN GRAHAM: I don't think we have a great
19 deal of worry.

20 MR. VANN: I'm like Odell, you know, I feel that
21 whatever -- we'll have a difficult time providing or removing
22 the election of the superintendent, and therefore I prefer to
23 leave it like it is.

24 VICE CHAIRMAN GRAHAM: May I really step out as
25 Chairman at this point and Dr. Pressly --

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1 DR. PRESSLY: Just as long as you're not asking me
2 to give up my vote.

3 VICE CHAIRMAN GRAHAM: Okay.

4 MR. GRAHAM: You do whatever you want to do.

5 VICE CHAIRMAN GRAHAM: I just wanted to go on record
6 as saying that I too agree with the way that this proposal is
7 written where your state school superintendent is appointed
8 and your school board is elected, but it doesn't seem as if
9 we're going to be able to get the elected portion passed about
10 the state school board, and so in essence -- the essence of
11 that -- I would like an opportunity to vote on this particular
12 issue.

13 SENATOR STARR: The Chairman can vote.

14 VICE CHAIRMAN GRAHAM: I mean since I didn't vote
15 the others, I must step out as chairman.

16 If you will go ahead and call for the question --

17 DR. PRESSLY: I think we had better call for the
18 question on the substitute motion that Vann made, and I don't
19 guess we need any further -- Do you want to repeat it, Mr.
20 Vann, just so everybody will have it fresh in front of them?

21 MR. VANN: Dr. Pressly, my substitute motion was
22 that the current provision of the constitution be retained
23 providing for the election of the superintendent.

24 DR. PRESSLY: It's been seconded. All those in favor
25 of that substitute motion let it be known by raising your

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1 right hand. One, two, three.

2 All opposed? One, two three. There we are.

3 MR. VANN: That makes the motion fail.

4 DR. PRESSLY: Right.

5 MR. VANN: My motion would be on the table.

6 DR. PRESSLY: The motion is we adopt it as we have
7 it under section III in our printed material.

8 MR. HILL: Reaffirmed?

9 DR. PRESSLY: Reaffirmed. All those in favor let it
10 be known by raising your right hand. One, two, three.

11 All those opposed. One.

12 MR. OWENS: I have to oppose it.

13 VICE CHAIRMAN GRAHAM: Let me --

14 DR. PRESSLY: A tie again.

15 SENATOR STARR: The last vote, it stays like it is.

16 MS. GREENBERG: This will be noted in the report to
17 the full committee that this is highly controversial.

18 DR. PRESSLY: I feel so easy about it because we
19 all know it's going to be discussed a hundred times before
20 it ever becomes reality, but I do think it's difficult.

21 MR. OWENS: In the interest of all this we know
22 other things are coming up.

23 Have we really gone through every point of thought,
24 how the board should really be instituted?

25 SENATOR STARR: We've beat that horse to death.

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1 VICE CHAIRMAN GRAHAM: You must admit we've had a
2 lot of fun.

3 Now I would like to ask Mel before each of you
4 leaves that if you would give us a little wrap up on the
5 direction that we are headed and what is expected from here on
6 out.

7 MR. HILL: Yes, Ms. Chairman. The next meeting of
8 the full committee has been set for the 23rd in 337-B at
9 ten o'clock.

10 We are going to prepare a report from this
11 subcommittee and the other subcommittees and send that out
12 prior to that meeting.

13 We are going to use the draft you have worked on
14 today with the modifications that have been approved as the
15 draft what will be presented to this committee, but it will
16 be an extensive report about what we discussed, who has come
17 to testify, the decision agendas we considered, and try to
18 give the other committee a summary of the work that this
19 committee has done, and I think we will have a very full
20 agenda on the 23rd to begin to go over the drafts that have
21 been presented by all three of the subcommittees.

22 MR. VANN: Madame Chairman and Melvin, could I
23 inquire, will this committee receive copies of everything?
24 How far in advance will that be?

25 MR. HILL: Hopefully a week in advance, probably



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1 early next week we'll be sending it out. I'd say you will be
2 getting it toward the end of next week, so it will be about
3 four to five days in advance.

4 VICE CHAIRMAN GRAHAM: I have a question. I would
5 like to know -- I believe 24 people were selected for this
6 committee; right?

7 MR. HILL: This subcommittee had only about eight
8 to ten.

9 VICE CHAIRMAN GRAHAM: No, No, I mean the education
10 section.

11 MR. HILL: That's got about 25.

12 VICE CHAIRMAN GRAHAM: Okay. How many do we have
13 who are -- I mean how many members do we have left who are
14 active?

15 What is the latest report from Dr. Fulbright and
16 his condition, if he will be able to function?

17 MR. HILL: I don't know. I haven't heard anything,
18 any report on his condition.

19 VICE CHAIRMAN GRAHAM: Would it be in order to, or
20 maybe this has already been completed, but it would be --
21 would it be in order for us to send Dr. Fulbright a letter
22 from maybe this committee saying we're sorry you're ill and
23 we hope you will soon be back with us.

24 MR. HILL: He's not on this subcommittee, he's on
25 Subcommittee 2.

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1 VICE CHAIRMAN GRAHAM: I know he's not on this
2 subcommittee, but just as a courtesy could we send him a note
3 and wish him a speedy recovery?

4 MR. VANN: You could send one for the whole
5 committee. I think that would be appropriate.

6 VICE CHAIRMAN GRAHAM: Maybe this could be discussed
7 at the next meeting.

8 MR. VANN: I don't imagine anybody would object to
9 writing him a letter from the whole committee wishing him well.

10 MR. HILL: I think it's something Mr. Gambrell
11 would have to do on behalf of the committee, it would seem to
12 me.

13 MR. VANN: Would you ask him if he would do it?

14 MR. HILL: That's what I'm saying.

15 VICE CHAIRMAN GRAHAM: A recommendation from this
16 subcommittee.

17 DR. PRESSLY: May I ask what's wrong with him?

18 MR. HILL: He had a heart attack.

19 VICE CHAIRMAN GRAHAM: So we have approximately
20 twenty active members left?

21 MR. HILL: Twenty-four.

22 VICE CHAIRMAN GRAHAM: 24, okay.

23 MR. VANN: Do you know if there are any major
24 changes involving the local education section or the
25 regents' section?

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1 MR. HILL: Not substantive changes I don't think.
2 In other words, the basic philosophy of local school systems
3 committee was to leave all of the local systems as is, but to
4 facilitate changes in the future by allowing it to be done
5 through local legislation subject to referendum rather than
6 an amendment to the constitution to change the method of
7 selection of the local boards or local school superintendents,
8 but not to in the constitution make any radical changes.

9 The board of regents has not made any significant
10 changes, but you will be receiving a comprehensive report from
11 all these committees toward the end of next week.

12 MR. VANN: I understand. I just was wondering if
there were any significant changes.

14 VICE CHAIRMAN GRAHAM: Are there any other remarks
15 from any other committee members?

16 I would like to thank Mel and Vickie again for their
17 cooperative efforts, and those of you who have brought your
18 ideas here today and shared them, and so with this spirit I
19 now adjourn this meeting unless someone else has anything to
20 say.

21 (Whereupon, at 3:40 p.m. the subcommittee meeting
22 was adjourned.)

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24 + +
25 +

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Subcommittee Meeting Held on Sept. 9, 1980

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1 COMMITTEE TO REVISE ARTICLE VIII
2 SELECT COMMITTEE ON CONSTITUTIONAL REVISION
3 STATE OF GEORGIA
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10 The transcript of the proceedings heard before
11 DAVID H. GAMBRELL, Chairman, heard in Room 337-B of
12 the State Capitol Building, Atlanta, Georgia, on
13 Tuesday, September 23, 1980, commencing at the hour
14 of 10:00 o'clock a.m.
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APPEARANCES OF COMMITTEE MEMBERS:

DAVID H. GAMBRELL, Chairman
 MR. F. SIBLEY BRYAN
 MS. DOLORES COOK
 DR. J.E. DeVAUGHN
 DR. H.M. FULBRIGHT
 MS. MIRIAM GRAHAM
 MR. JOHN M. GRAHAM III
 MR. JOSEPH GREENE
 DR. CHARLES GREEN
 MRS. ANNE T. HAGER
 DR. CHARLES W. MEREDITH
 MR. ODELL OWENS
 DR. WILLIAM PRESSLY
 SEN. TERRELL STARR
 MR. DONALD THORNHILL

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P R O C E E D I N G S

CHAIRMAN GAMBRELL: I think we'll go ahead with the meeting. We're expecting several more members of the Committee to be present, but in the interest of time, I think we might as well get started with the preliminaries. I'm going to start out by asking everyone to introduce themselves, beginning with the members of the Committee, and I think we'll start with Senator Starr over here on the left and come around the members of the Committee. Then we'll pick up the members of the public. I think each one should state what their position is so we'll be able to better identify them.

Senator Starr?

SEN. STARR: Thank you. I'm Senator Terrell Starr from Clayton County.

DR. GREEN: I'm Chuck Green, Superintendent of Schools, Griffin-Spalding.

MR. BRYAN: I'm Sibley Bryan from the Board of Education of Greene County.

MR. GREENE: I'm Joseph Greene, Vice-President of the McDuffie Board of Education, Thomson, Georgia.

MRS. HAGER: I'm Anne, Hager. I'm just a plain citizen, but I'm on the State Board of the League of Women Voters.

CHAIRMAN GAMBRELL: This is Robin Harris, who is Executive Director of the so-called Select Committee, the body

above ours.

MR. HILL: I'm Melvin Hill, Assistant Executive Director.

CHAIRMAN GAMBRELL: I'm David Gambrell. I'm a lawyer here in Atlanta and Chairman of the Committee.

DR. FULBRIGHT: I'm H.M. Fulbright, Superintendent of Schools, Carrollton,

MR. THORNHILL: I'm Don Thornhill, Associate Superintendent of Schools in Columbia County.

MR. GRAHAM: I'm John Graham. I'm an attorney from Rome.

MS. GRAHAM: I'm Miriam Graham, Chairman of Education for the State P.T.A.

DR. DeVAUGHN: I'm Everett DeVaughn, Georgia State University.

CHAIRMAN GAMBRELL: All right. Dr. Meredith here.

DR. MEREDITH: I'm Charles Meredith. I'm the Chancellor for the Atlanta University Center.

CHAIRMAN GAMBRELL: Any other Committee members? I'm not discriminating. I just want to be sure the public recognizes who the guilty parties are here today.

All right. Let's take the rest of the public members here. Yes?

MS. SELLERS: Monty Sellers, Staff, House Ways and Means Committee.

MS. GUY: Jean Guy, Urban Studies Institute.

MS. LINDSEY: I'm Betty Lindsey from Georgia State University, Political Science Department.

DR. PYLES: I'm Chuck Pyles, Professor of Political Science, Georgia State.

MS. BERRY: Georgia Berry, Educational Development Division, Office of Planning and Budget.

MR. WINTER: I'm Robert Winter with the Georgia School Boards Association.

MR. JONES: I'm Ken Jones with the Georgia Municipal Association.

MS. HESSER: I'm Fran Hesser with the Atlanta Constitution.

MR. PEDIGEE: Lou Pedigee with the Georgia Department of Education Information Office.

MR. ASHLEY: I'm Gary Ashley with the Georgia School Boards.

MR. BASHAM: Eldon Basham, Department of Education, Dr. McDaniel's office.

MR. HOUSTON: Glenn Houston, Georgia Association of Educators.

MS. WIER: Jane Wier, political science student at Georgia State.

MS. BARNELL: Sandra Barnell, political science major at Georgia State University.

MR. MULLENS: Jim Mullens, Georgia Education Association.

MS. GREENBURG: Vickie Greenburg, Staff for the Select Committee.

CHAIRMAN GAMBRELL: All right. And the court reporter here and the lady in the back of the room. I'm not sure.

VOICE: Pardon?

CHAIRMAN GAMBRELL: Yes. Introduce yourself.

VOICE: I don't belong to this Committee.

(Laughter)

CHAIRMAN GAMBRELL: Well, we're going to claim you.

VOICE: Oh. I'm sorry. I'm just working. Don't mind me.

CHAIRMAN GAMBRELL: Just working. Okay. All right. Let me say if any members of the public have a particular comment or statement that you would like to make before the proceedings begin, we will certainly want to welcome that, and also I hope you will feel free to make comments as we proceed. I know some of you are here as observers, and we're glad to have you in that capacity, but we don't want any strong feelings about any subject that we discuss to go unexpressed. So we would certainly like to have your comments as we go along.

I'm going to, at this time I'd like to be sure we all welcome Dr. Fulbright to the meeting today. As most of you

know he had an illness of not long ago, and we're delighted he is back on the track here and here with us today. So we're glad to have you, Dr. Fulbright.

DR. FULBRIGHT: Thank you. It's good to be back.

CHAIRMAN GAMBRELL: Dr. Owens is here. Dr. Owens, introduce yourself. We've just been around here. Let everybody know who you are.

DR. OWENS: I'm Odell Owens, the immediate past President of the Georgia Association of Educators and also a science teacher in the Cedartown High School in Cedartown, Georgia.

CHAIRMAN GAMBRELL: Fine. You ladies that are coming in, we're all introducing ourselves, and we would like for you to tell us who you are.

MS. JENKINS: I'm Christine Jenkins from Athens, Georgia.

MR. LIPSEY: I'm Linda Lipsey from Athens, Georgia.

CHAIRMAN GAMBRELL: Glad to have you.

I'm going to ask Mel Hill if he has any comments, administrative or otherwise before we get into the meeting.

MR. HILL: Yes, I have one comment. We finally got all of our expense statements together and submitted last week. So you will be receiving your expense checks soon. I apologize for the delay. Some of you have been carrying expenses for some time without being reimbursed. In the future, this

shouldn't be a problem, and you'll be getting your checks shortly. That's all I have.

CHAIRMAN GAMBRELL: In a moment, before we get started, I'd like to talk with you about the future schedule of the Committee and also our schedule today to be sure we meet everybody's time requirements and schedules both today and from here on out. We should be thinking about what we need to do today in terms of either taking a break for lunch or trying to work through until we get through and then adjourning and seeing about lunch later.

I'm going to ask at this time if Robin Harris would bring us up to date on the activities of the overall Constitutional Revision Committee and give us any news that he can from there and maybe tell us a little bit about what we need to do schedule-wise and so forth to meet their schedule.

MR. HARRIS: Mr. Chairman, it's still the Governor's plans to include a revised Constitution in the call for a special session next August or September. The other Article Committees are moving along, some taking two steps forward and one back, but making progress anyway. We have a deadline, as you know. We would like to have all the Article Committees reporting by December the 1st.

It is the Governor's intentions to ask the '81 General Assembly to create a sort of a super Committee to take the total package and have public hearings around the State in

the spring and early summer in order to get as much public input into the proposal as can be done prior to the special session, and he appreciates all the time and effort that each of you has put into this work so far and has great hopes for something reasonably good being accomplished as a final product a year from today.

CHAIRMAN GAMBRELL: Thank you very much, Mr. Harris. There's some seats up here near the front if you ladies would like to take seats. There are several there and a couple right here. Make yourselves at home.

I would like to personally congratulate and commend the Subcommittees and the Chairmen and Staff for the fine work done in getting these Committee reports and this proposed draft in front of us for this meeting today. I would like to hope that our work will be downhill from this point on, having this very good and very thorough work in front of us.

Our program for the day primarily will consist of hearing those reports and commenting on them and deciding how we want to proceed from this point forward. In a moment I'm going to ask each Subcommittee Chairman to give a report on his or her Committee's work, summarizing what has been sent to us by mail prior to the meeting.

However, I would like to take a moment here to talk with you about the schedule today and the schedule for the balance of our work. I think we would like to get our final

draft up to the Select Committee by November the 1st, and I'll ask Mr. Harris if that's generally speaking going to be satisfactory if we have our report complete to you by that time.

MR. HARRIS: I would be delighted.

CHAIRMAN GAMBRELL: And having that in mind that we adopt a schedule and program ourselves to be able to do that. We have to have in mind, and I'm sure everyone won't be satisfied with the final product here. That is it will have something; hopefully everybody will get something that he or she wants into it, but there may also be some things in there that he doesn't want, and hopefully everyone can concur generally at the point we come to and recognize the need to terminate the discussion and take a vote or otherwise decide what we will propose November the 1st, and I'll mention this in several other contexts. It's not really as far off as it sounds. It sounds like to me it's way off in the future, and actually this is September the 23rd, and that's seven more days in September, and the month of October, and there is November the 1st.

So we have about five to six weeks in order to finish this job up. We can do this in any one of several ways, but it occurs to me that it will be inconvenient and possibly unproductive to have a number of further meetings of the whole Committee, and I'm willing to do it myself, but I don't want to inflict that on the Committee as a whole unless that's the way you would like to proceed.

The thought that occurs to me is that we might schedule one final meeting at which the thing will be more or less put to bed and that issues that become apparent or are apparent after today's meeting be hammered out among the people that are concerned with those issues, and if they still can't be resolved, they be brought to the final meeting and be hammered out by the whole Committee there.

So what I would like to do today, if that process suits you, is to run this and try to identify the things that are in dispute so to speak in the present draft and to either dispose of them today or to let them carry over and be worked on prior to a future meeting of the whole Committee. It could be that some issues are of such importance that we would need to have an interim meeting of the whole Committee or that some Subcommittee needs to convene or maybe a special Committee be appointed to deal with a particular issue, but that generally is my suggestion at the moment as to how this might be handled.

After we hear what happens today, we might decide on a different process of going forward, but I'd like to ask generally does anyone have a different thought as to what we need to do, what we need to aim toward by the end of the day basically to identify those issues, and I don't mean so much matters of phraseology, but issues of substance. There will be in any text a lot of disagreement maybe as to the use of particular words, and I don't want to discount that, but I think

those things can be worked out by smaller groups than the whole Committee.

If that general approach suits you, do any of you have any feeling about today's meeting? I know at meetings like this people have to leave to catch planes or go to other meetings or what have you, and I don't want to be half way through the day's business and have more than half of the Committee already departed. We have a lot of public representatives here who I'm sure would like to have the whole thing out in front of them so to speak while they're here and maybe have a chance to comment on some part of the business. My thought there would be to set up a schedule, having all these Committee reports presented briefly, maybe fifteen to twenty minutes to each Committee Chairman, so that the whole subject will be in front of everybody, and then from that point go forward with the identification of specific issues in dispute and discussion of them.

Certainly we would like to resolve as much today as we can, but the main object I think today is to get the whole Committee, everybody on each Subcommittee familiar with what the other Subcommittees have been doing and some of the issues that other Subcommittees have developed so that from this point forward everyone can take a broad view of the whole picture.

There are some parts of this Article, as you know, that have been touched on by each of the Subcommittees, and

certainly we need only one solution to each problem. So the question is where to put it and not so much what it is.

If that mode of procedure suits -- Mel, do you have any comment on that process?

MR. HILL: (Shakes head)

CHAIRMAN GAMBRELL: And without any order of priority, an agenda has been handed out, We can start with Dr. Meredith and his Subcommittee report on the State Board of Education and State School Superintendent.

I might say for the benefit of the members of the public here that each of these Subcommittees have been at work several months interviewing and hearing from various experts and public representatives on specific areas of the Education Article and education subject matter in the State and has developed proposed revisions of sections of the existing Constitution. They have filed written reports which we have had in front of us for a couple of weeks so that the whole Committee here at least has in written form the reports of these Subcommittees. I don't think it will be necessary for each Chairman to cover everything they have reported in detail, but I do think it would be important if you could point out sharp issues within the Committee and how you resolved them.

I think one of the things we probably would need to do is after all the reports have been made, I'm going to ask members of the Committee to point out where they disagree with

any parts of the Committee reports. Some of the decisions taken by the Subcommittees were done by votes of three to two or four to three or five to one and so forth. So the Subcommittee reports don't necessarily represent unanimous opinions of the Subcommittee as much as of the whole Committee.

All right. Dr. Meredith?

SEN. STARR: Mr. Chairman, before you get started --

CHAIRMAN GAMBRELL: Yes.

SEN. STARR: You mentioned an agenda. Do you have other copies?

CHAIRMAN GAMBRELL: Yes. It was handed out earlier. Give him a copy of it.

Dr. Meredith?

DR. MEREDITH: Thank you, Mr. Chairman.

CHAIRMAN GAMBRELL: I might say, if you can make it up here, well, you're welcome to do so. The way we're arranged here, it's a little hard to get around. Why don't you come on up here and everyone can see without turning around in their chairs.

(Pause)

DR. MEREDITH: Thank you. I would like to begin the report of our Subcommittee One. We had the responsibility for Sections One, Two and Three of Article VIII, and I shall like to introduce the Committee members. Ms. Miriam Graham, who served as Vice-Chairman of our Committee. Mr. Odell Owens.

Dr. Pressley, who is not here today. And Mr. Tom Vann, who is a member of the State Board of Education, who is not here today. Attorney John Graham. And Senator Terrell Starr I think made up the membership of this Committee.

The format that we adopted to try to resolve the issues before us was as follows: The Staff prepared a decision agenda, which our Committee approved. It was later revised, and our Committee approved that, and we used that as a basis to try to get answers to discussion on the sections. We had about seven meetings beginning back in May and ending the 9th of September. We invited different groups or different persons to come before our Committee and discuss our decision agenda. We had Mr. Eldon Basham, who is the Legal Assistant to the State School Superintendent. We had Dr. Jim Mullens, who is the Executive Director of the Georgia Education Improvement Council, and Dr. Carol Adamson, who is the Associate State School Superintendent. We had Dr. Charles McDaniel, the State School Superintendent, and Mr. Tom Vann, who is a member of the State Board who testified for us as a State Board member. We also had an opportunity to have a conversation with the Chairman of the State Board of Education in sort of an informal session to get some of his views on some of these issues.

What I would like to do, Mr. Chairman, if it's okay, is just sort of like summarize the decision agenda, because it's reflected here, the discussion and nature of the decision that

we arrived at, and the final draft incorporates all of the items that I will briefly cover here.

The first agenda item was should the constitutional mandate of an adequate education for the citizens be changed, and the Committee decided that that was appropriate and no change was needed, that the statement "adequate education" was descriptive of what we felt the constitutional mandate should be.

The second one, should the provision stated that an adequate education for the citizens shall be a primary objective of the State of Georgia -- there was some question as to whether or not the State of Georgia, quote-unquote, was board enough or too broad, and the Committee decided that it was adequate and should be retained as it is.

There's another statement that caused some concern on our Committee, and we decided to look at it. It was should the State be required to assume a greater responsibility for the financing of public education, and we recommended that it should not be. This particular item should not be part of the Constitution. It's not a constitutional issue.

There was much concern about the problems associated with the numerous number of private schools in the State and whether or not the State Board or the Constitution should empower the State Board to establish minimum standards for various private schools. We learned that basically all that's

required to establish a private school is for someone to have some students and to report to the State the attendance, and that was the extent to which one had to go in order to set up a private school.

Our Committee felt that the State Board should be specifically authorized by the Constitution to establish minimum standards for all students prior to college or post-secondary level and enforce such standards as provided by law.

There was a statement in Section Eight of Article VIII on the freedom of association, and the Committee decided that that statement need not be retained in the revised Constitution. It was a statement that got into the Constitution in regards to the 1954 Brown v. Board of Education decision, and we felt that there was no compelling reason to retain that statement.

Then we got to -- and we put it off as long as possible, and that is how do we resolve the issues related to the State Board of Education, the method of selection of the Board, State Board of Education, and the method of selection of the State Superintendent. For those of you who might not know, under the present system, it allows for the State Superintendent to be elected by a popular vote, is that right, and that the State Board of Education is presently selected through an appointment system by the Governor through confirmation by the Senate. We felt that this particular arrangement did not

provide for enough accountability between the Board and the State Superintendent. We felt that -- it was not a unanimous decision as you can probably guess. At some points we were 80-40, 80-20 and 50-50 and 0-100, but we finally decided that the method of selection of the State Board of Education should not be changed, that the Governor shall appoint according to the present method, according to Congressional Districts with the advice of the General Assembly.

I've got to read this. "The Committee considered the following methods of Board selection: Governor's appointment, which is the present method; appointment by the General Assembly by Congressional Districts; appointment by the General Assembly upon the advice of local Board's of Education; appointment by the local School Boards, and election by Congressional District. After considerable debate and by no means unanimous consent, the Committee agreed to retain the present method of selection of the State Board of Education members."

The Committee did recommend that the method of selection of State School Superintendent be changed. The Committee agreed that the State School Superintendent should be appointed by the State Board of Education with the advice and consent of the Senate, and in so doing, we have allowed for accountability of the School Superintendent to the State Board, and we know that we left ourselves exposed to some extent in that it might be viewed that the public determination of the

composition of the School Board and the School Superintendent is not clearly in their hands, but we weighed that and decided and also our view was supported by the present School Superintendent. He indicated that he considered himself to be an educator, not a politician and that the job of the School Superintendent for the State should be a professional educator as opposed to a professional politician.

Again, this was by no means unanimous. The other items I think were minor. If you would like, I would put this in the hands of all the members of the Committee.

CHAIRMAN GAMBRELL: All right. Very good. Does anyone have any question they want to ask Dr. Meredith at this point? Yes, ma'am?

VOICE: What provisions do you have in this that the Governor will actually appoint an educator instead of one of his political buddies he owes a favor to?

DR. MEREDITH: No, no, no. The Governor will not make the appointment of the State School Superintendent. The School Superintendent will be appointed by the Board of Education.

VOICE: Oh. Okay.

DR. MEREDITH: Who is appointed by the Governor, the Board. That was a trap. I know.

CHAIRMAN GAMBRELL: By a Governor.

DR. MEREDITH: A Governor.

CHAIRMAN GAMBRELL: All right. Any other questions that anyone would like to direct to Dr. Meredith? I think that was a very good and comprehensive report.

I think before -- unless someone feels urgently that they would like to discuss some of those issues, it would be desirable to go on and get everything out on the table so we will have the full scope of this Committee's work before we begin taking up individual issues.

Our next Subcommittee report will be Dr. Thornhill, the Subcommittee on Local School Systems.

Thank you, Dr. Meredith.

Why don't you come up here, Dr. Thornhill?

(Pause)

MR. THORNHILL: Thank you, Mr. Gambrell. I appreciate the "doctor," but I haven't earned it yet.

CHAIRMAN GAMBRELL: There are people that call me "doctor" since I've been in this, so I call everybody "doctor."

MR. THORNHILL: I chaired the Subcommittee that looked at provisions dealing with the local school systems, and I too would like to make some general comments about the Committee before I get into the report. The Committee was composed of Mr. Joseph Greene, Senator Brantley, Mrs. Dolores Cook, Dr. Fulbright, Mrs. LeAnna Walton, Mr. Freeman Leverett and Representative Ben B. Ross. We met on six occasions to look at three specific sections of Article VIII, Section Five,

Section Seven and Section Nine; Section Five entitled "Local School Systems, Section Seven "Local Taxation for Education," and Section Nine, "Special Schools."

I would like to especially thank Mr. Greene and Mrs. Cook, Mrs. Walton and Dr. Fulbright for their very active participation in the Committee meetings and attendance to the Committee meetings.

We too followed a decision agenda format as we looked at the various issues contained in these particular sections that we were concerned with, and we also had some very fine consulting help to come in, Mr. Eldon Basham, Dr. Cal Adamson who is our Associate State School Superintendent, Mr. Pete Hackney of the Legislative Budget Analysis, Mr. Clark Stevens, Director of the Office of Planning and Budget, and one interesting guest that we had, not that none of them were interesting, all were very interesting, but one that we all enjoyed very much having was Dr. Jack Nix, former State Superintendent of Schools, and he gave us quite a bit of information as to what we were looking at, but he also expanded a great deal upon one of the issues that Dr. Meredith's Committee looked at, and that was the State Superintendent and whether he should be elected or appointed. Dr. Nix had some very firm opinions about that issue.

We also had Dr. Joseph Froin, Associate State School Superintendent for Vocational Education and Dr. Jim Mullens,

Director of the Educational Improvement Council, and Mr. David Morgan, Executive Director of the Governor's Committee on Post-Secondary Education.

I will pretty much follow and hit just the highlights down the decision agendas that we used and give you some of the brief thinking of the Committee and what our decisions were. The first issue that we looked at under Section Five was, should the consolidation of local school systems be encouraged or facilitated. Now, the decision agenda that the members of the Committee had says that the response to that was "yes." Actually what we felt like, they should be facilitated; we didn't feel like we should encourage it as much as to facilitate it. To go along with that, we felt that the double majority voting requirement for the consolidation of local school systems be eliminated.

Those of you that are familiar with that particular requirement, it says upon the referendum, upon a referendum in which fifty percent of the registered voters approve said referendum will consolidate it. We eliminated the fifty percent, so it's simply putting it on a simple majority to facilitate consolidation of school systems.

The next area that we looked at was, should the provisions relating to the area school districts be retained in the Constitution at all, and we said "yes," that this type of system should be encouraged. Now, an area school system

would be where you have one or more local school systems coming together to form a larger one, two county school systems, for example, merging to form an area school system.

Number two, should the provisions relating to the selection of County Boards of Education be changed? Basically what we said was that we wanted to put it in the hands of the law rather than a constitutional, where it would be changed by a local constitutional amendment. We said the present method of selection of local School Boards of Education should be continued. Thereafter the method of selection would be able to be changed by law conditioned upon a referendum in the system affected.

As many of you know, we have several methods of selecting Boards of Education throughout the State. Some are appointed; some are elected. The original Constitution of 1945 established I believe they would be appointed by Grand Jury as members of the Board. A provision was put into the Constitution that would allow this to be changed by a referendum. This would be an amendment to the Constitution, a local amendment.

Of course one of the things we're trying to do is to streamline the Constitution so that we won't have such a burdensome instrument with a lot of local amendments. So it was felt by our Committee that if we leave it like it is, where systems could continue with the methods that they have; however,

if they wanted to change it, it could be changed by law subject to a referendum.

The same thing was true with the method of selection of the County School Superintendent. We have some that are appointed, some that are elected and so we dealt with the schools, the local School Superintendent the same as we did with the local Board members.

Number four, should cities continue to be authorized to maintain existing independent school systems? We said "yes." And should independent school systems be given power to set school tax? We said "yes." It was felt that they should have the same power to set the school tax as county systems have. However, we had a lot of discussion about this particular point. It was finally agreed that all existing methods of certification and levy of the school tax should be grandfathered in. In other words, we tried to facilitate where independent systems -- and basically the general feeling of the Committee, Subcommittee for independent systems and some of our protected systems was that we wanted to get all the school systems on the same basis in terms of taxing power and other powers that local school systems have.

Should independent school systems be continued to authorize colleges? And we said "no" to that. We felt like that should come under the jurisdiction of the Board of Regents and not under local school systems.

Should public school systems established prior to the Constitution of 1877 continue to be given special constitutional protection? We said "no," and as we got into this particular issue, some of the things that were brought to mind that the school systems differed from school systems established under the Constitution of 1945 were five major areas; the selection of the Board, the Board of Education, method of selection of local School Superintendent, millage rate levied on property for education, method of certification and levy of school tax, and applicability of county and municipal debt limitation, the limitation provisions of Article IX, Section Seven.

The proposed draft has grandfathered in the existing situation of all five of these areas. However, it could be changed by law through a referendum. Is that correct, Mel?

MR. HILL: I don't think a referendum. No, a referendum is not a condition. It could be changed by law.

MR. THORNHILL: By law.

MR. HILL: And it would be up to the law whether there is a referendum or not. The Constitution doesn't require it.

MR. THORNHILL: Thank you. Should the language requiring official meetings of county and area Boards of Education be open to the public be strengthened? We said "no." We felt that the Georgia Supreme Court's decision, recent decision weakened the open meeting requirement in the Constitution by interpreting the provision to be synonymous with the Sunshine

Law; therefore, it was felt that we could just simply delete this and place it totally in the hands of the Sunshine statute.

Should the requirement be extended to an independent Board as well? Here again, the Georgia Sunshine Law applies to meetings of independent Boards of Education as well as County Boards of Education. Basically we said that everything would just come under the Sunshine statute.

Should the school tax millage limitation be set in the Constitution? We said "yes." We felt that the limit should remain the same as it presently is, a twenty mil limitation with a provision that that limitation may be raised or totally lifted by approval of a local referendum.

Should the authorization for inter-school contracting be changed? We felt that it needed to be changed somewhat to facilitate inter-school contracting. Georgia courts have ruled that joint ownership and operation by contracting may not be done, thus hampering the more widespread use of the contracting power. We felt that two or more Boards of Education should be able to contract with each other for shared facilities and maintain shared administrative authority. Under the present set-up, if two or more Boards contract with each other, one Board must be designated as the administrative authority for whatever it is they contracted. Under what we are proposing, it would be a shared type of authority.

Should the Constitution provide for the regulation

of private schools? We felt that it should not. However, we did feel there should be some means to guarantee an adequate education for all students.

Now, all that was what we dealt with in Section Five. In Section Seven, "Local Taxation for Education," should the State be required to assume a greater responsibility for the financing of public education? We said "yes." The Committee was of the opinion that the State should assume a greater responsibility of financing public education, but that such a statement should not be placed in the Constitution.

Should the local property tax continue to be the primary source of revenue for local school systems? That whole question, the answer to that was "yes." Most states use property taxes as a major source of educational revenues on the local level. Other sources such as local option sales tax or gas and oil tax were only touched upon in our discussions.

Should independent School Boards be given the same authority to set the local tax as County School Boards? We felt that they should. Here again, going along with the idea that all school systems should have the same and equal authority; however, we finally agreed that the present method of certification and levy for independent systems should be grandfathered in.

Should a specific millage limitation on property taxes which can be imposed by local Boards of Education be

retained in the Constitution? We said "yes." We should retain the twenty mil limit that we've already addressed.

Should Chatham County and the City of Savannah continue to be specifically referenced in the Constitution? We felt like they should not. We wish to avoid such specific references if at all possible to any particular school system in the Constitution. We just don't feel like it should be in there.

Six, should the present method of removing or increasing local millage limitations be retained in the Constitution? Under the proposed draft, the limitation may be changed by the Board of Education, but only upon the approval of a majority of the qualified voters voting in a referendum.

And those school systems containing a power plant, this is an electrical power plant. This is one that we kicked around a great deal. The tax wealth per pupil is typically far in excess of neighboring school systems. Should an attempt be made to equalize the disparity created by this situation? We said "yes," but we couldn't come up with any way as to how we could do that, and there was some fear that such a provision in the Constitution would thwart efforts to fund the district power equalization bill, along with some other things that happened throughout the State, the Whitfield County case and so on that's coming up. So we felt that we did not or the proposed draft does not include a provision for such a State

fund. The Subcommittee requests that the full Committee be apprised of its concern in this matter. We did have a lot of concern about this particular issue, but what we did was we put the ball in the court of the full Committee to let them work on it.

Should the State be required by the Constitution to finance special schools? These are schools, vo-tech schools, adult education, exceptional children and so on. We said "no," that the State Board of Education should be responsible for developing such programs, but the Constitution should not mandate the method of financing special schools.

Should local Boards of Education be forced to finance such schools? We said "no." This should not be mandated by the Constitution. The method of financing special schools should be provided by law, not by constitutional provision.

Nine, should two or more Boards of Education be able to contract with each other for shared facilities under Article VIII, Section Five, Paragraph Six, and mandate shared administrative authority rather than single authority in one Board? I think I've already alluded to that one. We said "yes."

Should the Constitution specifically provide for the manner in which equal educational opportunity for citizens shall be realized? We said "no." We said this is a point where there was much discussion in our Subcommittee about this. The

Committee decided that in the manner of providing an adequate education was a matter that could be dealt with more appropriately by statute rather than by Constitution.

The last section that we dealt with was Section Nine, "Special Schools." Should the Constitution contain special provisions for vocational trade schools? We said that we felt that it should. We felt that the Board of Education should be given broad authority to provide for vocational education. That was the State Board of Education.

Two, should the provisions of vocational education opportunities be primarily a State obligation? We said "no." Provision of vocational education opportunity should be primarily a State obligation, but such a provision should not be stated in the Constitution. We felt that it was a State obligation, but we didn't feel like it ought to be a provision of the Constitution.

Should the Constitution provide for a greater centralization and coordination of vocational, technical educational programs? Yes. The Constitution should authorize the State Board of Education to be responsible for the coordination of such programs.

Should a statement be included in the Constitution encouraging cooperation between the Board of Education and the Board of Regents for the development and administration of vocational, technical educational programs? There was a

difference of opinion as to the effectiveness of such a statement. The Subcommittee decided not to include such a statement, but supported the concept of the two Boards working together to enhance vocational, technical educational opportunities.

In looking at this issue, we realized that there is some overlapping between the higher education of the Board of Regents to the items they would handle and also your vocational, technical education under the State Board of Education. We felt like there should be that cooperation between the Board of Regents and the State Board of Education, but that it should not be dictated by the Constitution.

Should the Constitution provide for the creation of a new Board of Vocational Education to oversee the development and administration of vocational, technical educational programs? We said "no." It was agreed that this responsibility should be the State Board of Education.

Should the Constitution authorize the State Board of Education to contract with a private educational institution for vocational training? We agreed that this matter should be provided for by law and not a constitutional provision.

Should the Constitution contain any special provisions for schools for exceptional children? Here again we felt that such provisions were unnecessary if the General Assembly were given broad authority to provide for creation of special schools.

Should the provision of special educational opportunities for special children be primarily a State obligation? We felt that it is a State obligation, but it should not be stated in the Constitution, that this would be more of a statutory matter rather than a constitutional provision.

Should the responsibility of the State to provide education opportunities for handicapped be specified? Here again the same feeling on the Committee that it should not be specified in the Constitution, but should be provided for by law.

Should the Constitution contain any special provisions for schools for adult education? Here again we felt like this was not a matter to be addressed by the Constitution, but by law.

Should special schools including vocational trade schools established prior to November the 8th, 1966 pursuant to the amendment of Article VII, Section Six, Paragraph One of the Constitution of 1945 proposed by resolution approved March 17th, 1960 and ratified on November the 8th, 1962 continue to be excepted from the provisions of this section? We said "yes." This was provided for, and it is provided for in the proposed draft.

Mr. Chairman, that's the Committee's report.

CHAIRMAN GAMBRELL: Thank you very much, Mr. Thornhill. We appreciate that very fine work by your Committee. There is

a question.

MR. BRYAN: I have a question on the selection of the Board of Education locally and the Superintendent locally. You say that method shall be provided by law?

MR. THORNHILL: Right.

MR. BRYAN: Who makes that law? And what is the processes for that law to be enacted?

MR. THORNHILL: Right. It would be as any local legislation is presently carried out through the General Assembly. It would be introduced by your delegation representing your County, but then that has to be brought to a referendum in the local system.

MR. BRYAN: That's what I don't understand. That's the way it's done to amend the Constitution now, but if the State wants to make a law, the General Assembly passes it, and that's State law.

MR. THORNHILL: What we're saying is that that law is subject to a local referendum before it can become effective.

MR. BRYAN: That's constitutionally provided for? Is that right? Is that a change? Is that a new way to make a law in the State? I don't know. I'm just asking.

CHAIRMAN GAMBRELL: Well, this is a rather complex problem, and I don't know as applied to this particular issue that you raised how it stands now or how it's provided in the new draft, but there are local constitutional amendments which

are processed in certain ways now, and there is local legislation which is not a constitutional amendment, but does have to go through a certain process of being published in the local paper and that kind of thing, and sometimes these things are --

SEN. STARR: It doesn't require a referendum.

CHAIRMAN GAMBRELL: What is that?

SEN. STARR: Just your local constitutional amendment requires a referendum.

CHAIRMAN GAMBRELL: Exactly.

SEN. STARR: But your local act does not.

MR. THORNHILL: Well, your local act -- well, I'm not a legislator, so I'm just going by what -- I know we've had some things in our own County where it was subject to a local referendum.

SEN. STARR: That's usually at the whim of the members of the General Assembly. If you want it by the approval of the people, you had better spell it out.

MR. HILL: It is spelled out in the proposed draft. Everything is grandfathered in so that whatever the existing method of selecting the local Board and local Superintendent, whatever the method is, it's grandfathered in by this provision, and thereafter it can only be changed by local law that's conditioned on a referendum in the area. So what it's done, it's taken the local amendment process and put it in the Constitution proper so you will not be amending the Constitution

to make these changes; you will be passing a local law and then having the people vote on it in their locality. It doesn't make a new class of law. It just imposes a constitutional limitation or condition upon the approval of that law to allow for local approval.

MR. BRYAN: So basically we have the same process that we have to go through for a constitutional amendment; only it becomes a law instead of a constitutional amendment?

MR. THORNHILL: It becomes a law rather than a constitutional amendment.

MR. BRYAN: Okay. Thank you.

CHAIRMAN GAMBRELL: Any other comments or questions to Mr. Thornhill?

DR. FULBRIGHT: We're going to have a chance to discuss some of these issues ultimately, Mr. Chairman?

CHAIRMAN GAMBRELL: Oh, yes. I might say for the benefit of the public represented here and also the Committee I have suggested to the Select Committee that a general plan of, let's say, local constitutional amendment and local referenda be adopted in the Constitution somewhere and then throughout this part of it, all you would have to say is, "The plan herein can be changed by a referendum," and that would refer to another section that would explain how it's done, so in each section you would not have to explain what kind of referendum and what the requirements and how many petitioners

and so forth and so on would have to participate. One of the complicating factors in all of this is that it's not just in the Education Article and Local Government and other places. Each time something is subject to change, you have a special arrangement for how the change is going to be made. I think that's very confusing, what creates a lot of the problems, so I hope something like that can be worked out, and every time we refer to a subject, to a referendum, everybody will know what you're talking about and won't have to say, "What kind of referendum is that? Do you have to advertise in the paper? And does it have to be signed by all members or the General Assembly in that District and this and that?" It means the same thing in every instance.

Another suggestion that occurs to me sitting here, Robin, and you might think about this, there's a lot of what has been discussed by our Subcommittees which the Subcommittees or maybe the whole Committee will decide is not the proper subject matter for the Constitution, but is something that needs doing or ought to be treated in a certain way in legislation. I'm going to suggest that the Staff working with our Committee make a list of those legislative proposals so that our Committee won't go away from here thinking that the good ideas that they have had on certain subjects that are not to be included in the Constitution will be forgotten forever, and this might apply throughout to compile a list of recommendations or the whole

revision process with reference to legislation pursuant to the Constitution, additional changes that are being made.

In reference to our own schedule here, I think we're making good progress at the moment. Let me ask if anyone has any suggestion as to how we might proceee. That is as to whether you would like for us to take a lunch break at 12:00 o'clock and come back at 12:30 or 1:00 o'clock and work on from that point, or would you like to work until 1:00 o'clock and see if we get through and adjourn for good, or how you would like to handle it. It's now about 11:10.

Yes?

DR. MEREDITH: I would like to recommend that we work until 1:00 o'clock.

CHAIRMAN GAMBRELL: All right. Does anyone else feel differently about that? Of course if we still have a good bit to do, we can adjourn at that time and come back, and we might could send out and get a hot dog or something else, depending on what the schedules are. Does anyone have a plane to catch or some other time limitation that they're under? Certainly if you need to leave, you're welcome to go ahead, and if you have something to say, why, let us know so we can work it into the process prior to your time of departure.

I'd like at this time to welcome Mrs. Dolores Cook, a member of the Committee, who has come in since we've all introduced ourselves, and Dr. Bill Pressly, who has also come

in. We have a very good attendance of our Committee here, and I'm delighted with that.

If that mode of procedure suits everyone, suppose we -- I was going to ask if anyone wants a cup of coffee or a Coke. I'm sure it's available out here. Just help yourself as we proceed.

At this time I'll call on Mrs. Hager. I think you'll be all right right where you are to go ahead and give your Subcommittee report, and we won't take a specific break here, but if anyone wishes to step out, feel free to do so, and we'll just go.

Mrs. Hager, the Committee on the Board of Regents.

MRS. HAGER: All right. We had two sections; we were responsible for, Section Four, which is Board of Regents, and Section Six, which is Grants and Bequests and Donations. I'd like to introduce my Committee. I don't see too many of them here today.

Dr. Alonzo Crim was the Vice-Chairman. I don't believe he is here unless he snuck in. Sibley Bryan, who is right over here. Senator Hugh Carter. Dr. Erwin Friedman. Representative Arthur Gignilliat. Dr. Charles Green, and Mr. Tom Vann were the members of our Committee.

We probably had the least words, if you're counting words, to study, but I think I would be safe in saying other than Dr. Friedman we really had to do our homework because I

think all of us knew more about the other two Committees' work than we did the one we worked on. The most controversial issues, if you want to call them controversial, that we addressed were defining what the jurisdiction of the Board of Regents actually was and should independent systems or anyone but the Board of Regents be allowed to add colleges? For example, you know, DeKalb College is not under the Board of Regents.

We also spent a good bit of time talking about funding this lump sum allocation which is unique to the Board of Regents. I think what we'll do is I'll tell you who addressed our Committee, and then I also will go down our decision agenda, which will give you a pretty good idea of things that we covered.

We heard first from Dr. Erwin Friedman who is the Chairman of the Board of Regents of the University System of Georgia, Mr. David Morgan, Executive Director of the Governor's Committee on Post-Secondary Education, Dr. Joseph Froin, Associate State School Superintendent for Vocational Education, Dr. Jim Mullens, Executive Director of the Georgia Educational Improvement Council, and Mr. Henry Neal, Executive Secretary of the Board of Regents of the University System of Georgia.

The first things we addressed which we decided not to change were the composition, the method of selection, the term of members, and also the position of the Chancellor being

provided in the Constitution. We decided to leave all those the way they are. We felt as far as the position of the Chancellor, this matter should be left entirely in the hands of the Board of Regents.

We next went on to: Should any of the specific powers and duties of the Board of Regents as provided by law existing at the time of the adoption of the Constitution of 1945 be provided for directly? We said "yes," and we addressed two things that we felt should still be protected by the Constitution. One was this lump sum allocation, and the other was the power of eminent domain on sale and purchase of land.

The lump sum allocation, there was some uncertainty as to the status of laws existing at the time of the adoption of the Constitution of 1945. Thus, the Committee decided to bring forward into the Constitution itself those matters which deserved constitutional protection and to leave all other matters to be provided for by law. Two matters were deemed worthy. One was the lump sum. The other provision, respecting the exercise of the power of eminent domain in the sale and purchase of land.

Should all State supported institutions of higher education be required to be under the jurisdiction of the Board of Regents? We said "yes," It was agreed that the Board of Regents should be given exclusive authority to create public colleges, junior colleges and universities in Georgia. Please

note that this provision would not effect the status of DeKalb College.

Should independent school systems continue to be authorized to add to colleges? And again we said "no." Only the Board of Regents would be allowed to add colleges to the University System.

Should a statement be included in the Constitution encouraging cooperation between the Board of Regents and the State Board of Education in the development and administration of vocational-technical education programs, which Committee Two also addressed? And we said "no." The Subcommittee that a statement encouraging cooperation would not be appropriate for a Constitution, but that some centralization of authority for vocational-technical education was needed.

Next, should public educational institutions be specifically authorized by the Constitution to contract for private educational services? No. It was felt that this matter could be addressed more appropriately by statute.

Should the provisions concerning the program for elderly citizens be continued as constitutional provisions? Again we said "no." This would be provided by statute, not in the Constitution.

Should Section Six, which is the one on Grants, Bequests and Donations be incorporated into other sections of Article VIII? We said "yes." At the suggestion of the Staff,

the Subcommittee agreed to transfer that section to other parts of Article VIII that you'll see as we read the draft over.

The last thing we addressed: Should the provisions in Article X relating to student educational systems be incorporated into Article VIII, and we said "yes," and this will be in the form of a recommendation to the Select Committee. I think basically what we did was we tried to remove things to clean up the wording in this section and take out things that could be covered by statutory law that did not need to be in the Constitution.

DR. FULBRIGHT: Mr. Chairman, what is the provision in the program for elderly citizens?

CHAIRMAN GAMBRELL: Could you answer that for us?

MRS. HAGER: Wait just a minute. It was written in here. It states the Board of Regents is hereby -- it's paragraph two in the Constitution we're addressing. "The Board of Regents is hereby authorized and directed to establish, but not later than the beginning of the fall quarter of 1977, a program whereby citizens in the State who are 62 years of age or older may attend units of the University System of Georgia without paying their fees except for supplies and laboratory or shop fees when space is available in a course scheduled for resident credit. Such programs shall not include attendance at dental, medical, veterinary and law schools," and so forth.

We felt this was no longer needed to be in the Constitution, that this would be covered by statutory law.

Any other questions?

CHAIRMAN GAMBRELL: Let me ask this. It's been mentioned twice. The provision of Article X being incorporated in this Article, could you tell us what that is? And is that Article X in its present form adequate to cover the subject matter per assistance? Yes?

MR. HILL: Mr. Chairman, Article X now deals with retirement and scholarships, and it's being revised by another Committee, and there's a Staff recommendation to the Subcommittee, which they agreed to, that the matters relating to educational assistance, when the final Constitution is composed, be moved to the Education Article, since it relates more to that, and it doesn't need to be in a separate Article all its own. So it was just a recommendation on that.

Now, in terms of Section Six of the present Constitution relating to grants, Section Six of your Article relating to grants, well, that is a two sentence section. One authorizes the Board of Education to accept grants and bequests, and another one is a sentence authorizing the Board of Regents to accept it. So we thought that section could be eliminated. It's merely a shuffling of the provisions and doesn't have any substantive effect.

So in this proposed draft, that's been eliminated

because it's been included and encompassed by the Board of Education and the Board of Regents Sections.

CHAIRMAN GAMBRELL: Well, I think in addition to the question of how it's to be accomplished, I was wondering, has some Committee of our group considered whether the grants and scholarships provisions of the Georgia Constitution are adequate for our educational program in the State, or are we simply taking the work of some other Committee on that subject?

MR. HARRIS: We're taking the work of the Article X Committee.

MR. HILL: Yes.

MR. HARRIS: It was addressed by the Article X Committee, which is where they are all now located.

CHAIRMAN GAMBRELL: Well, right. I just wondered, are we satisfied or do we know whether or not we are satisfied with what they've done in terms of our overall educational policy?

MR. HILL: No one on this Committee has looked at the recommendations. That's not part of this charge as the Subcommittee saw it at the time.

MRS. HAGER: I might add that we had two other correspondences from Henry Neal after our Committee met, and there were a couple of things. One of them is really just adding something. I talked to a couple members of the Committee that it didn't really change the one about the allocations.

The other one, I don't know. At the appropriate time I guess when we get into the actual talking of the wording of the Constitution, we'll need to spend a little bit of time on these two things.

CHAIRMAN GAMBRELL: Are there any other questions or comments about that report?

(No response)

CHAIRMAN GAMBRELL: We thank you, Mrs. Hager, and your Committee for that very good work. I think all of you will agree that these reports and the draft that has been pulled together based on the reports will be very constructive aids to us in our further work and a great contribution to this whole subject matter.

I think going forward from this point, our general purpose will be to identify specific points or issues or questions that may have arisen and resolve of course as many of them as we can and to find out which ones may be or cannot be resolved here today or need further study.

I also want to be sure if any member of the public here has a comment they want to make that they have an opportunity to do that as well. So I think we might ask at this time first from members of the Committee if you have any questions you want to raise or any differences that you want to make with the Committee reports. I think it would be helpful if each comment or issue that is raised is directed toward a

particular point here, or if it's something different from what we've covered, that we understand that.

Why don't I just go around the table here with the Committee members and see if any of you have any questions that you would like to raise, specific questions at this time, and see where we stand after that. Any of you, beginning down here with Dr. Meredith and Ms. Cook, have specific issues? You're not foreclosed if you don't raise it now, but I do want to give everyone a chance to say whatever they have to say.

DR. MEREDITH: I have one.

CHAIRMAN GAMBRELL: Yes, Mr. Meredith.

DR. MEREDITH: Just a clarification. On the report of Subcommittee Two in reference to special schools, adult education, vocational education and exceptional children, they said that the provision for such schools should not be, the financing for such schools should not be provided for in the Constitution, and I'm looking back at paragraph one of Section One where we had said that the State, the primary obligation, the primary obligation of the State is to provide education for all the citizens to be financed through taxation, and my question is: By not having it called for in Subcommittee Two, if that implies that it's covered in paragraph one that the financing of special schools?

CHAIRMAN GAMBRELL: Mr. Thornhill, why don't you answer that?

MR. THORNHILL: Yes. That's basically correct that it's covered in paragraph one, that the obligation of the State to provide for educational opportunities for all children. The Committee felt like we didn't want to get into the Constitution the specific methods of financing special schools and schools for exceptional children and this sort of thing, that that ought to be left to legislation rather than the Constitution.

DR. MEREDITH: The other question is: Is there anything in the Constitution or any statutes that set aside, that define special schools such that they would not be covered under paragraph one?

MR. THORNHILL: You're going to have to address that one to Mel.

MR. HILL: The proposed draft does make mention of special schools and the authorization for local systems to participate in the creation and support of their schools as provided by law, but the definition of what a special school would be would be subject to that statute and subject to further interpretation. At the present time special schools are limited to those three that we mentioned.

DR. MEREDITH: But when we talk about public education in the State of Georgia, do you automatically include the special schools? That's the question I'm asking. Are they included or are they treated special?

MR. HILL: Well, I would think so. I don't know that

it's ever been addressed specifically, but certainly public education would appear to be any education supported by public funds.

DR. MEREDITH: That's all I want to know. I just want to make sure.

CHAIRMAN GAMBRELL: We might address that to Charles Tidwell who is here from the State Law Department as to whether there is any limit on what education can be supported by State funds.

MR. TIDWELL: I suppose, Mr. Chairman, just the ability of the State to raise those funds. Until then, we can spend as much as we want to.

CHAIRMAN GAMBRELL: Let's say if the General Assembly defines something as being special education and appropriates money to it, that's not unconstitutional to do that? In other words, the General Assembly has authority to define what is included within it's educational mandate and to appropriate money for that?

MR. TIDWELL: I'd say that, yes.

CHAIRMAN GAMBRELL: Is that sufficient? I'm really asking here.

DR. MEREDITH: I just want to make sure when we say "public education" that we do mention special schools, we define special schools, and my question was: By defining that, do we set that apart from all other public education? If we do, then

I have problems with the financing of that, but if it's under public education, if we include all education supported by State funds, then I'm all right.

CHAIRMAN GAMBRELL: That would be my understanding. I think that's what the conclusions would be.

Any other comment around the table? Any other comments here? Yes?

MR. GRAHAM: In Subcommittee Number Two, I wonder if you could review basically the reasons why the Committee would feel that it would not be better if we required election of local Boards of Education and appointment of local Superintendents.

MR. THORNHILL: I think basically the Committee felt that due to the varying types of methods that we have now and to put into operation, it would create quite a turmoil throughout the State to go to the one specific kind of method, that we felt like to eliminate that kind of turmoil throughout the State, if the new Constitution went into effect, that it would be better to allow them to continue as they are, and we felt that there must be some wisdom in the methods for local school systems that have either the appointed or the elected Board or whatever, that there must be some wisdom into that for that particular situation.

DR. DeVAUGHN: I think it should be done, but I think it would defeat the passage of the proposed Constitution.

MR. THORNHILL: That was another reason we were talking about.

MR. GRAHAM: I am opposed to running from hard issues, but I think if the administrative part of it can be clarified, which simply could allow everybody in office at the time the Constitution was enacted to serve their term and henceforth after that it would be whatever type the Constitution has called upon, I just think this is an issue, Mr. Chairman, that maybe we need to discuss with the Committee as a whole.

MR. GREENE: As a member of that Committee, I think an overriding consideration was the local control, and I think that was a paramount consideration, and personally I have mixed emotions about it. My system is one where the Board members are elected and the Superintendent is appointed, and I think it's an ideal system, but there are other systems where the overriding local consideration must be considered here, and I think that was one of the considerations as we addressed the issue, retaining as much local control as possible within those local systems.

CHAIRMAN GAMBRELL: Yes. Mr. Bryan?

MR. BRYAN: I have no problem with the local system choosing the method for the Board. I think appointment or election by the Board, of the Board can work fairly well either way. We have more elected Boards than appointed Boards locally, and that work well, and we're recommending that the State Board

of Education continue to be appointed simply because of the vastness of the political arena that they would have to be elected, and I think that's true is some of our local systems. It's better to be appointed, and they're working well. Fulton County I believe is one that's like that.

I do feel very strongly, however, that the Superintendent should be appointed by the Board no matter what the consequences are. If somebody above this Committee or this Subcommittee wants to change that for political reasons, then I think they should change it and let them have the political situation on their shoulders instead of ours.

As a matter of practicality, an elected superintendent in a local situation, in a small school situation, cannot be ousted without a terrific amount of local interest and in some cases like that, he cannot be. We have such a situation in our system, and when the Superintendent says, "If anybody runs against me who works for me, I will not appoint them again or recommend them to the Board," the people have lost completely their ability to choose their superintendent because they can only choose that are offered for election. I think that's a serious deficiency in the election of a superintendent for schools, and I think the way to correct that situation is to have the Board appoint the Superintendent and to look only to the job done as to whether he can do it. There are risks for the Superintendent in that situation, but I don't think

they are risks for any Superintendent that we want to be a Superintendent.

MRS. GRAHAM: I'd like to second that. I'd just like to say, Mr. Chairman, that I agree with much of what he just stated, and it seems like to me if we're going to move from an appointed, I mean an elected State School Superintendent and keep an appointed State School Board that we as a Committee should be looking at the overall picture in Georgia of what we would like to see done in the future, and it does take quite a bit of time to campaign, and I do think that a School Superintendent needs to spend his time in his office conducting his business, and he's there to educate the children of Georgia. So I think this is something that maybe the Staff should make note and maybe we as a Committee need to do some additional research.

CHAIRMAN GAMBRELL: All right. I think I might put this subject down. Mr. Thornhill, I'm sure your Committee has gone through a lot of what's been said here, but the other members of the Committee are entitled to hear it out and have a say and ultimately to vote on this subject. So I think we might put this down as a matter for further consideration by the Committee as a whole.

One thought that has occurred to me is that we might ask the proponents and opponents of the subject to come to the next meeting prepared to make these presentations, not so much

spontaneously, but in an organized pre-thought out way and then let the Committee as a whole vote how we want to vote on it. I do think in those instances that we ought to be voting to either do what's written in the draft or to have a specific alternative proposal in front of us so we're not voting on an idea, but we're voting on specific language. So as we go forward here, as I've made a note that that is an issue, maybe before we break up we can appoint a specific group to get that subject matter organized and presented to us at the next meeting.

Yes?

MR. GRAHAM: I think that's an appropriate way to go. I was wondering if we decide to do that, if the Staff could not prepare an alternative for us to look at.

CHAIRMAN GAMBRELL: I think that would be wonderful.

MR. OWENS: With that instruction that you have given, now that you've just given, without having that clearly in mind before coming, we need time to sort of prepare these statements that can be put in as a substitute for what we would like to have, to just express the idea it would be good today, and the members or persons who would be working on the special kind of Committee that would be writing it out can then get the information from it or we can send in information written out as to how we would like to have it stated.

CHAIRMAN GAMBRELL: Yes. Well, I'll tell you what. If everyone is satisfied with that approach to it, what I might

do is just make a Committee right here, a special Committee to organize that subject. Anyone who wants to participate in it would be authorized to do so. I'm going to suggest that Mr. Thornhill, you know, take control of getting the thing organized, and since that is his area, you may have someone on your Subcommittee who is a proponent of the draft language, and I would suggest that that -- let's say, why don't you get two people in addition to yourself off your Committee, and I'll simply suggest Mr. Bryan and Mrs. Graham participate and Dr. Owens participate in organizing the contrary view or the different view as a Subcommittee. Is that satisfactory as the way to go forward? You can either do it by a specific meeting or through communications with the Staff on exactly how you would like to do it.

MR. HILL: Are you setting up two Committees then?

CHAIRMAN GAMBRELL: No. I would just say one Committee which would organize the presentation for the next meeting and would decide who is going to be the spokesman or spokesperson for each point of view.

Yes?

MR. OWENS: Now, he's dealing, Mr. Thornhill is dealing more with the local systems and the local Boards?

CHAIRMAN GAMBRELL: Right.

MR. OWENS: These concerns also extend with the State. Would this be separate? There is a similar kind of concern.

Would they be in the same sphere of study or would they be separate?

CHAIRMAN GAMBRELL: I would suggest we have a different group to focus on the state question if it's going to be raised and debated some more. In other words, no one yet has spoken out on that subject.

MR. OWENS: Well, you just haven't gotten to me yet for discussion.

DR. FULBRIGHT: It's coming up next.

MR. THORNHILL: It's on its way.

MRS. GRAHAM: Mr. Chairman, if you're going to do that later, I'd like to resign from this one.

CHAIRMAN GAMBRELL: You can resign from the Committee or you can be on both of them.

MR. OWENS: That would be good.

DR. MEREDITH: If you would resign, that would be good?

(Laughter)

CHAIRMAN GAMBRELL: All right. Mel has suggested, and I think it's a good idea, when we get through, why don't we let anyone who wants to participate in this local Board, local Superintendent issue communicate with Mr. Thornhill and volunteer to participate in the formulation of that issue.

Dr. Meredith?

DR. MEREDITH: In the interest of time, I was wondering

if we might not make some kind of determination at this point as to whether or not it's necessary to have Committees go back and do additional work. If we took a straw poll on where we stand, it may save some time.

CHAIRMAN GAMBRELL: Well, I'm willing to do that. I think it would be important to have the language in front of us that we're talking about before we take a poll unless it's overwhelming one way or the other.

DR. MEREDITH: Well, I would just think, for example --

CHAIRMAN GAMBRELL: We can vote on anything at any time anybody wants to make a motion. So if you make a motion to agree or disagree with the draft, why we can vote on that, and I don't mean to foreclose any votes today, but I think if we're going to disagree with the draft, we ought to do it in terms of another specific proposal.

All right. Well, let's put that one aside. I might make this suggestion that occurs to me in terms of what's politically possible and so forth. I don't think we should refuse to recognize so to speak what's politically impossible or possible, because I can visualize things that we recommend being rejected and there being nothing left over except what we've got in front of us today, so all our work goes down the drain because our proposal is rejected. I would suggest that, for instance, in this area if there is strong feeling in the Committee that we work toward a norm of the kind that Mr. Bryan

has suggested, that maybe we say all school systems shall conform to thus and such an arrangement not later than 1986 unless there has been a referendum to continue the existing system. That way they couldn't ever say, "Well, inertia prevented us from ever moving from here to there." In other words, there are several ways to skin the cat, and we shouldn't just assume that we have to do what we have now or propose a specific change.

Okay. Continuing on around, yes?

DR. FULBRIGHT: I have no problem with the State School Superintendent being appointed. I have no problem with the State Board members being appointed. However, I'm still not convinced that both should be appointed. I think there should be some responsibility back to the parents and back to the people. So I would hope that we could take a look at that one before we finalize on it.

Another is, and I happen to be on the Subcommittee, but as you know, I had to be out sick for awhile, and Mr. Thornhill has been politicking and I couldn't get ahold of him by telephone. This one relates to the independent school systems, and we agreed and it is so recorded that they should be treated the same as County systems as far as taxation is concerned, but then we went ahead and included some "however's". I wish we could exclude the "however's" and leave it as it was, and we would treat them as the same as the County systems.

One other problem that I see is I wonder if we should identify power plants. There might be other industries in the counties that would be just as powerful money-wise as power plants, so I'm wondering if we should leave that language in.

MR. HILL: There is no language about power plants. It was discussed, but there was no agreement about what to put in.

MR. THORNHILL: That's one reason why we didn't put it in.

DR. FULBRIGHT: Well, let's see. In those systems containing power plants, the tax wealth per pupil is typically far in excess of neighboring school systems. That's where I got the language. Okay.

MR. HILL: That was just a question presented.

MR. THORNHILL: We agree that's an issue, but we did not deal with it in the draft at all. There's no language to that.

DR. FULBRIGHT: Those were the two that I had.

CHAIRMAN GAMBRELL: All right. The question as to the method of selection of the State Board and Superintendent of course we've discussed before, and the Committee has had a recommendation. I think what we need again is a specific alternative proposal or proposals to compare with what's in the draft and ultimately to vote on.

Mrs. Graham has expressed a wish to be heard on that

subject, and she's certainly welcome to do so.

Dr. Meredith, this is your territory, so I'm going to ask you to head up organizing any presentation that's to be made. Mrs. Graham, I would suggest that you get with Dr. Meredith and work up a specific proposal or you, Dr. Fulbright, in this area, and there may be two or three alternative plans that you might consider any one of them being better than what's in here, and we can vote on each one of them as they come along, and you would be entitled to equal time to present your views and so forth, and you may wish to be heard now. I don't want to exclude any comments at this time from any of you.

MR. OWENS: I would like to be heard on that now as well as I would like to be a part of that group. I feel very strongly about that issue also and have spoken very strongly concerning it, that issue with reference to the Board, the State Board of Education as well as the electing or appointment rather of the State Superintendent. So if I'm in order now, I will speak concerning it, if no one says anything.

No one says anything, so I'll speak.

CHAIRMAN GAMBRELL: Yes.

MR. OWENS: We reach really an impasse on how to get the State Board elected, and all possibilities seem to have fallen by the wayside on the election of the State Board. It was my feeling that really I prefer the State Superintendent being appointed, but not if the Board cannot be elected, and

all possibilities of the Board being elected was thrown aside because of the difficulties one way or the other. So it was my feeling that if you cannot find ways and means through which the State Board members can be elected, then let it stay as it is. At least one is accountable one way or the other, but I would prefer us trying to find some really feasible way in which the Board could be elected and the Superintendent, State Superintendent of Schools, Education could be appointed. I would prefer that way. It would seem to be the better way if it could be done, and that's my strong feeling, and I've carried it through the Committee, the Subcommittee for a number of months now. So I'm not a glutton for punishment. I don't mind working on both of the Subcommittee groups with reference to local Boards, but if I have to make a choice of one or the other, I would prefer working with the State Board of Education.

CHAIRMAN GAMBRELL: Let's do it this way. I don't want to subject anybody to any possible choices. I would say you're entitled to communicate and work on both Committees, but your expression here suggests to me that maybe you might take a contrary view on this issue and speak forward at the next meeting and maybe somebody else would be the specific spokesman on the other issue, although you can add anything you wanted to say about it. I think we need to have a designated counsel so to speak to present a point of view on each of these subjects at the meeting who is prepared, who has

some specific language and is ready to put it before the Committee. So I would just suggest that you let Dr. Meredith know your position. Working with the Staff, I would suggest you get specific proposals on this issue before us at the next meeting so we can vote on that.

MR. OWENS: I'll do that. Thank you.

CHAIRMAN GAMBRELL: Yes, Mr. Bryan?

MR. BRYAN: You clarified my question I think, and that is that the idea of these Subcommittees is to work with the Staff to develop the best alternatives that we can vote on, not to air our concerns necessarily or to try to persuade one way or the other, but rather to try to get the best solutions we can to vote on.

CHAIRMAN GAMBRELL: Right.

MR. BRYAN: Well, what I want to avoid is a rather impossible vote on one side that would support one position and, you know, therefore force another situation. I think the idea is to get the options worked out in language so we can vote on them and each one of them would be good. It just depends on which way you want to throw the issue.

CHAIRMAN GAMBRELL: Right. And Mr. Thornhill and Dr. Meredith will sort of help organize that into shape, but I do think it would be important for you to designate a spokesman for each side of each issue so somebody comes here ready to make a case.

Yes?

MR. GREEN: I ask this only for a point of clarification.

In relation to the fact that the State School Superintendent by title is addressed in the Constitution, I believe that it's there primarily because he is a constitutional officer and is elected by the people and so on, but if it were changed that the State School Superintendent were appointed, I'm wondering why the State School Superintendent wouldn't fall in the same category as the Chancellor of the University System in that the recommendation is that the Chancellor not be named, you know, in the Constitution as Chancellor.

I see if the State School Superintendent were to be appointed by the State Board of Education that the State Superintendent of Schools and the Chancellor would have similar positions appointed by, you know, bodies such as the Regents or the State Board, and I'm wondering if someone can clarify that for me.

CHAIRMAN GAMBRELL: Yes.

MR. HILL: I think the main reason is that the State School Superintendent in office on the effective date of the Constitution would have to be continued until his term expires and then a new one would have to be appointed. So you can't just be silent on it. See, when the Chancellor was created that way originally, he never had to be mentioned and never was, but we do have a State School Superintendent in the

Constitution. Now, the person who is in that office on the effective date of the Constitution will serve out his term and thereafter there will be appointments, so there is no way I believe we can be silent on it, and I think it has to be mentioned under the circumstances we're in.

DR. GREEN: I can see you cannot be silent, you know, completely silent on the issue, but I'm wondering why the two positions can't be handled the same at least by language written in.

MR. HILL: Well, the Board of Regents does not want the Chancellor mentioned at all in the Constitution, and he's not now, but the State School Superintendent is there, and he must be grandfathered in to the end of his term, so there will be a mention of him, and then I mean you could just be silent just thereafter, but why leave the confusion? I think it would be much better to just state that, you know, after he fills out his term, that the new one will be appointed by the Board. I mean since you have to mention him anyway, why not clarify what's going to happen to him?

DR. GREEN: Yeah. I guess my position would be that even if the Board of Regents doesn't want the Chancellor named in the Constitution, I feel as though if the State Superintendent is, the Chancellor should be also. That's my only point.

CHAIRMAN GAMBRELL: Well, you might want to think about whether you would like to make a specific proposal in that

regard to add some language or take some language out in this area. I think that's something that Dr. Meredith could coordinate in terms of the proposals that are being made. So you might communicate with him on that subject.

Come on around. Dr. Pressly, did you have any comment or suggestion or difference with any of the reports that were made?

DR. PRESSLY: No, no comment except that one brief one, and that is that our Committee that was Subcommittee Number One was so divided on this very subject we've just been discussing that I certainly think it's an issue that needs to be discussed at great length in the total Committee, and while I notice that people who advocate that things stay as they are have requested to be on the Committee in revising the other side, which I think is perfectly legitimate, I just want the total group to know that there is other people that feel just as strongly. In fact it almost broke down the middle. It just depended on who was absent one day as to how the voting went. We've gone through this thing about five times, and the end result has always just depended on who was there. So you need to know that there was another side, and people feel very strongly about it.

CHAIRMAN GAMBRELL: One of the things that we may be able to do as a Committee is while we may have a position that we adopt by a majority rule, we can certainly send up

with our report any opposing plan so that whoever on up the line looks at it, if they don't like what we recommend, they have something to specifically turn to as an alternative and are not faced with the problem of trying to start from scratch as to how it ought to be put forward. So I think this is another benefit that we can gain from the process of having it discussed at a further meeting.

Coming on around, Mrs. Hager?

MRS. HAGER: I agree with what you say, but I don't feel we should leave it out just because we think somebody is not going to like it, you know. Personally I'm not going to work on the Committee because I really don't have time, but I agree that it should be an appointed Superintendent and an elected Board, both locally and statewide, and I'm sure if we took a poll, it might be half and half in here, but I think we ought to address that. That's our purpose, and you know, who knows? They may throw the whole thing out. I don't think they'll throw it out just because that's in, you know, the revised edition, but I have no other comments about the others.

I think the Committee reports -- I trust the other Committees that worked on this. I know they've extensively discussed all these other points, and I would accept their recommendations.

CHAIRMAN GAMBRELL: Mr. Greene?

MR. GREENE: I don't have any further comments.

CHAIRMAN GAMBRELL: Mr. Bryan?

MR. BRYAN: Well, I don't feel like a lot of discussion is going to change people's minds about these kinds of issues. I've pretty much made up my own mind from my own experiences and so forth. However, I will make this point, that in my mind the whole subject of public education is for the children of the State to make them good citizens, and for us to be worried about representation in the education process to me is a little bit turning the emphasis in the wrong direction. I have heard a figure in our system which said only 30 percent of the adults in the county have children in school, and you're asking, when you start talking about referendums and public votes and electing certain positions, you have a vast majority of the people who may not be specifically interested in what happens to what is probably the most important thing in our State, and that is to educate our children properly. So I guess in a way of explaining of my position, I've put a lot less emphasis on the representation of the people because it's not the people that are going to get education; it's somebody who doesn't have anything to say about that education that's going to be educated, and therefore, I think the task of the State is to organize that service in such a way that the children get the best break they can from the organization and from the areas of responsibilities from the accountability standpoint so that we can indeed give them the best chance at

all to be exposed to the best people who have the best ideas and so forth, and I just think that that is not necessarily done by everybody getting to vote on it.

CHAIRMAN GAMBRELL: All right. Dr. Green?

DR. GREEN: I would just like to say that the questions I have have already been raised, and I have no further comment.

CHAIRMAN GAMBRELL: Dr. Owens?

MR. OWENS: I've already spoken about the State Superintendent and the election of the Boards. I won't go back into that except to say that I do feel that every person within a community, regardless of the circumstances, is involved in that community and should take a part and interest in it because the education of children involves everyone in the community, regardless of whether they have children or whether they do not have children.

I had some concerns with reference to the Board of Regents. I have not gone through this in detail. I will have some materials worked out because part of this I don't believe I clearly understand. What I am concerned about is the almost completely closed shop aspect of the Board of Regents. There is no process that I can see that I can understand that you can really touch base with the Regents from the outside. It seems like it's a totally internal process, and I'd like to see it so formulated that you can have some outside involvement or touch

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with the Regents. In reading this and going over it, it's taking me more time than I have had to really put together some intelligent kind of statement to express my feelings about it and to give suggestions to the Committee. That I will do in the next few days, and I will give that information to the proper source that will be dealing with it.

CHAIRMAN GAMBRELL: All right. I think that is a very valuable comment, and I think that thought underlies a lot of the concern about the appropriation process that the Board of Regents has and hopes to have and the selection process of the Regents. So if you come up with some ideas on that, why get them through.

MRS. HAGER: I might just say one thing, you know. Although it's a lump sum, that is just not given to them every year without some, you know -- they have to justify where they are going to spend that money. It's just not a line item. That's my understanding of it. I mean the General Assembly -- and I'm sure Senator Starr over there won't say, "Well, we'll just, say, give them 50 million this year, and we don't care what you do with it." They do have to justify their spending of that money.

MR. OWENS: You are speaking in terms of money, and I'm not directly speaking in terms of money.

MRS. HAGER: Oh, I'm sorry.

MR. OWENS: I'm speaking in terms of contact with

the Regents per se in this whole educational process in dealing with concerns. You cannot penetrate the Regents to try to get any kind of understanding. I beg your pardon. I won't say "you." Organizations, groups cannot penetrate and get understanding or directions, hearings or concerns even addressed through the Regents, and I think the way it's structured, it gives them that closed shop kind of structure, and again I haven't had the opportunity or the expertise to really go through what is written here and what was written in the older other part of the Constitution to come up with a statement, but I'll concentrate on it in the next few days and come up with something.

CHAIRMAN GAMBRELL: I think Senator Starr could probably tell you, Dr. Owens, that even the Legislature has felt that way at times. So maybe he can give you some ideas on how to get into that so to speak.

Senator Starr?

SENATOR STARR: I bring this up only for a little more confusion I guess, David, because we discussed it quite at length. I know it's going to come up again. In Section One, Paragraph One, Line 15 on the first page, Brother Graham had us to add some new language and add the words "without discrimination" in there, and the more I think about it, the more apprehensive I am about it. We had passed it both ways in our Committee, and this final draft has it in there, and

the concern I think is it's going to promote endless litigation if we leave it in there, and certainly we cannot discriminate on the face of it to begin with, and I'm really concerned that we shouldn't put a period after the word "capability" and leave out the words "without discrimination."

MRS. GRAHAM: I too am a bit concerned about the word "discrimination," and I asked Mr. Graham if he had found us a better word, and he said something in regard to "second to none." Would you like to comment on that?

MR. GRAHAM: I told you I had not found a better word. I think that we have an opportunity as a Committee, Mr. Chairman, to stand up and be a leader in the United States and to clarify that any child in this State is going to get an adequate education without any discrimination, and I think the Subcommittee was concerned about what those words might mean. I think that's exactly what they mean, without discrimination.

The different ways that people might feel discriminated can't be limited. I think that would have to be defined by a Court and not necessarily will it be defined in the future in the ways that it's defined now in the basic context of race, sex, age, religion and so forth. I think our Constitution, we have an opportunity in our Constitution to put those in. So that it would be something that would go on the future agenda, I would like to agree that we can discuss it further, but I think that I would ask the people here to really consider a

couple of things. I've done a little work since the last Subcommittee meeting, and I found some places where Georgia's Supreme Court has spoken to the importance of education, and I thought for a minute you were going to quote from one of their cases.

In the depths of the Depression, the Court said, "The sole objective in maintaining the schools is the education and best interest of the school children themselves. If at any point other considerations conflict with this worthy objective, all other such considerations must yield." That's what the words "without discrimination" mean to me.

CHAIRMAN GAMBRELL: Both of you are very persuasive to me, and I'm sure other members of the Committee feel in a quandry as well.

Yes?

VOICE: I'm not a member of the Committee, but I was in the meeting in which this was discussed before, and I was interested in the comment that Mr. Graham made that he has a Court case that he's had for ten years, trying to get a decision in favor of him, which he has not been able to do. Mr. DeVaughn asked him if the language in the Constitution were already adequate to cover the case, but he said, "Yes, it was. You may check it out." But then he said, "We need to lock into the Constitution this," which would help him win his case, and I hate to say that, but that's what it is, and I object as a

citizen. I object, and it's in the recording there that the man made before. So I don't know why we have to be a leader in the United States to do something like this when we've already got adequate wording in our Constitution for the State of Georgia.

CHAIRMAN GAMBRELL: All right. Any other comments about this?

MRS. HAGER: May I ask Mel what that first Article, the wording of that is? There was a lot of controversy about, you know, the actual wording of that.

MR. HILL: This was a proposal at the last meeting of that Subcommittee which Dr. Meredith unfortunately was unable to attend, but this was a proposal by Mr. Graham that was accepted by a majority of the members of that Subcommittee in attendance at that time, and originally it was more forceful in the way it was stated. It was to require this, that the State in fact provide each citizen, but if you notice, it says "ideally provide" at the suggestion of Dr. Pressly, which it was felt this would not impose an obligation; it just sets a goal; it sets an ideal to which the State would work, you know, in which it would try to achieve over time, but it would not mandate that at the adoption of the Constitution. Of course until a Court, a Court with this language, we can't be sure what they would do, but a literal reading,

ideally providing, does not amount to an obligation being imposed on the State.

MRS. HAGER: What I was addressing though was Article I of the Constitution. Doesn't that --

MR. HILL: I'm sorry. I thought you were talking about Section One.

MRS. HAGER: It's paragraph one of Section One here. Is that not included in Article I of the Constitution? I mean why couldn't you, if you had a case, if it was going to be litigated, why couldn't you use Article I? Why does it have to be stated here? It's a restatement of where Article I is, I guess that's what I'm asking, or is it?

MR. HILL: Well, I think that's controversial. I think that Article I does provide that no person -- protection of person and property in the State of Georgia shall be impartial and complete, and that's the language that's there now. That is our equal protection clause, and it's meant to prohibit discrimination on the basis, on the grounds as determined by the Courts. So yes, we already have a provision in Article I that effects this, but I think the Committee, and I feel the Committee should address this. It seemed to be the attitude of the Committee that they wanted to lock it down here more than anywhere else. They were very concerned about it in this area.

So is that a fair statement of what was agreed upon?

CHAIRMAN GAMBRELL: I think it is true that the so-called equal protection and non-discrimination is legally covered in other sections of the Constitution. So in order to guarantee it so to speak, it's not necessary to put anything here. Since the beginning of this Committee's deliberations, there has been an expression of concern about the statement of our commitment to public education in this State, and this particular issue that we're talking about here is not the only language or phraseology that has given rise to a discussion about that. I certainly don't think it's necessary to leave out an expression about education simply because it's covered somewhere else. I do think that we ought not to confuse the issue by saying something here that might be interpreted as being different from what it means on the other hand, but there is a feeling within the Committee and I think in the State as a whole that public education is such an important area that some emphasis might be given in this, you might say, introductory paragraph to our commitment and the nature of our commitment. That might duplicate, but it elaborates what's said elsewhere.

I personally don't have any fault with adding something of this kind in there, but I don't want to -- maybe I should say I don't want to promote litigation. I don't want to promote unnecessary litigation about the meaning of the language..

Is this a subject that anyone would like to make a

proposal that we act on today or that we have a special Committee appointed for, as we have on these other issues?

MR. BRYAN: Was there any discussion about adding the kinds of discrimination that we would be prohibiting here?

MR. HILL: Yes, there was discussion on that. There was some thought that there should be a delineation of race, sex, religion, national origin, but then it was decided that would limit it rather than help it, and it was better this way.

MR. GREENE: Mr. Chairman --

CHAIRMAN GAMBRELL: Yes?

MR. GREENE: Given the redundance here that it's obviously stated in Article I, I feel strongly that it should remain as it is here in the proposed draft, and I don't want to get into a long dissertation as to why, but I have strong feelings here that it should be kept as it is here.

MR. GRAHAM: Mr. Chairman --

CHAIRMAN GAMBRELL: Yes?

MR. GRAHAM: Just to clarify the record, the case that I'm involved in will be long gone and over before this time next year. It's going to be tried the first week in October. So what we do here won't have any effect.

CHAIRMAN GAMBRELL: Ms. Greenburg?

MS. GREENBURG: I think it should also be noted that this is compromise language, that the initial language is much stronger. The Committee discussed equal education opportunities,

and they also discussed putting in an equal protection clause, and this was really the slightest change they could consider, but still implying the ideal concept of, you know, promoting equal educational opportunities.

CHAIRMAN GAMBRELL: Well, Senator Starr, we would be glad to entertain a motion.

SENATOR STARR: Mr. Chairman, I merely brought it up because it was a point that was discussed in great detail, and I thought the full Committee ought to be aware of it, and it was in fact a restatement of something. In fact, I voted for it in the final draft. I don't want anybody to be misconstrued. I said, "All right. I approve of this because I know it's got a long ways to go, and there's going to be more discussion of it before it's over," but I've heard for so many years the necessity of streamlining our Constitution, getting it in a workable, readable document that's not cumbersome and that folks can understand, and I just don't want to see us come out with a document that's more cumbersome than the one we go in with, and what they say is absolutely true, that there was a lot of discussion about it, and there was a compromise change, and it finally passed in the compromise form. I forget the vote on it, but that's immaterial, because as you say, some folks weren't there when it was up there, but it was an issue that was discussed in such great depth that I felt this Committee and I felt that Dr. Pressly or John or somebody would bring it up

coming around, and I was just the last one in the line here to talk about. I thought it probably ought to be thrown out.

CHAIRMAN GAMBRELL: I feel that's a valuable contribution. It's a good opportunity for the Committee as a whole to get the benefit of discussion that up to this point has been limited to the Subcommittee to get the different views. I might say in reference to this or any other part of the draft, I'm sure everyone, and I have certainly not myself, has not gone over this draft in detail. I've looked at the Committee reports, but exactly how it comes out in language I have not considered. So I certainly want everyone to feel that beginning as soon as we adjourn and up until we finally adjourn, any disagreement that you have with any part of it or any part that you think ought to be discussed, I hope you will bring it up, but in the absence of a specific motion at this time -- Yes?

MR. HILL: Would there be any value to the Committee in having language from other State Constitutions in this area, their provisions? We've begun to do some preliminary research. --

SENATOR STARR: I think it would be, Mel.

MR. HILL: -- to see what other States say in this area. It's a controversial issue in every State. It's subject to litigation all the time, and it might help to see, so we can at least do that much.

SENATOR STARR: I checked with legal counsel about it, and they say, you know, it promotes endless litigation to leave that in. I just throw that in for what it's worth. I'm not a lawyer. I don't propose to litigate on it, but I think it would be well if we had that.

CHAIRMAN GAMBRELL: I'll say this as a lawyer, that that provision would not be the difference between whether to sue or not to sue because I could make out a case just on the grounds Mrs. Hager has mentioned from Article I without having that language in there, and all I would say would be, "In addition to the fact it's in Article I, you see what it says here," but litigation other than race litigation has been primarily over whether the State had any obligation at all or the extent of it and not so much, you know, between as to what discrimination meant. So personally as a lawyer I'm not apprehensive about that particular language creating more litigation than would already arise.

DR. MEREDITH: Could you share with us some of the grounds that counsel indicated might subject this to litigation?

SENATOR STARR: I'm not prepared to do that today.

MRS. GRAHAM: Mr. Chairman --

CHAIRMAN GAMBRELL: Yes?

MRS. GRAHAM: Since I was serving as Chairman of that special Committee last time we met, in all fairness to Mr. Graham, I think we should point out I believe -- and correct me

if I'm in error, but I wondered why we needed the word "discrimination" when it says that every person shall receive an adequate education, and John made reference to some of his experience in trying to use the words "adequate education." I'd like to know if you would like to comment on that. That might clear it up.

MR. GRAHAM: No. I think "adequate" is a word that is subject to interpretation, but I'm satisfied with it in the Constitution.

MRS. GRAHAM: But I mean though you said when you were in Court that "adequate education" wasn't really clarified as far as some people were concerned, and this is what had brought some problems about in the way people interpreted it.

MR. GRAHAM: Well, the State Department of Education and Senator Starr and so forth pretty much defined "adequate" and I think I'm pretty satisfied with it.

CHAIRMAN GAMBRELL: All right. In the absence of a specific proposal at this time, we won't undertake to do anything about any particular part of that, but if anyone wants to suggest the elimination of any particular language or a completely different phraseology, I suggest that they be in touch with the Staff.

Mel, you're going to define what some other States have. There may be some language that has been settled in litigation that we can adopt and that will tend to eliminate

any litigation because it's already been disposed of.

Did you have any other comments, Senator Starr?

SENATOR STARR: No. Everything else has been covered.

CHAIRMAN GAMBRELL: I may be mistaken, but I thought I detected two different points of view on what to do about private schools on different Subcommittees. I thought one Subcommittee said we should have some regulatory authority and another one said we shouldn't.

MR. HILL: Both agreed that there should be minimum educational standards established by the State which they would have some right to enforce under procedures established by law, so both Subcommittees agreed to that extent, and that's as much as is mentioned about it in the draft. There's no mention of private schools per se. It's a question of minimum education standards for the students in all schools to be assured by the Department of Education.

CHAIRMAN GAMBRELL: All right. One question that I had, it relates back to the experience that I had with the Post-Secondary Study Committee, is whether there is any need for a definition of jurisdiction between the Board of Regents and the State Board in the post-secondary area, and there is particular reference to vocational-technical, but it may relate to other issues between what is under the jurisdiction of the Board of Regents and what isn't. What is their exclusive jurisdiction and what isn't?

Was there any question raised about that? Mrs. Hager?

MRS. HAGER: Well, I think we pretty well defined it in one place here. It's Article, I mean Section 2-D. The State Board of Education shall be responsible for the development, administration, coordination of State vocational-tech education programs. We agree that the State Board of Education should be the governing body for the vo-tech schools.

CHAIRMAN GAMBRELL: Well, is computer programming a vocational-technical subject or is it a Board of Regents subject?

MRS. HAGER: Well, now there are some contracts. In my mind it's just not all keyed up, but there are some instances where there are contracts, am I not right, with the Board of Regents?

MR. HILL: Yes, yes, and this provision would not take away from the Board of Regents any authority that it --

MRS. HAGER: Already has.

MR. HILL: -- that it has itself. It would just establish the State Board of Education as the coordinating unit.

MRS. HAGER: This was a major thing in setting out that the State Board of Education, not the Board of Regents. We did discuss that issue, which one should have jurisdiction, and it was agreed by our Committee that the State Board of Education had the jurisdiction over the vo-tech.

CHAIRMAN GAMBRELL: I guess what it comes down to is who ultimately decides what is vocational-technical education

as opposed to the State Board saying the law school is a vocational training.

MRS. HAGER: Well, they would be the one the way it's written. That's my understanding. They would be the ones to say that now, but the Board of Regents still has the authority to contract for some of the vo-tech things with the State Board of Education.

CHAIRMAN GAMBRELL: I think if I was on the Board of Regents, I would be uncomfortable with that. In other words, they have authority to contract for it, but suppose the State Board won't contract with them? There's nothing that makes them get together or says who is the ultimate, who has the ultimate power or authority.

MRS. HAGER: From our testimony, unless someone on the Committee disagrees, it seemed like they liked it the way it was, that it was working out all right. Do you all disagree?

CHAIRMAN GAMBRELL: If that's not a concern of anyone, it's certainly all right with me. I just want to be sure.

DR. GREEN: It's my understanding the State Board would be contracting with the Board of Regents to operate in conjunction with a junior college-technical school arrangement, and this does seem palatable to both Boards, you know, the Regents and the State Board at this time. I have some real concerns and questions about that, but I think that it's clear here that the State Board of Education has the control of the

vocational-technical schools, except as a contract with the Regents to operate these that are in conjunction, one with another, a junior college and a technical school.

CHAIRMAN GAMBRELL: All right. Are there any other comments or concerns? Yes, Mrs. Hager?

MRS. HAGER: There were two things that I guess I'm really addressing my comments to Mel. These two pieces of correspondence that we received from Henry Neal, will your Staff rewrite or incorporate this into what our draft is?

MR. HILL: I think it's part of the proposed revision for next time. We'll incorporate Henry's suggestions.

MRS. HAGER: So we don't have to meet again?

MR. HILL: The Subcommittee won't have to meet again because it will be in front. The full Committee will have to agree or not agree with these proposals, and we'll just prepare that.

MRS. HAGER: Okay. I want to be sure that gets in the record then.

CHAIRMAN GAMBRELL: Well, if I understand where we have reached here, is there any other -- Vickie?

MS. GREENBURG: Yes. A point was just made to me concerning the proposed draft of Section Five, paragraph two and three, in which qualifications of the Boards of Education and School Superintendents may be provided by general law, and this is really a continuation of the present provision, but

there seems to be a discrimination in the area of County Boards and Independent City Systems where the General Assembly can provide for different qualifications for Board members and for the School Superintendents, and under the present law, County Board Members cannot be employees of the State Department of Education, but Independent School Board Members can be employees of the State Department of Education, and the Committee may wish to mandate in the Constitution for uniform qualifications for all Board Members and all School Superintendents.

CHAIRMAN GAMBRELL: Is that in the draft now?

MS. GREENBURG: No, but the present draft allows for discrimination between the Local Board Members.

MR. THORNHILL: No.

MS. GREENBURG: Discrimination of qualifications for Local Board Members of Independent and County Systems.

CHAIRMAN GAMBRELL: All right. Has the Subcommittee expressed itself on this issue?

MS. GREENBURG: No, we haven't discussed that.

MR. HILL: No, I don't believe so, but the way it is now it says, "The qualifications of the School Boards shall be required by law. If there is a general law on qualifications, that will pre-empt the local law on it."

MS. GREENBURG: Right.

MR. HILL: There is no general law presently, but all this could say is that the General Assembly could by general

law could pre-empt or it could provide by local law to provide for each system. So I think this provides a maximum flexibility with the way it's drafted, unless the Committee would like to establish uniformity as a matter of constitutional principle.

MS. GREENBURG: That's the point that was just made to me because present law allows for that discrimination. The Committee may wish to make those qualifications uniform.

CHAIRMAN GAMBRELL: All right. This is under Mr. Thornhill.

MR. THORNHILL: I think -- and I don't speak for every member of the Committee, but for myself it would certainly be our intentions that it would be uniform. There would be no difference between the independent and the local Boards.

MS. GREENBURG: The way it is worded, we can make a recommendation to the General Assembly to make the statutes uniform, but you can't mandate, but they could do that, distinguish between Independent and County Board's qualifications.

CHAIRMAN GAMBRELL: Well, is there a feeling that that should be made a constitutional thing or are we willing to leave it to the General Assembly to get done? Has it been constitutionally impossible up to this time to get that done? Is that something that the General Assembly could have done and never has done before?

MRS. GRAHAM: I'm not quite sure now. If you live in an Independent School System, does that system fall under the

grandfather clause?

MR. HILL: Yes, to the extent that it differs from the general provisions.

MRS. GRAHAM: So they would be exempt from the State Constitution anyway?

MR. HILL: No. Until otherwise provided by law. In other words, they're not forever exempt from the Constitution. From the effective date of the Constitution, they continue to work as they were and have the procedures that they have, but thereafter by law, it could be changed.

CHAIRMAN GAMBRELL: If I understand it correctly, most of the changes that could be effected in an independent school system would have to be by referendum, but this particular thing, as the qualifications of the Members of the Board, could be done by a statute without a referendum.

MR. HILL: That is right. That is right.

CHAIRMAN GAMBRELL: Yes?

MRS. HAGER: I was going to ask a little clarification, just law in general in those two paragraphs. Why the different terminology?

MR. HILL: Which paragraph are we on?

MRS. HAGER: Paragraph two and paragraph three that we were just discussing on page five. One says, "Qualifications as may be required by law," and the other, "Provided by general law."

MR. HILL: Okay. Qualifications of the Boards of Education could be done either way, by general or local law.

CHAIRMAN GAMBRELL: General is statutory.

MR. HILL: General laws are uniform applying to every local jurisdiction, but School Superintendents under this draft would have qualifications provided by general law. So there is a distinction here. Now, it might be a simply thing to resolve, and it would be something within Don's Subcommittee. I would say that they could add that to their agenda, whether or not to have uniform requirements for uniform qualifications.

MR. THORNHILL: Uniform requirements or qualifications of all Board Members?

MR. HILL: Yes.

CHAIRMAN GAMBRELL: Dr. Meredith?

DR. MEREDITH: That's going to conflict. That Committee has already looked into whether or not to have a uniform policy of the Superintendent being appointed by the Board, and if you have that the qualifications for the Superintendent as provided by law, then that would be inconsistent to the Board. The Board would establish the qualifications for the Superintendent if they are appointing, so we've got confusion there. The point I'm saying, if the School Board is going to make appointment, then the School Board should be the person that defines the qualifications of the Superintendent as opposed to having it defined by general law.

CHAIRMAN GAMBRELL: I think what is meant here, the qualifications means the general qualifications, whether they have to be a Ph.D. or whether they have to have graduated from high school or whether they have to be 21 years of age or something of that kind, and I'm not advocating that it be done either way, but I think this has reference to minimum, uniform qualifications. I think it is something Mr. Thornhill ought to take into consideration in his Committee's evaluation of the selection process for both the Superintendent and the local Board.

Any other question or comment here? I was going to make the suggestion, and it involves what's being discussed here now, that the Staff be prepared to brief us at the next meeting on the status of independent systems under this proposal. I'm a little confused, moving from one area to another. There are some independent systems that go back before 1877, and there are other independent systems that have the structure and others have another structure, and there's some that have taxing powers and others that don't and so forth. So what I'm suggesting here is that -- and this has political ramifications as much as anything else -- that we be sensitive to whose toes we're stepping on and whether we run the risk of blowing the whole thing by overlooking something that we can take care of while we're doing the drafting here.

DR. FULBRIGHT: Mr. Chairman, I mentioned a few minutes

ago my concern about independent systems, and I believe I'm the only one on the Committee representing an independent system, and I was concerned about taxation, as I have been all along. Independent systems in many instances where they have an elected Board of Education and appointed Superintendent, they have to submit a budget to another elected body, which is the Mayor and Council, and adjoining systems, which happen to be County systems, the Board of Education is appointed by the Grand Jury, and the Superintendent is elected, and they can set their millage, you see. So it seems to be unfair for independent systems.

However, I can see the wisdom in grandfathering something in. I thought your suggestion was great a few minutes ago on another issue that could apply to this, that if the Committee saw fit to say that independent Boards of Education would have the same power of taxation as the County Boards of Education, but give a deadline out there of '85 or '86 and say if the voters do not vote to maintain what they have, they will automatically go into this. That would give some deadline out there so that you wouldn't have to call a referendum to get it changed.

CHAIRMAN GAMBRELL: Well, I am very sensitive to the fact that while we may know what would be a good, ideal structure, that in various jurisdictions we have existing structures, and there is a fine political balance there that's

arisen over the years and exists in these jurisdictions, and we don't want to just sweep them aside, or think we're going to sweep them aside by what we do here, and we could run into a situation where individual Representatives or Senators or someone else, a Board Member gets his back up so strongly about an ideal provision that we put in there that the whole thing collapses because we did not approach that in a sensitive way. I can well imagine that there are some independent school systems in the State that are completely box-angled against our ideal. They've got it worked out in a jurisdiction where it runs just as smooth as silk, and everybody is perfectly happy with it, and I don't see any reason for us to be tampering with that.

On the other hand, if there is a large number of people in that jurisdiction that want to change it, I think we ought to give them a chance to do so.

So, Mel, could you maybe have the Staff give us a report at the next meeting, and you might say exactly what this draft does to independent systems or systems that have some variation from norms, and if I understand correctly, some phases of it can be changed by referendum. What is that referendum? What do you have to do to implement the referendum?

MR. HILL: Okay.

CHAIRMAN GAMBRELL: There are others that can be changed by general law, others by local law and so forth. I think this will be important when the matter goes up to another

level and also to the General Assembly that somebody doesn't say, "Well, I hear they've abolished the school system in Savannah, and I won't put up with that." I hope we have a ready-made answer to say, you know, what it was.

MR. HILL: But this is a general answer we'll prepare. This brief, this draft does nothing to anyone.

CHAIRMAN GAMBRELL: Well, what would it permit to happen is what I'm saying.

MR. HILL: How are changes made in the future?

CHAIRMAN GAMBRELL: Right. Right.

MR. BRYAN: One other question about qualifications. Are we talking about residency requirements? Are they elected by District, within the District? Some Board Members are elected County-wide with certain residency and certain Militia Districts. If those qualifications are what we're talking about here, we need to hear something about that situation too, if we're going to have a general law qualification.

CHAIRMAN GAMBRELL: Well, I'm not sure what you propose. Do you think it's the power of the General Assembly to set general qualifications should be limited to certain categories of things?

MR. BRYAN: No. I'm just saying that's probably a more sensitive issue than whether they went to college or high school or what age they are.

CHAIRMAN GAMBRELL: Right.

MR. BRYAN: That if we're going to have a general law of setting up voting districts, that needs to be addressed. We need to know if we're giving the General Assembly that power before we decide to make it a general law for qualifications or a local law for qualifications.

CHAIRMAN GAMBRELL: Well, I'm not sure what to do with it at this point. Would you like to have a Staff report on that issue?

MR. BRYAN: I'd just like to understand what we're exposing ourselves to for the same reason you said before. We don't want to give the General Assembly the power to make a general law for qualifications for all School Board Members and then find out that half the counties down here have district representation and county-wide elections, and the other people district representation and district elections, and then another bunch may have a county-wide election; you can live anywhere in the County, and then you've got a cross-county.

CHAIRMAN GAMBRELL: Well, that's what the General Assembly is supposed to be good for, is to have all those variations in front of it whenever it prescribes requirements. In other words, I'm assuming they will take those things into consideration.

MR. BRYAN: It might not be a concern though.

CHAIRMAN GAMBRELL: What?

MR. BRYAN: It may not be a valid concern.

CHAIRMAN GAMBRELL: I'm just not sure what we need to do about it, whether we need to have an investigation made of the subject or propose some new language. Why don't you talk with Mel or Vickie about what's in there now and see if you can also satisfy yourself that we're not exposed to something? And if you're concerned about it, put it up at the next meeting. I think it's valid. I'm just not sure what to do about it here today.

Yes?

MR. MULLENS: Mr. Chairman, let me address an issue that you brought up awhile ago on vocational-technical education and its governance, and maybe I'm speaking from ignorance of law, and I would also like to disclaim. I think it should be under the State Department of Education. However, when I read, you know, the draft, I see where it is given as plenary power to the Board of Education, but with the trend of vocational-technical schools combining with junior colleges and also the plenary power to the Regents to develop and govern junior colleges, there seems to be somewhere in the middle, you know, some problem that could arise.

Can the State Board, as an example, delegate its constitutional authority to the Regents because once that vocational-technical school comes into their property and comes under their President and comes under the Chancellor and the Regents, is it not then a delegation or an assumption of that

particular control over that vocational-technical school and all that's within it and so can we delegate it, because I don't see anything here as I read it, and it may be there. That's my ignorance of the law perhaps. Where it says anything constitutionally about the State Board being able to contract such things out to other bodies like the Regents or vice-versa? It was discussed perhaps in the decision meetings, but it's not found in this particular writing as I found it.

MRS. HAGER: We discussed it. I thought maybe you were there that day. We were talking about maybe a joint board between the Regents, you know, a vocational -tech board, and I don't know whether we decided that would be statutory law or what? Do you remember, Mel?

MR. MULLENS: I don't think you can statutorily combine two constitutional bodies, but the point --

MRS. HAGER: To work out these differences or whatever, you know.

MR. MULLENS: No. I was there then.

MRS. HAGER: You might have suggested that.

MR. MULLENS: I might have suggested something to that effect, but no, the only thing I'm talking about is not so much what we discussed as to what might be found in the final draft and whether there is in fact still a question before us, and like I said, it could be ignorance of my understanding of constitutional law and such that brings this question, and

if it is, I stand at rest.

MR. HILL: I would say that to clarify, it would be wise to have a specific authorization for contracting, you know. I'm not sure it's absolutely necessary, but, you know, for the sake of protection and insurance, that would be a good suggestion. So we'll work on some language on that as well.

CHAIRMAN GAMBRELL: Is there a provision either in our Article in the Constitution or the Constitution generally as proposed for contracting between various governmental agencies?

MR. HILL: Yes. There is a provision in Article IX, a very broad inter-governmental contracting provision.

CHAIRMAN GAMBRELL: I think it would be a matter of law as to whether a contractual provision was really a contract or a delegation of authority, but that would be probably an outside thing that might come up as to an agency delegating. I don't think a State Board is going to delegate anything. It's going to avoid delegating, and vice-versa, but I think it would be worthwhile looking at that.

Yes, ma'am?

VOICE: I'd like to make a comment if I may from my viewpoint. I'm not an educator, and I'm not a lawyer, and I'm not on your Board, but I am a citizen, and there are several things, as I took some notes here, that really would concern me, and I noticed that you were concerned about writing a

Constitution that will be passable. So I would like to see something that I as a citizen would vote for that you might consider.

One of the first things that was recommended, that the selection of State Superintendent be appointed and also the Board. That is one point, and to encourage area schools, which would be a combination of counties together. That's another point, and then greater State responsibility for public education, which should not be in the Constitution you said, but it would be a greater State responsibility, and then something that you said that I was concerned that really amounted to removing most of the control from the local districts in the State, would really move into many districts of education, many areas I should say of educational government which now maybe the local school districts have, and I was wondering. I may not be hearing it right, but if I am, I think the grassroots of the State of Georgia want their control left with them, and that would be an area of concern I think in the polls, if something like this would go through, because it seems to be a thread running through the recommendations that would come about, maybe come about more State controls over education, and I think that government is best left, the best government is that left with the people.

CHAIRMAN GAMBRELL: Well, I don't know what I may have said that caused that concern, but I agree with you on

that point, and I don't believe there is anything in the proposal that lessens local control over local school systems.

Don, do you have anything?

MR. THORNHILL: I'm sorry. I was out of the room.

CHAIRMAN GAMBRELL: She was expressing -- and it really arises in several of the particulars that you mentioned, as to whether the draft lessens local control over local school systems, and I just wonder. I do not have the feeling that that's true.

MR. THORNHILL: No.

MRS. HAGER: She may be referring to the fact that maybe, you know, the State -- we would have uniform qualifications for local Superintendents, that type of thing. I think that's what gives you the flavor of that, where now they have their own qualifications perhaps. We're talking about independent schools not being able to set up colleges. Some of the things I think could give you a flavor that we are perhaps taking away some local control.

MR. THORNHILL: What we did, I have no feelings that we lessened the local control. In fact, that was one of the things that we tried to do, was to maintain the local control as much as we possibly could.

CHAIRMAN GAMBRELL: I don't know whether anyone wants to respond further to what this lady has to say. I think all that is valuable thought. In the comments, you mentioned

area school systems, and I believe that's a question of consolidation of the schools.

VOICE: My notes are not comprehensive, but also at that point someone recommended that the 50 percent vote would be eliminated just to a simple majority, which I also think would make it easier to accomplish the changes that somebody wanted rather than maybe the majority, I mean the 50 percent of the people wanted. That disturbed me, and it was along that same line when you came in and said area school systems should be encouraged, which would be something like two counties merging to form an area. Now, that to me is coming close to regionalizing.

DR. FULBRIGHT: Mr. Chairman, when our Subcommittee discussed this, I think this was the line of discussion that we came up with. As the law is now written, we have to have 50 percent in order to consolidate systems. We have to have 50 percent of the two systems going to the polls and then 51 percent of those who go to the polls voting for it, and I think our Subcommittee concluded that in very few elections we ever get 50 percent of the registered voters out to vote, and it would be almost an impossibility.

MR. THORNHILL: It was also the feeling of the Committee that while we didn't feel like the Constitution itself ought to bring about a consolidation, but it ought to facilitate it if the people in an area wanted to, and that was our feelings

on it, not to force it, but to facilitate it. It was also expressed in our Subcommittee, of course as we have some 188 school systems in the State, it's a lot of school systems, and there are possibly some areas that need to have some consolidation for the benefit of the children in those areas.

MRS. HAGER: Mr. Chairman, I thought that law was changed several years ago.

DR. FULBRIGHT: They voted it down. It was a proposal.

MRS. HAGER: I thought it had been changed.

MR. MULLENS: It was in those hundreds of amendments.

MRS. HAGER: Okay.

CHAIRMAN GAMBRELL: I think what we're talking about there is a situation where there are a number -- excuse me. Yes, sir?

VOICE: Mr. Chairman, if I may make a comment, I'm Gary Ashley with the School Boards Association. I followed the deliberations of this Committee very closely, and in response to the lady's concern, frankly I don't see that any effort or any language has been presented here that would change or diminish the balance of control between the State and local at this point. I think the key point -- and you have so stated -- is that the local School Board is charged to manage and control, and that language is pretty powerful, if you analyze it, and frankly if all of our Boards were managed and controled, I think they could have really all the authority that

they needed at the local level. So I don't see that anything has been done here that would diminish or take away what we already have. Thank you.

VOICE: May I ask a question?

CHAIRMAN GAMBRELL: Yes.

VOICE: You brought up some interesting language, and I'm just interested in what you just said, and I probably missed it in this, and I admit I haven't read it extremely carefully. I haven't been here the entire proceeding. Manage and control. What is the alternative if the school system does not? Under whose standard?

MR. ASHLEY: Can I comment? Of course I think that was provided or presented to the Committee at an earlier date. Really the alternative is the State Board with their authority to cut off or withhold funds due to local school systems, the School Board not meeting certain standards and certain programs. I think that really is the vehicle that the State has at this point in time, is to take away the funding. Otherwise I know of no other vehicle other than possibly litigation that might come about from private citizens or whatever it might be.

VOICE: Would you mind pointing me to where I might find the answer to what those standards are on those particular programs where the State would then have that authority?

MR. ASHLEY: The State Department of Education could give you those standards.

VOICE: Is there a particular person I might ask for?

MR. ASHLEY: I would ask for the State Superintendent because he is the Chief Executive Officer.

VOICE: And is that already activated? In other words, is that a possibility at this moment?

MR. ASHLEY: It's a possibility, but I don't think it's ever been exercised to any degree in my judgment or in my knowledge.

CHAIRMAN GAMBRELL: The State Board of Education has some established standards under which they are authorized to approve distribution of funds and theoretically if a local unit doesn't meet the standards, they don't get the money. I think the practice that they have followed, and I stand to be corrected on this, is that if they find somebody is not meeting the standards, they sit down and try to work with them and help them get up to the standards. I don't know if they're ever withheld it or not, but that's --

DR. FULBRIGHT: They've threatened it a few times.

CHAIRMAN GAMBRELL: Yes. They've threatened a few times.

VOICE: As I understand it, the State Superintendent has listed one of his priorities to pass a constitutional amendment to that effect. I haven't heard that mentioned here today, but is that in the language here somewhere that I missed?

DR. MEREDITH: It was alluded to.

CHAIRMAN GAMBRELL: Dr. Meredith, did you all pass that?

DR. MEREDITH: All that's included in our statement, although we put it together with private schools in mind, but the language was designed to give the State Board of Education authority to enforce the minimum standards for all students, and that's the language that we used, that the Board may establish minimum standards and enforce minimum standards as provided by law.

VOICE: I was afraid that that would be the wording. If I may just make a statement.

CHAIRMAN GAMBRELL: Yes.

VOICE: I'm also a private individual citizen. I would find that wording --

DR. MEREDITH: Inadequate?

VOICE: Inadequate at best. It's a strong word I know, offensive, and I would definitely not vote for it, and I know very few people in my district, if they understood the wording, would find it feasible to adopt this particular item of the Constitution.

DR. MEREDITH: What's wrong with it again now?

VOICE: There again we're talking about State control versus County control or school system control.

MR. ASHLEY: I believe that to take that a step

further and to be very candid about it, what's being asked is that the State have the authority to go in and take over a local school system in the event that the system doesn't measure up, and I'm glad to hear you make that statement because that would be a sad day in government, governance of education if that ever came about. It's been tried in the State of New Jersey, and I don't think we want to model anything after that State. It hasn't worked.

VOICE: Could I make a comment? I've learned through sad experience with little ladies' committees that the one who holds the money has the power, and when you talk about the State withholding funds, that means if the State withholds the funds, they really are controlling, and that just isn't compatible to me with local control.

CHAIRMAN GAMBRELL: Well, in responding to your comment before, I think we were dealing with whether this draft changed that, and it had been my impression that that was not a change. In other words, the Legislature does control the funds now. The question that has been raised back here in the language we've been referring to, as Dr. Meredith mentioned, has been dealt with in terms of private schools, but the question --

DR. MEREDITH: Not entirely. That's sort of the basis or the ground at which we arrived at the language, but we also had concerns for school systems where the local citizens

refused to provide adequate funding for education, and thereby denied those children adequate education experiences.

CHAIRMAN GAMBRELL: I'd like to know, and we're talking about language on page two of the draft, line sixteen, Subsection C. "The State Board of Education may establish minimum educational standards for all students prior to the college or post-secondary level and may provide for the enforcement of such standards as provided by law."

Now, does that mean achievement standards for each student to get a degree from high school or does that mean ~~that~~ the State Board could say, "Well, all the schools have got to pay a minimum salary and they've got to have certain books in the library" and so on and so on? What all does that cover that the State Board may establish on its own motion and may provide for the enforcement of such standards? Does that mean they can empower the Sheriff to go out --

MR. HILL: They only provide for the enforcement as provided by law, so that's a limitation on that.

CHAIRMAN GAMBRELL: Right.

MR. HILL: But this is a policy decision of the Committee that the State Board should in fact be able to assure that every student in the State has a minimum education, and because there are no standards for the establishment of schools and anyone can set up a school just by having three students there, there was a feeling that there are some students being

deprived of an adequate education in Georgia and that somebody has to be able to provide it. Is that an adequate statement of what was agreed upon?

DR. MEREDITH: Yes.

MR. HILL: So that's why this is here. Now, if the full Committee does not agree with that policy judgment, then that will just have to be eliminated or restated.

CHAIRMAN GAMBRELL: Well, let me ask how it stands right now as to who can establish minimum educational standards for elementary school students in the State of Georgia? Does the State Board of Georgia? Does the State Board establish the standards or does the State Legislature establish them?

MR. BRYAN: The Legislature doesn't.

MR. MULLENS: The Legislature established it, but it has delegated that to the State Board. So the State Board actually sets standards right now.

CHAIRMAN GAMBRELL: But it's under delegation by the General Assembly?

MR. MULLENS: Certainly. It would still be as stated by law.

CHAIRMAN GAMBRELL: Well, I think this makes a change in that it gives the State Board exclusive jurisdiction without reference to the Legislature.

MR. GRAHAM: Well, how about the words "as provided by

law" at the first of the sentence rather than the end?

CHAIRMAN GAMBRELL: If it applies to the whole paragraph, it would.

MR. GRAHAM: I think it was the intention that it would apply to the whole paragraph, wasn't it, Dr. Meredith?

DR. MEREDITH: Yes. Yes.

CHAIRMAN GAMBRELL: Does it apply -- in other words, it doesn't just apply to enforcement; it applies to the whole thing.

VOICE: Mr. Graham, I wonder if someone might read to me from this Constitution that we now have that is now in the Constitution?

CHAIRMAN GAMBRELL: Is it now in the Constitution?

VOICE: I wonder how this would read that is now in the Constitution. I'm not making myself clear, but what's the change here?

CHAIRMAN GAMBRELL: I don't know what the answer to that is.

(Pause)

MS. GREENBURG: It's on page 65 in the brown copy under Article VIII, Section 2, the last sentence. "The said State Board of Education shall have such powers and duties as provided by law."

VOICE: This is different.

MS. GREENBURG: And in particular that's Section 32 of

1 the Georgia Code, which goes on to delineate what the powers
2 of the State Board of Education is.

3 CHAIRMAN GAMBRELL: Well, I think this is an important
4 issue, and this lady has raised it, and it certainly means
5 something to me. I would say at best this is a vague retention
6 of authority in regard to standards by the General Assembly,
7 and I'm personally not prepared to turn it all over to the State
8 Board without any check on it, but I could be voted down on
9 that, but I would like to suggest at the next meeting some
10 modification of that language to be sure that what we're
11 saying is the way it comes out.

12 MR. GRAHAM: I'm wondering, Mr. Chairman, if not a
motion now could correct that.

14 CHAIRMAN GAMBRELL: It suits me.

15 MR. GRAHAM: I would move that we move the words "as
16 provided by law" to the front part of the sentence.

17 MS. COOK: I second it.

18 MR. OWENS: What number is that?

19 CHAIRMAN GAMBRELL: Page two, line sixteen.

20 MR. GRAHAM: We would move it from line nineteen to
21 line sixteen.

22 VOICE: Can I ask a question about that?

23 CHAIRMAN GAMBRELL: Yes.

24 VOICE: As provide by whose law?

25 CHAIRMAN GAMBRELL: The General Assembly's.



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VOICE: You're sure that's our State law?

CHAIRMAN GAMBRELL: Yes. That is the common terminology meaning that the General Assembly has power to do that, yes.

VOICE: I have one question in ignorance of legal language. What does the word "may" mean in legal terms, interpretive terms? I don't want to be such an idiot.

CHAIRMAN GAMBRELL: Now you're putting me on the defensive.

VOICE: I'm serious. What legal power does the word "may" carry.

MR. GRAHAM: Permissive only.

CHAIRMAN GAMBRELL: Well, John, why don't you answer that for her?

MR. GRAHAM: I think it's permissive.

CHAIRMAN GAMBRELL: It means what can be done if the person authorized wants to do it, but if they don't want to do anything, they don't have to do anything at all.

Yes?

MR. ASHLEY: Mr. Chairman, I'm not supposed to be talking, but I want to make one other comment. I think that this statement about the setting of standards really needs to be given some further discussion, and I think your suggesting that because ~~it~~ does that ~~mean~~ that the State Board can establish a State-wide curriculum? There are a lot of questions that could pop up as a result, you know, of that kind of authority, and I

think the concern that's coming from the citizens here is relating really to one issue, the balance and the delineation between local and State and the control thereof, which is an issue not only in our State, but all across the country.

CHAIRMAN GAMBRELL: Well, I think we're in the process of addressing that right now, and it suits me to leave the ball in the air instead of trying to bring it down right now. There is a proposal that we make this specific change which I would feel a lot more comfortable with, and I'm perfectly willing to have this question of local versus State examined further, and I might say for this lady's benefit, there is a lot of strong feeling in regard to the question of elections of various officials being retained as a means of citizens' input.

MR. BRYAN: I have one other question too. I wonder if the standards established are for the students or for the schools. If you're establishing standards for students, I'm wondering if we can only establish what kind of opportunity the student can be exposed to rather than what the student is going to do himself.

VOICE: I wonder if you're saying the same thing I'm thinking, that maybe just a 'complete level of education would be presented, but minimum educational standards rather than the excellent student excel. You never know how people are going to interpret it.

CHAIRMAN GAMBRELL: Well, I think the idea here has

been mentioned initially to set a threshold for anyone being in school at all, particularly in the private school area, but the way it's written, it affects public schools as well, and a minimum standard could be that everyone should in effect have a Ph.D. degree before you graduate from elementary school systems, and of course that's not what we want, and the question is whether the authority to establish this so-called minimum would be in the Legislature or in the State Board and that those minimums would apply maybe uniformly, maybe not between public and private.

MR. OWENS: Would you read again that change?

CHAIRMAN GAMBRELL: Excuse me just a moment. A suggestion has been made I think that there may be some more ambiguities in this than just that "as provided by law" section as to whether possibly the words "for all students" might be dropped out or maybe "all students" might be changed to "all educational institutions, public or private" or something to that effect. Maybe we ought to resubmit this provision to a Committee for further consideration.

DR. GREEN: Another question that might be in relation with that.

CHAIRMAN GAMBRELL: I interrupted Dr. Owens.

MR. OWENS: I wanted to read again the motion that's on the floor at this time. Am I correct? Was there a motion and second? And we're in the process of discussing it?

CHAIRMAN GAMBRELL: Right.

MR. OWENS: And I'm not clear on the motion. I wanted it clarified, but at the same time afterwards I want to make a statement with reference to Mr. Ashley, so if I could hear that motion . . .

CHAIRMAN GAMBRELL: John, you want to restate the motion?

MR. GRAHAM: It would simply read, you would eliminate the words "as provided by law" from line nineteen, and you would add them to the first part of line sixteen.

CHAIRMAN GAMBRELL: That is seconded?

MS. COOK: I second it.

CHAIRMAN GAMBRELL: Right.

MR. OWENS: And the statement I was going to make a few minutes ago, the idea as to whether or not this also included curriculum with reference to the State Board of Education, and if there is to be curriculum on a State-wide basis to any degree, I feel that a State Board of Education should make it rather than by law, and that's a very strong concern, that if anyone is to make the educational structure which is set up, which is the State Board of Education set-up, the forms of curriculum if this must be or is to be rather than the Legislature's putting into law various kinds of curriculum for the schools.

Thank you for restating that and the opportunity to

express that.

CHAIRMAN GAMBRELL: Yes?

DR. MEREDITH: I think to make it consistent, I'm going to make the same motion to make it consistent with A, B, C through F, that it read, "The State Board of Education, as provided by law, may" --

MR. GRAHAM: That's fine.

CHAIRMAN GAMBRELL: Put that as an amendment?

MR. GRAHAM: The comma?

CHAIRMAN GAMBRELL: I thought he was moving the "as provided by law."

DR. MEREDITH: What I'm saying, instead of putting it right in front of "The State Board of Education" --

MR. GRAHAM: I'll accept that.

DR. MEREDITH: -- to read, "The State Board of Education, as provided by law, may establish" --

MR. GRAHAM: Yes, sir. I'll accept that.

CHAIRMAN GAMBRELL: All right. Dr. Owens, a comment on what you have said. I don't think this means that the General Assembly would set curriculum, but it would set out a pattern of activity for the State Board, which would authorize them to set up such things, but if the State Board set up a curriculum that included Chinese and things of that kind, the General Assembly could repeal that. In other words, the General Assembly would be the ultimate authority on such things, although

they would be expected to delegate it to the State Board. I think that's the intent of this. I'm not saying it has to be that way.

MR. OWENS: How could this change? What changes that around? This is just an editorial kind of change.

CHAIRMAN GAMBRELL: This change we're talking about would I think assure that the General Assembly is the ultimate authority for establishing minimum educational standards rather than the State Board of Education is the ultimate authority.

Is that correct, John?

MR. GRAHAM: Correct, yes.

CHAIRMAN GAMBRELL: Is there another comment over here?

MR. BRYAN: I was just going to suggest no matter how this vote is going to come out, this whole sentence is going to have to be redone pretty well, and I like your idea of leaving the ball up in the air and have it as another item for the Staff to give us some options on and some further thought on, and we move ahead.

CHAIRMAN GAMBRELL: Well, I like my ideas too, but I would say that this vote will clarify the Committee's feeling on this particular question, and it is a pending motion, and I think we ought to go ahead and vote on that, but I will say it will be my intention to have this whole question of allocation between State and local and between the State Board and General Assembly evaluated again to be sure we haven't, that we've left

it the way we want it.

DR. PRESSLY: I call for the question.

CHAIRMAN GAMBRELL: All right. Anything further?

The question has been called for. All in favor of the motion that has been made to move the words "as provided by law" from line nineteen to line sixteen, following the words "State Board of Education" so that it reads, "The State Board of Education, as provided by law, may establish minimum standards for all -- minimum educational standards for all students prior to the college or post-secondary" and so forth, all in favor of that, raise your hand.

(Showing of hands)

CHAIRMAN GAMBRELL: All opposed, raise your hand.

(Showing of hand)

CHAIRMAN GAMBRELL: I see one. Do I see any more than one? I counted ten to one there, so we record that as having passed. Is it satisfactory to the Committee as a whole for me to submit this back to Dr. Meredith to work with anyone who wishes to comment on any of the language, such as has been discussed here, and any other question relating to the allocation of power between State and local and between the General Assembly and the Board of Education to the extent that there are unresolved issues in that or proposed changes from the draft as it stands now, that that be submitted to the next meeting of the Committee?

MRS. HAGER: Mr. Chairman --

CHAIRMAN GAMBRELL: Yes?

MRS. HAGER: It might be helpful for them to share with the rest of the Committee what the statutory law exactly says. You know, I'm sure their Committee has looked at that and spells it out in more detail the powers of, you know, the Board of Education, as far as setting minimal standards. I think if we could have it all, could have it shared, I think it would make it clear for us all.

CHAIRMAN GAMBRELL: All right, Mel, could you look into that with the Staff?

MR. HILL: (Nods head)

CHAIRMAN GAMBRELL: Are there any other questions or comments on that?

DR. PRESSLY: Mr. Chairman, I think it needs to be said before the whole Committee that in the consideration of your Subcommittee that was dealing with this part, we interpreted this as trying to establish minimum standards just as the rule says to avoid the possibility that students in the State of Georgia are not even getting a respectable education, and we're well aware of the fact that we have in the State, and I happen I guess to be one of the few independent school people in the room, but we happen to have a number of independent schools in the State that are, well, I guess to call them fly-by-night would be a compliment. They do not have good standards,

and this really was put here to try to get every school to have adequate standards, and it wasn't, as I saw it, whatsoever on the part of the State Board of Education to try to dictate a total curriculum in a school, but rather to see to it that no child in the State of Georgia is going to school and not getting any education at all. I just think that needs to be said as we consider this.

CHAIRMAN GAMBRELL: We appreciate your expressing that because I don't think anyone should go away from here with the idea that there was some power grab in process.

DR. PRESSLY: Right. There was not.

CHAIRMAN GAMBRELL: But there is always a possibility that language can be misused, and what's minimum to you or me might seem subminimal to others, and minimums can be set at all kinds of levels. So I think it's important that we be sure we haven't done something that we didn't intend to do by this process.

Yes, ma'am?

VOICE: You've adequately said what I was thinking, that I certainly didn't think that was something that someone was trying to do, but I have watched some of the Court decisions, and some of the strangest things have been twisted into some wording that nobody ever really intended it to mean. I think in this day and age it's most important to be specific.

MR. OWENS: That's one of the kinds of things I was

looking at, and I abstained on the last vote. It still has -- I know what the rationale that we have is. It's a shame we can't also put rationale in the Constitution, but there is still that indication that it can be used there if there is a desire to use it as such. I don't know how to put it in so it closes up all the loopholes.

Other than that, I have no real problem with it. Someone did make a statement concerning "for all students" and wanted to sort of spread it out to the school itself, the standard aspect, and that's another point that was not brought clear. The school needs to have some standards itself rather than just the standards being based solely on students per se.

CHAIRMAN GAMBRELL: All right. That ought to be investigated in this whole inquiry here as to whether the standards, to what do the standards apply.

All right. Are there any other concerns or comments or questions that anyone would like to raise at this point?

(No response)

CHAIRMAN GAMBRELL: We need to fix a date for the next meeting of our Committee. I would suggest that it be, if the idea of having one more meeting -- and I hope that we can wind it up at that point -- that we plan what might amount to, might come to be a full day's meeting, sometime the last week of October. Does anyone have a date or dates that they cannot participate?

MR. OWENS: It would more than likely be a Tuesday, the last week, a Tuesday. Is that what you had reference to?

CHAIRMAN GAMBRELL: Well, I'm just looking here. The last week in October begins the 27th, Monday, and runs through the 31st, which is a Friday.

MR. THORNHILL: Would there be any possibility of having it after the first week in November?

CHAIRMAN GAMBRELL: Well, I suppose it would be possible, but not preferable because we are more or less committed to getting the report on the first of November.

MR. BRYAN: If you meet on the 28th, you lock in that being the last meeting of the full Committee.

MR. GRAHAM: Could I suggest the 21st?

CHAIRMAN GAMBRELL: The 21st. Okay. That's Tuesday.

MR. BRYAN: I like that date too.

CHAIRMAN GAMBRELL: Of the next to last week of October. How does that sound? That's approximately a month from today.

DR. PRESSLY: I think that's a little better than the 28th because it certainly gives the Staff a little more time to get the final report.

CHAIRMAN GAMBRELL: All right.

MRS. GRAHAM: Well, there are two of us on this Committee who are running for election. So the last week of October would be very bad for us.

CHAIRMAN GAMBRELL: All right.

MR. OWENS: Would it not be right to say that just about any week would be bad for anybody in an election? Wouldn't it?

(Laughter)

MR. OWENS: I'm not being impertinent. I'm just trying to assess the situation. That's all.

MRS. GRAHAM: I have no comment.

CHAIRMAN GAMBRELL: All right. The 21st.

MR. OWENS: The 21st is fine with me.

CHAIRMAN GAMBRELL: All right. Let's say the 21st of October at 10:00 o'clock. Would that be in this room?

MR. HILL: It will be in this room. I'll send out notices and all, but in all likelihood it will be right in here.

CHAIRMAN GAMBRELL: In this room at 10:00 o'clock. In the meantime, these Committees, if I have it correctly, there are two primary issues. One is the selection of the State Board and the State School Superintendent, that question, and another question is the same issue generally with reference to the local Board, and then this study that we plan to have on standards and allocation of power between the State Board and the General Assembly.

DR. MEREDITH: There's one other one. That's that clause, "without discrimination."

MR. HILL: And I would add to those of you who have

had an opportunity to review the draft it self, because we have not gotten any feedback from the Subcommittees or anyone in particular, and if there are things that you question, circle them, and at the next meeting we'll have to go through that draft paragraph by paragraph, you know, in addition to the reports from these three policy issues. We'll have to go through the draft in detail, so if you have any questions or problems, circle them or call us and let us know ahead of time so we can think about it.

CHAIRMAN GAMBRELL: All right. If there is no further business, we will stand adjourned.

(Whereupon, the above-entitled matter was concluded.)

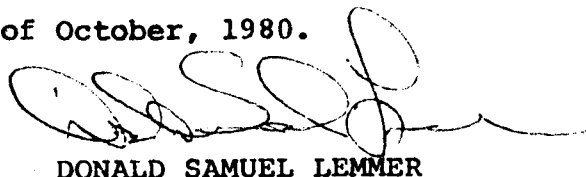
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C E R T I F I C A T E

G E O R G I A)
)
CLARKE COUNTY)

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers and discussion thereto was reduced to typewriting by me personally; that the foregoing pages, 1 through 120, inclusive, represent a true, correct and complete transcript of the matters discussed in said hearing.

This, the 8th day of October, 1980.



DONALD SAMUEL LEMMER

(SEAL)

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STATE OF GEORGIA
COMMITTEE TO REVISE ARTICLE VIII
OF THE
CONSTITUTION OF GEORGIA

AD HOC COMMITTEE ON STATE AND
LOCAL SCHOOL BOARDS AND STATE
AND LOCAL SCHOOL SUPERINTENDENT

Room 401-A
State Capitol
Atlanta, Georgia

Thursday, October 16, 1980
10:00 a.m.

BRANDENBURG & HASTY — SCIENTIFIC REPORTING



PRESENT :

COMMITTEE MEMBERS :

CHAIRMAN CHARLES W. MEREDITH
F. SIBLEY BRYAN
MS. MIRIAM GRAHAM
MR. JOHN M. GRAHAM, III
MR. ODELL OWENS
DR. WILLIAM PRESSLY

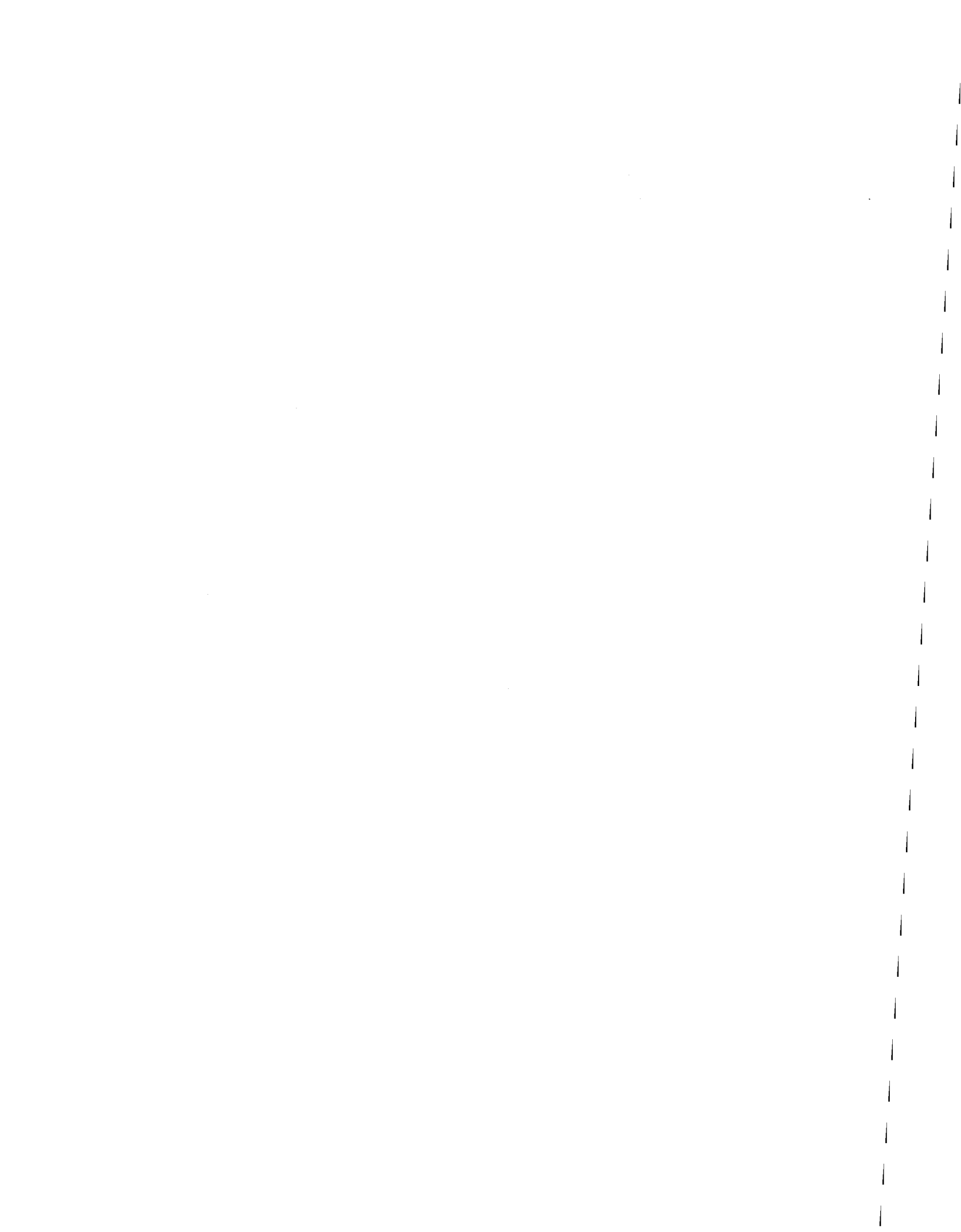
ALSO PRESENT :

MELVIN B. HILL, JR.
MICHAEL HENRY
VICKIE GREENBERG
DAVID WATTS
GARY ASHLEY
ROBERT WOODARD
SUE ELLA DEADWYLER
FRANCIS HARPER

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P R O C E E D I N G S

VICE CHAIRMAN PRESSLY: I would like to call the ad hoc committee to order if I may.

For some strange reason I find myself chairman today. I think it's to keep me from voting too openly.

I'm going to ask Vickie Greenberg if she will to bring us up to date on the various papers that you have.

MS. GREENBERG: Okay. I sent out a memo to all members on October 6th reviewing the five issues that we're to discuss at this meeting, and the task was given to us on the September 23rd full committee meeting, and those five issues are -- the first issue by what method should members of the state board of education and the state school superintendent be selected.

Issue number two, should the method of selection of members to local boards of education and of local school superintendents be made uniform throughout the state.

Number three, should the state board or General Assembly be given the authority to establish educational standards for all students.

Number four, should Proposed Section I, Paragraph I of Article VIII, which is the ~~preamble~~^{preamble}, be modified.

Number five, should the constitution mandate that the qualifications of board members of independent systems and county systems be made uniform.



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1 In conjunction with these five issues I sent out
2 two memos dated October 8th, and the first memo of October 8
3 would be the one which reviews the methods of selection of
4 the state board of education and the state school superin-
5 tendent in all fifty states, and on the first page I have
6 capsulated how those methods are and which states have the
7 most popular form -- I mean which is the most popular form,
8 and it appears by this review that most states have a
9 governor appointing the state school board and a state school
10 board appointing the state school superintendent.

11 If you will look through that, it will give you a
12 review of the methods of selection, and on the last page it
will give you -- actually it's page 4, Roman numeral III
14 gives you methods of selecting state boards of education
15 which are not either appointed by the Governor or appointed
16 by the -- or elected by the people. These are the five other
17 methods of selection.

18 Okay. There is a second memo dated October 8 which
19 previews, or reviews actually about twenty, twenty-five state
20 constitutions as to their qualitative terms denoting quality
21 of education, and if you have reviewed that you will notice
22 that many of them use the word uniform, uniform in conjunction
23 with another qualitative word like general, general and
24 thorough, thorough and efficient, or simply efficient.
25 Another popular phrase was infusion of knowledge and

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1 intelligence, limits of their capacity for potential, equal
2 opportunity. A few states, including Georgia, use the word
3 adequate. Some states even have no qualitative terms in their
4 constitutions.

5 Then today I have handed out three additional
6 papers. Two of the shorter papers are proposed drafts done
7 by the staff as to alternatives to provisions in the present
8 proposed draft of Article VIII.

9 The first one is a proposed alternative to the
10 preamble, Article VIII, Section I, Paragraph I, entitled
11 Public Education, Educational Opportunity Without
12 Discrimination, Free Public Education Prior to College,
13 Support by Taxation. This in essence is similar to the
14 proposed draft preamble, except that we have reorganized the
15 sentences.

16 We have given rationale in our first sentence, what
17 is the objective of education in Georgia, and we have changed
18 the wording of the preamble to state rather than the term
19 ideally providing, we have changed it to it shall be the goal,
20 feeling that this is not as lofty but it still does not
21 require the state, doesn't obligate the state in any way, but
22 it is more a goal of education, and if you will read through
23 that -- I can read it to put it on the record:

24 A general diffusion of knowledge and intelligence
25 being essential to the preservation of the rights and



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1 liberties of the people, it shall be the goal of the state of
2 Georgia to provide all citizens the opportunity for educational
3 development to the limits of their capabilities without
4 discrimination. The provision of an adequate public education
5 for the citizens shall be a primary obligation of the state of
6 Georgia. Public education for the citizens prior to the
7 college or post-secondary level shall be free, the expense
8 of which shall be provided for by taxation. The expense of
9 other public education shall be provided for in such manner
10 and in such amount as may be provided by law.

11 This only differs from the previous draft proposal
12 in two ways. It adds the introductory language, the general
diffusion of knowledge and intelligence being essential to
14 the preservation of the rights and liberties of the people,
15 and number two, it changes the term ideally providing to
16 it shall be the goal.

17 The second memo, the second paper given to you
18 today is entitled Provision Requiring Election of all Local
19 School Boards and Appointment of all Local School Superin-
20 tendents, dated October 16th, 1980.

21 This was done in response to a question from a
22 member of the committee as to whether we could provide for
23 mandatory uniformity throughout the state as to methods of
24 selection of local boards and local school superintendents,
25 and this is proposed language which the committee can review

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1 later.

2 The last memo sent out today is entitled Proposed
3 Constitutional Provisions of the Various Methods of Selecting
4 the State School Superintendent and the State Board of
5 Education, and what the staff did in this memo was to draft
6 proposed language for all the alternative methods of selection,
7 and if we can review it together, (a) is entitled Methods of
8 Selecting the State School Superintendent, and the staff
9 discovered three methods of selection of state school
10 superintendents, the first being the state school superin-
11 tendent appointed by the state board of education, which is
12 the identical language of the proposed draft of September 23rd.

The second method is a state school superintendent
14 elected statewide, and

15 The third method is the state school superintendent
16 appointed by the Governor.

17 On page 2 of the outline is (b), Methods of
18 Selecting the State Board of Education. The staff researched
19 six methods of selecting the state board of education, the
20 first being a state board of education appointed by the
21 Governor, which is the proposed language of the draft of
22 September 23rd which was reviewed by the committee on
23 September 23rd.

24 The second proposal is a state board of education
25 elected by the voters in each congressional district.



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1 The third is the state board of education selected
2 in the same manner as the state transportation board, that is
3 a state board elected by members of the General Assembly.

4 Number four is a state board of education elected
5 by members of the General Assembly in each congressional
6 district upon recommendation of the local school boards.

7 Number five is a state board of education selected
8 by local board caucus, legislative caucus and confirmation
9 by the senate.

10 This is a proposal drafted by Dr. Jim Mullins, and
11 that was reviewed at an earlier meeting.

12 Number six is a state board of education elected by
13 members of local boards of education in each congressional
14 district.

15 VICE CHAIRMAN PRESSLY: I'll turn the chairmanship
16 back over to you.

17 CHAIRMAN MEREDITH: All we have done is to review --

18 VICE CHAIRMAN PRESSLY: All we have done is to
19 review these papers here, and I think the essential one is
20 this.

21 MS. GREENBERG: Mr. Chairman, do you want to go
22 through --

23 CHAIRMAN MEREDITH: I think we'll use the outline
24 and the handouts we got this morning.

25 MR. GRAHAM: Mr. Chairman, to make clear now, we



1 have a recommendation from the committee, from the sub-
2 committee to the big committee, and we're not changing that
3 in any way, we're just to decide that if there are any
4 alternatives that might also be presented to the committee
5 we could decide that there were or there weren't alternatives;
6 is that correct?

7 CHAIRMAN MEREDITH: It's my view that we made our
8 recommendation to the full committee at the last meeting,
9 and I think what we need to do today is to respond to the
10 issues raised relative to our recommendations, and I think
11 on the first one about the state board of education, state
12 school superintendent, I think that it's probably a correct
13 statement to say that our committee probably agrees that the
14 state superintendent should be accountable to and appointed
15 by the state board, and I think that the questions that were
16 raised at the open meeting, the full committee meeting, and
17 I think our task here on that particular subject is to see
18 if there is any way that we can deal with the state board
19 and the problem of having both appointed, the state board
20 and the state school superintendent.

21 I don't think we need to go back and change the
22 method of appointment for the state superintendent, I think
23 that we have covered that ground, but I think we need to look
24 at an alternative way to deal with the school board if
25 possible, and I also think that in the language of the



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1 introductory paragraph, the preamble to our article, we need
2 to look at that again because we had some questions raised
3 about that.

4 You're correct, our task is not to review the work
5 we've done before, but to try to respond to the issues raised,
6 and I think that the agenda 1 through 5 sort of captures the
7 questions.

8 Yes?

9 MR. HILL: I would just add, I think the major
10 purpose of the meeting is to help the full committee at its
11 next meeting to be able to focus in on what the problem areas
12 have been and to present alternative language if you feel it
would be helpful to them to have it in front of them.

14 You know, we could give all this to them, but I think
15 they would be swamped and it would be very hard to follow,
16 so to the extent that you're able in this meeting to reduce
17 this down to a number of alternatives that we can put together
18 in a package so that at the meeting they will have the draft
19 originally presented and then alternative provisions along-
20 side it will make it a lot easier for them to work.

21 CHAIRMAN MEREDITH: Do we have anybody from the
22 other committees who came to this meeting as a result of the
23 full committee meeting? We extended an invitation to those
24 persons who had questions, and we also have to have a
25 provision for a minority viewpoint which the Chairman said

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1 we should be prepared -- if anyone has any strong feelings
2 about anything the committee proposes, then that person
3 should be prepared to present a written or formal statement
4 of those concerns, so we want to leave that open, and that
5 may assist us in arriving at some consensus. If there are
6 strong views about any of these issues, then each member
7 has the option of presenting their view to the full committee
8 on the 21st.

9 Okay. Why don't we just deal with the preamble,
10 and then we can go to the school superintendent.

11 Now, the modification includes the first sentence,
12 the first ten or twelve words of the first sentence. Does
13 anyone have any --

14 Yes?

15 MR. BRYAN: I question the word intelligence. My
16 understanding of that is that's an innate ability of somebody,
17 and it's going to be impossible to distribute intelligence
18 throughout the state through the school system.

19 I feel strongly that knowledge can be disseminated
20 properly, but I wondered why we came up with the word
21 intelligence to be included in there.

22 MS. GREENBERG: The language of that first sentence
23 was adopted from the language of several states' preambular
24 provisions, and I can refer you to the memo dated October 8th,
25 1980, on page 5.



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1 MR. HILL: There were two different reasons cited
2 in the constitution for the need for education, general
3 diffusion of knowledge and intelligence was one, and the
4 need for this being essential to a democratic government is
5 another, and so there were two different rationales cited in
6 most state constitutions, this one is here, and I think Sibley
7 may be correct that that wording is not proper, but in any
8 event that idea that a general diffusion of knowledge is
9 important, or the need for a democratic government to have
10 a strong educational system.

11 CHAIRMAN MEREDITH: Another word I see down there
12 that is something that I think can be developed. I think
13 intelligence has a limit to what the school system can do for
14 that. You have to bring something to the table in order to
15 leave the table --

16 MR. GRAHAM: I think you're right. I think it's the
17 duty of the state to provide educational opportunity, but
18 you can't make people partake of that opportunity or become
19 intelligent simply because you provide it.

20 MS. GREENBERG: The other alternative would be
21 either delete -- Well, first of all, the committee would
22 have to agree that this is a good provision to introduce the
23 educational article with, and then as far as language you
24 could use knowledge alone, or the word learning is also a
25 popular term, learning, wisdom.



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1 CHAIRMAN MEREDITH: Why don't we do like Texas and
2 leave off the intelligence? Texas is on the next page.
3 They probably had the same problem we're having now with
4 intelligence.

5 MR. GRAHAM: I think if you left out that you would
6 have almost what our courts have said about education in
7 Georgia, and the constitutional writers.

8 I tried to get the Honorable Chairman of this full
9 committee to read a quote from the Honorable -- what was it,
10 Foster Blodgett, Jr. -- Foster Blodgett was the chairman of
11 education section of the constitution redraft of 1868, and he
12 almost said that sentence, that it's the responsibility of the
state to provide a general diffusion of knowledge.

14 CHAIRMAN MEREDITH: Do we have any -- Are we going
15 to try to move on?

16 MR. OWENS: I was just looking at -- I'll just pass
17 on a thought. When you say general diffusion of knowledge
18 you have two things, you had a diffusion of knowledge and
19 intelligence. What are you diffusing now?

20 CHAIRMAN MEREDITH: You're diffusing knowledge.

21 MR. OWENS: You're just going to diffuse knowledge?
22 I just threw that out for sort of like an editorial change,
23 using the word diffusion. You're diffusing two things,
24 knowledge and intelligence. I don't know how much knowledge
25 is being diffused into what, with what, and how. That



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1 sentence can be straightened up.

2 The other thing I had in mind to bring out was the
3 last, the part of the sentence before the last one, and the
4 expense of which shall be provided for by taxation. I
5 believe we discussed that there are sometimes grants of other
6 kinds, or grants of things or contributions of a nature that
7 sometimes we use to further our school program. You mention
8 taxation, would that negate the opportunity of using any of
9 these other moneys that might be available?

10 CHAIRMAN MEREDITH: No, we've got that covered in
11 another section.

12 MR. OWENS: Another section.

13 CHAIRMAN MEREDITH: We've got that covered by saying
14 the state has authority to receive gifts, grants, bequests,
15 and to use them as a right.

16 MR. OWENS: Okay.

17 CHAIRMAN MEREDITH: Can we agree, then, that we
18 strike out intelligence on this and move on and adopt this
19 as a modification to the preamble?

20 Is that the general consensus? Do we need a motion?

21 MS. GRAHAM: I move we strike the word intelligence.

22 CHAIRMAN MEREDITH: And adopt this as our --

23 MS. GRAHAM: Yes.

24 DR. PRESSLY: Second the motion.

25 CHAIRMAN MEREDITH: It's been properly seconded that

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1 with the modification and deletion of intelligence we adopt
2 this as our recommendation to the full committee on the
3 preamble to Article VIII.

4 You have heard the motion. Are you ready for the
5 question?

6 All in favor.

7 Opposed.

8 The motion carries.

9 Now let's shift to -- Let me ask the staff a
10 question. Have you changed anything under (a)?

11 All right. Have you changed the method of selecting
12 a state superintendent as it was in the proposed draft of
September 23rd? Has that remained intact?

14 MS. GREENBERG: The --

15 MR. HILL: It's identical.

16 MR. GRAHAM: Page 1 is identical; is that correct?

17 CHAIRMAN MEREDITH: I would like to have a motion we
18 adopt this with that particular item so we don't have to
19 cloudy the issue.

20 MR. BRYAN: So moved.

21 CHAIRMAN MEREDITH: Okay. Anybody second it?

22 A MEMBER: Seconded.

23 CHAIRMAN MEREDITH: It's been properly seconded we
24 adopt (a) as our recommendation to the full committee on the
25 method of selecting a school superintendent.



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1 MR. GRAHAM: Page 1, AI, is that correct?

2 CHAIRMAN MEREDITH: AI. All in favor of that
3 motion.

4 opposed.

5 The motion carries.

6 Let's make it clear now that we are adopting this
7 with the full intention of exploring the possibilities of
8 dealing with the state board. That was the understanding I
9 had.

10 MR. OWENS: I was just looking to see exactly what
11 it is we were voting on.

12 CHAIRMAN MEREDITH: You're voting on the same thing
that was recommended the last time.

14 MR. OWENS: The last time.

15 CHAIRMAN MEREDITH: Right.

16 MR. OWENS: With reference now to the state super-
17 intendent.

18 CHAIRMAN MEREDITH: Right. I would like to have us
19 discuss the merits of B, the various statements on B and any
20 other methods that may speak to this particular item.

21 DR. PRESSLY: Number I is the one we have already
22 adopted.

23 CHAIRMAN MEREDITH: Right. I think there is no
24 point in discussing that, we can leave it as it is.

25 Let's look at some of the others. For those of you

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1 who were not at the full meeting, we did make one change.
2 We made a change in Paragraph I, line (c), that's just an
3 editorial change to make the statement consistent with --

4 MR. GRAHAM: What we're probably going to do I
5 suppose is to come up with a recommendation for an alternative
6 way of selecting the state board of education.

7 CHAIRMAN MEREDITH: I think the issue is, the
8 biggest hurdle for us is to not have both of these result in
9 appointment, we can look at a quasi-appointment or quasi-
10 elected. I think that's what these other alternatives
11 represent.

12 DR. PRESSLY: But remember some of don't think that's
a hurdle.

14 CHAIRMAN MEREDITH: Right, but I think we agree that
15 if we can reach some common ground on this that we enhance the
16 probability of A being received throughout the state. Okay.

17 Would anybody like to speak to II, the state board
18 of education elected by voters in each congressional district?

19 MR. OWENS: That's the one that I really like. I
20 like the idea of them being selected by congressional
21 districts.

22 Now, many of you have feelings that this would not
23 give us the quality of superintendent -- I beg your pardon,
24 the quality of board members that we would desire, or there's
25 a possibility or a danger in which we would get persons who



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1 might perpetuate themselves because of their status in the
2 congressional district itself, those persons with money just
3 like the idea of having on their record that they were a
4 member of the board would be the ones basically elected,
5 These are some of the points that have been brought out,
6 negative points that have been brought out with reference to
7 the harm that could be done.

8 DR. PRESSLY: That's not the reason that I'm
9 opposed to that, I'm opposed to it because I just don't
10 believe that a person is going to run for election when he
11 isn't going to get a salary.

12 I just don't believe anybody is going out and spend
13 whatever it takes, 30, 40, \$50,000, when no income is going to
14 come back at all.

15 MR. OWENS: Let me give you a point on that. There
16 are concerned people, and I know this doesn't represent a
17 large number of people comparatively speaking -- we have even
18 in different associations and groups where people run on the
19 district level and spend good money in the process, they
20 don't get a salary, they get their expenses for attending
21 meetings, and we still get good people. They run for office
22 and serve well. They have other jobs and everything is well.

23 I really feel that when we look at all the possible
24 harms that could come to us or the fears that we have, that
25 there are as many fears in some of the other processes that



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1 we have mentioned as we have here.

2 Now, being able to recognize them, I feel that we
3 can work in a manner where we can at least monitor these
4 things in a way that it will, if not nullify will seriously
5 minimize the harms that we feel could happen under those
6 conditions. AT least it will give the people, the citizens
7 a voice.

8 Many of you have stated that people don't give a
9 tinker's bijoy about what really is happening out there, and
10 I disagree with you on that, and if they don't give it I think
11 they should be worked to the point where they did care and
12 become interested in who is to represent them on the state
board.

14 I have learned that the people in the community who
15 are doing the voting are a little bit more astute than many
16 of us give them credit for being, they get out there and sit
17 and talk. I know a lot of them are not as vocal as maybe
18 some of us are or maybe some other people, they still think,
19 and I think they make some very good decisions in the end.
20 That's my idea about it.

21 MR. BRYAN: The problem I have with election in the
22 state board or generally in any school matter is the problem
23 of dissemination of information regarding the candidates is
24 very difficult for the reason that's already been mentioned.
25 Unless you spend an awful lot of money putting your

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1 qualifications and so forth before the people, the people
2 have no real basis to make the decision.

3 What we owe to the state is a good education for
4 our children, and that's what we're trying to get at, and we
5 all agree that the best way to get it is to have the best
6 people who are interested in education involved in those
7 positions of influence and responsibility, and to find those
8 people, put them in the proper positions is the task that we
9 are trying to decide in this constitution to me.

10 While I agree that the people need a say at a
11 certain level in the person selected, the people need to vote
12 on a relatively few number of those persons, namely your
13 legislature and your Governor, and you have judges who are
14 also -- and if you know the electoral process of judges
15 which is just as important if not more so than the others,
16 it becomes a disinterested thing. There are many names of
17 judges on ballots today which mean nothing to anybody, and
18 it's not because it isn't important, it's not because people
19 shouldn't be involved, it's not because people shouldn't know
20 those people, it's because they just as a matter of fact
21 don't.

22 And so to me when we start talking about the
23 electoral process we must narrow it down for the people so
24 that they can really understand and aim their understanding
25 and their involvement in those positions which are really

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1 extremely important for the good of the people, and when you
2 do that with the Governor, and when you have the people
3 involved with the Governor, and then you say to the Governor
4 "Okay, you appoint these people," you have your direct input,
5 and you are concentrating your efforts to make sure that that
6 governor is going to be the type person to do the type things
7 that you would want done.

8 If you see the extremes, you can elect everybody in
9 every position in the entire state government. The question
10 is not whether you should elect people or not, the question
11 is which ones do you want the people to elect, and why do
12 you want them to do that, and in my thinking I'm just trying
13 to narrow it down to those positions which are going to get
14 attention by the people and where you're going to get good
15 selection, and I don't think that the state school board
16 members fall in that category, not by reason but by
17 observation.

18 DR. PRESSLY: What you're saying is after the
19 Governor and after the legislators are selected, elected,
20 then they are our representatives and we can depend on them
21 to represent the will of the people.

22 MR. BRYAN: Absolutely. That's right.

23 CHAIRMAN MEREDITH: I also want to say that if any
24 of the guests would like to ask questions and make comments
25 it's appropriate to do so,



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1 MS. DEADWYLER: I'd like to make a comment on this
2 same line if I may.

3 I'm a citizen, of course I'm not an educator, but
4 my problem with appointing all these folks is you're going to
5 get people with the same mind bend, and if you elect them
6 you're going to get people with different philosophies that
7 need to be entertained at the same time.

8 I don't think it's necessarily healthy to allow one
9 person who has been elected by the people to appoint, because
10 certainly he would look at people from one point of view,
11 whereas the population of Georgia will look at all those
12 people from different points of view and you'll get a
diversity of information, you'll get a diversity of
14 qualifications, you'll get a diversity of personalities,
15 and that way you won't have everybody being in exactly the
16 same slot. I think it makes for a much better educational
17 system,

18 MR. BRYAN: Why do you think if you appoint it
19 necessarily follows that you don't get a diversification of
20 view?

21 MS. DEADWYLER: I think the qualifications are very
22 well scrutinized sometimes when maybe other things need to be
23 scrutinized as well.

24 CHAIRMAN MEREDITH: Can you cite the present board,
25 can you look at the present composition of the board, state



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1 board of education, and say that it's not diverse?

2 MS. DEADWYLER: I'm not saying that. What I'm
3 saying is I would hate to see it locked into the constitution
4 that the people could not vote on these things.

5 CHAIRMAN MEREDITH: Right now the state board of
6 education, they are appointed by the Governor, and the
7 confirmation --

8 MS. DEADWYLER: And the superintendent is elected,
9 you see, so you want to propose that they both be appointed.
10 I think there has to be some election from the people.

11 CHAIRMAN MEREDITH: You understand that -- I
12 think it's important she understand the rationale of (a),
the appointment of the state school superintendent.

13 Under the present system the state school superin-
14 tendent is elected, the state board is appointed, and in fact
15 the superintendent is really not accountable to anybody but
16 the people, and that's an administrative position, we want
17 the board to oversee and monitor the education system in the
18 state, but the chief executive officer for that is not
19 accountable to the people who set the policy, and we view
20 that as a problem. He in effect has no boss, all he has in
21 effect is the population as a boss, and if you get a renegade
22 -- we've been lucky, but you could get somebody who --

23 He doesn't even have to come to the board meetings,
24 he doesn't have to attend the state board of education
25



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1 meetings, he can go off and do whatever he wants to do as
2 long as the people --

3 DR. PRESSLY: May I add one thing to that too.

4 The one group that we have had so far as I can
5 recall no criticism at all about is the state board of
6 education. Time and time again in this room the state board
7 of education has been praised as handling its duties
8 remarkably well. They are appointed, and they are appointed
9 by our representatives, so they are responsible to the people.

10 There's such a thing as a representative government,
11 and that's what we have in our country, and if our repre-
12 sentatives in the legislature and the Governor's chair don't
13 appoint good people we ought to get them out and that way get
14 the board of education, but we've had no criticism of the
15 board of education, it's been a remarkable group of people
16 representing the public of Georgia.

17 MR. GRAHAM: I wanted to say first of all I would
18 fight all day long for election of local boards of education
19 and appointment of local superintendents of education at the
20 local board level, but this is a different issue, and for a
21 lot of reasons I would be opposed to the election of the state
22 board of education.

23 Number one is one we touched on, but if you look at
24 the elections in congressional districts or statewide
25 elections -- for example, you brought up judges.

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1 First of all, historically in the statewide judge
2 races where you have had a person running against an
3 incumbent on the court of appeals or supreme court the votes
4 are very, very small, people are not voting for those people.
5 You might get ten percent of the people voting for a judge,
6 whereas you might get those who come and vote, 95 percent of
7 them will vote for Governor. By the time they get down there
8 they're not going to vote, they don't know the qualifications.
9 We have had unqualified people running for statewide judges'
10 positions, and I think that congressional wide state school
11 board elections -- first of all, you're going to limit --
12 just by the fact that you have a statewide election you're
going to limit people who might want to participate, and it
14 might be easier for them to find a way to get themselves
15 appointed on a board than it would be to get themselves
16 elected. It's very difficult to run.

17 I don't want to be argumentative, but it's a lot
18 different running on a congressional level when you're going
19 to have to try to contact every voter than it is getting onto
20 a board or something from a congressional level.

21 If you're going to run and win, the people who are
22 going to benefit by this are the special interest groups,
23 they'll support candidates, any kind of special interest group.
24 Now, it may be good special interest groups, it may be PTAs
25 that get behind a certain candidate, or it may be bad

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1 special interest groups.

2 MS. GRAHAM: We don't endorse candidates.

3 MR. GRAHAM: Regardless of that, it may be something
4 else, it may be educators themselves.

5 I think you're going to find more special interest
6 groups being involved, good and bad, on elections, whereas
7 through this section we're proposing where there's appointment
8 by the Governor with review by the Senate, you know, your
9 direct representatives, you've got input.

10 This country is not a pure democracy, never has
11 been, never was intended to be a pure democracy, it's a
12 representative type of government and we're trying to decide
the issue that you had, what shall we allow representatives
14 to do for the people and what shall we allow the people to do
15 for themselves.

16 This is an issue to me that finds itself maybe on
17 the borderline there, but in a representative type of
18 government we have to have some faith in the people that we
19 choose to elect to represent us to our best interest, and I
20 think in this one it will.

21 The major reason that I am opposed to electing
22 school board members is the fact we're going from the known
23 to the unknown by doing that. We have appointed school board
24 members and an historical track record in the state of Georgia
25 that has been excellent, and we're changing that arguing that



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1 it is more democratic to do that, but we're going from a
2 known to an unknown, and I think the pitfalls and the perils
3 in the darkness of doing that are too much for us to see.
4 We can't see what they're going to do.

5 We have a diverse group of people on the state
6 board. When they responded to our questionnaire they didn't
7 respond unanimously on any issue. It seems to me that when
8 they were giving us their answers they were divided, they
9 had good discussion and they were talking about different
10 points of view.

11 I just wouldn't be for the election at a statewide
12 level.

CHAIRMAN MEREDITH: You had a comment?

14 MS. HARPER: It was about this C.

15 CHAIRMAN MEREDITH: Is it on -- Let's keep the
16 conversation if we can on --

17 MS. HARPER: I wanted to make sure it was on
18 Number I.

19 CHAIRMAN MEREDITH: -- on BI for the moment.

20 MR. GRAHAM: We're on B-II.

21 CHAIRMAN MEREDITH: We're on B-II. B-I, we have
22 already discussed that, and that's our recommendation. We
23 are open to review of that. Do you have a question on that?
24 We'll take it.

25 MS. HARPER: I have been a teacher in a private

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1 school, my children right now are in the public school, and
2 on this (c) you know where they have the insert here that it
3 will change -- I don't see the page number here -- it says
4 the state board of education as provided by law may establish
5 minimum educational standards for all students prior to
6 college or post-secondary level, and may provide for the
7 enforcement of such standards.

8 I was wanting to know, does this include sex
9 education, evolution, things like that?

10 CHAIRMAN MEREDITH: Does anybody want to speak to
11 that?

12 MR. BRYAN: I don't think it requires any
13 curriculum at all. I think that's something, if it does, then
14 we need to change it.

15 I think it talks about standards such as how many
16 pupils can a teacher handle in a day, what are the educa-
17 tional requirements of the teachers. I think it's misleading
18 in my mind, educational standards for students; really we're
19 talking about educational standards for institutions.

20 CHAIRMAN MEREDITH: That's going to open up a whole
21 new can of worms. Let's put a pin there, and once we decide
22 upon the method of selection, then we have to describe the
23 qualifications and the language to govern that process, so
24 let's put a pin in that and let's come back to that. We'll
25 come back to it.

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1 MS. HARPER: Okay.

2 CHAIRMAN MEREDITH: Yes?

3 MR. WATTS: The pitfalls of electing the state board
4 have been well described. I think the lady's main point, at
5 least as I pick it up, had to do with the danger of not having
6 a diversity of opinion on the board.

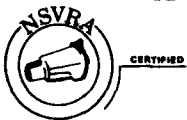
7 There are other nonelective ways of approaching that
8 it seems to be a legitimate concern, staggering terms, having
9 members of the board being appointed by more than one
10 Governor over a period of time, et cetera, would possibly
11 address her concern.

12 I was wondering if there was any discussion about
that.

13 CHAIRMAN MEREDITH: We left open the space that
14 determines the length of term, which we could come back and
15 deal with that, and we did discuss that, we have discussed
16 that during the course of deliberations on this issue, and
17 it may very well be we need to deal with that question to
18 try to have the language ensure diversity. We can do that,

19 MR. GRAHAM: One other point I wanted to bring out
20 if I could. One of the things that election by statewide
21 district would probably do I think would be to perpetuate
22 officeholders. We have never elected a judge in this state
23 to defeat an incumbent,

24 We've got almost a completely new school board now
25



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1 than we had five years ago, state school board, the personnel
2 have changed; but if you get a person elected that first time
3 I would think on a statewide school board unless there were a
4 lot of money spent that incumbent is going to be elected,
5 he's going to have incumbent after his name.

6 MR. BRYAN: As a matter of fact, or opinion maybe I
7 should say, there is no school official elected who can be
8 turned out of office unless there is a tremendous dissatisfac-
9 tion with that particular person. If he can do nothing, stay
10 noncontroversial, which is the worst thing he can do is to do
11 nothing, then he is almost assured as a matter of history of
12 being reelected time after time after time.

CHAIRMAN MEREDITH: You mean he or she.

14 MR. BRYAN: He or she. Excuse me.

15 MS. GRAHAM: Thank you. I would just like to say
16 that I must take a stand that we strive toward having an
17 elected state school board under the conditions that our
18 current state school superintendent has already proposed,
19 that he is going to introduce a constitutional amendment in
20 regard to having the state school superintendent's job to
21 become appointed. Therefore, I feel that this does take the
22 accountability away from education on a statewide level, and
23 I understand your arguments that you've made here this
24 morning in regard to qualified people running for the state
25 school board and so forth, but I still think there is some



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1 way that we could have an elected state school board, and I
2 don't know why we couldn't provide some funds and pay these
3 people to serve in this position.

4 It is very frustrating to me on a local level to be
5 running for a local school board position and being a party
6 member, being told there are no funds for local school board
7 candidates.

8 If you're running for say the senator's job or
9 representative's job, then you get support from the state
10 level, politically speaking, so I just don't think the people
11 of Georgia are going to buy the state school superintendent
12 being appointed in the event this does take place and having
a state school board being appointed, and as Chairman of
14 Education for the state PTA I must take the stand that either
15 we must have to have an elected state school board or an
16 elected state school superintendent.

17 DR. PRESSLY: Why would Georgia not tolerate this
18 when twenty states already have?

19 MS. GRAHAM: Because Georgia is very unique, and we
20 are very independent.

21 DR. PRESSLY: I suppose the citizens of those twenty
22 states would say the same.

23 MS. GRAHAM: Most likely.

24 CHAIRMAN MEREDITH: Yes?

25 MR. OWENS: Some of those twenty states are having



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1 a few problems too. I won't go into all the details of that,
2 but now I want --

3 CHAIRMAN MEREDITH: I recognized the gentleman over
4 there.

5 MR. ASHLEY: Mr. Chairman, I am Gary Ashley with the
6 Georgia School Boards Association, and I am not commenting
7 from that perspective, but I would like to comment from a
8 previous position that I held with the National Association
9 of State Boards of Education, at which time I had an oppor-
10 tunity to work with all the state boards and chief state
11 school officers in the 49 states, and with the territories.

12 Two or three observations. There are basically
13 four models whereby state boards and chief state school
14 officers are selected, and you have those provided to you by
15 Vickie.

16 Without question, the prevailing model is with the
17 appointed state board by the Governor and the appointed chief
18 state school officer by the state board.

19 It was my experience in working with boards across
20 the country where the state board was appointed and the chief
21 appointed there was more of an efficient operation, more of
22 a better relationship between the board, the chief and the
23 state department of education, and it just appeared to me,
24 and I did a lot of work in this area, that those boards that
25 were appointed responded to the needs of education in that



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1 particular state maybe more specifically than in some states
2 where they were elected.

3 As you well know, if you go to the elective process
4 by congressional districts, I have some statistics from three
5 years ago where in some states some state board members spent
6 up to eight to \$10,000 to run for a seat on the state board,
7 the minimum cost was around 2,500.

8 There is another factor relating to the elective
9 process. In some states where state board members are
10 elected, what you see happening is that the state board will
11 want their own independent staff independent of the chief
12 state school officer and of the state department, and that
is another problem that I haven't heard addressed here.

14 In fact, I can recall now the state of Montana has
15 elected state board members, they have an appointed chief,
16 but the state board has their own staff, they do their own
17 research, they make their own recommendations which I think
18 is disasterous from the standpoint of education.

19 So from my standpoint personally now it appears to
20 me that the appointed board, the appointed chief without
21 question under any circumstances seems to me to be the best
22 approach to the governance of education.

23 MR. BRYAN: To provide a good school system, not
24 necessarily giving all the people the voice they want in
25 governing, but that's the question we don't want to get



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1 mixed up --

2 MR. ASHLEY: What I think we want to avoid in our
3 state is we don't want to set up any sub-bureaucratic
4 structures, and I think this was brought out here by two or
5 three of you, that when you get into the elective process
6 for that position then you run the chance of sub-bureaucratic
7 structures which can dilute the decision making process for
8 good education.

9 CHAIRMAN MEREDITH: I have a question. Under the
10 elected state board we have a provision as we have for all
11 elected positions a recall to get rid of persons who are not
12 deemed desirable or functional in their position.

13 Under the appointed system do we have any way short
14 of forced resignation?

15 MR. ASHLEY: No, not to my knowledge.

16 CHAIRMAN MEREDITH: Okay. Maybe we could come up
17 with something that would be legal, some fashion that would
18 give the citizens a right to not recall necessarily, but
19 some mechanism to get at a person the Governor may appoint
20 who through the demonstration of their time in office would
21 be detrimental to the school system. If we could come up
22 with that, that may provide common ground for the appointive
23 process being acceptable.

24 We haven't thought about that. Is that any --

25 MR. BRYAN: I think that's a good point, and I



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1 don't want to argue that, but I think it would be easier when
2 you get to an appointed member to get them off than it is an
3 elected. The elected member is not going to get off except
4 when he's defeated, but the same thing, the appointed one
5 isn't going to get off as you say until his term is up.

6 CHAIRMAN MEREDITH: Unless the pressure for
7 resignation becomes --

8 MR. BRYAN: There's no pressure under --

9 CHAIRMAN MEREDITH: Could we maybe think about it?
10 Have you read anything, staff, have you come across anything
11 where for providing a mechanism whereby --

12 DR. PREESSLY: Charles, don't we have that mechanism,
because after all if there was a state board member that was
14 a rascal and everybody in his area knew it, I think the
15 Governor would get so many letters and so many phone calls
16 that earth would be turned up to get rid of the person.

17 MS. GRAHAM: But don't they appoint them for seven-
18 year terms?

19 CHAIRMAN MEREDITH: How could they legally get rid
20 of him?

21 DR. PRESSLY: You can't get rid of anybody until his
22 term is up, but you certainly could oust him then.

23 MS. GRAHAM: I guess one reason I feel so strongly
24 about this, and this is getting very personal and back home,
25 but I live in a county where we have both the superintendent



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1 and the school board appointed, and the quality of education
2 in our county was deteriorating, and when you've got a child
3 in public school and you see things that are taking place that
4 you don't like, then you have absolutely no recourse, there's
5 no way you can remove the superintendent, there's no way you
6 can remove the county school board member, you have absolutely
7 no recourse, and my only concern is that we don't let this
8 happen on a state level.

9 I know it's worked in a majority of other states,
10 but I just want to make sure Georgia doesn't get into this
11 type situation.

12 CHAIRMAN MEREDITH: Under the system that we've
13 proposed we have a method of getting rid of the superintendent.
14 He can be fired under the system that we propose.

15 MS. GRAHAM: He could have been fired by this board
16 too, but they didn't opt to do that, and they just chose to
17 close their ears and eyes and go on.

18 MR. BRYAN: Who were they appointed by?

19 MS. GRAHAM: Five were appointed by the grand jury,
20 and five by the city commission. And if you notice what's
21 happened in Florida, in Dade County, Florida, I think we'd
22 better be a little bit more accountable to the citizens of
23 Georgia when we start making this type decision.

24 CHAIRMAN MEREDITH: Do you want to comment on that?

25 MR. HILL: Yes. This is the first time this idea

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1 has come up, and I can't see anything illegal about stating
2 that the state school superintendent would be appointed by
3 the state board and subject to removal by the board, but
4 such person shall also be subject to recall as any other, or
5 as provided in Article I for other public officials.

6 I don't know why you could not in the constitution
7 give the people the right by an initiative and referendum
8 process the right to recall someone, because we have that
9 provision already over in Article I where the General Assembly
10 is given the right to provide by law for recall, and we have
11 provided the procedures, so I don't see offhand anything that
12 would make that illegal.

13
14 CHAIRMAN MEREDITH: We're talking about the board
15 members. I think we're protected for the superintendent,
16 because if we had a bad superintendent and the pressure was
17 brought to the board they have no choice but to fire that
18 person, I mean we think we could generate enough pressure
19 to the school board to dismiss a superintendent that's not
20 wanted.

21 I'm talking about looking at a possibility, even
22 though the school board members may be appointed by the
23 Governor, confirmed by the senate, if over time we discover
24 there is somebody we don't want as a school board member,
25 there ought to be some provision where people could get those
people off the board, and if we could come up with that kind



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1 of twist I think we could make all parties happy.

2 DR. PRESSLY: I think that's a great idea. Can it
3 be done legally, some of you lawyers?

4 MR. HILL: I don't see any objection to it.

5 CHAIRMAN MEREDITH: If not the people, then we may
6 look to the General Assembly.

7 MR. GRAHAM: Or the senate. We talked earlier
8 about reconfirmation after a period of time for each person
9 on the --

10 MR. HILL: That's in there now, that's required now.
11 The reconfirmation will be necessary.

12 CHAIRMAN MEREDITH: After their term?

13 MR. HILL: They can only have up to a four-year
14 term, they have to be reconfirmed at least once every four
15 years under the --

16 MR. GRAHAM: I thought we had a seven-year term.

17 CHAIRMAN MEREDITH: It was seven years to allow for
18 the carryover between administrations.

19 MR. HILL: We're talking about two different things.
20 It's a seven-year term for the board members, and I was
21 talking about the reconfirmation of the superintendent.

22 CHAIRMAN MEREDITH: I want to focus on the board
23 members. We've got the superintendent pretty much in place.
24 I think we could look at language, since the senate confirms
25 the Governor's appointment, then we should arm the senate with

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1 authority to recommend de-appointment.

2 MR. GRAHAM: Maybe what we're saying what we're
3 saying is the advantages of appointment system maybe bring
4 something good on a statewide level in everybody's point of
5 view if we could provide a way of removing those people by
6 the people.

7 CHAIRMAN MEREDITH: Right.

8 MR. GRAHAM: Instead of electing them by the people
9 let the people have the right to remove them.

10 MR. OWENS: It's an odd type thing, though, when
11 you have someone removing someone that didn't have anything
12 to do with putting them there, so unless you can apply it to
the senate or the Governor, whomever is responsible for
14 putting them there.

15 MR. GRAHAM: That makes them responsible to the
16 people.

17 CHAIRMAN MEREDITH: That's right, it ties them right
18 to the people, and really the rationale for the appointment
19 system is that it's just really I think not feasible --

20 MR. BRYAN: How would you like to do that on a
21 district level?

22 CHAIRMAN MEREDITH: Do what?

23 MR. BRYAN: Have those people in the district able
24 to remove their representative rather than statewide.

25 CHAIRMAN MEREDITH: That's what I'm -- I wasn't



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1 trying to define it that narrowly, but I think that we could
2 say a majority of the people in the district could --

3 MR. OWENS: Any process of removal shouldn't be an
4 easy process, because anybody that's in office whether they
5 have been appointed or elected to the office shouldn't --
6 the process of recall or taking them out of office shouldn't
7 be an easy process because then you-have every person
8 screaming and hollering and disrupting even the slightest
9 action that they might do. Sometimes it's not really a legal
10 point to do, and sometimes it's bad judgment and somebody
11 wants to throw you out of office just because this has
12 happened, and so the process shouldn't be one that's so simple
that anyone can disrupt --

14 CHAIRMAN MEREDITH: I would have to agree that no
15 recall process is really simple, you have to get --

16 MR. BRYAN: It seems to me this is a pretty good
17 idea because, number one, what you're trying to keep out is
18 just the pure politics of self-interest. One of the dangers
19 of appointment is that you appoint political cronies or
20 favors or something like that. If a Governor or if a
21 legislature knows that if they do that and there's a riled
22 up group in that district that's going to make a -- whether
23 he wins or not is going to say "You appointed a lousy person,"
24 that's all we're concerned about is getting the wrong people
25 on there. Which good one we put on there we don't care.

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1 It would be a check on the appointment initially
2 it seems to me, and probably would ensure that it's not used
3 and hopefully it wouldn't be used because you don't want any
4 time on there served by a person who is not going to do the
5 job.

6 MR. HILL: Would you want them subject to recall
7 similar to the method used for other public officers, or just
8 have them have to be reconfirmed by the senate every so
9 often?

10 CHAIRMAN MEREDITH: I think we go the other step.
11 We should have it tied directly to the people so they could
12 in any congressional district indicate their dissatisfaction,
13 and the Governor or the senate would be forced to remove the
14 person.

15 MR. GRAHAM: This appeals to me, and while we're on
16 the back side of the coin of responsibility because the
17 people have two advantages in being able to recall. One is
18 they could use the threat of a recall which can be an
19 effective political way to get the attention of a person
20 rather than saying "Okay, wait until the next election and
21 we'll throw you out." You know, even discussing that or
22 even forming that -- that's been done in a lot of counties
23 around the state.

24 MS. GRAHAM: How does the board of regents remove
25 a person? I mean as someone well versed in this area, do you

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1 know?

2 CHAIRMAN MEREDITH: I don't think there's a
3 provision, but I think we may be writing history if we could
4 come up with something that would speak to this.

5 MS. GRAHAM: I think our major concern here is the
6 quality of education for every child in the state of Georgia,
7 that's the only reason we're here.

8 CHAIRMAN MEREDITH: Right.

9 DR. PRESSLY: Right.

10 MS. GRAHAM: And I think we've got to put something
11 into this proposal that has some backbone to it.

12 MR. GRAHAM: Let me ask you, if we stuck with an
13 appointed process, could you be convinced that the right of
14 the people to remove gives them sufficient responsibility
15 chain to the appointed person?

16 MS. GRAHAM: If we can't go the elective system,
17 then I would be willing to compromise.

18 CHAIRMAN MEREDITH: Let me ask a question. Let me
19 ask the lady here who had voiced some strong feelings about
20 that, and you're a citizen, would that appeal to you if you
21 understood -- We have the task of having the public to
22 understand the rationale and how we're going to do this, but
23 we have a responsibility to have the public to understand the
24 rationale for the appointment of the school superintendent,
25 and given that then we have the responsibility to respond to



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1 the public concern about having direct involvement in the
2 school board, and if the Governor appointed John Brown to the
3 school board, confirmed by the senate, and John Brown does
4 something to the effect or initiates an effort that we as the
5 people deem to be detrimental to the public education in the
6 state of Georgia, if there were a process where the people
7 could initiate some kind of recall process, would that speak
8 to your concern?

9 MS. DEADWYLER: Well, when she said since we can't
10 have an elected board or an elected superintendent --

11 MS. GRAHAM: I didn't say that.

12 MS. DEADWYLER: That's the way it came across to
me, since we can't do it.

14 MS. GRAHAM: I said if we can't, not necessarily --
15 it depends on the vote.

16 MS. DEADWYLER: I don't see why we can't have one
17 of the elected. I know your rationale, I have heard your
18 discussion, I know the educators' side of it, this is going
19 to be primarily good education, but I think that the parents
20 of this state in using the educational system wants their
21 children to be exposed to that which they believe is good
22 education as well as that which the educators believe is good
23 education, and sometimes the two just don't ever meet.

24 CHAIRMAN MEREDITH: We already have provisions that
25 say that educators are almost by statute or by the language



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1 excluded from the board. Is that right? An educator cannot
2 be appointed, so that the language protects that. Lay
3 persons are the only people eligible for appointment, so we
4 don't have the educators anyway making the policy on education,
5 we don't have that.

6 What we're saying is that we feel, not everybody,
7 that the process can be streamlined -- we're talking about
8 really process more than anything else -- the process can be
9 streamlined if we go to the appointing method, and now we're
10 trying to deal with the issue of accountability to the people
11 as opposed to the appointing agent.

12 MR. GRAHAM: Here's what the rights of the people
13 would be. Number one, they would elect the person who would
14 do the appointing, and therefore I think it should be an issue
15 in the Governor's race as to what type of person would you
16 appoint, who would you look at for your appointments. I
17 think that should be an issue in the race and the people
18 could vote for a governor depending upon that, and they ought
19 to make that an issue. If I knew that the governor had the
20 right to appoint any person, I would want to know what kind
21 of person they were going to appoint.

22 Number two, the people elect the senators who have
23 the responsibility under what we're talking about of
24 confirming any appointment of the governor.

25 CHAIRMAN MEREDITH: I think we ought to use



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1 confirming rather than review. I think it ought to be a
2 confirmation rather than a review.

3 MR. GRAHAM: All right, of confirming it.

4 Number three, if we have a reconfirmation, then the
5 people are responsible again, the senators are to their own
6 people.

7 Number four, the people can have under what we're
8 beginning to talk about the direct right to recall any of the
9 appointed people.

10 Now, to me that is plenty of check and balance, and
11 I think that we could sell the people on the fact that they
12 by these four methods have that direct input into their
education system, and we've got the additional input here
14 that they don't have to recall somebody, they just have to
15 talk about it as a way of influence.

16 MR. BRYAN: I think one thing that may be not well
17 understood is the appointive process the Governor uses. I'm
18 pretty sure most governors use it, I'm familiar with Mr.
19 Busbee, he's been in for a while, but it's pretty extensive,
20 and that may allay some fears. He's going to call a number
21 of people in the districts --

22 MS. GRAHAM: How does he make this appointments?

23 MR. BRYAN: He has a staff that investigates people,
24 investigates the qualifications of people, talks to people
25 within the districts as to who is qualified, who is



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1 interested.

2 CHAIRMAN MEREDITH: They poll the senate to make
3 sure because the Governor does not want to appoint -- have
4 too many appointments that are going to be denied by the
5 senate.

6 MR. BRYAN: That's right, so there is a great deal
7 of search, and it's very difficult for him to just appoint
8 somebody just out of his head.

9 I mean that's what it sounds like when you say
10 appoint, you just see one person there. Well, he's supposed
11 to know everybody in the state and pick the best people, but
12 it just doesn't happen that way. He's not depended on to
13 know all those people, he has the powers and the abilities
14 to search the state and the staff to do that, to come up with
15 these people and to find out who is wanted by the people in
16 the district.

17 CHAIRMAN MEREDITH: Miriam.

18 MS. GRAHAM: I just wanted to say that what I have
19 to say has no reflection on the current state school board
20 or superintendent, but I'm thinking about what could take
21 place in the future, and while we have Governor Busbee and
22 he's doing a superb job in my opinion, we never know who's
23 going to be the next Governor, and I just think we need to
24 build in some safeguards here that would protect the children
25 in the future.



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1 CHAIRMAN MEREDITH: One other thing that's
2 important. You know, we now have a provision for a two-term
3 Governor in the state we did not have previously.

4 MS. GRAHAM: That's a good point.

5 CHAIRMAN MEREDITH: So no governor who wants to be
6 elected the second time around would make appointment -- if
7 we have this process that we're talking about now of recall,
8 if during his term as Governor people were recalled because
9 of bad appointments, then that speaks directly to his chances
10 of being reelected by the people, so we've got another --
11 because of this two term provision for the Governor now we
12 have another check on those four points that you make.

DR. PRESSLY: Go ahead, Odell.

14 MR. OWENS: The point that you brought up with
15 reference to a recall provision sounds better than what I
16 have heard in the past with reference to our discussion. It's
17 causing me to do a lot of thinking now in terms of what all
18 of you have said in reference to it.

19 You see, the experiences that I have had with
20 committees, state committees and groups, organizations who
21 had all their members elected, including the board of regents,
22 to name a few --

23 CHAIRMAN MEREDITH: You mean appointed?

24 MR. OWENS: Appointed. They get locked in and they
25 become a separate entity answerable to nothing and to no one



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1 under certain conditions, and I would never want the board of
2 education to become that kind of entity.

3 If you have this provision, at least it gives us the
4 possibility of effecting a change if it becomes necessary.

5 As you said to here, I want to answer that myself
6 when she asked what provisions do we have on the board of
7 regents to oust persons that have been appointed, to my
8 knowledge there is none, and at this point now I doubt if
9 you could get any --

10 CHAIRMAN MEREDITH: Is that part of our -- That's
11 not in Article VIII.

12 MR. OWENS: I'm just using that as an example of
another all appointed --

14 CHAIRMAN MEREDITH: Club?

15 MR. OWENS: -- entity almost unto itself and which
16 nothing penetrates it, and the state board could come to be
17 almost that same kind of thing without the provision that's
18 been brought up this morning, so with that idea that has come
19 up now I can give a little bit more thinking to it, plus the
20 fact I want to do some more thinking -- I find it very
21 difficult, and I'm not easily persuaded by any particular
22 individual, but I have a lot of respect for things that are
23 done by a fellow that I know called Ashley, and I need to
24 really look into his statement and look closely there
25 because it sounded pretty good, and with that provision

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1 added I think we could work at it pretty good.

2 CHAIRMAN MEREDITH: I don't want to be precipitous
3 in this, but -- Question?

4 DR. PRESSLY: I would like for someone to describe
5 a recall. I like this idea very much, but what is the process
6 of recall?

7 MR. HILL: A certain percentage of the voters have
8 to petition for a referendum to be held, and I think the
9 present number is twenty percent, but it could be lower, it
10 could be higher.

11 CHAIRMAN MEREDITH: What you do is -- the petition
12 is not the recall in itself, the petition gets it on the
13 ballot and the people have to decide if they want to recall
14 the person.

15 DR. PRESSLY: I think that's a great idea you've come
16 up with.

17 CHAIRMAN MEREDITH: We may want to -- I would like
18 to have a motion. The motion that I'm going to propose is not
19 one that would say we accept this. I would like to have a
20 motion that we instruct staff to do the research and develop
21 the language that would accomplish what we're talking about
22 and give it to us before the 21st.

23 MR. HILL: I have the language. I have drafted
24 something.

25 CHAIRMAN MEREDITH: The first thing, though, we need



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1 to determine if there's some legal obstacles that would
2 disallow this, otherwise we would be spinning our wheels
3 with any kind of motion.

4 Also I would like to recommend -- I can't chair
5 and recommend too right now --

6 MR. BRYAN: Go ahead. We'll let you do that.

7 CHAIRMAN MEREDITH: I think it may be instructive to
8 look at another term rather than recall because recall is
9 associated with an elected official, and we're talking about
10 a process that applies to an appointed official, which means
11 that we don't have the problem of -- if there is a legal
12 hurdle we may get around it by not calling it a recall.

MR. GRAHAM: Call it remove.

14 MR. HILL: That's right. The language I have
15 doesn't use that term.

16 CHAIRMAN MEREDITH: Let me see if I can get a sense.
17 What's your position, how do you think we ought to proceed?

18 DR. PRESSLY: I think we need a motion for this
19 committee to have an opportunity of adopting your suggestion
20 before we go before the complete group so that we can say that
21 this ad hoc committee has approved of this.

22 MR. HILL: If I could get this language typed up,
23 then I could distribute it right now and maybe we could look
24 at it.

25 CHAIRMAN MEREDITH: Why don't you read it before you

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1 type it up because, you know, we have a group that might put
2 some red ink on it.

3 MR. HILL: Members of the board of education shall
4 be subject to removal from office upon the affirmative vote
5 of a majority of the qualified voters in their congressional
6 district voting thereon in a referendum called pursuant to
7 the method provided for the recall of public elected officials.

8 MR. GRAHAM: I believe he's done it.

9 MS. GRAHAM: I believe he did it.

10 MR. OWENS: There is only one thing I would like
11 for the staff or someone to do. That sounds legal, I'm still
12 concerned about the possibility of a recall or removing from
13 office individuals by person who did not put them there, the
14 legality of it.

15 MR. HILL: One advantage of writing the constitution
16 is --

17 MR. GRAHAM: You can do that. The constitution
18 makes it so.

19 CHAIRMAN MEREDITH: We have spoken to your concern
20 about not making it easy, because they still have to get
21 twenty percent of the people, or whatever number it is, in
22 the congressional district to say we want to have this happen,
23 and then the people will get a chance to vote in a referendum.

24 DR. PRESSLY: I would like to move the adoption of
25 that,



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1 CHAIRMAN MEREDITH: Okay. Do we have a second?

2 MR. GRAHAM: Let me ask a question.

3 CHAIRMAN MEREDITH: Let me get a second first.

4 MR. GRAHAM: Second.

5 CHAIRMAN MEREDITH: It's been properly moved and
6 seconded that we adopt the language that will provide for
7 removal of school board appointees,

8 You have heard the motion. Is there a question on
9 the motion?

10 MR. GRAHAM: The question is would the sentence you
11 have read just become a part of B-I?

12 MR. HILL: Yes.

13 MR. GRAHAM: As we have already proposed. In other
14 words, we're adding a sentence to Paragraph I of B-I?

15 CHAIRMAN MEREDITH: I think it should go right
16 after where we talk about the Governor making the appointments.

17 MR. BRYAN: What about Paragraph (F)?

18 DR. PRESSLY: Yes.

19 CHAIRMAN MEREDITH: Okay. It may be we may want to
20 put it up front. Since it is so critical we may want to put
21 it up front, --

22 MR. OWENS: I would like to see it there.

23 CHAIRMAN MEREDITH: -- because they might not read
24 down far enough to get to that.

25 MR. HILL: I think perhaps we could say members

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1 shall serve until their successors are appointed and
2 qualified, comma, provided that members shall be subject to
3 removal from office. We could add it in there.

4 CHAIRMAN MEREDITH: Then you have to say in the event
5 of vacancy on the board by death, resignation or removal.
6 I think we have to reinforce that.

7 MR. OWENS: Something not as emphatic as what we're
8 putting in, but or any other reason other than expiration of
9 term. That's an area where you're going to put that?

10 MR. HILL: We're going to add removal. Resignation,
11 removal, or any other reason other than the expiration of his
12 term,

13 MR. OWENS: All right. Keep that in there.

14 CHAIRMAN MEREDITH: I think there is one other thing
15 that we need to get to. Have we agreed upon the term?

16 MR. HILL: Seven years.

17 MR. GRAHAM: Seven years.

18 CHAIRMAN MEREDITH: I'm not suggesting we change it,
19 I want to make sure we have --

20 MS. GRAHAM: I thought we had changed it at one
21 point.

22 MR. GRAHAM: I think we changed back.

23 MR. HILL: It was discussed, but it was finally
24 agreed to leave it at seven.

25 DR. PRESSLY: I call for the question.



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CHAIRMAN MEREDITH: We haven't voted yet. All right. The question has been called for.

All in favor of this motion please indicate.

Opposed.

MR. GRAHAM: I think we ought to state that the committee adopted that unanimously.

DR. PRESSLY: I think we ought to pause to congratulate our Chairman for coming up with the idea.

MR. BRYAN: Hear, hear.

CHAIRMAN MEREDITH: Okay. Let's now deal with --

MR. OWENS: Mr. Chairman, were did you put the statement that he read?

CHAIRMAN MEREDITH: It says members shall serve until their successors are appointed and qualified, and then that insertion would go in there, provided --

Can you type that up now? I think you could type it and we could have it as part of our records.

MR. HILL: I'll have it typed up.

CHAIRMAN MEREDITH: Let's move now to the second item, and that has to do with method of selection of local boards. That's Number V.

Vickie.

MS. GREENBERG: In conjunction with --

CHAIRMAN MEREDITH: Where is that? Do you have a paper on that?

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1 MS. GREENBERG: The staff drafted some proposed
2 language to conform to that request, and that is the memo
3 dated October 16th which requires, which mandates the
4 uniformity, which mandates an elected school board and an
5 appointed school superintendent.

6 CHAIRMAN MEREDITH: Would somebody be kind enough to
7 review for us the rationale for the changes? I think this is
8 one we have not really spent a lot of time on, and I think
9 that if we're going to recommend some changes we ought to have
10 some rationale for it. Is it for consistency?

11 MR. BRYAN: The concerns were that we were
12 perpetuating in the recommendations I think those counties
that are elected and those counties that are appointed in
14 the school board situation and the superintendent situation.

15 I think the full committee raised the question that
16 shouldn't we make consistent throughout the state the methods
17 of election or of appointment of boards of education and local
18 school superintendents. Isn't that --

19 MS. GREENBERG: Right. The interest being, since
20 we're adopting a new constitution, shouldn't we try to
21 effectuate a more efficient system and a more uniform system,
22 but this was really -- it was only a request to see the
23 language, I don't think it was any type of majority opinion
24 of the committee; I think it was possibly a few people wanted
25 to see the language and determine if this was a better



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1 alternative to just grandfathering in the present system.

2 MR. BRYAN: My personal view is boards of education
3 can be handled either way.

4 In a county my size of 10,000 people an elected
5 board of education is a very practical kind of thing. In
6 Fulton County with an appointed board of education it may not
7 work quite as well, and I think in the larger districts you
8 come into the same problems we've been talking about with the
9 state school superintendent, so I think personally the board
10 of education should be left as done by local law, either
11 elected or appointed, but I think the county school superin-
12 tendent should be definitely appointed by the board of
13 education in every case by the constitution. That's just
14 strictly my opinion about how to improve education in Georgia.

15 CHAIRMAN MEREDITH: That's what this says, right,
16 each school system shall be under the management and control
17 of a board, the members of which shall be elected as provided
18 by --

19 DR. PRESSLY: He's saying it doesn't matter whether
20 the board is elected or not.

21 CHAIRMAN MEREDITH: That's what I'm saying. Shall
22 we say provided by local law?

23 You've got a question?

24 MS. GRAHAM: I don't have a question, I just want
25 to say that I agree with him one hundred percent that each

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1 school superintendent should be appointed, but I still have
2 to hang in there for the accountability factor.

3 CHAIRMAN MEREDITH: With school superintendents?

4 MS. GRAHAM: No, elected school boards. If we're
5 going to make it across the board superintendents being
6 appointed, then let's make it across the board that school
7 boards be elected. Otherwise you won't get the accountability.

8 I must say that I do disagree with interfering with
9 local control, and that's what we're doing. I'm sort of
10 contradicting myself.

11 MR. OWENS: Every local board, when you check your
12 state laws on this, they're not as accountable to the local
13 as they are agencies of the state legislature, which means
14 that they are governed anyway by the state legislature, the
15 county boards.

16 MS. GRAHAM: No, sir.

17 MR. OWENS: I know you follow some local policies
18 and things that go along, but their whole structure is from
19 the state legislature.

20 MS. GRAHM: Yeah, but a school board is supposed to
21 be a policy making group, and they have to go by what the
22 state -- well, they don't have to, they're supposed to, so
23 the only way you can take funds away -- the only alternative
24 you have according to someone from the state department of
25 education was to withdraw the funds. Wasn't that a major



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1 point?

2 MR. OWENS: They're answerable to the state more so
3 than they are the local government.

4 MR. GRAHAM: I think if we all had our way and we
5 could sit down and decide how a local school district is going
6 to select its board of education, everybody here would be in
7 favor of electing the board of education, but I'm not sure
8 that in Floyd County or the city of Rome -- and I should be
9 really speaking for what McIntosh County wants to do --

10 MR. BRYAN: You would have the voice you're asking
11 for your system, which is local control of education.

12 MS. GRAHAM: Right.

13 MR. GRAHAM: To change that, if you made it provided
14 by general law -- and the reason we're doing that is so you
15 don't have to get a constitutional amendment, that you would
16 go to your representatives and have legislation --

17 MS. GRAHAM: Aren't you taking away the local
18 control when you do that? If you say "Okay, we're going to
19 have appointed superintendents," aren't you sort of telling
20 that county what to do?

21 MR. BRYAN: You're telling that county to elect the
22 board that will appoint you a good superintendent.

23 MR. GRAHAM: That makes your accountability.

24 CHAIRMAN MEREDITH: I don't think we're disagreeing.

25 MR. GRAHAM: We're not.

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1 MS. GREENBERG: The present proposed draft allows
2 for local groups to change their method of selection by local
3 referendum. That's what we have proposed in the draft.

4 MR. BRYAN: Change the board.

5 MS. GREENBERG: And also to change the board's
6 method of selection and the superintendent's method of
7 selection.

8 MR. BRYAN: That's the objection. We don't want to
9 do that for the superintendent. We want to say all superin-
10 tendents will be appointed, whether you elect or appoint your
11 board of education. The rationale there is just as strong as
12 it is for the state board. You've got to have a board of
education with the authority to have its school system
14 administered on a day to day basis -- if you take the
15 superintendent out from under the board of education there's
16 no way in the world you can run the school system, and you
17 have defeated the local control of education except once
18 every four years or whatever the term is.

19 MS. GREENBERG: The only problem is when you mandate
20 appointment of a superintendent and you allow for either
21 election or appointment of a board, you don't have the same
22 benefit as far as who's doing the appointing as the state.
23 The state board is appointed by the Governor, the Governor
24 is supposedly accountable to the entire state, whereas your
25 local board would be appointed by a grand jury who supposedly



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1 are representative of the consciousness that local group, but
2 I still think you may not have the same quality of appointed
3 group.

4 MR. BRYAN: That's a possibility, but that county
5 or that system still has the ability to change that to an
6 elected board if they would like. If they don't like the
7 appointive system of the board, if it's not producing the
8 proper board members, than that's a separate question.

9 MS. GREENBERG: Again this becomes even more
10 localized politically. You're going to create tremendous
11 opposition.

12 CHAIRMAN MEREDITH: If what, now?

13 MS. GREENBERG: If you require that type of thing
14 in the constitution, require all superintendents to be
15 appointed.

16 MR. BRYAN: I would say you would generate some
17 opposition if it's an elected superintendent. If you want
18 the majority of the people to understand what's going on in
19 education, you need support from them, including the state
20 school superintendent and everything else.

21 CHAIRMAN MEREDITH: Where are we now?

22 It seems that the issue is we agree that the local
23 district will make the decision as to how they want to put
24 together a board; right? There is no disagreement on that.

25 Where we are now is whether we want to mandate that

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1 all superintendents of school systems in the state be appointed
2 by the board of education.

3 DR. PRESSLY: Charles, do we know how many superin-
4 tendents are now elected and how many are appointed? What
5 are we talking about here?

6 MR. ASHLEY: I have that, We have 114 superintend-
7 ents of counties elected by the voters, The remaining being
8 42 county and 28 independent would be appointed.

9 An interesting statistic. As of January 1st coming
10 up we are probably going to have 48 to 50 new superintendents
11 because of the elective process.

12 MS. GRAHAM: Say that again, please.

13 MR. ASHLEY: On January 1 of 1981 we will probably
14 have 48 to 50 superintendents, new superintendents because of
15 the election.

16 MR. BRYAN: There is a problem in my mind of giving
17 the people a choice on a local situation. Generally the most
18 qualified people to replace a superintendent are working for
19 him, and it's very difficult to get somebody to run that is
20 a good school person.

21 You can almost elect somebody out of the lay person
22 who is willing to run against the superintendent that doesn't
23 have any ties, but if you've got a good principal or a good
24 staff person in the system that wants to run, they're working
25 directly for their boss and it's almost impossible to --



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1 MS. GRAHAM: The other point being that if you have
2 an appointed superintendent you don't have to stay within your
3 system to select a superintendent, because we have just gone
4 through this, and our school board hired a consultant, and we
5 tried to find one of the best superintendents in the state of
6 Georgia, which I think we did. I'm prejudiced, of course, but
7 it just goes to show that if you had an elected superintendent
8 you would have to have someone who had lived in that county
9 X number of years.

10 CHAIRMAN MEREDITH: I think we're agreeing, and
11 unless there's some other questions I would like for us to
12 direct our attention to the language to make sure that it's
consistent with what we have been saying.

14 MR. ASHLEY: Charles, let me make one point from a
15 structural standpoint. Under current state law, and this
16 applies to county superintendents, the county superintendent
17 whether elected or appointed is the median of communication
18 between the state superintendent and the local school
19 authorities.

20 Now, if you're going to recommend an appointed state
21 superintendent, then are you going to have an elected local
22 official subject to an appointed state official from a
23 structural standpoint?

24 DR. PRESSLY: We're apparently all in favor of an
25 appointed county officer,

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1 CHAIRMAN MEREDITH: Could we hear from our citizen
2 group here?

3 MS. DEADWYLER: You haven't said -- when you said
4 he's appointed by the board of education, you haven't
5 designated it would be the local board of education that
6 would do the appointing.

7 CHAIRMAN MEREDITH: Yes, the local board of educa-
8 tion would do the appointing. The local board of education
9 would be either elected or appointed at the will of the local
10 people, but the superintendent would be an agent of that
11 board as opposed to being a free agent elected by the people.
12 In other words, the school superintendent can be fired if he
or she does not do the job by the board.

14 Right now we have the same problem if we don't do
15 that as we have on the state level.

16 MR. HILL: It sounds to me like, though, that if 48
17 or fifty of these school superintendents are going to turn
18 over this next election, then the people must be exercising
19 their voting rights rather strongly in this area, and it's
20 not something -- I mean we have argued with respect to the
21 state school superintendent that we only get a ten percent
22 vote and to some extent the people don't know a whole lot about
23 what's going on, but with the local systems it sounds like
24 this is being used pretty widely, and if we have 114 that are
25 now being elected and by the constitution you want to just



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1 automatically say that they will all be appointed and you have
2 fifty systems that are taking an active interest in this,
3 I mean how much political trouble are you getting yourself
4 into in this proposal.

5 MS. GRAHAM: This is the point I was trying to make
6 a while back was that we were taking away local control while,
7 you know, it sounds ideal to have the superintendent
8 appointed and the school board elected we're taking away local
9 control, and I don't think we'll ever get it passed.

10 MR. HILL: I thought you said everybody was in
11 agreement.

12 CHAIRMAN MEREDITH: She was a few minutes ago.

MS. GRAHAM: Well, I --

14 MR. ASHLEY: Let me make an observation on that.
15 I personally -- I'm speaking personally now -- totally favor
16 the elected superintendent, I don't care which level you're
17 working at, but in working across the state the elected
18 superintendents in some of these systems is a sacred position--

19 MR. BRYAN: To the officeholder.

20 MR. ASHLEY: Well, also to the people, and this is
21 one that is really going to be a controversial part, no
22 question about it. It's an historical point that people just
23 want to have something to say about who that person is as
24 their school superintendent.

25 MR. HILL: The beauty of the proposal you had

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1 earlier was that the people were not prevented from changing
2 this if they chose to.

3 MR. ASHLEY: That's right.

4 MR. HILL: It was just a question of what are you
5 going to grandfather in and how much of a radical change do
6 you want to impose by the new constitution,

7 DR. PRESSLY: Miriam just brought up a little while
8 ago a point that I think is very pertinent, and that is you
9 will never go outside of your county to get your superin-
10 tendent, and this doesn't seem to me to be a very wise
11 procedure if you're limited within your county.

12 MS. GRAHAM: It's not, but one of the things that
13 we're taught in school board workshops which I am invited to
14 as a result of my current PTA position, we are taught to keep
15 local control.

16 DR. PRESSLY: You've got your local control it seems
17 to me through your local board, whether it's elected or
18 appointed, the local people who are interested in the school
19 and you've got your local control. I just -- of course, I
20 know I'm in another system, but I cannot comprehend how you
21 would run any organization in the world if the superintendent,
22 to use the term superintendent, is elected and the people over
23 him have no control over him at all, they're not actually over
24 him, he can do what he darn pleasees. That's just a ridiculous
25 system.



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1 CHAIRMAN MEREDITH: The other thing too I think
2 that we have all agreed that the constitution should provide
3 for the best possible system to support education for our
4 children, and I think as we said we have to be realistic in
5 our proposals if we want to get them passed, but I also think
6 we have the responsibility that where we think we might have
7 problems somebody is going to have to educate the people.
8 Probably most of the people don't even realize that flaw in
9 the system, and I don't know, I want to talk to Mr. Gambrell
10 to see how would the people know, learn the rationale for
11 the new revisions. Are any kind of funds available for
12 publicity or orientation?

13 I know we have our guests, but we have had two to
14 three people each time, but that's not enough. How do we get
15 this done?

16 I think if we view this as important enough then we
17 also should have some responsibility to have people know why,
18 because if they don't know why then they would -- it's
19 historic, they say "Why do we want to change this? We've been
20 doing this for a hundred years."

21 MR. HILL: That is part of the Select Committee's
22 major responsibility. As soon as the draft is together, and
23 and the Governor is very interested in making sure that the
24 people are aware of what it is and trying to sell it, so I
25 think that a wide educational program will be implemented,



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1 and the Governor does have that in mind. We can't worry about
2 that just now, but there will be an effort to do this.

3 CHAIRMAN MEREDITH: If that's the case, then if you
4 can vote -- if we want to propose what we feel is in the best
5 interest and have the opportunity to sell it, then I think we
6 ought to go with that.

7 MS. GREENBERG: I suppose what the committee is to
8 do is to propose this to the full committee and, of course,
9 it's going to have to be discussed at that level, so it is
10 an alternative to what we have now. We have several safe-
11 guards between here and the public.

12 DR. PRESSLY: I move we include here that the local
13 school superintendent must be appointed by the local board of
14 education.

15 MR. BRYAN: I second it.

16 CHAIRMAN MEREDITH: Properly moved and seconded
17 that the language of Article VIII, Section V, reflect that
18 the -- I'm going to enlarge that.

19 DR. PRESSLY: Sure. Go ahead.

20 CHAIRMAN MEREDITH: That the selection of the local
21 board of education be according to local law, and that the
22 local school superintendent shall be appointed by the local
23 board.

24 It's been properly moved and seconded. Any question
25 on the motion?



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1 MR. BRYAN: We are going to review the language?

2 CHAIRMAN MEREDITH: Yes.

3 MR. HILL: Would the language on the board stay the
4 same as in the draft, the earlier draft?

5 CHAIRMAN MEREDITH: I want to come back to that.
6 Wait a minute, you're confusing me.

7 You're talking about Article VIII, Section V?

8 MR. HILL: The draft that we worked from, that we
9 approved the last time.

10 CHAIRMAN MEREDITH: Is that any different? Are
11 there any differences between that and what we have here?

12 MS. GREENBERG: Yes.

13 CHAIRMAN MEREDITH: First of all, then, let's get
14 the principles resolved. Does anybody want to speak on the
15 selection of the school board and the appointment of the
16 superintendent?

17 If not, I would like to have a vote on it. All in
18 favor.

19 Opposed.

20 Okay. That has been carried. Then we'll deal with
21 the language.

22 Before we forget it, we've got to go back and deal
23 with the language of the state board. There was a question
24 raised, and I think when we finish this we'll return to that
25 because we don't want to have a flaw in the language that

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1 will prevent the main ingredients from passing.

2 MR. OWENS: Mr. Chairman, when you read the motion
3 you said we all agreed on the election of the school boards
4 and the appointment of the superintendent just then --

5 CHAIRMAN MEREDITH: Not election of the school board.
6 We agreed that the school board shall be, the composition or
7 number shall be determined by local law. We're not going to
8 mess with that.

9 MR. OWENS: One of the statements you made just before
10 we did the voting then, I think that was --

11 CHAIRMAN MEREDITH: I was trying to say that the
12 local board of education members shall be elected as provided
by local law.

14 MR. HILL: Or appointed.

15 In other words, this draft in front of you was a
16 proposal that would mandate the election of all local boards
17 and mandate the appointment of all local school superin-
18 tendents.

19 All you have just approved is a mandating of this
20 appointment of school superintendents, so you have approved
21 Section III here in this draft, but Paragraph II will remain
22 as we have it in the original draft. Do you understand?

23 MR. OWENS: Okay.

24 MR. WATTS: Are you submitting these as alternatives,
25 or are you rewriting?



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1 MR. HILL: They will be alternatives, yes. The
2 draft will stay intact for the purposes of working at the next
3 committee meeting. Everything will be alternatives to that
4 draft.

5 CHAIRMAN MEREDITH: Comment?

6 MS. HARPER: It says, you know, the members which
7 shall be elected as provided by local law -- maybe if you put
8 selected it would give --

9 CHAIRMAN MEREDITH: That whole paragraph is gone.
10 We're going back to the general statement which says --

11 MR. HILL: Turn to page 5 of that draft. That was
12 the draft we used at the last full committee meeting. If
you were there, you might have one.

14 CHAIRMAN MEREDITH: Each school system will be under
15 the management and control of the board of education, the
16 members of which shall be elected or appointed as provided by
17 law, so we're not changing that.

18 The only thing we're saying is the school superin-
19 tendent shall be appointed by the board.

20 MR. GRAHAM: What we're saying then to each local
21 school district is you can decide how you want your local
22 members to be put on the board, and your superintendent must
23 be appointed by those local groups.

24 CHAIRMAN MEREDITH: Okay. Now, I hate to have to go
25 back, but I don't want our previous decision to fail based

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1 upon some of the language in the subsections, and there was
2 a question raised on -- I think we finished that -- the
3 question was raised on the issue --

4 MS. GREENBERG: That was Issue III.

5 CHAIRMAN MEREDITH: Okay. Why don't we deal with
6 Issue III and any other items under B-I. We will deal with
7 (c) under B-I and any other concerns under B-I.

8 There was some question raised. Would you like to
9 restate your concern?

10 MS. HARPER: I just -- what I said was this part
11 (c), evidently I didn't understand what the purpose, what you
12 meant by minimum educational standards for all students and
enforcing such standards. What standards are you -- I mean
14 if it's not educational standards --

15 MR. BRYAN: I was wrong in my comment. They do set
16 the curriculum.

17 MS. HARPER: That's what I was talking about. Does
18 this include sex education, evolution and values clarification?
19 That was my question.

20 MS. GREENBERG: This provision, the president of the
21 state board sets the standards, sets the curriculum for the
22 school children of Georgia, so this does not change what is
23 already the power.

24 MR. BRYAN: The existing board has the power to do
25 what you just asked. The existing board the way it's



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1 structured has the power to do just what you asked.

2 MS. HARPER: It does have the power?

3 MR. BRYAN: It mandates certain courses that have
4 be taught and certain units required for graduation, things
5 like that, the board of education, not the legislature.
6 Most of the times those questions have come up have been
7 legislative questions.

8 MR. WATTS: It can also mandate minimum skill levels
9 and minimum knowledge statewide, but it does not mandate the
10 specific process by which your local system delivers that.

11 CHAIRMAN MEREDITH: Also the thrust of this is to
12 provide, to arm the state board of education with the authority
to to something about private education.

14 We had some concern that there are substandard
15 private education existing in the state, and the state board
16 has no authority or jurisdiction, and the state superintendent
17 met with us and indicated this was a problem, and at the present
18 time the state board can't do anything.

19 MS. HARPER: I may not be understanding you because
20 I'm not a legislator, I'm a parent. Are you saying that
21 private schools would be forced to teach courses that I was
22 just mentioning?

23 CHAIRMAN MEREDITH: No, no. We're saying the state
24 board --

25 MS. HARPER: I'm still unclear.



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1 CHAIRMAN MEREDITH: The state board would be able to
2 look at the curriculum, the program of a private school and
3 decide that it was substandard, and if it's substandard then
4 they could insist that the standards would be -- they would
5 define what minimums -- we aren't trying to tell them what
6 minimums, but the education is a primary responsibility of the
7 state to the citizens, and we felt that it should -- the state
8 board should have some jurisdiction over all education in the
9 state whether it's public or private.

10 MS. GREENBERG: We're talking about basic things,
11 we're not talking about religion, we're not talking about
12 evolution, we're just talking about just skills to function
in society.

14 CHAIRMAN MEREDITH: Reading, writing and arithmetic.

15 MS. HARPER: A lot of people disagree on the sex
16 education, you see what I'm saying. There is a lot of
17 varieties of opinions which people in public schools, but
18 even more so when you get to private school -- are you going
19 to say that -- I mean who is going to say that a child must
20 know this and this and this in order to meet our standard?
21 I mean are you --

22 MR. BRYAN: Do you have a feeling as to who should
23 say it?

24 MS. HARPER: What I'm saying is that -- okay --
25 are you going to tell me that my child has to have this



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1 course, has to answer questions the way somebody else
2 decides, and that if she doesn't that she fails your test
3 where it's your responsibility to see that --

4 You see what I'm saying? I'm not articulate.

5 MR. PRESSLY: That isn't the purpose of this rule.
6 The purpose of this rule is to see to it that every school
7 in the state is giving the child reading, writing and
8 arithmetic so that he comes out of that school let's just say
9 an educated person, though that's oversimplifying it, and
10 that's what we're trying to get at.

11 It's not trying to dictate specific courses, but
12 levels of achievement.

13 CHAIRMAN MEREDITH: What we talked about, what led
14 to this was because we learned that if you have a minimum of
15 three students and if you report their attendance on a monthly
16 basis, that is all that's required of any school, a nonpublic
17 school in the state.

18 MR. BRYAN: With the exception of the bylaws and
19 food and health hazard.

20 DR. PRESSLY: What we're trying to get away from is
21 right now if I wanted to I could take my garage and open it
22 as a school, and there is no law in the state of Georgia that
23 would keep me from doing that, and I could take the children
24 in there and play with them all day and we would have a group
25 of children in the state getting no education at all, but

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1 the state board of education today has no control over that
2 whatsoever.

3 MS. DEADWYLER: I'm on the other extreme of that.
4 I have seen a chart that was originated in 1979 for the
5 state department of education here in Georgia, and it shows
6 that the cognitive skills will start out at a hundred percent
7 and by the time that child gets to the fourth grade the
8 cognitive skills will start to descend, and by the time he's
9 in the twelfth grade the cognitive skills will be twenty
10 percent of the time and the social skills, the basic work
11 skills et cetera will be eighty percent.

12 Now, that to me is not education. I think that any
13 child in any school system needs to have basic cognitive
14 skills a hundred percent until he graduates from the twelfth
15 grade, and if he intends to go through college he still needs
16 to have cognitive skills, and that's knowledge.

17 I don't think we need to socialize and train these
18 kids in the same channel, and that's what's happening in our
19 public education, and I don't think that we need to move into
20 the private sector and push on the people who don't want that
21 the same type of educational process that we have seen arrows
22 in already in the state.

23 MR. GRAHAM: We have agreed in the preamble to take
24 the position that education of all the citizens of the state
25 of Georgia is a primary obligation of the state of Georgia,



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1 as a function of the state of Georgia, and we have put in
2 there an alternative of some qualifications of what that ought
3 to be.

4 When we began to examine and hear witnesses before
5 the committee it became very obvious in a very short period
6 of time and from our own experience and Dr. Pressly's
7 experience that children in this state are not being provided
8 an education in some of the public schools, and in some of
9 the private schools they're not. In some of the private
10 schools they're being provided an excellent education under
11 any kind of standards, but if it's the primary obligation of
12 the state of Georgia to provide education for the students,
13 then I think we have to accept the responsibility for all
14 the students, and I am not convinced that in all of the public
15 schools and in all the private schools the children of the
16 state of Georgia are being given the educational opportunity
17 that they should have.

18 I would say most of the private schools in the
19 state of Georgia have been formed for some reason other than
20 education, and I stand by that position, but I think that
21 we've got to say that if it's an obligation then we've got
22 to put somewhere in there somebody that's responsible to see
23 that it's carried out, and that's what we're talking about
24 here.

25 CHAIRMAN MEREDITH: In some counties, for example,

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1 we have learned that the school board, whoever provides the
2 taxation will not provide enough to provide a minimum
3 education for the people in that district. When that happens,
4 then the state board has the right to indicate that, and I
5 think we implied that if the local people won't do it, won't
6 provide the funds, then the state would have to do it.

7 Yes.

8 DR. PRESSLY: I think to go back to your statement
9 a few moments ago, you're pointing out the fact that some of
10 our public schools are deficient, and none of us would
11 question that, we would all agree with it, as many of our
12 private schools are deficient. That's the very point of this
13 rule is trying to get all the schools up to where children
14 are getting -- and we have used the word adequate which as
15 you know and we have discussed is not particularly a good
16 word, but an adequate education, and some children in the
17 state are not getting it, so we're not trying to say that
18 here is a system of education that's being used in the public
19 schools, every private school has to use it, we're not saying
20 that at all.

21 What we're saying is that every child in the state
22 must have an opportunity to expand his knowledge and his
23 ability to the point that he is able to live a normal and
24 adjusted life, so we're not trying to dictate what an
25 independent school does, but it's simply that they must teach



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1 these children to read, to write, to move forward in math --
2 in other words, become educated people.

3 Yes?

4 MS. DEADWYLER: I think that Mr. Graham has brought
5 up a really good question. If we have decided this is a state
6 responsibility, then the state must do it, I think we have
7 decided that the state is taking over the place of the
8 parents. I think that's exactly what's happened here, and
9 I don't think the people of Georgia would appreciate that at
10 all, and I think as a voter I would certainly vote against
11 anything like that, and it is not the responsibility of the
12 state to determine what's best for the child, it's the
responsibility of the family.

14 DR. PRESSLY: May I say another thing? I'm talking
15 too much. I agree with you to a point, I agree with you that
16 it's the responsibility of the family, but you must realize
17 we have in the state of Georgia as every state has a great
18 many families that will not accept that responsibility, and
19 we're not trying to get at the ones that do accept the
20 responsibility, but the ones that won't accept the
21 responsibility.

22 MS. DEADWYLER: Isn't that the privilege of the
23 people to decide? You're taking away from the people their
24 privilege.

25 DR. PRESSLY: Suppose you take an illiterate mother

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1 and father who know nothing about education, are you saying
2 that little child must be damned and never be educated because
3 the mother and father don't demand it? They don't know to
4 demand it, we're trying to help that person.

5 MS. DEADWYLER: Most people who have not been
6 educated want their children to be educated.

7 MR. BRYAN: But they can't accept the responsibility
8 to do it. That's the problem.

9 CHAIRMAN MEREDITH: If we follow your rationale,
10 then there would be no need for public education.

11 MS. DEADWYLER: I would disagree with you on that.
12 I would disagree with you.

13 CHAIRMAN MEREDITH: Everybody would have their own
14 school in their own back yard.

15 MS. HARPER: I would think that parents that just
16 didn't give a flip, you know, that they wouldn't be the ones
17 that would be interested in the private school. I would think
18 that if they didn't care about the education of their child
19 that they wouldn't put out money --

20 DR. PRESSLY: I wasn't saying that, I mean we didn't
21 mean to be saying that.

22 MS. HARPER: Okay. But the parents' right to
23 decide --

24 CHAIRMAN MEREDITH: You see, the state has already
25 acted. We have a compulsory attendance law. I mean every



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1 child in Georgia has to go to school until 16 or 18 or
2 whatever that age is, and the parents have no right to deny
3 -- I mean that they can't do anything about that, you have
4 to have your child in school until the age of 16, that's a
5 requirement.

6 What we're saying is that if the state has that
7 requirement, then somebody needs to monitor the institution
8 that provides the care of those children for sixteen years
9 of their life.

10 MS. DEADWYLER: Don't you think the person that
11 pays the tuition in that private school has enough mentality
12 to go in and say "Well, they're not teaching my child right,
I'm going to put them in public school where they'll get it."

14 I think you're moving into an area where I really
15 think you need to leave it alone.

16 DR. PRESSLY: You two ladies are giving what I think
17 is the very rationale for the private school, and the
18 rationale for the private school is this, that our nation
19 being pluralistic needs two systems of education so that
20 every parent has a choice. I believe this with all my heart,
21 every parent in this state ought to have a choice of the kind
22 of education that child is going to get.

23 They can put him in the public school and get what
24 that local public school offers, or if they don't approve of
25 that they can put him in a private school and get what the

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1 private school offers. I believe that wholeheartedly, but
2 I think that's what you're really basically saying, but that
3 doesn't remove the fact that the state would have the
4 responsibility for being sure that every child gets what
5 we'll call the minimal foundation.

6 MS. DEADWYLER: You see, someone is going to
7 interfere with the minimum, and it's going to be --

8 This chart, I think you need to see this chart.

9 DR. PRESSLY: I have seen it a thousand times.

10 MS. GRAHAM: Mr. Chairman, may I ask these ladies
11 where their children are, if they have children?

12 MS. DEADWYLER: My children are adults already,
13 they're out of the school system, and they went to public
14 school.

15 MS. GRAHAM: Do you have grandchildren?

16 MS. DEADWYLER: She's a little tiny girl, she's not
17 in school yet.

18 MS. GRAHAM: Do you know whether the parents plan to
19 send her to public school or private school?

20 MS. DEADWYLER: I'm not sure yet.

21 MS. HARPER: My children are in a public school
22 right now, and our church has just opened a private school
23 and it goes up to the sixth grade. My children are in the
24 seventh now.

25 MS. GRAHAM: May I ask you if you're interested in



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1 House Bill 69, creationism, evolution?

2 MS. HARPER: I'm interested in that.

3 MS. GRAHAM: Are you for it or against it?

4 MS. HARPER: I am for it. If you teach one, I'm
5 for teaching the other.

6 MS. GRAHAM: So is this your concern when it comes
7 to standards in this provision?

8 MS. HARPER: That plus the values clarification
9 and all that. I've heard a lot about that.

10 The sex education class that my child was in this
11 past spring, I asked about -- you know, I asked about the
12 course and everything, and about that time I ended up in the
hospital for a week and was not able to, you know, review
14 the things before she was exposed to the teaching.

15 MS. GRAHAM: I need to get it straight in my mind.
16 If you're for the teaching of both, if you're going to teach
17 one teach the other --

18 MS. HARPER: In public schools.

19 MS. GRAHAM: In public schools -- your child is in --

20 MS. HARPER: My child is in public school.

21 MR. BRYAN: I have a very difficult time with this
22 provision, because I think it is a two-edged sword and I think
23 the reason we want it in there is noble and proper, but the
24 powers that come with the ability to make it right also give
25 the ability to be vindictive and close down schools and go

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1 too far if the people want to do it, and I think that is the
2 concern, what is the limit we're going to have on somebody
3 saying you've got to close down this scholl because the state
4 can afford to have the pupil-teacher ratio of fifteen in
5 future years and that private school thinks that twenty or 25
6 is the right pupil ratio and they're getting good results,
7 yet some arbitrary standard like that can close down a school
8 or force costs of private schools up so high that it becomes
9 impractical and things like that. That's the concern I have.

10 CHAIRMAN MEREDITH: I'm agreeing, but on the other
11 hand I just worry about people who will not exercise their
12 responsibility in providing opportunities for the students to
get educated, and you're right, it's a double-edged sword.

14 MR. OWENS: Yes. In evaluating, going into some of
15 the established private schools we found this to be in pretty
16 good shape. The problem has come up with educators throughout
17 the state that in the last two years more than 2,000 private
18 schools have cropped up in the state of Georgia, and many of
19 them are just substandard, they hardly babysit during the day,
20 and this is a problem that exists when you have private
21 schools come up, and the facilities are not proper, they
22 don't have proper facilities there, the classroom facilities
23 are not even -- even the physical plant part is just out of
24 kilter to what a student should have in order to be in a good
25 living environment.



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1 These are the kinds of things that have caused us to
2 give consideration to some kind of standards with reference
3 to the private schools. It's not the idea of trying to
4 harrass any group that has a private school, but with all of
5 the schools that are here that have just come up in the past
6 few years, many of them are just below standard and are not
7 really doing the job that needs to be done.

8 CHAIRMAN MEREDITH: Mr. Pressly.

9 DR. PRESSLY: I have never been more at home with
10 an argument than I am with this one right here, because I
11 have lived with this argument for the last I don't know how
12 many years -- we'll say fifty years I guess would be a good
term. I wish you could have heard arguments through the years
14 in groups of private school people, because this is exactly
15 what they worry about. If we go into the Southern
16 Association, if we listen to the state we're going to be
17 dictated to. Now, this doesn't happen.

18 We also today have been talking about the will of the
19 people. Our people have common sense, and they are not going
20 to step in and tell an independent or private school that's
21 doing a good job that you have got to cut this out; they have
22 never done anything like that in my experience, and as long
23 as the private school is doing an acceptable job it has
24 nothing to fear, and I have always encouraged schools to join
25 the Southern Association of Colleges and Schools, be a part

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1 of it, and it is a two-edged sword, you're exactly right,
2 they're there, and if the wrong people got in control they
3 could knock your head off, there's no question about that,
4 but the wrong people never have in the last fifty years
5 gotten in control, and I have enough confidence in the total
6 people to believe they're never going to want to do anything
7 like that.

8 CHAIRMAN MEREDITH: I think the problem that we're
9 faced with is writing this down. In fact, we're having
10 problems articulating it at this point in time, and we
11 probably need to give some consideration to either find the
12 right language or maybe not worry about it.

13 MS. GREENBERG: Two points. Subparagraph (c) does
14 provide for this power of the state board only by law, which
15 means that the General Assembly really has the ultimate
16 authority, and the General Assembly consists of members that
17 are voted in office by the people, so there it goes back to
18 the accountability that so many of us worry about, so that the
19 ultimate control is in the people, and your elected officials
20 probably wouldn't allow the state board to go too far in this
21 area.

22 MS. DEADWYLER: It would depend.

23 MR. BRYAN: I would second that. At least if you
24 want to talk about worrying a little bit and say the state
25 board of education only as provided by law or something like

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1 that to keep the regulatory type of counsel that's come out
2 of the federal government from getting into this area.

3 CHAIRMAN MEREDITH: In other words, the school
4 superintendent or the school board would have to get the
5 legislature, the General Assembly to give them, to define
6 what they can do each time they want to do something that
7 not already prescribed by law.

8 MR. BRYAN: That's right.

9 CHAIRMAN MEREDITH: In fact, before they could do
10 anything if this were to pass, before they could do anything
11 the state, the General Assembly would have to define minimum
12 educational standards.

That's what bothers you?

14 MS. DEADWYLER: There's a lot of question marks in
15 that, there's just a lot of them.

16 CHAIRMAN MEREDITH: Yes?

17 MR. WATTS: The proposal you're making opens up yet
18 another can of worms, of course, and that is the General
19 Assembly can set curriculum; they could do it now but they
20 don't. This would urge them to do it somewhat more. That
21 probably deserves some pondering.

22 MR. GRAHAM: Mr. Chairman, you know, looking at the
23 wording and everything and in listening to all these arguments,
24 I think we ought to recommend to the full committee as an
25 alternative the entire deletion of Pararagraph VI.

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1 MR. BRYAN: I agree with that. I have a --

2 CHAIRMAN MEREDITH: In other words, it's the straw
3 that could pull the whole thing down.

4 MS. GREENBERG: Another point that I wanted to make
5 was like I personally wouldn't want my children controlled by
6 the -- I think I could probably provide a very responsible
7 education for my children, but again who has the ultimate
8 responsibility for these children when they become adults,
9 and the state almost has an obligation because they become
10 burdens of the state if they're not educated properly, if
11 they can't function in society they may become deviants
12 and therefore they become burdens because the state has to
support them in some way, so you could take it to its highest
14 extreme, if we can't set some kind of minimums at an early
15 age, later on in life these same people may not become
16 constructive or beneficial members of society.

17 MR. HILL: Or they become public officials, and then
18 the state has to support them too.

19 (Laughter.)

20 MS. GRAHAM: May I make a point? Since I have
21 served on the Right to Read Advisory Council, and we did look
22 into the 187 public schools in the state of Georgia, and I'm
23 probably going to get in a lot of hot water for saying this,
24 out of 187 public school systems, and this was like two or
25 three years prior to today, we had fewer than fifteen school

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1 systems in the state of Georgia that ranked at or above the
2 national norm on fourth grade level in reading, so when you
3 look at the statistics in that direction don't you think that
4 maybe the time has come when we might need some type of a
5 standard, not in regard to a particular curriculum but we need
6 to have some type of a standard where a child would be
7 literate.

8 MS. DEADWYLER: When I think about this chart that
9 Dr. Pressly has seen many times he said, the fourth grade is
10 the place where the cognitive skills begin to descend on this
11 chart, and this is a plan -- this is a plan.

12 Why would anyone plan to downplay the cognitive
13 skills when that's what school is really all about at the
14 fourth grade level? That doesn't make sense to me. This is
15 a projection of a plan of school systems, the projected plan
16 of that which will happen when a child starts school and
17 finishes.

18 By the time he is ten years old, which is
19 approximately the fourth grade, the cognitive skills begin to
20 go down, these other things that are different, they're not
21 reading, writing or arithmetic, geography, history, et cetera,
22 they go up to eighty percent by the time he's out of school
23 and the cognitive skills are down to twenty percent.

24 Now, a school to me is -- as you've said in the
25 preamble to this thing is to impart knowledge. I mean what

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1 system does this chart describe?

2 This is the Georgia school system, the Georgia
3 school system.

4 MR. WATTS: I can show you a listing of basic
5 skills. The problem that I've had with the Georgia school
6 system is that throughout the education process all they
7 dwell upon is the bottom level which is simply rote learning.
8 I want my children to be able to manipulate that learning,
9 I want them to be able to think critically, I want them to be
10 able to do it in a context other than the family context
11 which is biased in their favor.

12 I think you may be dealing with -- I don't know how
13 you're defining the word cognitive, but I must disagree with
14 you. Now, if you're talking about manipulative skills, if
15 you're talking about thinking skills, you're talking about the
16 ability to synthesize, the ability to analyze, the ability to
17 make judgments, if you say that's not cognitive I must
18 disagree with you.

19 Now, if you're talking about instilling values in a
20 person, then I agree with your point, but I don't agree with
21 the chart. I think the chart is totally illogically --

22 MR. BRYAN: I think a specific example of that is
23 the teaching of English. When you get to the ninth grade
24 that process changes from one of grammar which you may be
25 calling cognitive and changes to one of literature which may



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1 be social, but that's kind of what you're saying I think is
2 that you change the method of teaching those things, but when
3 you start reading and doing composition and that's the
4 requirement, you are still expanding on the basic skills
5 and you stop saying a comma goes after this and quotation
6 marks go around that.

7 MS. DEADWYLER: I think it would be good to find
8 out what this chart really does mean, and I would be glad to
9 share the chart with you. I don't have it with me.

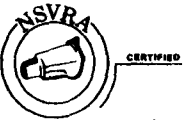
10 MR. BRYAN: I can say that the required subjects for
11 graduation from high school will not support that only twenty
12 percent of our curriculum is learning or expanding of the
learning.

14 MS. DEADWYLER: Did you read that article in the
15 newspaper just a couple of weeks ago about the scores that
16 the children just are not as astute as they were in the
17 cognitive skills?

18 MR. WATTS: Did you read the qualifications in that
19 article? It had to do with SAT scores only, which is college
20 entrance exams, and fifty percent of Georgia seniors take that
21 test. The average percentage of seniors who take that test
22 nationally is 33 percent.

23 Naturally if half our kids were taking the test and
24 only a third of other kids are taking the test, it's going
25 to be the top third and the top half.

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1 MS. DEADWYLER: There's a problem if everybody's
2 score is dropping. There's a problem somewhere if everybody's
3 scores in all the country are dropping.

4 MR. BRYAN: I think you'll find also the state
5 board has reacted to that very strongly. We have all the
6 criteria and reference testing that's just coming on stream
7 now, all of the recertification requirements for teachers that
8 are just coming on stream now probably in reaction to some of
9 the same statistics you've seen, and we're concerned about.

10 CHAIRMAN MEREDITH: I think that we have reached an
11 impasse on this one, and I would like to - - as I think about
12 it I see some other negative possibilities, and that has to
13 do with the whole process of testing, and we have not devised
14 a system in this country to develop the ideal test, and we
15 subject our people to the limit of the quote educators or the
16 testers, the psychologists, and I would hate to -- for example
17 in some states like Florida for example the kind of diploma
18 you get depends on how well you score on a given test, and
19 I know that that can't be true and fair all the way through
20 because I know we educate students who would not do well on
21 that test, but they do well in college, so I don't think we
22 have enough control and command of the language to describe
23 what we're trying to get at, and it may be that there will be
24 another way to do it, I don't know, but I would like to take
25 the recommendation that was made here that we --

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1 MR. WATTS: If that section is deleted, is there
2 another avenue by which the state board can set minimum
3 standards for public schools too?

4 MR. GRAHAM: Yes, Under Paragraph (b) of that
5 constitutional provision I think they could.

6 CHAIRMAN MEREDITH: What was your motion again?

7 MR. GRAHAM: To delete Paragraph (c).

8 MR. BRYAN: I second it.

9 CHAIRMAN MEREDITH: It's been properly moved and
10 seconded that we delete Paragraph (c).

11 MR. GRAHAM: I suggest that as an alternative,

12 CHAIRMAN MEREDITH: We suggest as an alternative
removal of Paragraph (c).

14 DR. PRESSLY: I realize Paragraph (c) could create
15 some discussion, but I personally think it is a very sound
16 statement, because I just feel for the child whose parents
17 are not seeing that he gets a good educational program, and
18 I think the state has the responsibility for that child.

19 I think the whole problem comes --

20 MR. BRYAN: I agree again it's laudible, but it's
21 just how do you do it. The questions of testing, the
22 questions of standards, the defining of those standards is
23 eventually going to be a regulatory type thing coming out of
24 the state department of education, and that's what people are
25 afraid of, and I think that's what they have a right to be

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1 afraid of.

2 MR. GRAHAM: I believe, Dr. Pressly, that private
3 education, to have private education in the state of Georgia
4 that they ought to be licensed; I think the state of Georgia
5 ought to provide that if a person wants to start a school in
6 this state they have to go through a licensing procedure,
7 that that's what this is calling for.

8 I'm saying that could be done on Paragraph III or
9 through the General Assembly. Just like I say, if a person
10 wants to practice law in the state they should be and have to
11 be licensed in Georgia to do that, or medicine or anything
12 else. I'm just suggesting this as an alternative.

13 When we get to the full committee I don't want to
14 destroy all of what we're trying to do there, so we could
15 provide an alternative that would take out one problem.

16 MR. BRYAN: I think that's a better alternative,
17 overall we haven't prevented the legislature from having a
18 licensing program in the area of education, have we?

19 MR. GRAHAM: They don't have one.

20 MR. HILL: There was some question raised I think
21 earlier about the validity of -- I think this is a gray
22 area. There is a limit to which, without a specific
23 authorization of this kind, the General Assembly could in
24 fact establish standards for private schools because it would
25 get into the freedom of religion, and so it would be a case



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1 that would be perhaps litigated.

2 I don't think it's clear, and I think maybe the
3 committee wants to leave it unclear because of the
4 controversial nature of it, but under the present
5 constitution the powers and duties of the board are provided
6 for by law, and that's exactly what the proposed draft says
7 in Paragraph (d), so by deleting (c) it wouldn't necessarily
8 change anything from what we have right this minute.

9 CHAIRMAN MEREDITH: Are we also taking away from the
10 state board of education authority to regulate public
11 education? I mean are we --

12 If I can remember, I may be wrong on this, but I
13 thought there was some concern expressed by the state
14 superintendent that their powers were limited in terms of
15 minimum standards for public schools in the state, in some
16 cases it's uneven depending upon where you live and the tax
17 base that exists in that community, and whether we forget
18 about the private schools we may need to pick up on the
19 public.

20 MS. GRAHAM: I thought this was a point too. I
21 thought it was not so much aimed at private schools, but to
22 give the state some authority to go in and upgrade the systems
23 that simply just weren't doing their jobs, but maybe this (b)
24 does cover it.

25 MR. GRAHAM: It would cover it if the General

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1 Assembly said it was, if the constitution said that --
2 You know, it also says as provided by law --

3 MR. HILL: It would be the same.

4 MS. GRAHAM: I call for a vote.

5 CHAIRMAN MEREDITH: Okay. The question has been
6 called for.

7 All in favor.

8 Opposed.

9 We have a division in the house on that.

10 We're leaving it as an alternative.

11 Now quickly are there any other items under this
12 section on the state school board that we need to take a
careful look at?

14 MR. BRYAN: Not the state school board?

15 CHAIRMAN MEREDITH: Yes. I forgot to do this when
16 we passed this earlier, and I just want to make sure we don't
17 have anything like this standing out like a sore thumb and
18 we dealt with it.

19 Do we have any other --

20 If not, then we'll go on to V because we've dealt
21 with IV, and V says the constituion mandate that the qualifi-
22 cations of board members of independent schools, independent
23 systems and county systems be made uniform.

24 MS. GREENBERG: The reason this issue was brought up
25 is because presently the Georgia code provides for different

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1 qualifications for board members of independent and county
2 systems.

3 For example, members of county boards of education
4 cannot be employees of the state board of education, whereas
5 members of independent systems may be employees of the state
6 department of education, and there is really no rationale for
7 this difference.

8 Now, the question then becomes should this be in the
9 constitution, should we provide a statement in the
10 constitution that would require uniformity, or should we leave
11 it up to the legislature?

12 Well, since it is up to the legislature presently
13 and they're not providing for uniformity, you could argue
14 that it should be in the constitution, or we could just make
15 it a recommendation to the legislature to provide uniformity.

16 MR. BRYAN: Wouldn't this come out as we word this
17 local board of education paragraph?

18 CHAIRMAN MEREDITH: Repeat that. I missed your
19 point.

20 MR. BRYAN: Is there a place concerning local
21 school systems, local boards of education which talks to
22 their qualifications at all?

23 MR. HILL: Yes. Paragraph II of the draft.

24 MS. GREENBERG: Page 5 of the draft. We could put
25 a statement at the very end, school board members shall

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1 reside within the territory embraced by the school system,
2 and shall have such other and further uniform -- well, we
3 could say further qualifications as may be required by
4 general law. Would that require uniformity?

5 MR. HILL: Yes.

6 MS. GREENBERG: If we put -- because the term law
7 could refer to local law or general law, and if we put in
8 the word general law then that would -- that still could
9 distinguish between independent and -- so we would have to
10 put further uniform qualifications as may be required by law.

11 MR. HILL: I'm not sure why it was felt necessary
12 they be uniform.

13 MS. GREENBERG: It seemed unfair. Also there's
14 possibly a conflict of interest if you allow for a board
15 member of an independent system to be an employee of the state
16 board of education since we haven't allowed it for any other
17 officers; we haven't allowed it for the superintendent, we
18 haven't allowed it for the state board of education, why
19 should we allow local board members to be employees or
20 associated with education.

21 MR. BRYAN: I don't think we need to do anything
22 with that.

23 MS. GREENBERG: We could leave it alone and
24 recommend it to the legislature as part of the legislative
25 package, or we could just be silent.



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1 MR. BRYAN: I think it's a good point, but it
2 affects so few systems that if they've got some people
3 working for them that are teachers or principals on the board
4 now -- there may not even be any, but just to argue the
5 principle for those few situations I would just as soon let
6 a sleeping dog lie.

7 MS. GREENBERG: There is one --

8 MS. GRAHAM: We do have a conflict in one
9 particular situation that could be a very controversial issue.

10 MS. GREENBERG: Where is that?

11 MS. GRAHAM: In Georgia. That's enough. How about
12 that.

13 MR. BRYAN: Right now the qualifications are fairly
14 simple, are they not? They require living -- For instance,
15 the board of education qualifications in our county are you
16 have to live in the district to represent the county, you have
17 to be a certain age, and that's about it.

18 CHAIRMAN MEREDITH: And lived there for a certain
19 period of time.

20 MR. BRYAN: A period of time, but those are the
21 things, I'm wondering if that ought to be in the constitution
22 though or is that just going to be a general law now.

23 CHAIRMAN MEREDITH: Would you read the question
24 there again, please?

25 MR. HILL: If a board member shall reside within

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1 the territory embraced by the school system and shall have
2 such other and further qualifications as may be required by
3 law,

4 CHAIRMAN MEREDITH: I think I would leave that just
5 like that.

6 DR. PRESSLY: That does it.

7 MS. GRAHAM: I think we do need to examine this
8 point, though. I do happen to really know of a school board
9 member who is a member of the state department of education
10 who also serves on the local school board.

11 MR. BRYAN: It's not a county board, though.

12 MS. GRAHAM: It's a city board.

13 Maybe the word independent school system needs to be
14 addressed.

15 MR. GRAHAM: I think if that happened, it was
16 allowed to happen, someone must have given it some thought
17 at the time how it came about on a local level.

18 MR. HILL: It's not anything that can't be corrected
19 by law, that's the point. There's nothing to prevent the
20 General Assembly from taking care of that if there's enough
21 opposition to it, but to mandate it in the constitution just
22 seems --

23 MS. GRAHAM: Maybe you're right.

24 CHAIRMAN MEREDITH: We will just leave that. Okay.

25 MS. GRAHAM: You indicated we didn't finish the

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1 local school board. I turn the comment over to my partner
2 over here.

3 MR. BRYAN: We have a couple of blanks in our
4 proposed things in the number of years of term.

5 CHAIRMAN MEREDITH: I thought that in the draft we
6 took care of that unless there's some question we're going to
7 change what's in the draft.

8 MR. GRAHAM: And on the elected school board
9 superintendent -- I mean on the appointed school board,
10 local school board superintendent which you have adopted as
11 an alternative there is a blank in the form.

12 CHAIRMAN MEREDITH: Oh, how long. The appointed --
13 I think we ought to leave that up to the local systems.

14 MR. BRYAN: That's the reason this needs to be
15 changed.

16 CHAIRMAN MEREDITH: They're going to appoint their
17 superintendent, they ought to be able to say how long they're
18 going to keep him.

19 MR. BRYAN: Sure.

20 CHAIRMAN MEREDITH: Because if you write it in the
21 law, if you write it in here then --

22 MS. GRAHAM: He deserves to know how long he's got
23 a job.

24 CHAIRMAN MEREDITH: Why don't we say the term of
25 office must be provided by the local school system. We don't



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1 want to have it open ended, because if you write it in here
2 we could put down seven years or whatever it is, and the
3 person may say the constitution provides me to be in this
4 position for X period of time and you say you're going to
5 fire me, you may --

6 MS. GRAHAM: Sometimes though it may take a new
7 superintendent -- if this goes into law it may take a new
8 superintendent two years to accomplish what he wants to.

9 MR. BRYAN: You can write a contract with him for as
10 long as you want to.

11 MS. GRAHAM: There are some counties that have
12 conflicts though where you can only give that superintendent
a year's contract.

14 CHAIRMAN MEREDITH: That's a local problem.

15 MS. GRAHAM: I guess that would be a good argument to
16 leave it like it is.

17 MR. OWENS: He can always be reelected another year
18 by his board.

19 MR. GRAHAM: We need to say they'll be appointed.

20 CHAIRMAN MEREDITH: But the term of office will be
21 determined by the local school board.

22 MR. BRYAN: One thing that came up in the election
23 of the local boards would be to have that election as a non-
24 partisan election. In other words, rather than having it
25 appear in the Republican primary and in the Democratic



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1 primary and then those two opposed in the general election,
2 just have provision of the election of local boards be done
3 on a nonpartisan basis.

4 MR. HILL: Wait. The way you decided on that was
5 the membership should be -- the way in which you select the
6 local board will be as provided by law and not mandate --
7 you're just going to grandfather in the method of selection
8 of the local boards, and it's only with the superintendent
9 you want to mandate appointment.

10 MR. BRYAN: Okay, fine. We can't address that.

11 MS. GRAHAM: One point to add to this, though, is
12 the majority of your elected school boards across the nation
are nonpartisan.

14 MR. BRYAN: Could we put in the constitution should
15 local systems elect, they would be done on a nonpartisan
16 selection?

17 MS. GREENBERG: On page 5 of the draft we could put
18 in --

19 MR. GRAHAM: We're just getting ready to do that in
20 the city of Rome, we're trying to urge upon everybody a non-
21 partisan election and nobody wanted it.

22 MS. GRAHAM: We wanted it, and we couldn't get the
23 legislation drawn up that way.

24 MR. GRAHAM: I think the provision whether it's
25 partisan or nonpartisan will have to be dealt with under the



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1 municipal election code if it's an independent school system,
2 or what law provides if it's not a system.

3 MR. BRYAN: Gary said something before, he said
4 the majority of those elected boards throughout the country
5 are nonpartisan election situations. It may be again a matter
6 of education for those people who are drawing that legislation
7 just to make it nonpartisan.

8 CHAIRMAN MEREDITH: Are you saying that it would
9 apply --

10 MR. GRAHAM: I don't think we need to provide for it
11 in the constitution. I think the people at the local level
12 ought to look at that.

13 MR. BRYAN: I see the problems in providing for it,
14 so I won't push the point.

15 MS. GRAHAM: You've got a lot of politics into the
16 situation if you have like an appointed board and you go to
17 an elected, and there are advantages and disadvantages on both
18 sides of the fence, but I guess that could fall under local
19 control.

20 CHAIRMAN MEREDITH: Okay. Do we have any other item
21 to cover?

22 MS. GREENBERG: On the adoption of Paragraph III
23 on school superintendents, do you wish to retain the sentence
24 which states the school superintendent shall be the executive
25 officer of the board of education who shall have such

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1 qualifications, powers and duties as provided by general law?

2 MR. BRYAN: Yes.

3 MS. GREENBERG: Or do you think they should be
4 provided by local law?

5 CHAIRMAN MEREDITH: I think if we're going to have
6 him appointed then we have already given up his right to run,
7 so therefore we ought to provide some protection for the
8 person who is appointed which means he'll be the chief
9 executive officer of the board.

10 MS. GREENBERG: Qualifications, powers and duties,
11 should that be determined by --

12 CHAIRMAN MEREDITH: No, no, by the local board.
That should be local, not general law.

14 MR. HILL: When you say local law, that means the
15 General Assembly, it doesn't mean the local board, so I don't
16 know what you want. You could delete it entirely and leave
17 it up to the local --

18 MR. BRYAN: I kind of like it in because I think
19 it's an important insurance of what the job is they're
20 offering. I think he should be stated -- if they hire the
21 superintendent, he is the executive officer of the board and
22 they can't make a water boy out of him and get around it that
23 way.

24 MR. OWENS: It is a general law of the legislature
25 that governs them.

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1 CHAIRMAN MEREDITH: Don't whisper down there, we
2 want to hear you.

3 MR. OWENS: I'm telling her that the laws that
4 govern your local boards all over the state are the laws of
5 the legislature. Now, you have policies and things that you
6 set down with reference to your board that governs the local
7 aspects of things, but you see they follow the state law.

8 CHAIRMAN MEREDITH: That's the framework around
9 which local laws have to fit.

10 MR. OWENS: That's right, and the higher the law --
11 you can't supercede on a lower level the law that's up here.

12 MR. GRAHAM: All we're changing in Paragraph VIII
13 is the very last sentence of the second paragraph.

14 MS. GREENBERG: We're deleting that sentence so
15 that terms are going to be provided for by the school board.

16 CHAIRMAN MEREDITH: Okay. Do we have any other
17 comments? Yes, Ma'am.

18 MS. DEADWYLER: I have a question on page 6 of what
19 we got last time, is that what you call a draft -- page 6
20 there on line 11, no independent school system shall hereafter
21 be established.

22 MR. GRAHAM: That's a city school system.

23 MS. DEADWYLER: That's a city school system?

24 MR. GRAHAM: That doesn't have anything to do with
25 private schools.



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MS. DEADWYLER: City schools, okay. There's no question about that at all?

MR. GRAHAM: No question at all.

CHAIRMAN MEREDITH: Do you have a question about it?

MS. DEADWYLER: I just wondered --

MR. HILL: You see the leading language, authority is granted municipal corporations to maintain existing independent systems, but then no further future independent systems shall be created.

MS. DEADWYLER: Thank you very much.

CHAIRMAN MEREDITH: Okay. Any other comments?

I think this may be our last time meeting as a committee, and as Chairman of this committee I would like to commend each of you for the time and effort spent in arriving at our final document. I think it is a piece that you should have some pride in. I thank you.

MR. BRYAN: I thank you. I think again we ought to thank you for doing such a good job of chairing.

(Whereupon, at 12:50 p.m. the committee meeting was adjourned.)

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Committee to Revise Article VIII

Ad Hoc Committee Meeting Held on Oct. 16, 1980

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STATE OF GEORGIA
COMMITTEE TO REVISE ARTICLE VIII
OF THE
CONSTITUTION OF GEORGIA

FULL COMMITTEE MEETING

Room 337-B
State Capitol
Atlanta, Georgia
Tuesday, October 21, 1980
10:00 a.m.



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PRESENT:COMMITTEE MEMBERS:

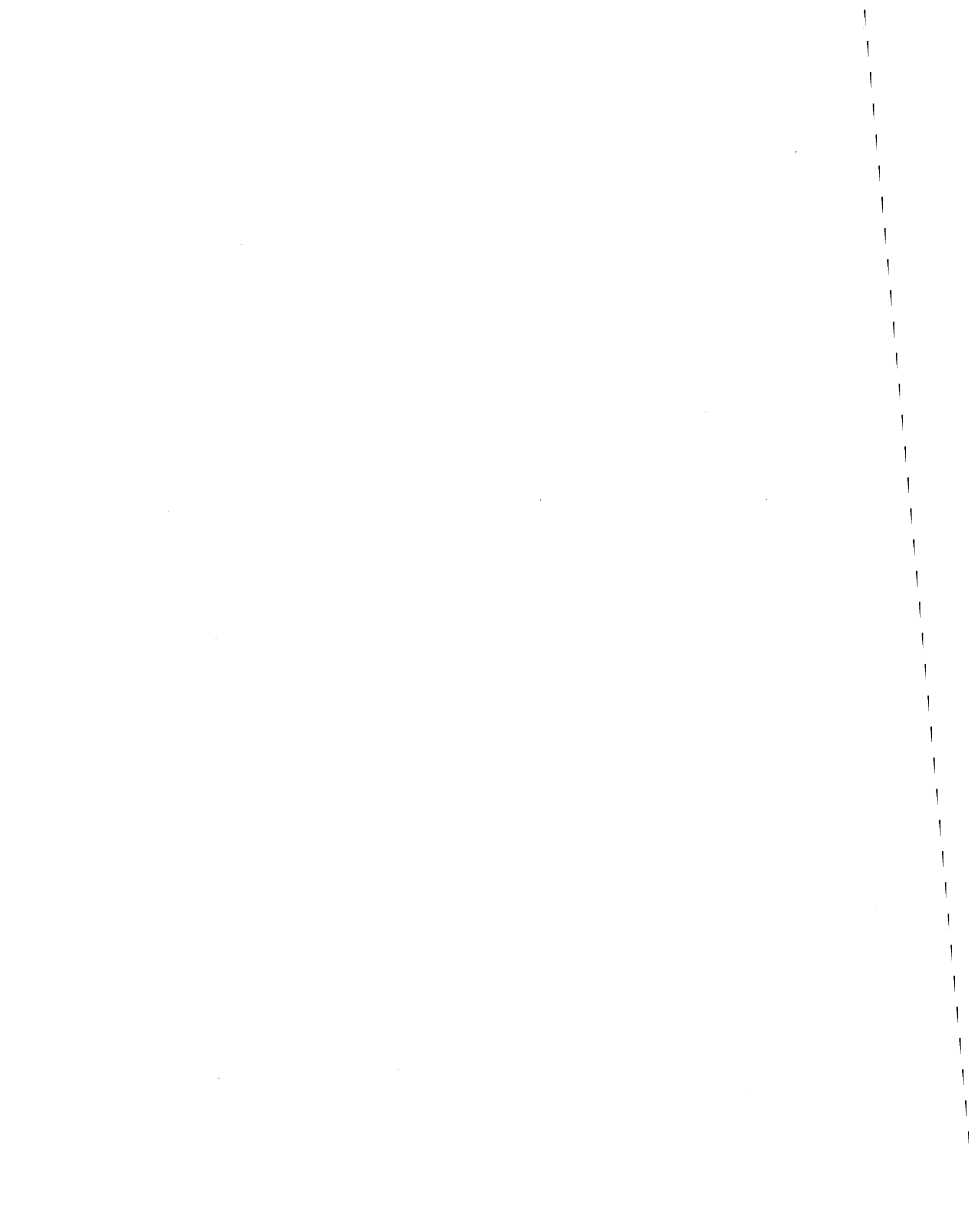
CHAIRMAN DAVID H. GAMBRELL
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MS. MIRIAM GRAHAM
MR. JOHN M. GRAHAM, III
MR. JOSEPH GREENE
DR. CHARLES GREEN
MS. ANNE T. HAGER
DR. CHARLES W. MEREDITH
MR. ODELL OWENS
DR. WILLIAM PRESSLY
SENATOR TERRELL STARR
MS. LeANNA WALTON

ALSO PRESENT:

J. ROBIN HARRIS
MELVIN B. HILL, JR.
MICHAEL HENRY
VICKIE GREENBERG
CHARLES TIDWELL
DAVID WATTS
SUE ELLA DEADWYLER
JENNIE GUYE
JOANNE MASON
CATHY SILLS
PAM HEDRICK
HENRY NEAL
CLARK STEVENS
MARIE DODD
SHEALY McCOY
ROGER MOSSHART
DEAN PROPST
IKE LASSETER
BETTY LENDMAN
CINDY WEATHERLY
CHRISTINE JENKINS
CHARLES PYLES
JOE SMITH
GWEN PYLES
CATHY SILLS
MARTHA CHRISTIAN
KEN JONES
LeVOI JOHNSON
DAVID MORGAN
MARILYN PELL
ANNETTE WYLER

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P R O C E E D I N G S

CHAIRMAN GAMBRELL: I will call the meeting of this Committee to Revise Article VIII to order, and welcome all who are present, both members of the committee and guests.

At this time I'm going to ask Mr. Hill to call the roll, or at least to check attendance, and then I'm going to ask our visitors to identify themselves so we will know who all is here.

Why don't we just go around the room and call out our names so that the visitors will know who we are and we'll know who they are.

Dr. Owens, would you identify yourself, and we'll just come around the table this way.

MR. OWENS: I am Odell Owens, science teacher for Cedartown High School, Cedartown, Georgia, and the immediate past president of the Georgia Association of Educators.

MR. HENRY: Mike Henry, I'm with the staff.

MS. HAGER: I'm Anne Hager, I'm a citizen representative, I'm second vice president of the League of Women Voters of Georgia.

MR. HARRIS: Robin Harris, I'm with the staff.

MS. GREENBERG: Vickie Greenberg with the staff.

MR. HILL: Melvin Hill with the staff.

CHAIRMAN GAMBRELL: David Gambrell, I'm Chairman of this committee.



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1 MS. WALTON: LeAnna Walton, Albany, Georgia.

2 MR. FULBRIGHT: I am H.M. Fulbright, Superintendent
3 of Schools, Carrollton.

4 MR. GRAHAM: John Graham, an attorney from Rome,
5 Georgia.

6 MS. GRAHAM: Miriam Graham from St. Simons Island,
7 a citizen and currently Chairman of Education for the State
8 PTA.

9 DR. PRESSLY: I am William Pressly, President
10 Emeritus of Westminster Schools.

11 CHAIRMAN GAMBRELL: Let's take the ladies in the
12 back, and then we'll just come right back through the group
here.

14 MS. LENDMAN: Betty Lendman, a student at Georgia
15 State University, Political Science Department.

16 MS. WEATHERLY: I am Cindy Weatherly, wife and
17 mother.

18 MS. GUYE: Jennie Guy from the Urban Studies
19 Institute.

20 MS. JENKINS: Christine Jenkins, a concerned
21 citizen.

22 MR. PYLES: Chuck Pyles, Georgia State University.

23 MR. SMITH: Joe Smith, Director of Research and
24 Development, Gwinnett County Public Schools.

25 MR. TIDWELL: Charlie Tidwell, Governor's office.

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1 MS. PYLES: Gwen Pyles, interested citizen.

2 MS. STOUT: Cathy Stout, senior in high school,
3 Athens, Georgia.

4 MS. DEADWYLER: Sue Ellen Deadwyler from Stone
5 Mountain, Georgia.

6 MS. SILLS: Cathy Sills from Marietta.

7 MR. WATTS: I am David Watts with the Office of
8 Planning and Budget.

9 MS. CHRISTIAN: Martha Christian, Athens, Georgia.

10 MR. JONES: Ken Jones, Georgia Municipal Association.

11 MS. JOHNSON: LeVoi Johnson, Concerns for Christian
12 Government.

13 MR. MORGAN: David Morgan, Georgia Association of
14 Christian Schools.

15 MS. PELL: Marilyn Pell, wife and mother.

16 MS. HEDRICK: Pam Hedrick, Cumming, Georgia.

17 MS. WYLER: Annette Wyler, Atlanta, Fulton County.

18 CHAIRMAN GAMBRELL: Dr. Meredith, we have been
19 around and introduced ourselves. Why don't you introduce
20 yourself, please.

21 DR. MEREDITH: I am Charles Meredith, I'm
22 Chancellor, Atlanta University Center.

23 CHAIRMAN GAMBRELL: Again, I welcome everyone on
24 behalf of the committee, and particularly our guests, some
25 of whom have been here before, and some of whom are here for

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1 the first time.

2 We have an agenda of particular things to cover
3 here, but we want to hear anything anyone has to say. As
4 we have discussion you're welcome to ask any questions that
5 you like.

6 If any of you has a specific statement that you
7 would like to make, if you will let me know we will put you
8 in on the agenda to be heard before it's overwith.

9 Are there any other comments before we get into
10 the meeting, or any questions about procedure?

11 Generally speaking, we will follow the agenda here.

12 The materials that are being handed out are to be
found over here in front of Dr. Meredith, and that will be
14 the subject of discussion.

15 The primary matter of business here is a report of
16 an ad hoc or a special committee that was established at the
17 last meeting to deal with certain specific issues.

18 The ad hoc committee consisted of representatives
19 from each of the subcommittees, and some of the issues dealt
20 with each of the areas of concern that we have identified.

21 Dr. Meredith was chairman of the ad hoc committee,
22 and I will ask him at this time if he will to give us a
23 summary of the report.

24 Dr. Meredith, I had suggested before the meeting got
25 started that everyone get a copy of this, Ms. Greenberg's

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1 report, and I hope everyone has read it so you needn't feel
2 it necessary to go through that in detail, but in as much
3 detail as you would like.

4 I don't know whether it would be better to take up
5 each issue and discuss it or to get the whole thing out in
6 front of us and what your time situation might be. I under-
7 stand you have another appointment, and my suggestion would
8 be that we assume that Ms. Greenberg and Mr. Hill can pick
9 up wherever you might have to leave off.

10 DR. MEREDITH: We have very able co-chairpersons
11 here with Dr. Pressly and Ms. Graham.

12 CHAIRMAN GAMBRELL: Either way you want to handle it
13 will be all right, so you've got the floor now, and you keep
14 going until you get through.

15 DR. MEREDITH: Okay. Thank you.

16 We met on last Tuesday, or Thursday, to take up the
17 items that came out of our last meeting here, and I would
18 simply like to take them in the order in which they appear
19 in the summary provided by Ms. Greenberg.

20 We took under consideration whether or not the
21 proposed preamble to Article VIII should be modified, and we
22 decided that it should, and if you turn to the long sheet
23 within the report, I would just like to read the modification.

24 Section I, Paragraph I, Public Education.
25 Educational Opportunity Without Discrimination, Free Public



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1 Education Prior to College, Support by Taxation. A general
2 diffusion of knowledge being essential to the preservation
3 of the rights and liberties of people, it shall be the goal
4 of the State of Georgia to provide all citizens the oppor-
5 tunity for educational development to the limits of their
6 capabilities without discrimination. The provision of an
7 adequate public education for the citizens shall be a primary
8 obligation of the State of Georgia. Public education for
9 the citizens prior to college or post-secondary level shall
10 be free, the expense of which shall be provided for by
11 taxation. The expense of other public education shall be
12 provided for in such manner and in such amount as provided
for by law.

14 The first sentence is the modification from the
15 draft recommendations we made at the last report, and there
16 was some discussion at the full committee meeting about the
17 way it was originally recommended, and we went back and came
18 up with these words.

19 We then moved to take up the single issue that has
20 taken most of our time, and that is by what method should the
21 state board of education and the state school superintendent
22 be selected.

23 The committee worked from the premise that there
24 was general agreement that the state superintendent should be
25 appointed by the state board of education.

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1 For those of you who might not know, under the
2 present constitution the state superintendent is an elected
3 official, and the state board is selected through an appoint-
4 ment process; the appointment is made by the Governor with
5 confirmation by the Senate.

6 We felt as a committee that with the state superin-
7 tendent being an elected official reporting to -- the
8 implication being he or she reports to a board that's
9 appointed, it's not in the best interest of education in
10 Georgia. As it stands now, the superintendent in effect has
11 no boss, or has no person that he is really accountable to
12 except the people, and so at the last committee meeting we
13 started the meeting with the assumption that that was good,
14 and we wanted to try to retain that.

15 Then we had a problem, and the problem was we
16 did not believe the people of the state would accept the
17 proposition that both the state superintendent and the state
18 board members would be appointed officials, and in order to
19 try to preserve the appointment, a process that would allow
20 for the appointment of the state school superintendent by
21 the board and allow for some public accountability by the
22 state board of education, the committee agreed, and I would
23 like to say that it was unanimous among all those that were
24 present -- I would like to read the fourth paragraph of the
25 page 2 of the summary, which says that:



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1 To ensure the citizens sufficient accountability
2 over appointed officials, the members recommended the
3 addition of a provision in Paragraph I which would subject
4 members of the state board of education to removal from
5 office upon the affirmative vote of the qualified voters
6 voting in the district represented, and we thought that this
7 was a major compromise; it preserved what we thought was
8 important, and that is a school superintendent who reported
9 to and was accountable to a board that established the
10 policies for education, and at the same time we allowed for
11 a mechanism for the citizens -- a mechanism that would make
12 the school board members accountable directly to the people.

13 We looked at the possibility of having the school
14 board members being elected, we felt it was impractical to
15 have school board members running over a congressional
16 district for positions that were not paid positions, and
17 the expenses we estimated would be at least \$5,000 for a
18 person to mount a campaign for a school board slot, and if
19 that was the case we felt that the diversity among the board
20 members could be impacted by the inability of people to
21 raise funds for a campaign.

22 So we struck a compromise, and that compromise is
23 that the school board members are directly accountable to
24 the people and are subject to removal by an affirmative vote
25 of the qualified voters in the district.

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1 Mr. Chairman, this being the most important and
2 controversial issue of my committee, maybe we would like to
3 pause and discuss that before we go on.

4 CHAIRMAN GAMBRELL: That's satisfactory. It might
5 be -- Well, does anyone have any comment on that? I think
6 that's a very interesting creative development, and --

7 Yes.

8 A VOICE: Excuse me. What do you mean by qualified
9 voters?

10 DR. MEREDITH: All the registered voters in the
11 congressional district represented by the school board member.

12 We shied away from the term recall, but it's a
13 recall, and we did not want to confuse the issue by calling
14 it a recall because a recall is normally associated with an
15 elected official, and we chose the term removal from office
16 because we wanted to be specific to an appointed official,
17 and specifically to appointed members of the state board of
18 education.

19 CHAIRMAN GAMBRELL: Back in the back.

20 A VOICE: I would defer to Senator Starr. I would
21 be glad to speak after him.

22 CHAIRMAN GAMBRELL: Senator Starr, then.

23 SENATOR STARR: I was going to ask this question,
24 how would you accomplish what you're seeking in the normal
25 method? How would you bring about that affirmative vote to



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1 remove?

2 DR. MEREDITH: In the same manner that a person
3 who's being recalled, by a petition --

4 SENATOR STARR: By the petition route set forth
5 in the --

6 DR. MEREDITH: By referendum.

7 A VOICE: The reaction that I have to that is that
8 as in any recall, which is essentially what this is, it puts
9 the public in the position of having to take negative action
10 rather than taking positive affirmative action in support
11 of the board. It puts the public in a position of having to
12 be in a negative context, and I think that might be
13 detrimental to the operation of the board and the service
14 provided the citizens.

15 CHAIRMAN GAMBRELL: Let's come around the table
16 here. Dr.Pressly, you come next.

17 DR. PRESSLY: May I say in the committee we gave
18 consideration to this idea, that the public is already being
19 represented in that they have selected the Governor and the
20 legislators by vote, and consequently the positive action
21 has already been taken, and this is representative government,
22 so those people are selecting the members of the board of
23 education, so that the public has had its positive voice,
24 and if they dislike what a representative is doing, a member
25 of the board, then they get a chance for the negative just



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1 as they do in anything.

2 CHAIRMAN GAMBRELL: Yes, Ms. Graham.

3 MS. GRAHAM: As you well know, I'm one of the ones
4 that wanted either the elected superintendent or wanted the
5 elected state school board, and I preferred the appointed
6 superintendent over having the school board appointed, but
7 anyway, if you're going to have both your state school
8 superintendent appointed and your state school board
9 appointed, as a member of this committee I felt it was very
10 important to give the public some means to remove a state
11 school board member who was not really doing the job, and in
12 any type appointed board it's very difficult to remove a
13 member if he chooses or she chooses not to do the job, so
14 just to make a long story short, this was the only means that
15 all of us could agree on that would really give the public
16 an accountability in regard to having them both appointed.

17 CHAIRMAN GAMBRELL: Let's come around. Mr. Graham?

18 MR. GRAHAM: Thank you.

19 I think Dr. Meredith is too modest, he's the one
20 that pulled this compromise out of the fire at the meeting.

21 I think we need to review what the accountability is
22 in this situation and to see if it doesn't strike a good
23 balance in a representative type of government.

24 First of all, we have accountability, we elect the
25 Governor who will appoint the board, and I think it ought to



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1 be made an issue in any election if anybody has got a power
2 of appointment as to what kind of person the appointing body
3 would appoint, and I think in any Governor's race concerned
4 citizens need to make it an issue who or what type of person
5 would you appoint to the board of education if you were
6 elected, and I think that's a level of accountability.

7 Second, as Senator Starr knows, the Senate has to
8 confirm under this situation on the appointed board, and
9 therefore I think it needs to be made an issue in the state
10 senate races as to who or what kind of a person would you
11 confirm in an appointment process, and make that a direct
12 issue in an election, which lends another level of
13 accountability.

14 A third level of accountability is that the Senate
15 itself does have to confirm, and that they don't necessarily
16 have to confirm anyone that the Governor sends down for an
17 appointment, and haven't always done that, so there is a
18 level of accountability.

19 Added onto that, and the thing that made this
20 compromise work in my opinion is the fact that we allow
21 direct qualified voter removal of a person, and this gives
22 two areas of accountability.

23 One is they can go through a recall petition and
24 remove the person from office which makes for accountability.
25 The second level of accountability is that they can even just



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1 barely begin to talk about that and register a degree of
2 accountability on their representative to the board, and I
3 have seen this happen time after time again that the
4 formation of a recall petition commission or committee, or
5 the discussion of it in an editorial in the newspaper to me
6 makes for a great deal of accountability on the part of the
7 board, and I think that we therefore have got a proper
8 balance in the particular type of office that we're talking
9 about.

10 We're trying to think of what's best for the school
11 children in the state, and we've come through months of
12 discussions on this issue, and it's been the tackiest issue
that we've got, and it's really a sticky one, and I think
14 we pulled it out on Thursday because of this type of
15 provision which I think is unique. I don't --

16 Mel, did you all find any other provision
17 comparable to this where voters can recall an appointed
18 person?

19 DR. MEREDITH: Mr. Gambrell, are we looking at any
20 legal problems with this proposition?

21 CHAIRMAN GAMBRELL: I don't see any. It may catch
22 on and run through the whole constitution before it gets
23 through.

24 SENATOR STARR: It's unique. It sounds pretty good
25 to me.



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1 CHAIRMAN GAMBRELL: I might say this, and I
2 appreciate what the lady says about the negative aspect of it.
3 When you think through what is taking place here as Mr.
4 Graham says, frequently just the mention of a possibility of
5 a recall gets the attention of the person who is subject to
6 this and they become more responsive.

7 I think Senator Starr can conceive what the
8 situation would be in his congressional district if the person
9 whom the Governor had appointed and the Senate had approved
10 had been recalled and there was a vacancy to be filled.
11 The input that would come in from that district on the next
12 appointment would be very sharp and would get a lot of
13 attention from the Governor and from the senators and the
14 other members of the state board and so forth, so this will
15 be a positive input and it will be very pointed and very
16 direct, and yet not diffused as it would be in a partisan
17 election, so I think this is a very creative solution, and
18 one thing I like about it is I was afraid this issue about
19 elected and appointed was going to split our whole committee
20 from A to Z on everything that we're dealing with, and the
21 subcommittee has agreed unanimously on this --

22 DR. MEREDITH: Not the subcommittee, everybody that
23 was present at that meeting. We had a few members who were
24 absent.

25 CHAIRMAN GAMBRELL: Those who were there.



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1 I'm impressed by the unanimity that we're getting
2 out of this issue.

3 Let's come on around here, and I'll get to everyone
4 before we get through.

5 DR. FULBRIGHT: I'm also concerned about the
6 negative action when the citizens have not had the oppor-
7 tunity to take positive action for the board members.

8 I like it better than what we've had before, I
9 think this is an improvement.

10 I'm not in agreement that it would be too expensive
11 for the board members to run from the districts. I think
12 that those of us out in the field have this to contend with
13 all the time having good board members run, and we do have
14 good citizens to run for local boards of education, and I
15 think we can have good citizens running for the district
16 boards of education, financing their own campaigns or getting
17 help as other people do, and I do not think that would be
18 entirely out of the question. In fact, I don't think that
19 is a good argument.

20 I see this appointment process as tantamount to the
21 -- and I know you can criticize this -- but I see it as
22 tantamount to the president of the United States appointing
23 senators or representatives and having them confirmed by the
24 congressional group.

25 If it comes down to it that we can't find a better



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1 solution I probably will vote for it, but I wanted to say
2 those things. I'm not completely satisfied with it.

3 CHAIRMAN GAMBRELL: Let me say this. Before we get
4 through here, if there are proposals other than the one that's
5 on the table here, we will certainly entertain them and take
6 a vote on them, so don't be discouraged simply because the
7 committee has made this report, because we're going to vote
8 ultimately on what we end up with.

9 If we don't like this, be prepared to state
10 specifically what you would like and where you would like to
11 have it fitted in.

12 Let me come on around here and see if there's any
13 further comment.

14 Let's go into the audience. Yes, Ma'am.

15 Would you give your name so that the reporter can
16 get you?

17 MS. MASON: I'm Joanne Mason from Dunwoody.

18 My children are in the public school system here in
19 the metropolitan Atlanta area, and I would just first like to
20 go on record as saying that I agree with Ms. Graham and with
21 you that to have both of these, the superintendent and the
22 state board members appointed to me seems extremely a very
23 cumbersome system and a very hard system as voters as private
24 citizens to deal with.

25 There are so many issues that come up when you're



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1 electing a Governor and when you're electing people for the
2 legislature that to really hone in on all the nitty-gritty
3 issues of education would be almost an absurd thing for them
4 to do and for us to do as citizens to decide exactly how
5 each person would, what kind of person they would be voting
6 for would be very difficult.

7 I think to use this negative process for removing
8 someone from the board -- she had stated earlier that it was
9 because perhaps they weren't doing their job -- I would think
10 that there would be other reasons that we as citizens might
11 want to remove someone, perhaps not because they weren't
12 doing their job, but because perhaps they were doing their
13 job in a way that we did not feel represented what we wanted
14 for education for our children.

15 I feel like that is a very cumbersome way of
16 dealing with the philosophy of education for the state, for
17 all the children of the state.

18 I feel like we should consider paying our -- this is
19 a proposal I suppose -- paying our state board of education
20 members a salary so that there would be more interest in
21 running and having a campaign.

22 You know, I don't know what the legal situation is
23 there, but I would like to propose that we pay -- certainly
24 in my county the people have a small salary, at least enough
25 to defray that, and I think in a state this size and with the



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1 resources that we have that we could consider that.

2 CHAIRMAN GAMBRELL: All right. Yes, Ma'am, right
3 here. Give your name.

4 MS. SILLS: Cathy Sills from Marietta.

5 On the proposal as far as having a recall on the
6 state board members, I wondered if that would apply to the
7 state superintendent since he was appointed. Would we be able
8 to recall him also?

9 DR. MEREDITH: The committee recommended that the
10 state board would have the power and authority to remove the
11 state superintendent if in their opinion he is not discharging
12 the responsibilities of that position.

13 Right now there is no way to remove the state
14 superintendent except through a recall, and this position of
15 having the state superintendent appointed by the board,
16 accountable to the board was one that was supported very
17 strongly by our current state superintendent and by his
18 predecessor, and we just think that it makes a sound system
19 to have a chief administrative officer for the school system
20 to be accountable to the policy making board.

21 Under the present system, the state school superin-
22 tendent does not even have to go to board meetings if he does
23 not want to. There's nothing that says he has to do anything
24 the board says he has to do, and practically he would not
25 function like that, but theoretically it's possible for that



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1 kind of behavior to take place, and in fact you will see in
2 another recommendation we went a step further, and if you like
3 I'll speak to that at this point -- we recommended that we
4 would not change the manner in which local school boards
5 select their school board members. We recommended that all
6 school board superintendents be appointed by the boards.

7 CHAIRMAN GAMBRELL: Yes, Ma'am. Give your name.

8 MS. DEADWYLER: Sue Ella Deadwyler.

9 As I listented to Dr. Meredith I picked up on the
10 fact that at this point the only way to remove a school
11 superintendent is by recall, which evidently is not too
12 satisfactory.

13 Well, then, if we can only do that unsatisfactorily
14 with him, it would be unsatisfactory I would say to remove the
15 board members by recall. Maybe we should have the ability to
16 fire them too by paying them a little salary.

17 MS. HEDRICK: I agree with what Sue Ellen -- I'm
18 Pam Hedrick from Cumming.

19 For what it's worth, my grandfather was an elected
20 school superintendent of another state, and he went in with
21 a second term -- he was first qualified as being a principal
22 for several years, the public elected him the second term,
23 the same sort of vote went into committee, and they decided
24 to appoint, and he did not agree politically with these
25 people that he was in office with, and they fired him without



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1 the public's consent, and they were the ones that elected
2 him, and this is what I'm questioning about is whether or not
3 at that point he had been an elected official, they eliminated
4 him, could that happen in our state as well? What would the
5 people have the ability to say about a matter like this?

6 MR. HILL: The present provision would grandfather
7 in the superintendent who was elected by the people until the
8 end of that person's term, and if the recommendation of the
9 committee were adopted, then the next school superintendent
10 would be appointed by the board, but there is a specific
11 provision to protect the elected official until the expiration
12 of his term of office.

13 MS. HEDRICK: Still my question is politically
14 what does that involve with the people in office to consider
15 the person from a political standpoint rather than his
16 qualifications as being a state superintendent of schools?

17 DR. MEREDITH: That is the rationale for this
18 recommendation, that normally a person who runs runs from a
19 political viewpoint, and the board of education it's our view
20 would look at appointing a professional to run the school
21 system.

22 MS. HEDRICK: I think the public should be aware
23 that they should consider people that are qualified for the
24 position that they're electing, they should get out and
25 consider this.

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1 CHAIRMAN GAMBRELL: You know, you had a personal
2 experience with that which is very interesting and is worth
3 considering here.

4 We have a present situation that we have, although
5 an elected state school superintendent, he got into the
6 office through the appointment process, so the public had
7 nothing to do with him getting the office in the first place.
8 He was reelected, but some people might say "Well, a fellow
9 in that position would be difficult to defeat because he was
10 already in office and it costs so much money to run against
11 him" and so forth.

12 That's the other side of the coin that you're
13 talking about is that even though we have an elected system
14 now, the typical thing may be that he never would be elected
15 going in, but would simply be the public confirming what had
16 already taken place as an elective process, and I think that's
17 one thing that is -- I've thought about this, that the public
18 doesn't really elect him although every four years he comes
19 up for election, so this is an effort to resolve the problem
20 you're talking about in the situation we've got here now.

21 Yes, Ma'am.

22 MS. WEATHERLY: Cindy Weatherly.

23 I would just like to say that I think generally
24 speaking, and I've been trying to make an effort to survey
25 people I've come in contact with with regard to this particular



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1 issue, and generally speaking the people I've talked with
2 have been in favor of the state superintendent being
3 appointed by an elected school board.

4 Not to put any personal connotation on this
5 particular acting superintendent, but he does come from a
6 district where the superintendent is appointed and the school
7 board members are appointed, and it has been the source of
8 an unending newspaper, political, the whole gamut of public
9 outcry and concern for some time and some number of years in
10 the particular district that this acting superintendent
11 happens to come from or was resident in there, is now in the
12 process of looking into possibly changing their process to
reflect this general feeling of an elected school board and
14 an appointed superintendent which seems to function very well
15 in the counties that do it this way.

16 CHAIRMAN GAMBRELL: All right. Ms. Graham.

17 MS. GRAHAM: One of the reasons that I think this
18 proposal is good is that according to Dr. McDaniel he is
19 planning to propose a constitutional amendment where the
20 state school superintendent would be appointed.

21 Okay. You already have a state school board which
22 is appointed. Okay. You could end up with both being
23 appointed before the citizens of Georgia realized what had
24 really happened, so this is the only way that we in this
25 committee could figure out giving the public some accountability,



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1 but in the end it's going to really -- I mean what will
2 happen is it's going to be determined by the people of
3 Georgia, so this is in my opinion just a concrete proposal
4 and it's up to the citizens of Georgia as to what really takes
5 place.

6 CHAIRMAN GAMBRELL: Yes, sir.

7 DR. FULBRIGHT: A point of clarification with Dr.
8 Meredith.

9 You stated that the present superintendent was in
10 favor of the appointment, and also his predecessor. I wonder
11 if you asked Dr. Nix if he were in favor of both being
12 appointed.

13 DR. MEREDITH: No, I did not. I did not ask --

14 CHAIRMAN GAMBRELL: He's made a comment on that.

15 MR. HILL: Yes. He was not in favor of both being
16 appointed. He's in favor of appointment of the superin-
17 tendent but election of the board members, Dr. Nix.

18 Dr. McDaniel is in favor of both being appointed.

19 CHAIRMAN GAMBRELL: Dr. Owens.

20 MR. OWENS: As you realize, we went over the
21 subject of appointed superintendent, and I think the whole
22 board, at least the committee is really in favor of the
23 state superintendent being appointed, and it has been a
24 general feeling throughout the state for an appointed
25 superintendent.



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1 Where we had a problem was in reference to the
2 selection of the board, whether it be appointed or whether it
3 be elected.

4 As you remember, even when I was here last time,
5 I was really concerned about the appointment of the board.
6 I'm still concerned about it, but in working this was the
7 best solution that we could find short of an out and out
8 election in the various congressional districts for a member
9 of the board from each congressional district.

10 There were many, many kinds of pitfalls that were
11 brought up, and many of them have been listed on the
12 different reports. This to me, although it is a kind of
13 compromise was the best that we have found at this time,
14 and I have been consulting with legislators, persons who
15 are well grounded in the school law in the various
16 universities and have been through the process, and although
17 they have not heard what we have come up with at this time
18 because I've not had time to talk with them since we just
19 met last Thursday, this was the best that I've been able to
20 find that was presented by the committee or the members of
21 the subcommittee or the members of the committee that I could
22 agree with or feel somewhat comfortable with in somewhat of
23 a compromise.

24 CHAIRMAN GAMBRELL: Yes, Ma'am.

25 MS. DEADWYLER: I observed that Ms. Graham said that



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1 the superintendent has asked for a constitutional amendment
2 to appoint the superintendent. Is that what she said?

3 MS. GRAHAM: This is what I understood Dr. McDaniel
4 to say, that he was going to propose a constitutional
5 amendment that would allow the state school superintendent
6 to be appointed, and Senator Starr or anybody else, please
7 correct me if I'm wrong, if I misunderstood.

8 MS. DEADWYLER: The point he's proposing, does that
9 mean he's going to get it? I mean this seems to me a fore-
10 gone conclusion he's going to get what he asks for.

11 CHAIRMAN GAMBRELL: No, the fact that we approve
12 something here doesn't mean we're going to get that either.
We're just proposing, and the people get to vote on it
14 ultimately.

15 I might say, and I have not talked with Dr.
16 McDaniel personally, but my understanding is that his feeling
17 was that he was not pushing for any change, but if asked what
18 his opinion was about it, he felt like as a professional
19 in the school business that an appointed superintendent was
20 the better system, but that he was appointed to an elective
21 job and he was satisfied to run for it if he had to.

22 Yes, sir.

23 SENATOR STARR: David, I had promised myself to keep
24 quiet about this election, and Odell and I have argued about
25 it, and I haven't gotten to you, Dr. Fulbright, because you

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1 and I usually agree on everything, but I find it's different
2 here, and we have argued since the beginning about this
3 process, and I didn't go to the subcommittee meeting on
4 purpose because I wanted -- and I'm grateful, I think they've
5 come up with a pretty good compromise, but the practical
6 aspects of an individual serving on the state board of
7 education running in sixteen or eighteen county congressional
8 district to get elected is absolutely insurmountable; the
9 person cannot give that time and effort necessary to get out
10 there and campaign and to run, and if you put a full
11 congressional type salary on these individuals then you're
12 burdening the citizens down again with an additional tax
load, and I just cannot see, and the legislators and the
14 others I've talked to in government really don't see how
15 it could possibly work.

16 If you've ever supported a congressional campaign
17 and gone county to county and seen what it's really like to
18 try to campaign in sixteen or eighteen counties, if you've
19 just done it in one county -- we have multi-county house
20 districts, and it's most difficult to keep good folks willing
21 to keep running in those districts because of the time and
22 the effort and the cost involved, and you're talking about
23 a \$5,000 campaign, that wouldn't get you started. You're
24 talking about a hundred or two hundred thousand dollar
25 campaign if you're really going to run in a congressional

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1 district, there's just no question about it, and so this is
2 the real practical aspect that from a running standpoint
3 if you're just running in the county that's one thing, but
4 if you start running in sixteen counties you've got to have
5 someone either so rich he can't carry the money around and
6 not have to work for a living, and I'm not sure you want that
7 kind of person to serve on the board of education.

8 DR. MEREDITH: At least not all of them.

9 SENATOR STARR: You just don't want them, so it has
10 real problems when you think about a person running for the
11 state board of education.

12 CHAIRMAN GAMBRELL: I'm glad you made this point
because I think particularly those who haven't been here
14 before ought to know that there is not an unwillingness to
15 have people run for office, it is that there is a feeling
16 that that will not produce what you want either in the final
17 analysis.

18 One thing is that the present system or the
19 appointed system allows attention in that area to be focused
20 on who that person is. Say there's a vacancy in the Sixth
21 Congressional District on the state board, the people in that
22 district can get together and get in touch with their
23 representative --

24 SENATOR STARR: Every member of the General Assembly,
25 David, gets involved in it, and every superintendent and



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1 every board member locally, the people are involved making
2 recommendations to us as their representatives, then to the
3 Governor about the appointment, and they're usually very
4 careful about the appointment.

5 CHAIRMAN GAMBRELL: In an election, particularly
6 if it was in a regular election year and you're faced with
7 the Governor and the senators and the President and the
8 House of Representatives and all this kind of business, by
9 the time you find out who's running for school board the
10 election will be just about over and it will be too late to
11 do much about it.

12 SENATOR STARR: I know of people in my political
13 circles in my lifetime that desire to run for congress,
14 and you think about how many run, they say "Sure, I'd like
15 to run for congress," but it's totally impractical. You've
16 got to either have the means yourself going in or have the
17 ability to gather enormous funds to even think about doing it,
18 and I would much rather they be elected personally, but the
19 practical aspects of it to me are just insurmountable.

20 CHAIRMAN GAMBRELL: Back against the wall, yes.

21 A VOICE: There are two sides to that same issue
22 practically speaking as well. A person appointed to serve
23 on the state school board has to also be financially solvent
24 to the point where they're able to spend the time and effort
25 involved, and perhaps not to indicate any particular



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1 governor or whatever, but perhaps they have been financially
2 able to assist that person in his election to get this
3 attention to begin with, and I think there are two definite
4 sides to that same argument.

5 I don't know which side of the scale you would like
6 for that to come down on, but I think there's definitely a
7 consideration there.

8 CHAIRMAN GAMBRELL: I think the idea was there's
9 not resistance to the idea of having people vote; the concern
10 was that having an election wasn't as simple or as straight-
11 forward a solution for this type of job as it might be to run
12 for congress or run for governor or run for senate or
something else, but there's no reluctance to have the people
14 vote on it. That's one of the things about the recall
15 approach is it gives them a chance.

16 Dr. Meredith.

17 DR. MEREDITH: Mr. Chairman, I have a court
18 appearance, and I would like to make one other statement
19 before I go, and Ms. Graham is going to take over.

20 One of the things that concerned me, and also I
21 have discussed it with the committee, and that is what
22 opportunities do we have to have the public understand the
23 rationale that went into arriving at these recommendations?
24 I think that that's where we're going to have problems. If
25 we just simply put this out there and say we're going to

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1 appoint the state superintendent and the state board without
2 any opportunity to have the public understand the rationale,
3 then it may not work, but I think that most of the citizens
4 of the state of Georgia do not understand the relationship
5 between the state superintendent and the state board in our
6 present system, and I think that the wider that is known the
7 more support would probably be generated for these actions.

8 CHAIRMAN GAMBRELL: All right. Yes, you had
9 something?

10 MS. HAGER: I'm not going to speak to that, I have
11 something else.

12 CHAIRMAN GAMBRELL: Does anyone wish to comment on
what's been said?

14 DR. MEREDITH: I was asking you, do we have any
15 funds for this committee to publicize what we arrive at as
16 our final recommendation? Are you going to be on television
17 to tell the people, or hold hearings or something?

18 CHAIRMAN GAMBRELL: I think the process will be
19 something like this, that our recommendations will go to the
20 Select Committee, and they will do whatever they choose to
21 do. They may retain what we recommend, and they may change
22 it back the way it is, or they may change it the way some
23 feeling has been expressed here today.

24 It will then go to the General Assembly to be
25 considered by them, and they may change it again, and if



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1 they can agree by a two-thirds vote on something, then that
2 something will be submitted to the public.

3 I don't know -- This committee will not have the
4 opportunity to present its views publicly.

5 DR. MEREDITH: What about the General Assembly?

6 CHAIRMAN GAMBRELL: But if a new constitution is
7 proposed to the public I'm sure there will be plenty of funds
8 spent on publicizing the content of that and plenty of
9 opportunity on that subject.

10 SENATOR STARR: David, as a general rule on matters
11 of this magnitude there are public hearings held throughout
12 the state. We're having public hearings right now on no-
fault, for example.

14 MR. HILL: I might add the present intention of the
15 Governor is to have a special committee created at the next
16 session made up of a wide range of legislators and others
17 to take this constitution as proposed and hold public
18 hearings throughout the state and try to explain to the people
19 what is in it, so there is in the plan a public information,
20 public education program. This will be one element of it.

21 We have so many things to explain on the judicial
22 article and every other article of the constitution, I don't
23 know how much attention can be directed to just this thing,
24 but there will be work done on that problem.

25 CHAIRMAN GAMBRELL: Ms. Hager, did you want to speak



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1 to this subject?

2 MS. HAGER: I wanted to say a few words. I agree
3 with Representative Starr in some terms. Long before this
4 became a popular issue, many of you might not know, but the
5 League for years has supported and worked for election of the
6 board and appointment of the superintendent. We believe that
7 the administrative position should be appointed and your
8 policy making elected, but I do feel like there is
9 accountability in being able to remove those people from
10 office. I think that's something we can swallow.

11 I wonder if any thought was given to when the board
12 appoints a superintendent -- what they did in Gwinnett was to
13 appoint a citizen committee to interview people that were
14 being considered for the appointment of superintendent, and
15 their input was then very much considered by the board's
16 final decision, and in that way -- I don't know how you would
17 do it as far as the mechanics of it go, and I don't know
18 whether you would want to put it in the constitution, but
19 then the citizens would in effect have some means of
20 contributing or having some input into the selection of the
21 superintendent.

22 DR. FULBRIGHT: Mr. Chairman, I was going to ask the
23 same question, if the ad hoc committee considered the
24 nomination being made say to the congressional members from
25 that particular district, and having them to be involved in



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1 the nomination of that particular board member to the
2 Governor, maybe three or four different people that they
3 could agree on and present those to the Governor, it would
4 give at least an indirect involvement on the part of the
5 citizens.

6 CHAIRMAN GAMBRELL: Did the committee take that
7 into consideration?

8 MR. GRAHAM: Not the particular ad hoc committee.
9 We took that into consideration in the earlier committee
10 meetings, and I believe we resolved -- Mel, you can correct
11 me if I'm wrong -- I believe we resolved at the earlier
12 committee meetings that that procedure could be worked out
outside of the constitution somenow; we're just putting in
14 here that it's appointed by the Governor.

15 We relied on hearing from witnesses and from Senator
16 Starr as to the input procedure that would always go to the
17 Governor on an appointed basis. We looked at other appointed
18 boards for examples of how that works, and I think if anything
19 the Governor might get too much help than too little help,
20 and I think there's a lot of help that comes to him in the
21 nominating procedure.

22 MS. HAGER: The way this is written, though -- I
23 was referring to the board members -- it's written that the
24 board will appoint the superintendent. I wasn't referring
25 to the appointment of the board members, I was referring to

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1 the appointment of the state superintendent by the board
2 members and then getting your statewide committee to help
3 the state board appoint the superintendent.

4 MR. GRAHAM: I think the state board ought to
5 establish the procedure that they go through to do the
6 appointing, but I think that they would establish a procedure
7 to find the best qualified professional educator for the task,
8 the best possible person who meets the constitutional
9 qualifications for the office, and I think again that is a
10 way that they would certainly subject themselves to criticism
11 if they didn't involve citizen input in their appointment
12 process.

13 MS. HAGER: It would make the voters happier with
14 this if they knew there was some citizen input rather than
15 just those nine or ten members of the board.

16 CHAIRMAN GAMBRELL: What I would suggest here --
17 I'm real pleased that there's this much public interest and
18 concern in who these people are going to be, because I have
19 always had the feeling that members of the state board were
20 sort of obscure people as far as the public was concerned,
21 that they don't have as much identification, and I'm sure a
22 lot of people, parents and teachers and so forth feel like
23 they don't have any contact.

24 It might be desirable, Senator Starr, to have a
25 legislative enactment that sets out a procedure of notice

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1 to every PTA, to every local school system, they will receive
2 a notice that there is a vacancy --

3 SENATOR STARR: I think you also want this person
4 to be confirmed by the Senate as are other major appointments.

5 CHAIRMAN GAMBRELL: They are, but what I'm saying
6 is I think maybe there's a feeling that somehow or other we
7 don't hear about it until after it's happened, and if there
8 was a definite procedure for making it known that it was about
9 to happen, that recommendations would be received, that a
10 hearing would be held if they wanted to hold a hearing and
11 so forth, and there would be this input. I think the public
12 would feel a lot better about it, and I'm not myself
13 complaining about the system, and I think this is a good
14 compromise here, but I do get a definite feeling that the
15 public wants to have some input and doesn't want that to be
16 restricted or limited in any way, and I really do feel like
17 that having an election at regular election time would
18 obscure the thing, that is, the state school board member
19 would be down at the bottom of the list of the people on the
20 ballot, whereas the appointment system that we use now
21 permits focus to be made if notice is gotten out about it.

22 Yes, Mel.

23 MR. HILL: I might answer in response to Dr.
24 Fulbright's question about whether any other methods of
25 appointing the board were considered, and Vickie had prepared



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1 a memo to that ad hoc committee setting forth four or five
2 other options, to have the board selected in the same manner
3 as the State Transportation Board where the local delegations
4 in that district would get together in caucus to do it,
5 there was a proposal to allow the state board to be elected
6 in each congressional district upon recommendation of the
7 local school boards, to allow election by the local school
8 boards in a caucus in each congressional district with
9 confirmation by the Senate, and a proposal to allow election
10 by members of local school boards in each congressional
11 district just per se, so there were a number of other
12 options considered by the committee, and it was felt that
13 these were all rather difficult administratively to bring
14 about and rather unwieldy, and the committee finally agreed
15 upon the compromise that's in front of you.

16 CHAIRMAN GAMBRELL: All right. Let's go on with the
17 committee's report, and then we'll come back and act on each
18 of these items, but I think it would be well to have all this
19 in front of us before we take any action about it.

20 Mr. Graham.

21 MR. GRAHAM: Could I jump off of that for just a
22 minute?

23 We have all identified ourselves as to who we are
24 and what we represent, and I have noticed that several of
25 the people here today, and I'm just very curious, seem to

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1 know each other.

2 Are you all representatives of a committee or a
3 commission or an organized group, or do you just happen to
4 know each other from around the state? The lady in the front
5 row referred to the lady in the third row a minute ago.

6 MS. HEDRICK: She spoke just before I did. I try
7 to listen to names.

8 CHAIRMAN GAMBRELL: Ms. Graham.

9 MS. GRAHAM: We'll go on to issue 4. This had to
10 do with the state board or the General Assembly being given
11 the authority to establish educational standards of all
12 students, and I think the crux of this discussion was mostly
13 centered around the fact that there were certain people
14 present at our subcommittee meeting and they were concerned
15 that in some schools that they might be limited as to the
16 type curriculum that they might provide, and I ask Dr.
17 Pressly to please read the deletion of Subparagraph I(c),
18 Section II, and also Subparagraph I(b) of Section II.

19 DR. PRESSLY: Reading first of all I(c) of
20 Section II, the state board of education as provided by law
21 may establish minimum educational standards for all students
22 prior to the college or post-secondary level, and may provide
23 for the enforcement of such standards.

24 CHAIRMAN GAMBRELL: That's to be deleted?

25 DR. PRESSLY: That's to be deleted, yes. The

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1 reason for its deletion really is I(b) because we thought it
2 was covered there, the state board of education shall have
3 such powers and duties as provided by law.

4 MS. GRAHAM: We did say that Section (c) could be
5 an alternate, but there were just so many questions as to
6 setting standards that I think it was mostly that of language
7 in this particular issue. Am I correct?

8 DR.PRESSLY: I thought so.

9 CHAIRMAN GAMBRELL: I believe that we didn't really
10 get issue number 3 out on the table, although it was
11 mentioned.

12 Could you go back and tell us what the committee
did about that?

14 MS. GRAHAM: Excuse me. Should the method of
15 selection of members of the local boards of education and of
16 the local school superintendent be made uniform throughout
17 the state.

18 I believe it was the general consensus of the group
19 that we did feel that the local school superintendents should
20 be appointed and that the local board of education should be
21 elected, and we also took into consideration that we wanted
22 to try to leave as much local control in each local school
23 system as possible, and if any of the other committee members
24 have a comment I would appreciate it.

25 MR. GRAHAM: I think it would have been the



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1 consensus of the ad hoc committee that all local school
2 boards be elected and all local school superintendents be
3 appointed, I think that would have been the consensus if we
4 had had our druthers from our own school situations and
5 experiences.

6 The recommendation before the September 23rd
7 meeting was that all local school boards be allowed to be
8 organized in whichever way the people of that local school
9 district might allow that to happen, election, appointment
10 by the grand jury, appointment by the city commission or
11 some combination, or whatever they wanted to do, so I think
12 the ad hoc committee's recommendation as to local school
13 boards was to leave that as an issue to be decided locally
14 by the people how they want their local school boards to be
15 positioned, although as I said it would have been our
16 consensus that to take a big stand we probably would have
17 liked everybody to elect their local school boards, but they
18 don't do that in a lot of school districts in the state, and
19 I think those people ought to decide that.

20 On the issue of local school superintendents we have
21 made a recommendation from the ad hoc committee to change --
22 I think the original September 23rd idea was to let the
23 local school superintendents continue to be appointed or
24 elected as the people decided, and here we discussed the
25 issues back and forth, and we're recommending that the local

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1 school superintendents be appointed in every case because
2 of the various reasons, one that election allows you not to go
3 outside of your school district to find a qualified superin-
4 tendent, that he's a policy implementer, the board is the
5 policy maker and he ought to be accountable to the board for
6 which he works, and a variety of other discussions.

7 I think the most compelling reason for the
8 recommended uniformity of appointment of a school superin-
9 tendent is the fact that the school board is then allowed to
10 go outside of its own school district to find the most
11 qualified educator that they can for the job.

12 CHAIRMAN GAMBRELL: Yes, Ma'am.

13 A VOICE: May I ask, does that include who sets the
14 qualifications for the local school superintendent to be set
15 by that local board, or will they continue to be set by the
16 state board as suggested by the --

17 MR. GRAHAM: They would be set by the local board.

18 MS. GRAHAM: One of the biggest problems when you
19 elect a local superintendent is that too many times you have
20 to depend on the people within your county to select your
21 superintendent; therefore, if you had an appointed superin-
22 tendent you would be able to go even outside the state, and
23 so I think this is probably the biggest selling point.

24 MR. GRAHAM: I think we recognize we're suggesting
25 a big change here, but quite often in the elective process



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1 for school superintendent the most qualified person for the
2 job who might want to be elected happens to be working for
3 the person that they might run against, and this created a
4 little bit of a conflict in our minds as to how that works.

5 For example, the principal of a high school might
6 wish to be elected superintendent, and the superintendent
7 might wish to continue being elected superintendent, and
8 you've got a built in controversy.

9 CHAIRMAN GAMBRELL: What is the committee's
10 recommendation as to what goes into our final draft? Have
11 we left the local option?

12 MR. GRAHAM: It's on Paragraph III, Section V,
13 Paragraph III -- on the long sheet it's the last two
14 paragraphs on the last page.

15 There shall be a school superintendent of each
16 system who shall be appointed by the members of the board
17 of education of such school system. The school superin-
18 tendent shall be the executive officer of the board of
19 education, and shall have such qualifications, powers and
20 duties as provided by general law, but the board of education
21 may prescribe the term of office and causes and method of
22 removal of the school superintendent.

23 MR. HILL: A point of clarification, John. I
24 thought the ad hoc committee recommended this, that the
25 qualifications, powers and duties of the superintendents

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would be provided by general law rather than by the local boards, but that the --

MR. GRAHAM: The causes of removal, not the qualifications. I stand corrected.

CHAIRMAN GAMBRELL: All right.

MR. GRAHAM: Again there's a grandfathering clause that has to be there that those that are elected to serve will continue to serve.

CHAIRMAN GAMBRELL: Any discussion of that?

Yes, Ma'am.

MS. HEDRICK: I wanted to make the point that if I've understood you correctly that in effect there would be certain local systems that would have both an appointed superintendent and an appointed board.

MR. GRAHAM: There are now, and there would continue to be. In each case we would have an appointed superintendent and a board decided upon how the people of that district want that board to be selected.

MS. HEDRICK: The local people would not have a choice in the matter of the superintendent? In other words, that would have to be an appointment by the constitution, right?

SENATOR STARR: Dave, may I answer that point?

This would be simple to address on a county by county basis merely by having members of the General Assembly

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1 propose a local constitutional amendment. It would be an
2 easy thing to address and get to locally in each of the 159
3 counties. All they've got to do is propose a bill, a
4 constitutional amendment and in a general election the people
5 could vote on it and decide which way they want to do it,
6 and by voice of the people you can get them to do that really.

7 MS. GRAHAM: We have just been through this locally
8 in the county that I live in, and at first I thought we should
9 just have all state -- I mean all local school boards across
10 the board, but then you're taking the local control away in
11 that respect.

12 SENATOR STARR: You can't pass it if you do that.

13 MS. GRAHAM: Well, I'm not sure that what we're
14 proposing here is going to work either, but the idea is to
15 have an appointed local superintendent so that you take it
16 out of the politics, he has time to administer the school
17 system, you get your board of education members elected and
18 give them the opportunity to get out there and hit the
19 campaign trail.

20 MS. HEDRICK: The only thing, you would have some
21 counties that are already locked into having an appointment.

22 MR. GRAHAM: I'm still in favor of having elected
23 school boards and appointed superintendents.

24 MS. GRAHAM: That's the ideal.

25 MR. GRAHAM: That's the ideal, but again --

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1 CHAIRMAN GAMBRELL: We have decided on this kind of
2 thing, or have tentatively decided is that we're not going to
3 ram the election of school boards down every county where they
4 already have an appointed system that they like.

5 We are saying in this proposal that we're going to
6 ram down appointed superintendent because of the reasons as
7 given, and if the people then want to change their local
8 board to an elected system they can do it the way Senator
9 Starr mentioned.

10 MR. GRAHAM: I would hope they would want to change
11 and see that --

12 SENATOR STARR: Dave, in my county we elect both,
13 both the local board and the superintendent, and I have no
14 quarrel with that, it works well, but I think we could appoint
15 our superintendent as you're saying here and I would be
16 willing to accept it, it would work just as well.

17 DR. FULBRIGHT: Mr. Chairman --

18 CHAIRMAN GAMBRELL: This lady has had her hand up,
19 the one in the back.

20 A VOICE: I'm sorry, I just wanted to get a point of
21 clarification here, Mr. Hill, to clarify what Mr. Graham said,
22 and in answer to my question I would just like clarification
23 again if you don't mind.

24 We're then talking about a local school superin-
25 tendent being appointed by a local school board which is either

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1 appointed or elected or whatever, but to meet the
2 qualifications set by the state school board. Is that
3 correct?

4 MR. GRAHAM: By general law.

5 A VOICE: The legislature --

6 CHAIRMAN GAMBRELL: The legislature, they don't have
7 to pass a law, but they have the power to set uniform
8 qualifications.

9 A VOICE: What I'm trying to make sure I understand
10 then, we're still in the position then, that being the case
11 of the local school board then being in a unique position
12 in that it is hiring an employee who is not necessarily
13 answerable then to the local board as much as it is to the
14 legislature or the state board. Am I understanding this
15 correctly?

16 MR. GRAHAM: If you read this, it says the board of
17 education may prescribe the term of office, causes and method
18 of removal of the school superintendent.

19 A VOICE: I'm not talking about cause and method of
20 removal, I'm saying you can read in there that they have a
21 right to fire him even if he meets the qualifications.

22 MR. GRAHAM: They hire him, they fire him.

23 SENATOR STARR: Don't we have minimum qualifications
24 now for a superintendent by state law?

25 CHAIRMAN GAMBRELL: I think the possibility that the

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1 legislature would set such standards that the local board
2 loses its authority is very remote.

3 They're going to say he or she has to be 21 years of
4 age and has to have graduated from grammar school and a few
5 things like that. I mean if the local board wants to put some
6 higher qualifications it can do it.

7 MR. GREEN: I'm an appointed superintendent, and
8 I'm in favor of the appointed superintendency, and I serve in
9 a system where the board is elected. I like this arrangement,
10 and I espouse this arrangement. I would like to see all of
11 our school systems in Georgia operate the same way; however,
12 I don't know that it's in the best interest of locally
13 controlled schools to have a constitution state that this must
14 be done, in other words, as you put it, rammed down. I don't
15 believe we should ram down a local school system that the
16 superintendent must be appointed regardless of how the people
17 feel within that community.

18 Consequently I would say that I feel that I would
19 certainly want to be clearly understood that I believe that the
20 appointed superintendent and the elected board of education is
21 the best method, however, I do question whether we should put
22 that in our constitution and require that the superintendent
23 be appointed. I think that should be left with the local
24 people who are responsible for that school system.

25 Also the language in here that in the event that my



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1 point is not taken by this committee that at least the word
2 local be inserted where it says board of education, because
3 it can be misconstrued to mean state board even though it is
4 under a local area, there may be some question as to whether
5 the local board or the state board when we're talking about
6 setting whatever requirements are being set.

7 CHAIRMAN GAMBRELL: All right. I hope I didn't
8 offend anybody by using the term rammed down.

9 The constitution is for the purpose of setting
10 minimum standards, and if you do not feel that it is a
11 minimum standard that should be set statewide for the
12 election of local school superintendents, then you would
prevail.

14 The subcommittee feels that that is a minimum
15 standard which should prevail across the state.

16 MR. GREEN: As Senator Starr said, the elected
17 superintendent and the elected board seems to be working well
18 in some areas, and I believe the people in that community if
19 they were not happy with the way things were going, the law
20 allows for a change to be made.

21 CHAIRMAN GAMBRELL: This was one of the complaints
22 that was made in the beginning was that the law allowing the
23 changes to be made was too sticky and that we needed to go
24 ahead and make it a minimum standard.

25 That's the point we've arrived at is do we want to

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1 make a minimum standard out of this or not.

2 Yes.

3 MR. HENRY: Mr. Chairman, I would like to clarify
4 one thing that Senator STarr said. Where you say that all
5 local school superintendents shall be appointed here, as
6 Senator Starr pointed out that everyone would have an out,
7 that is the local constitutional amendment route. That
8 was the situation prior to I believe 1966 where you had --

9 SENATOR STARR: Excuse me. Now I don't believe
10 you could pass a local constitutional amendment that would
11 supercede the state. If you were to pass this in the state
12 constitution you could not pass a local that would supercede
this proviso.

14 MR. HENRY: In other words, if you say that all local
15 school superintendents shall be appointed in the constitution,
16 it shall be, then they can't change that by local
17 constitutional amendment.

18 SENATOR STARR: But they could change their method
19 on their local board members, because we're not saying how
20 they would do that. Do you follow me?

21 MR. HENRY: I see. So you wouldn't have the option
22 to change it to elected.

23 SENATOR STARR: That's right. A local constitutional
24 amendment cannot supercede -- correct me, Mr. Legal Man over
25 there -- isn't that right?



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1 MR. HILL: There's nothing in the constitution to
2 distinguish between general and local and to set up a
3 heirarchy, so really we couldn't say that I don't think.
4 There's never been any -- I agree with you that's the way it
5 should be, but I'm not so sure that that's the case at the
6 moment.

7 In any event, the whole issue of local constitutional
8 amendments is going to be dealt with by the Select Committee,
9 and I think the hope is that local constitutional amendments
10 will be prohibited.

11 SENATOR STARR: I have always traveled under the
12 general assumption that you cannot by local constitutional
amendment supercede the state constitution.

14 MS. GRAHAM: Mr. Chairman, getting back to our
15 position number 3, if you'll notice under notes under
16 discussion this committee voted three in favor of this
17 proposal and two abstained, so it was not a unanimous
18 decision, and I personally -- I'm not supposed to be saying
19 this, but I had some questions about dictating to the local
20 school systems in regard to appointing the superintendent
21 also, but I believe what our charge was was to come up with
22 a recommendation which would be ideal as far as quality
23 education in the state of Georgia was concerned, and I still
24 say that the people of Georgia will ultimately decide what
25 happens on this issue, so in my opinion it's just a



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1 recommendation and the people will either accept it or reject
2 it.

3 CHAIRMAN GAMBRELL: Yes, sir.

4 DR. FULBRIGHT: Mr. Chairman, this may seem like
5 trivia, but I'm an appointed superintendent and our board is
6 elected, but I have been in this position fourteen years and
7 I've never felt that I was free of politics, and I just want
8 to make that clear.

9 SENATOR STARR: You can be there fourteen more and
10 you won't.

11 CHAIRMAN GAMBRELL: All right. Yes.

12 MR. HENRY: Mr. Chairman, I don't want to belabor
the point, but I think to clarify that you can alter -- it's
14 not a local amendment, it's a general amendment of local
15 application that we're talking about.

16 MR. HARRRIS: The original 1945 constitution
17 provided that county boards of education would be selected
18 by grand juries and county school superintendents elected.
19 That was the flat provision in the '45 constitution.

20 There were 53 local amendments, general amendments
21 of local application which converted that to an elected
22 school board and an appointed superintendent, and then
23 following after that rash of local amendments then they
24 put in the constitution a general amendment the option, you
25 could have the board of education appointed by the grand



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1 jury or elected and do it the local law route as against the
2 constitutional amendment route, and there are many school
3 systems, several that are like yours where both the school
4 board and school superintendent are elected, so that unless
5 local amendments are otherwise prohibited then it could be
6 changed by a general amendment of local application.

7 SENATOR STARR: Robin, those are always suspect,
8 are they not? You can call it a population --

9 MR. HARRIS: It wouldn't be by population.

10 MR. GRAHAM: It would be by school district.

11 MS. DEADWYLER: Mr. Hill made an interesting
12 statement to me, I would like you to explain it for me if
13 you can, I'm sure you can. The hope is that local constitu-
14 tional amendments would be prohibited.

15 MR. HILL: Henceforth in the future, yes.

16 MS. DEADWYLER: What would that do to the local
17 people? Tell me what would that do, what would be the
18 political, legal ramifications of local constitutional
19 amendments would be prohibited.

20 MR. HILL: In the future. All existing local
21 constitutional amendments would be preserved, brought
22 forward if they were still valid. I mean it hasn't been --

23 MR. HARRIS: It's hoped that the constitution will
24 be made broad enough that those things that are now taken up
25 as local constitutional amendments could be done in the

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1 future as local bills subject to referendum instead of
2 amending the constitution.

3 We have 187 local constitutional amendments simply
4 on the subject of development authorities.

5 MS. DEADWYLER: Maybe I need to have defined to me
6 what local constitutional amendments are.

7 CHAIRMAN GAMBRELL: I think this is the problem.
8 The ability to have local option legislation will not be done
9 away with, it simply will not be constitutional. You can have
10 a local bill passed in the legislature and have it voted on
11 locally by referendum, it just won't be called a constitu-
12 tional amendment any more, but the process will be somewhat
similar to what it has been.

14 MR. HENRY: To follow that up, aren't you building
15 in inflexibility in this when you mandate they shall be
16 appointed?

17 In other words, you're saying that they shall be
18 appointed. By taking out the local option that we presently
19 have and assuming that we stop local amendments dead in their
20 tracks and say only amendments of general application shall --
21 or only general amendments to this constitution shall be
22 proposed, then you're going to have to vote statewide on
23 whether a certain county gets to --

24 MR. HARRIS: There won't be any more of those
25 amendments.

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1 MR. HENRY: So there is no out if you want to
2 change your superintendent.

3 MR. HARRIS: If this is ultimately adopted and if
4 local amendments are prohibited, that will be the provision,
5 period.

6 MR. HENRY: You couldn't go back to what you had
7 prior to 1945 where they were all general amendments and have
8 it voted on statewide whether a particular county was going to
9 change the superintendent?

10 MR. HARRIS: We don't know what the final result is
11 going to be.

12 MR. HENRY: Right. Assuming our proposal --

13 MR. GRAHAM: It goes back to the basic problem
14 we can't find our whole constitution, isn't that basically
15 it? It's not bound up in any one place, nobody knows --
16 you may know where it is, but it's so big and so cumbersome
17 that the idea was to streamline it, make it easy for people
18 to get done what they want to get done by local referendum
19 rather than having -- what do we have, how many amendments do
20 we have to the constitution, over 10,000?

21 MR. HARRIS: No, over a thousand. I mean it's not
22 a whole lot, just a little over a thousand.

23 MR. GRAHAM: Have you got it all bound up in a book?
24 This isn't it.

25 SENATOR STARR: It's 137 this year.



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1 MR. HARRIS: That's all, just 137.

2 SENATOR STARR: People are fussing about it, they're
3 tired of it, and we seem to be going to the contrary here
4 and saying "Let's let them vote, let's let them vote." They
5 tell me they don't want to vote, they're getting tired of
6 these 16, 18, 20 amendments to vote on every election, and
7 last time really we had a rebellion and they just voted
8 against the whole schmear.

9 MR. HARRIS: There were 36 then.

10 SENATOR STARR: That's right, and that's what
11 killed a lot of good amendments last time. Everybody knows
12 that, and that's what we're trying to do I think is get a
constitution --

14 CHAIRMAN GAMBRELL: I don't hear them saying they
15 don't want to vote, though. They don't want to be confused.

16 Let's take up issue number 5.

17 MS. GRAHAM: Just a minute, Mr. Chairman. We need
18 to go back and take under consideration Mr. Green's proposal
19 that we had under the alternative provisions on page 2,
20 Section V, Paragraph III, where he suggested under (a), line
21 4 -- okay, under (a) anywhere where it says board of
22 education in there, insert the word local, and I would like
23 to know what Mr. Chairman thinks about that word.

24 MS. HAGER: It's under Section V, it clearly states
25 local school systems in large letters.

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1 MS. GRAHAM: We were talking about the school
2 superintendent, and I believe Dr. Green's recommendation was
3 to add the word local board of education. Was that --

4 MS. HAGER: The whole way through it's all talking
5 about board of education and superintendents, all local.

6 MS. GRAHAM: Okay. Under Section V it does say
7 local school systems, so I guess that would correct it.

8 MS. HAGER: You would have to change every time it
9 says the board there, you would have to change it because of
10 that one time.

11 MS. GRAHAM: Okay. Let's move on to issue 5 then.
12 Should the constitution mandate the qualifications of board
members of independent systems and county systems be made
14 uniform, and in our committee meeting after noting the
15 Georgia Code allows for employees of the State Department of
16 Education to serve on school boards of independent systems
17 but not of county systems, those members present recommended
18 that this issue not be addressed in the constitution but be
19 left to the discretion of the General Assembly.

20 I believe that is self-explanatory, Mr. Chairman,
21 unless some other members of the committee have some comments
22 I have nothing further to add.

23 CHAIRMAN GAMBRELL: All right. Any comment on that?

24 All right, then. The last two paragraphs there,
25 would you explain what you've got?

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1 MS. GRAHAM: Attached please find provisions
2 recommended by the ad hoc committee as alternatives to the
3 language in the final draft dated October the 21st, 1980.

4 I simply think this refers to the things that we
5 have already mentioned.

6 CHAIRMAN GAMBRELL: That refers to the long sheets
7 here that are attached to that report which contain the
8 language of your recommended changes.

9 All right. Now this last paragraph relative to
10 Dr. Friedman --

11 MS. GRAHAM: We did not address this issue, Mr.
12 Chairman, and perhaps if someone chaired that particular
subcommittee or special committee, perhaps they would like to
14 comment on this.

15 MR. HILL: The subcommittee didn't address this
16 issue either. This came to the staff from Dr. Friedman and
17 Henry Neal of the Board of Regents as recommendations for
18 changes in their provisions, and they have set forth here for
19 your consideration -- I understand the Board of Regents wants
20 to make a statement about this and there may be others that
21 wish to address it.

22 CHAIRMAN GAMBRELL: Is there any discussion of that
23 question?

24 If I understand there is over here on the second
25 long page some language dealing with the university system.

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1 Is that a change from the draft that we had at the last
2 meeting?

3 MR. HILL: The change is in the underlined
4 provision referring to the filling of vacancies in subsection
5 (a). Henry Neal felt that there was some confusion about the
6 filling of a vacancy on the board of regents, and this
7 language would provide that a vacancy is to be filled in the
8 same manner as is provided for the board of education.
9 Presently both these boards have a provision that say that a
10 vacancy shall be filled by the board members until the next
11 session at which time the Governor shall appoint someone
12 subject to confirmation by the senate, and there was a
13 feeling in the state board of education and Henry Neal's
14 feeling with respect to this that all those appointments
15 should be by the Governor with the advise and consent of
16 the senate and make it uniform, so that's all this sub-
17 paragraph (a) would do.

18 Subparagraph (c) relating to the board is a
19 provision to add language into the lump sum appropriation
20 provision relating to the board of regents to state that all
21 appropriations already made or hereafter made for the use of
22 any or all institutions or other activities in the system
23 shall be paid to the board of regents in a lump sum.

24 Dr. Friedman -- and here's Henry now -- their
25 proposal is to add this language "or other activities" into



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1 the draft.

2 MR. NEAL: We have decided that the subcommittee
3 draft, that we would go with the subcommittee draft.

4 CHAIRMAN GAMBRELL: On Subparagraph (c)?

5 MR. NEAL: On the whole section dealing with --

6 CHAIRMAN GAMBRELL: So there's no suggestion
7 pending now that this underlined material be added?

8 MR. HILL: On the lump sum appropriation. How about
9 the vacancy provision, Henry, is it all right?

10 MR. NEAL: That's all right too since it's
11 contained in the other provision of the constitution that
12 this committee has already adopted.

13 CHAIRMAN GAMBRELL: Is there any other comment
14 relative to that?

15 Yes, Ms. Graham.

16 MS. GRAHAM: Not necessarily to that, I just had a
17 statement that I would like to put on the record in regard
18 to this subcommittee's work.

19 CHAIRMAN GAMBRELL: Let me see if there's any other
20 comments or questions in regard to the board of regents
21 provision.

22 Yes.

23 MR. STEVENS: Clark Stevens, Director of Office of
24 Planning and Budget.

25 Regarding Subsection (c) I would like to make a

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1 few comments on that if I could.

2 CHAIRMAN GAMBRELL: All right.

3 MR. STEVENS: Under the current constitution --

4 CHAIRMAN GAMBRELL: Do you have the draft from our
5 last meeting? I just want to be sure we're all talking about
6 the same thing.

7 MR. STEVENS: Page 4 of those long sheets?

8 CHAIRMAN GAMBRELL: Page 4 of -- and the lines you
9 will be referring to are what numbers?

10 MR. STEVENS: Subsection (c) I guess here.

11 CHAIRMAN GAMBRELL: Subsection (c) beginning at
12 line 5?

13 MR. STEVENS: Yes, all appropriations already made --

14 CHAIRMAN GAMBRELL: Okay.

15 MR. STEVENS: Under the current Georgia constitution
16 on this copy here there is a section that says the said
17 board of regents in the university system of Georgia shall
18 have the powers and duties as provided by law existing at
19 the time of the adoption of the constitution of 1945.

20 This wording here is picked up as currently exists
21 in the 1931 laws which makes it in the board of regents'
22 opinion part of the constitution. The attorney general has
23 never ruled insofar as we know on that.

24 This would place what's under general law now
25 directly into the constitution by approving this action here

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1 under section (c). It is my opinion that by doing so, by
2 placing it directly under the constitution it will disrupt
3 in my opinion a delicate balance that currently exists
4 between the legislature, the Governor's office and the board
5 of regents for object classifications in the budget process.

6 The current situation is that we appropriate to the
7 board of regents in personal services for all the institutions
8 and then in operating expenses in all the institutions and
9 the capital outlay for all the institutions; they then divide
10 those personal services as they wish without any further
11 control from the budgetary point of view to all the
12 institutions of the board of regents. The same thing would
apply to capital outlay and operating expenses.

14 There are some other activities or some other line
15 items such as amounts going to Eugene Talmadge Memorial
16 Hospital teaching institution in Augusta.

17 Now, by placing this provision directly in the
18 constitution it will raise many questions whether or not it's
19 currently constitutional, and in my opinion would very
20 quickly do away with object classifications for the board
21 of regents in a direct way.

22 Now, the board of regents in past years has not
23 chosen to ask the Attorney General the specific question at
24 issue because of the delicate balance that exists in
25 government at this time.

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1 Now, this is an issue all over the country, the
2 budget allocations and procedures for the different regents
3 in the different states, and I'm of the opinion that this will
4 break down the current delicate balance that we have and will
5 not be in the best interest of the legislature and Governor,
6 the board of regents or the state.

7 CHAIRMAN GAMBRELL: All right. Let me ask this
8 just as a matter of information.

9 Our subcommittee -- I presume this language that we
10 have in here is a result of our subcommittee's work on this
11 subject. Can someone on behalf, or maybe you or Vickie, Mel,
12 on behalf of the subcommittee state what the discussion
within the committee on that subject was, whether it was
14 debated and what the feeling of it was.

15 MR. HILL: Mr. Stevens is exactly right that this
16 arose because of the present language in the constitution
17 that says the board of regents shall have such powers and
18 duties as existing on the effective date of the '45
19 constitution, and such further powers and duties as provided
20 by law, so that there was some question as to whether those
21 laws that were on the books in 1945 gave a certain
22 constitutional status to the laws at that time as related to
23 the board of regents, so because it was unclear in everyone's
24 mind exactly what that did refer to we went back to those
25 laws in '45 to see which ones appeared to require

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1 constitutional status from the standpoint of the board and
2 the subcommittee, and it was decided there were three or four
3 of them, and the most important one is this one about the
4 lump sum appropriation, and Mr. Stevens is correct that if
5 this is approved then this question will be resolved in favor
6 of lump sum appropriations to the board of regents, and we
7 heard from Dr. Friedman himself who made a lengthy presenta-
8 tion at the first meeting of the subcommittee to explain the
9 reason why this was what went on in the past and has
10 protected the system, and I think they may have some things
11 to say in that regard, the representatives of the board that
12 are here.

In any event that's why this is here, is to clarify
14 an existing ambiguity in the constitution.

15 CHAIRMAN GAMBRELL: I make this question because
16 while we are here to hear anything anyone wants to say I
17 have some concern about going back over something that our
18 subcommittee on this subject has evaluated, if they have
19 looked specifically at the issue and passed on it and it was
20 not made an issue for further consideration so that the
21 subcommittee would be prepared to deal with it.

22 I do want if that is accurate to look at this as a
23 matter which has already been digested by our subcommittee
24 and thought through and this is the recommendation, and
25 certainly if we want to debate it further we're open to do

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1 that, but it is not our subcommittee's recommendation that we
2 change from where we are.

3 MS. HAGER: Our recommendation was as is stated
4 here. We did spend a good bit of time, we heard from a
5 number of people and discussed it among ourselves.

6 CHAIRMAN GAMBRELL: Did Mr. Stevens or someone from
7 the budget department have a chance to be there?

8 MS. HAGER: No, they had -- I guess they had a
9 chance, but they were not there. I don't know whether we
10 contacted someone directly at the budget, but they knew from
11 the Department of Education that we were having the board of
12 regents.

13 CHAIRMAN GAMBRELL: All right. Does anyone else
14 have any comment, does any member of the committee have any
15 statement or question?

16 I believe there are representatives of the board of
17 regents here. If they would like to be heard, Mr. Neal, you
18 were --

19 MR. NEAL: First may I introduce the vice-chairman
20 of the board, Mrs. Marie Dodd, also Mr. Shealy McCoy who is
21 vice chairman and comptroller, Roger Mosshart who is the
22 director of budget, and Dr. Dean Propst who is vice
23 chancellor.

24 Chancellor Crawford could not be here today
25 unfortunately, and Mr. Friedman who is on this committee

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1 asked me to express his regret to you at his being unable to
2 attend because of a long standing prior engagement. It was
3 my fault, I told him that the meeting was going to be held
4 on the 23rd, and it was held on the 21st.

5 Also Mr. Plunkett wanted to be here very badly,
6 but he had a meeting he could not avoid over in Bowden.

7 Thank you for this opportunity of appearing before
8 you. I don't think we wish to speak to the issue which
9 appears to be on the floor at the moment, that simply is
10 whether or not the full committee wants to follow the
11 recommendations of the subcommittee, but we do have if the
12 issue comes open for further discussion a statement which
13 Mr. McCoy would like to read to the committee and also
14 distribute to the members of the committee should the issue
15 as to section (c) arise.

16 CHAIRMAN GAMBRELL: I certainly don't want to
17 foreclose any debate or any member of the committee making a
18 recommendation to change the draft or what have you. I did
19 want to get clearly in front of us whether or not the issue
20 had been previously discussed and what the recommendation of
21 our subcommittee was about it before we got into it.

22 Was there any other question or discussion about
23 this?

24 Incidentally it's been an issue and is an issue
25 every time the legislature meets, so it's not something that

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1 has just come up.

2 Any other question or discussion? My idea about
3 this whole subject as to how we proceed would be to assume
4 that there is a motion, or I ask for a motion that the draft
5 that we have before us last time be adopted, and then suggest
6 this committee if it's so disposed propose that their changes
7 be added to the draft, and that we will take up each proposed
8 change and discuss it further if you like and then vote on it
9 as to whether to make that change, and then to take up any
10 other changes, and if someone wants to make Mr. Stevens'
11 point and have that change made we can do that, but it seems
12 to me to be a way to get the language into our final draft.

13 DR. FULBRIGHT: Mr. Chairman, are you talking --
14 is this the draft that we had before and we're going to
15 incorporate the changes here? Is that the situation, Mel?

16 MR. HILL: The October 21st draft is identical to
17 the last draft you had with one small exception, and it was a
18 language change in subparagraph (c) of Section II which was
19 just taking the as provided by law provision and moving it
20 forward, so that this draft is the same as the earlier
21 draft.

22 CHAIRMAN GAMBRELL: Let's get it again.

23 DR. FULBRIGHT: What we're doing is taking this
24 and adding it to this, right?

25 MR. HILL: Yes, that's right.

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1 CHAIRMAN GAMBRELL: Let's be sure that we understand
2 what we've got, if everyone has a draft which says October
3 21st, 1980, that is what we had in front of us at the last
4 meeting with one exception, and give us that again.

5 MR. HILL: That's in Section II, Paragraph I(c) on
6 page 2 --

7 CHAIRMAN GAMBRELL: Line 15?

8 MR. HILL: Yes, line 15 where the as provided by
9 law clause was moved from the earlier draft. It's just a
10 technical modification.

11 CHAIRMAN GAMBRELL: Just a clarifying grammatical
12 change, but not a substantive change.

13 Now, if I understand it, one of the recommendations
14 is to strike that whole subparagraph out.

15 MR. HILL: Yes, that's right.

16 CHAIRMAN GAMBRELL: Okay. My suggested procedure,
17 and if anyone has a better procedure I'll be glad to follow
18 it, would be to take this draft that we had last time and let
19 the committee propose the changes that they have been reporting
20 on here today, and if there are any other proposed changes
21 that they be made as specific proposals to this draft so that
22 when we finish today we will have our final draft hopefully,
23 and if there's something still to be discussed or acted on
24 we'll know what it is.

25 Yes, sir.

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1 MR. GRAHAM: Mr. Chairman, is it procedurally correct
2 if I were to make a motion that we approve the final draft
3 dated October 21, that I could then make a motion to amend
4 my own motion?

5 CHAIRMAN GAMBRELL: Oh, yes. I simply want to get
6 the basic proposal from last time before us. Do you make that
7 motion?

8 MR. GRAHAM: Yes, sir, I do.

9 MS. HAGER: I second the motion.

10 CHAIRMAN GAMBRELL: All right. We will follow that
11 procedure, and I can't say everything I'll do will be
12 strictly in accordance with Roberts Rules of Order, but I'll
do the best I can.

14 We have this draft proposed for adoption and it's
15 now open for proposed changes. I will ask Ms. Graham as
16 acting chairman if she has, if you have any motion from your
17 committee deliberations you would like to make, and I'm going
18 to suggest unless you prefer to do otherwise that we take
19 them up one at a time rather than all at the same time.

20 DR. FULBRIGHT: Mr. Chairman, I would like to ask a
21 question for clarification.

22 CHAIRMAN GAMBRELL: Yes, sure.

23 DR. FULBRIGHT: It's on taxation, and it was not one
24 of the issues brought today. Am I assuming that independent
25 school systems are under the same system of taxation as



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1 county systems, Mel?

2 MR. HILL: There's a grandfather provision to
3 carry forward the existing method of certification that's now
4 used in every system; there would be no change, there would
5 be no mandated procedure to in fact bring everyone into the
6 fold, into conformity.

7 When we get to that provision I'll be happy to go
8 into it further.

9 DR. FULBRIGHT: Okay.

10 CHAIRMAN GAMBRELL: All right, Ms. Graham.

11 MS. GRAHAM: Okay. As Vice-Chairman of the
12 subcommittee I propose under Article VIII, Section I,
Paragraph I, that it be approved as written, and I would ask
14 Mr. Graham to please read this.

15 MR. OWENS: State that location again of your
16 amendment.

17 CHAIRMAN GAMBRELL: This is in Section I, Paragraph
18 I on the first page, the committee's issue number 1 to
19 restate Paragraph I on page 1.

20 Mr. Graham.

21 MR. GRAHAM: Mr. Chairman, the restated provision
22 would read in full: Section I, Paragraph I, Public
23 Education, Educational Opportunity without Discrimination,
24 Free Public Education Prior to College, Support by Taxation.
25 A general diffusion of knowledge being essential to the



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1 preservation of the rights and liberties of the people, it
2 shall be the goal of the state of Georgia to provide all
3 citizens the opportunity for educational development to the
4 limits of his or her capability without discrimination.
5 Public education for the citizens prior to the college or
6 post-secondary level shall be free, the expense of which shall
7 be provided for by taxation. The expense of other public
8 education shall be provided for in such manner and in such
9 amount as may be provided by law.

10 CHAIRMAN GAMBRELL: If I see what is proposed, the
11 first long page attached to the committee's report has that
12 full text that he has just read, and that will be substituted
for what is on the October 21st draft.

14 If you will look at the top of the first long page
15 attached to the committee's draft you will see the entire
16 new language.

17 If I understand from reading that, essentially
18 what's happened is that the first three lines of the new
19 draft are new, and the balance of it is substantially the
20 same as it was, that is, a general diffusion of knowledge
21 being essential to the preservation of the rights and
22 liberties of the people, it shall be the goal of the state
23 of Georgia to provide all citizens the opportunity, and the
24 rest of it pretty well incorporates what was in the first
25 draft.



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1 MR. GRAHAM: Yes, sir. There were two changes,
2 the general introductory first phrase, and the change where
3 we said it shall be the goal of the state. We changed that
4 where before we had had the words ideally providing.

5 CHAIRMAN GAMBRELL: All right. Is there any further
6 discussion of that provision?

7 MR. GREENE: Mr. Chairman, do you propose to accept
8 each section as we go through it, or will we listen to all the
9 alternatives proposed?

10 CHAIRMAN GAMBRELL: Of course, it's open to be done
11 any way anyone makes a proposal that we do it.

12 SENATOR STARR: I would suggest we adopt it section
13 by section, Mr. Chairman.

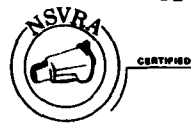
14 CHAIRMAN GAMBRELL: I had hoped that we would take it
15 up section by section the way we're doing it for some
16 discussion on this. If there is an alternate proposal, I
17 think we ought to have that put out on the table and acted on.

18 Yes, Ma'am.

19 MS. DEADWYLER: At the last meeting one of the
20 things that was a question in my mind was this terminology
21 without discrimination, and the statement was made in one of
22 the meetings that these words mean something specific in the
23 legal realm that nothing else will cover.

24 In studying the material, the source material, I
25 learned that no state in the United States has this

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1 terminology in its preamble such as this, and I was wondering
2 what are those specific things that this means that no other
3 statement means so we might more intelligently look at it,
4 and too it says the primary obligation of the state of
5 Georgia will be public education of the citizens.

6 Will that mean that the state has the primary
7 obligation over the family? Those two things.

8 CHAIRMAN GAMBRELL: No, I don't think -- It's
9 talking about what the state's obligations are, that that is
10 a high priority item for the state, it doesn't mean to the
11 exclusion of anyone else.

12 MS. DEADWYLER: Could we have a definition of
without discrimination, a legal definition?

14 CHAIRMAN GAMBRELL: Does the committee have any
15 comment on that? I think this was discussed before.

16 MR. GRAHAM: This has been discussed, and I think
17 the subcommittee recognizes that it can't fully define those
18 words without discrimination, because there are probably a
19 number of ways people might feel they're discriminated
20 against, and the courts would agree that there might be
21 discrimination in some cases and not in others, but certainly
22 the words would mean on the basis of your race, your
23 religion, your sex, your age and the other terms that are
24 normally associated with the words without discrimination.

25 MS. GREENBERG: Mr. Chairman, two points.



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1 Without discrimination is an evolving term and
2 therefore the committee decided they did not want to list
3 the types of discrimination.

4 Secondly, there are other states that have similar
5 terms. For example, the state of Washington has the phrase
6 it is the paramount duty of the state to make ample provision
7 for the education of all children without distinction or
8 preference on account of race, color, caste or sex.

9 MS. DEADWYLER: Mr. Chairman, I would like to not
10 really belabor the point, but why do we really want to put in
11 those words without discrimination if we can't define them?

12 MS. HAGER: I think he did define them. I think his
point, no matter what you put in here it depends what the
14 court -- You know, you can have -- can't predict what the
15 court is going to take the term to mean. Isn't that what
16 you're saying?

17 He did define it, it does include race, religion
18 and so forth.

19 MR. GRAHAM: I believe that the important thing here
20 is to recognize that every school child in the state of
21 Georgia ought to enjoy the opportunity for education without
22 any type of discrimination, and I think that's what we are
23 really trying to say.

24 A VOICE: May I make a comment?

25 CHAIRMAN GAMBRELL: Yes.

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1 Give your name, please.

2 MR. LASSETER: Ike Lasseter from Atlanta.

3 It seems to me the purpose of the state constitution
4 is to establish what the courts will rule on, and not the
5 other way around, that the constitution has to change
6 according to some interpretation by a judge of a vague
7 provision. I think the constitution should be the governing
8 document, and not the court.

9 A VOICE: Given the wording here that it shall be
10 the goal of the state of Georgia to provide all citizens the
11 opportunity for educational development to the limits of their
12 capabilities without discrimination, and if we define
13 discrimination in the terms that Mr. Graham has indicated
14 then are we going to then relegate our responsibility for
15 freedom of choice with regard to educational opportunity to
16 the state of Georgia? Do I interpret that from this draft?

17 CHAIRMAN GAMBRELL: I wouldn't think so, but I'll
18 leave that to the committee to judge.

19 A VOICE: Is this not in conflict with a higher
20 constitution which is our United States constitution at this
21 point in time?

22 CHAIRMAN GAMBRELL: I don't know if we got past
23 that.

24 A VOICE: Is this new language?

25 MR. HILL: Yes. Yes, it is.



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1 CHAIRMAN GAMBRELL: Do we have the language from the
2 present constitution?

3 MR. GRAHAM: The present constitution is pretty
4 much -- it starts at the second sentence, the first sentence
5 is new language.

6 CHAIRMAN GAMBRELL: The provision of an adequate
7 education for the citizens shall be a primary obligation of
8 the state of Georgia, the expense of which shall be provided
9 for by taxation. That's the way it reads.

10 MR. GRAHAM: I call the question, Mr. Chairman.

11 CHAIRMAN GAMBRELL: Is there any other discussion
12 by members of the committee?

13 The question has been called. All in favor of
14 adopting the change that has been put forward by the sub-
15 committee say aye.

16 All opposed no.

17 All right. That change will be inserted into the
18 draft.

19 Now, Ms. Graham, going back to --

20 MS. GRAHAM: Let's just follow the proposal here
21 under issue 2. Since I did not realize that I was going to
22 be the chairman of this particular section today, either we
23 could do this -- since Mr. Graham to my left is an attorney
24 I might turn my job over to him at this point since he is
25 more familiar with this type work.

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1 CHAIRMAN GAMBRELL: All right. Mr. Graham.

2 MR. GRAHAM: The subcommittee makes the motion then,
3 your Honor, that the phrase which is underlined in the
4 alternative provisions portion which is the recommendation
5 unanimously of the subcommittee and which is the compromise
6 language on the appointment-election issue as to the state
7 board of education, that we recommend that the proposal now
8 on the floor be amended by inserting the words "Provided that
9 members shall be subject to removal from office upon the
10 affirmative vote of a majority of the qualified voters of
11 their congressional district voting thereon in a referendum
12 called pursuant to the method provided for the recall of
13 public elected officials," and that that additional language
14 be inserted at the end of the sentence which begins "Members
15 shall serve until their successors are appointed and
16 qualified," and with that one addition there will be no
17 other change in the proposed paragraph (a) of Section II,
18 Paragraph I.

19 CHAIRMAN GAMBRELL: All right. That is on the first
20 long page of the committee's report under Item number 2,
21 Section II, Paragraph I, State Board of Education.

22 The provision as I understand it that is set out
23 there is what was contained in the last draft with those
24 four underlined lines added, and your motion is to adopt that
25 change, and that change is the so-called compromise recall

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1 type election on members of the state board.

2 Is there any further discussion of that?

3 Yes, Ma'am.

4 MS. HEDRICK: May I ask a question? Does this mean
5 that the appointment of the state superintendent and the state
6 board is already agreed upon unanimously by the committee?

7 I did not understand that from some of the discussion
8 earlier.

9 CHAIRMAN GAMBRELL: I think the draft containing
10 that language came from the original committee on this
11 subject, and at our last meeting there was further concern
12 expressed about the desire for some elective process, and
13 that was referred back to this committee and they have come
14 up with this addition, so I think the answer to your question
15 is yes, that was the proposal of our committee at the last
16 meeting subject to whatever this committee did, and this is
17 what this committee has done.

18 MS. HEDRICK: Could I just make a comment at this
19 point?

20 CHAIRMAN GAMBRELL: Sure.

21 MS. HEDRICK: I wanted to make it when we were
22 looking at issue number 5 and 3, issue number 3. It seemed
23 that most of the committee members when the spoke favored
24 the appointment of a local school superintendent but the
25 election of the local board. That seemed to me the ideal



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1 situation, many people said that was the ideal situation.

2 I find it very hard then to go back and say that
3 just because of practical, and really it comes down to money
4 matters, that when we're talking about the state superintendent
5 and the state board we revert back to strictly an appointed
6 superintendent and an appointed board.

7 There seems to be a consensus that on the local
8 level we need to have a balance there, and yet the only
9 consideration that I heard that was a practical consideration
10 was we could not have an elected state board because it would
11 be so very difficult and expensive, and yet there were other
12 alternatives presented by Mr. Hill, and I feel as a parent
13 with children in the system from grammar school to high
14 school that the issues in education today are such that if
15 we do not have some input, some direct input at the state
16 level because the state really is over the local boards to a
17 certain extent -- in fact, I've been told many times that
18 this has to be in the curriculum because it's mandated from
19 the state.

20 I would just like to say at this point that I think
21 we're really putting money matters or practical matters --
22 and someone used the idea of the balance while ago -- I
23 think we're really putting practical matters over concern
24 for the real issues of education today for the children.

25 CHAIRMAN GAMBRELL: Let me say that what's been

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1 said about what was practical I don't think was a money
2 matter, I think it was the voice of some experienced people
3 in politics that what you would come up with is worse than
4 what we've got now rather than better. That may be a matter
5 of judgment, but that people want to do what you want to do
6 and think that this system is better than what we've got and
7 would be better than to have the so-called elective process.
8 That's just a difference of opinion about how to get what
9 you want rather than a difference of whether money is more
10 important than issues.

11 Is there any other comment on this subject?

12 We have had quite a lengthy discussion from day one
13 on this. The first thing we ever did was this very question
14 here, and these folks have got a solution that they have
15 agreed on.

16 Any other discussion?

17 MR. GRAHAM: I call for the question.

18 CHAIRMAN GAMBRELL: The question has been called.

19 All in favor of adopting this amendment as proposed
20 by the subcommittee to add this language to Section II,
21 Paragraph I, please say aye.

22 All opposed no.

23 The motion carries with one dissent, and it will be
24 inserted in the committee's draft.

25 Next.

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1 SENATOR STARR: Dave, as a matter of just clarification
2 tion for some of our visitors here today who haven't been
3 here before, referring back to the language in the Paragraph I,
4 the hours, the meetings, the time that that terminology has
5 been changed and rechanged and talked about and voted against
6 by me on several occasions, and finally assuming that this was
7 the least offensive way to put it in was what was agreed on
8 by the committee and knowing full well it's got further
9 routes to travel as has been pointed out before, to the
10 Select Committee, to the General Assembly and finally to the
11 people, and this while it might seem offensive today, believe
12 me it's so much less offensive to a lot of us who just
13 couldn't buy it the way it originally started out. This is
14 in fact another compromise, and I think the people deserve
15 that sort of an explanation who hadn't maybe been in on the
16 whole process.

17 MR. OWENS: Mr. Chairman, could I make another
18 point of clarification just for -- I know we have been
19 through this and been over it a lot, and we get tired of
20 hearing it, or some get tired of even talking about it, but
21 the young lady spoke a few minutes ago, I can understand
22 her point, it is true that we feel, most of us feel that,
23 on the subcommittee as well as on the full committee that
24 if it were possible to elect both the superintendent -- I
25 mean not the superintendnet, but appoint the superintendent

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1 state and local and to elect the local board, that if that
2 were feasible -- We have been over it pretty extensively,
3 we came up with a compromise with the state board, and as
4 you remember although our feelings on the local board was of
5 the nature, we came up also with a compromise for the local
6 board by leaving it to their own decision on the local level.
7 That too was a compromise, so we compromised on both levels
8 rather than compromising on one and leaving the other open.
9 You remember the discussion that happened even this morning.

10 The reason I wanted to make the statement is
11 because from yours I interpreted the fact that we made a
12 compromise on one and did not make a compromise on the other,
but we made a compromise on both.

14 MS. GRAHAM: Mr. Chairman, I think it might be
15 important for me to point out -- I hate to admit this to you,
16 but I am in politics presently running for the local county
17 school board, and this is the first time in 170-some years
18 that the people of our county have had an opportunity to vote
19 on an elected school board, and I promise you that finding
20 money to run for an office can be very difficult, and I do
21 not know whether this is because this is the first time ever
22 to have a local election or not, but I did win the primary,
23 I had opposition then, I did get money donated to win that
24 primary, but quite frankly it's very difficult for me right
25 now to have people mail me checks to help me finance my



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1 campaign, and I guess that was one reason that I ended up
2 having to compromise after taking such a stand on having one
3 or the other elected, and I think that is a very important
4 point.

5 I do agree though that you might compromise in
6 another direction and reward the state school board members
7 for serving in that job, and therefore they might borrow
8 against that little salary that they might get in order to
9 run.

10 I just thought that was important to point out.

11 CHAIRMAN GAMBRELL: I thought you and Mr. Graham
12 would be too modest to say so, but she has been making your
13 point ever since day one here, and she has also made this
14 other point I think very well that even in one county for a
15 person to make this race is a very difficult thing, and it
16 may wind up in the hands of somebody that you wouldn't want
17 to see there simply because they did have the money in their
18 own pocket or for some reason or other were willing to sell
19 their position for a campaign contribution.

20 MS. GRAHAM: People are saying to me "Oh, you've
21 got it wrapped up, you don't have any problem." Well,
22 there's a certain strategy in politics that you have to
23 follow, and if you don't have the financial means to follow
24 that strategy you're up a creek, and there's just no doubt
25 about it.

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1 CHAIRMAN GAMBRELL: All right. Next issue.

2 Mr. Graham back to you.

3 MR. GRAHAM: I think I'm going to switch 4 and 3 to
4 keep it in order along the draft.

5 On page 2 of the draft which is now before us for
6 consideration which we're in the process of amending, the
7 subcommittee recommends that Paragraph (c) on page 2 which
8 is Paragraph (c) of Section II, Paragraph I, be deleted in
9 its entirety, and I assume therefore that what are
10 Paragraphs (d), (e) and (f) would become (c), (d) and (e),
11 and we would delete from the proposed draft language
12 Paragraph (c) "The state board of education, as provided by
13 law, may establish minimum educational standards for all
14 students prior to the college or post-secondary level, and
15 may provide for the enforcement of such standards."

16 CHAIRMAN GAMBRELL: All right. That motion has been
17 made. Is there a second to it?

18 SENATOR STARR: Second.

19 CHAIRMAN GAMBRELL: Any discussion of that, to
20 eliminate what is Subparagraph (c) of Section II, Paragraph I
21 on line 15 of page 2 of the draft, to strike that out in its
22 entirety?

23 Any more discussion of that?

24 A VOICE: What were the reasons for that, may I ask?

25 CHAIRMAN GAMBRELL: My understanding was that that



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1 duplicated language in (b) as to what the state board's
2 powers were; under (b) the General Assembly defines the
3 powers and duties of the state board, and so under (c) there
4 was no need to state a specific power which might memorialize
5 something in the constitution that the General Assembly ought
6 to have power to change.

7 A VOICE: Where would we read what (b) refers to?

8 CHAIRMAN GAMBRELL: Where would we read that?

9 That would be in the legislation, the acts of the legislature.

10 MR. GRAHAM: If I can answer the gentleman's
11 question a little bit better, when we looked at Paragraph (c)
12 which was various times during the course of trying to come
up with this in and out of the constitution, we had some
14 severe language difficulties with that too as to what we meant
15 by minimum, what we meant by for school children, should it
16 be for institutions; we found it was vague, we found it was
17 controversial, and we also found that it might impinge upon
18 the free exercise of religion by having it in there, we
19 would rather let the legislature look at that, so we
20 recommended we take it out.

21 MS. GREENBERG: The other thing to note is that
22 provision I(b) is the present provision in the present
23 constitution, so it's not changing anything. The power is
24 already in the General Assembly to delegate the power to the
25 board of education.

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1 CHAIRMAN GAMBRELL: All right. If there is no
2 other discussion, I call the question.

3 All in favor of that change please indicate by
4 saying aye.

5 Opposed no.

6 That change carries, and so Subsection(c) is struck
7 out, and that carried with it the changes of subparagraph
8 numbers after that, (c), (d) and (e) rather than (d), (e)
9 and (f).

10 All right, Mr. Graham or Ms. Graham.

11 MR. GRAHAM: If you will turn to page 5 of the
12 proposed draft, the Paragraph III which begins at line 18
13 concerning school superintendents -- I'm speaking now of
14 local school systems -- we recommend that the paragraph III
15 of Section V be deleted in its entirety, that is lines 18
16 through 22, and that we substitute there a new paragraph III.

17 This new Paragraph III is found on the second page
18 of the alternative provisions of the committee report, and it
19 reads -- it has two subparagraphs, the first one says:

20 "There shall be a school superintendent of each system
21 who shall be appointed by the members of the board of
22 education of such school system. The school superintendent
23 shall be the executive officer of the board of education
24 and shall have such qualifications, powers and duties as
25 provided by general law, but the board of education may



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1 prescribe the term of office and causes and method of removal
2 of the school superintendent."

3 And Paragraph (b), "All school superintendents in
4 office on June 30, 1983 shall serve out the remainder of
5 their respective terms. As each term of office expires,
6 a successor shall be appointed as provided above."

7 The gist of this is again that we are recommending
8 that all local school boards have appointed school superin-
9 tendents.

10 The change is that the provision in the present
11 draft allows the school superintendents to be selected as
12 provided by general law.

13 CHAIRMAN GAMBRELL: All right. Is there any
14 further discussion on that?

15 MR. GREEN: I would like to point out, not to
16 belabor the situation, but as we look back there at the
17 statement having to do with the state board of education,
18 each time the board of education is named it says state
19 board of education, and the reason I pointed that out was
20 because of a local situation where we got into a problem of
21 determining whether or not the board of education meant that
22 board of education or other boards of education, and it's
23 become a point of litigation, and also has called for opinions
24 of the Attorney General and so on, so my comment about putting
25 local in there simply was a reflection on some past experience

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1 in relation to that even though it's under a subsection
2 clearly identified local, there still has been a great deal
3 of money spent clarifying whether or not you mean local
4 board, this one right here, or the one next door or the state
5 board of education, so that was the only point that I would
6 make there.

7 MR. OWENS: Mr. Chairman --

8 CHAIRMAN GAMBRELL: Yes, sir.

9 MR. OWENS: -- even though that is under the section
10 that was read that said school superintendents, could that in
11 any way if we were saying -- this is a question -- refer to
12 even the state superintendent since he is a school
superintendent? Could it be -- I'm trying to --

14 MR. HILL: I think you would have to give the court
15 some credit.

16 MR. OWENS: You give them credit, but even at times
17 we take small things and the courts can make a lot of it,
18 the same way in a case not too long ago -- and excuse me for
19 bringing it up -- on double indemnity, they said that drinking
20 yourself to death was an accidental death. I'm just trying
21 to show how they grab little things.

22 Can we grab something here and just make something
23 out of it at a time that might cause a lot of confusion?

24 If I'm in order, I would like to amend that by
25 adding local to the areas that were clarified.



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1 MR. GRAHAM: I have no objection to that.

2 CHAIRMAN GAMBRELL: Where would the word local be
3 put?

4 MR. OWENS: It could really be put under the
5 Section V, Paragraph III could be put as the local school
6 superintendent, and there shall be a local school superin-
7 tendent of each system, a local board of education, a local
8 school superintendent -- I'm just reading down as I see the
9 points where it could be placed. I don't think it would change
10 the language or the grammatical structure of the sentence.

11 CHAIRMAN GAMBRELL: Does your suggested change just
12 relate to that subparagraph, or might it require that we go
through -- and I will ask Mr. Graham this -- this whole
14 section and --

15 MR. OWENS: It relates to that addition that's being
16 put in there, that's all.

17 CHAIRMAN GAMBRELL: And make that distinction
18 throughout, in other words. I think if you make it at one
19 place and don't make it at some place else, then it really
20 will look queer.

21 MR. OWENS: Whatever needs to be done in order to
22 clarify it. I can see his point there, and I have run into a
23 lot of little minor points on that even using other kinds of
24 words that was not a complete thing that identified it. We
25 would be dealing with associations, and they said association,

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1 which association are we talking about, and without saying
2 what --

3 CHAIRMAN GAMBRELL: The concern you're expressing
4 is valid. I want to be sure that we don't stick it in one
5 place and not be consistent throughout with the use of such
6 terminology and then really create some confusion.

7 MR. GRAHAM: Mr. Chairman, I was wondering if it
8 wouldn't be possible -- this is more an editorial or house-
9 keeping thing, that we could just approve in general that
10 the staff could make these clarifications without us doing it
11 word by word.

12 CHAIRMAN GAMBRELL: To be sure that we distinguish
13 between the state superintendent and the local superintendent.
14 Would that be satisfactory?

15 MR. OWENS: That would be satisfactory.

16 SENATOR STARR: I think everyone understands what we
17 want. If we start putting a word here and there we're going to
18 mess up.

19 MR. GREEN: My comment, Mr. Chairman, was only in
20 reference to one place here, and that was after the comma,
21 but the board of education may prescribe and so on, right
22 there is where I was adding local.

23 I think that there are other descriptive words that
24 are used to identify that we're talking about a local school
25 superintendent and so on; my concern is whether it would be

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1 the state board setting requirements and then someone asking
2 the question is this the local board or is it the state board.
3 We could settle that matter right now and say local board
4 right at that one juncture.

5 I think the rest of it, you know, as far as I'm
6 concerned --

7 CHAIRMAN GAMBRELL: Is that in the last phrase of
8 Paragraph (a), but the board of education may prescribe,
9 you want to say but the local board of education?

10 MR. GREEN: Yes, sir. That's the only place I had
11 a question about it.

12 CHAIRMAN GAMBRELL: Do you want to propose an
amendment to that effect to this provision?

14 MR. GREEN: Yes, sir, I would propose the amendment
15 to add to the statement the word local preceding the word
16 board immediately following the comma there, but the local
17 board of education may prescribe the term of office and
18 causes and method of removal of the school superintendent.

19 MS. GREENBERG: Since we have never used the term
20 local in this entire draft, could I recommend that we say
21 but the board of education of each system.

22 MR. GREEN: Yes, that would be perfectly acceptable
23 to me.

24 MS. GREENBERG: That would clarify it.

25 CHAIRMAN GAMBRELL: All right.



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1 MR. OWENS: You say of each system?

2 CHAIRMAN GAMBRELL: If there is no objection to that
3 change, we will adopt it. Is there any objection?

4 All right. The word local has been inserted after
5 the words but the --

6 MR. HILL: No, it's changed to say the board of
7 education of each system.

8 CHAIRMAN GAMBRELL: Okay, of each system.

9 MR. HILL: -- may prescribe.

10 CHAIRMAN GAMBRELL: State that out where everybody
11 can get it down.

12 MR. HILL: "...but the board of education of each
13 system may prescribe the term of office and causes and method
14 of removal of the school superintendent."

15 CHAIRMAN GAMBRELL: All right. Now going back to
16 the proposal itself which is to adopt the language in the
17 committee report, Section V, Paragraph III, School
18 Superintendents, with the change just made to the draft, any
19 further discussion of that?

20 I might say just so everyone will be clear if I
21 understood Ms. Graham this proposal was not unanimous with
22 the ad hoc committee, but it was a vote of three in favor
23 and two abstentions.

24 Yes, Ma'am.

25 A VOICE: Mr. Gambrell, by inserting the words

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1 of each system, the board of education of each system, does
2 that not then leave this open again to open interpretation as
3 to which board of education would then be responsible to that
4 system?

5 I think "local" inserted after "but the" would be
6 much clearer in terms of using this document as a basis for
7 court decisions.

8 CHAIRMAN GAMBRELL: Well, you are now showing us
9 how lawyers make money.

10 I'm willing to --

11 MS. WALTON: I think the committee has already made
12 that approval. I suggest we go with what our committee has
suggested.

14 CHAIRMAN GAMBRELL: Go back to what the committee
15 suggested?

16 MS. WALTON: I'm saying rather than -- the comment
17 she made is well taken, but we have already approved that we
18 put of each system, and I think that's sufficient.

19 MS. HEDRICK: The word local is in here under
20 Section V, the word has already been used on Page 4. If you
21 look at your document it says local school systems. Section V,
22 Local School Systems. That's as clear as mud.

23 SENATOR STARR: That's the point I made earlier.

24 MS. GRAHAM: It's listed as local school systems.

25 SENATOR STARR: Everything under there deals with

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1 local school systems.

2 MS. GRAHAM: I think we could probably debate
3 different words all day long.

4 CHAIRMAN GAMBRELL: I am open to a new motion from
5 a member of the committee. As it stands now it has been
6 modified by inserting the words "of each system" after board
7 of education.

8 If you want to change that, I'll need a new motion
9 from the floor.

10 MR. GREEN: I'm satisfied.

11 MR. GREENE: I think it's satisfactory as it has been
12 proposed.

CHAIRMAN GAMBRELL: You mean without the change?

14 MR. GREENE: With this change. We have already
15 voted to accept this change.

16 CHAIRMAN GAMBRELL: Is there a motion from a member
17 of the committee that we make a further change?

18 All right.

19 MR. HILL: I have to point this out. Paragraph IV
20 will change also. Did you point that out, John?

21 MR. GRAHAM: After we got through with this I was
22 going to bring that up. We would have to delete references
23 to superintendents in IV.

24 MR. HILL: The present draft of the committee as
25 approved grandfathers in the existing method of selecting

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1 the local boards and the existing method of selecting the
2 local superintendent, and this change if this change is
3 agreed to as recommended by the ad hoc committee then
4 Paragraph IV will have to be modified to reflect that.

5 MR. GRAHAM: You would have to reflect that by
6 deleting superintendents from Paragraph IV because we've got
7 grandfathered the superintendents into Paragraph III. We
8 have just moved it up a notch.

9 I think we need to vote on Paragraph III or have
10 more discussion on it.

11 CHAIRMAN GAMBRELL: All right. We're dealing with
12 Paragraph III still with this slight modification.

13 The committee's recommendation by a vote of three
14 with two abstaining is that this modification be made. Is
15 there any further discussion of this proposal?

16 If not, I'll call for a vote.

17 All in favor of making this change please say aye.
18 Opposed.

19 (A no.)

20 CHAIRMAN GAMBRELL: Is there more than one?

21 MS. GRAHAM: I abstain.

22 CHAIRMAN GAMBRELL: You abstain.

23 MR. GREEN: Excuse me, Mr. Chairman. Trying to
24 reflect on this, perhaps I misunderstood what the motion was.
25 Is it in relation to the total of Paragraph III, or is it



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1 in relation to the motion that we have already approved
2 such as the insertion of the words?

3 CHAIRMAN GAMBRELL: This is the motion to adopt all
4 of Paragraph III as proposed by the committee with the inserted
5 three words.

6 MR. GREEN: In light of my earlier comments, I
7 would have to vote no on the motion.

8 CHAIRMAN GAMBRELL: All right. I've got one vote of
9 no, and one abstention, and I want it to be recorded
10 correctly? Are there any other opposing votes?

11 All right. Then the motion carries with one
12 negative vote and one abstention.

All, right, Mr. or Ms. Graham.

14 MR. GRAHAM: The adoption of the committee of the
15 new Paragraph III will require some housekeeping in Paragraph
16 IV which is also found on page 5 in that the new Paragraph
17 III which we have just adopted provides for grandfathering in
18 the present systems of school boards until the new -- school
19 board superintendents until the new constitution comes into
20 effect. We would have to amend Paragraph IV by deleting the
21 words "and superintendent" found in lines 23 and 24 and
22 deleting the words "and school superintendents" found in lines
23 25 and 26 so that Paragraph IV would simply refer to changes
24 in school boards since we have covered changes in school
25 superintendents previously, and it's just a housekeeping



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amendment required by the adoption of the previous amendment.

CHAIRMAN GAMBRELL: Do you move to make those changes?

MR. GRAHAM: Yes, sir.

CHAIRMAN GAMBRELL: Is there any discussion of those housekeeping changes?

All in favor say aye.

Opposed no.

That carries.

All right. Next.

MR. GRAHAM: That completes the issues of the ad hoc subcommittee as far as recommended changes to the draft. I would have no more --

CHAIRMAN GAMBRELL: How about issue number 5?

MR. GRAHAM: We didn't recommend a change. We discussed it, but didn't recommend a change, didn't make a recommendation.

CHAIRMAN GAMBRELL: All right. That completes the recommendations of the subcommittee or the ad hoc committee.

Consistent with the procedure that we're following we now have before us the draft of October 21st of 1980 with the committee's proposed changes.

I would suggest that if there are any other changes or modifications that anyone wants to make in that that they come on now with a motion to that effect, a member of the



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1 committee can make the motion, and when all those motions have
2 been acted on then we will act on the full draft, approve or
3 disapprove that.

4 Does any member of the committee or anyone have any
5 question about procedure?

6 MS. GREENBERG: I would like to make a recommendation
7 which is really an editorial change under Section V, Para-
8 graph VI on page 6 of the draft dated October 21st.

9 CHAIRMAN GAMBRELL: Yes.

10 MS. GREENBERG: I would like to recommend that the
11 committee consider deletion of the first sentence as being
12 really repetitive, if you refer to --

A VOICE: What line is that?

14 MS. GREENBERG: That's on lines 6, 7 and 8.

15 Paragraph VI states Independent Systems Continued,
16 New Systems Prohibited. Authority is hereby granted to
17 municipal corporations to maintain existing independent school
18 systems and support the same as authorized by general or local
19 law. No independent school system shall hereafter be
20 established.

21 The first sentence in this paragraph is really a
22 repetition of sentences in two places. First under Section V,
23 Paragraph I on page 4, the second sentence states existing
24 county and independent school systems shall be continued,
25 comma, and under Section VI, Local Taxation for Education,



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1 the provision for how those systems shall be maintained is
2 mentioned under -- let's see -- actually Paragraph I(a), the
3 board of education of each school system shall certify, and
4 goes on to allow each of those systems to be funded, so
5 therefore I would recommend deletion of the first sentence
6 and retain the last sentence that no independent school
7 system shall hereafter be established. By removing that
8 sentence, by transferring that sentence to Section V,
9 Paragraph I --

10 MR. GRAHAM: As I understand, the suggestion from
11 the staff would be to delete Paragraph VI and add to
12 Paragraph I the sentence "No independent school systems
shall hereafter be established," and to renumber Paragraph VII
14 as Paragraph VI?

15 MS. GREENBERG: Correct.

16 MR. GRAHAM: I would make that motion.

17 A MEMBER: Seconded.

18 CHAIRMAN GAMBRELL: Is there any further discussion
19 of that?

20 MS. HAGER: May I ask where you're going to put that
21 no independent school system shall hereafter be established?

22 MS. GREENBERG: It could be (c), it could be
23 subparagraph (c), or it could be -- I'm sorry. We'll just
24 add it to that.

25 MR. GRAHAM: The last sentence of Paragraph I.

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1 MS. HAGER: Would you also put then the wording
2 new systems prohibited, would that be added to the title of
3 that paragraph?

4 You have school systems continued --

5 MR. HILL: Yes.

6 MR. GRAHAM: New systems prohibited.

7 MR. HILL: New independent systems prohibited.

8 CHAIRMAN GAMBRELL: All right. Does everyone under-
9 stand the sense of the motion as now made by Mr. Graham?

10 DR. FULBRIGHT: I understand.

11 MR. OWENS: May I restate it to see whether I under-
12 stand it or not?

13 You're saying you're going to delete Paragraph VI
14 all except the last sentence, and then take the last sentence
15 and put it at the end of Paragraph I? Is that what we're
16 saying?

17 MS. GREENBERG: Correct.

18 MR. OWENS: Good. Thank you.

19 DR. FULBRIGHT: Mr. Chairman, I think I understand
20 that. I want to go back to taxation, though, and see if I
21 understand this correctly.

22 I have maintained all along that independent school
23 systems should be treated the same as county school systems
24 as far as taxation is concerned. As we exist now, independent
25 school systems must take their -- they're not permitted to go



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1 to the citizens with a millage, they must go through another
2 body which is, which happens to be the mayor and the council
3 in most independent systems.

4 Is that cleared up, or is that still in what we are
5 voting on?

6 MR. HILL: If I might respond to that, if you'll
7 look at Section VI -- I'm not sure, you may want to resolve
8 that other issue first. Do you have any problem with the
9 independent school system section and its being transferred?

10 DR. FULBRIGHT: No, no. That's fine.

11 CHAIRMAN GAMBRELL: Let's take a vote on that, then
12 we'll come back.

13 Is there any other discussion on the motion made by
14 Mr. Graham and as restated and clarified by Mr. Owens?

15 If not, all in favor say aye.

16 Opposed no.

17 That motion carries.

18 MR. HILL: Okay. To go back to Section VI then,
19 Paragraph I --

20 DR. FULBRIGHT: What page?

21 MR. HILL: Page 6. -- states that the board of
22 education of each school system shall annually certify to its
23 fiscal authority or authorities a school tax, said authority
24 shall annually levy said tax. You see that?

25 Now, that is the way that it is done in all the



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1 county systems at the moment, and this paragraph will apply
2 across the board, so if it were only that paragraph there
3 we would be doing what you wanted to do; however, if you
4 look at Subparagraph (d), the method of certification and
5 levy of the school tax provided for in this paragraph shall
6 not apply to those systems that are authorized on June 30,
7 1983, to utilize a different method of certification and levy,
8 but the General Assembly may ^{be} general or local law require
9 that such systems be brought into conformity with this method,
10 so this would open the door to the General Assembly by general
11 or local law requiring what you would like it to do, but it
12 would not mandate it in the constitution.

13
14 CHAIRMAN GAMBRELL: All right. Are there any other
15 proposed changes or modifications in the draft as now amended?

16 DR. FULBRIGHT: Mr. Chairman, I recommend the
17 deletion of Subparagraph (d).

18 CHAIRMAN GAMBRELL: The whole subparagraph.

19 All right. Is there a second to that motion?

20 MS. GRAHAM: I'll second it.

21 CHAIRMAN GAMBRELL: All right. Is there any
22 discussion of it?

23 Did you call for the question?

24 DR. FULBRIGHT: No, sir. I just blessed her.

25 CHAIRMAN GAMBRELL: I think that needs to be
discussed before we act on it, or at least the opportunity for

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1 discussion.

2 Any discussion on that issue?

3 MR. GRAHAM: Mr. Chairman, the gist of that would
4 be to provide constitutional uniformity for the levying of
5 taxes for all school systems in the state, whether they're
6 county or independent.

7 CHAIRMAN GAMBRELL: Right.

8 MR. GRAHAM: Now I will ask Mr. Hill if there's any
9 other effect it would have if we deleted Paragraph (d) other
10 than that. Is that Paragraph (d) for any other purpose?

11 MR. HILL: Yes. It's also for the purpose of the
12 pre-1877 systems that have a different method, and we were
13 attempting in Paragraph (d) to cover a couple of awkward
14 situations that we have existing at the present time, so that
15 I think we might be forced to put something back in about
16 pre-1877 systems and perhaps put in something about Savannah
17 and its particular system, and so I think it would have wider
18 ramifications than just requiring uniformity in the levying of
19 taxes.

20 MR. GRAHAM: We could amend our constitution, we
21 could make those changes and make them uniform.

22 MR. HILL: Yes, you could do it.

23 SENATOR STARR: What subcommittee had this proviso?
24 Who has been dealing with it?

25 CHAIRMAN GAMBRELL: That was going to be my next



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1 question. I think we ought to hear from the subcommittee
2 chairman in this area to indicate --

3 MR. HILL: That's Don Thornhill, and unfortunately
4 he's not here today.

5 CHAIRMAN GAMBRELL: He's not here today.

6 MR. HILL: Joe, do you remember what all was said?

7 MR. GREENE: I think we tried to avoid having to
8 identify any specific systems. I think that was the over-
9 riding consensus as we addressed this issue, because there
10 was reference to the Savannah system, and I think we agreed
11 as a subcommittee that we did not want to single out a
12 particular system, and that this was an attempt to accomplish
13 that. I believe that was the overriding -- I can't remember
14 everything about it, but I believe that was the overriding
15 consensus.

16 MR. GRAHAM: What's the rationale for having non-
17 uniformity? What's the rationale for making Dr. Fulbright
18 to to the city commission rather than letting the voters
19 decide the millage?

20 CHAIRMAN GAMBRELL: All these things, and this is
21 what concerns me, have some historical reason which is
22 considered important in those areas, which is not to say that
23 it's unanimous; obviously some people in particular areas
24 disagree with the system that's in effect. I think we do run
25 the risk of bringing out a lot of opposition possibly to the



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1 whole article or the whole change by mandating a change in
2 all of these systems.

3 There may be some people who would like to come,
4 whether from Carrollton or other places around and speak to
5 the retention of the existing system in their area. Without
6 saying we think that that plan ought to be followed every-
7 where, they might say we don't think it ought to be repealed
8 in our area.

9 DR. FULBRIGHT: Mr. Chairman, my thinking is that we
10 have provided for independent school systems in the constitu-
11 tion already, that was done back in the beginning, it was
12 stopped with the constitution of 1945.

13 All right. I feel that the independent school
14 systems in this state make a contribution to the educational
15 process just as others do, but when it comes to this matter
16 of taxation we're set off over here in a different bracket.
17 Our boards of education are elected, and many of the ones of
18 the counties are appointed, but most of the city systems are
19 elected, yet we have to go to another elected body in order
20 to get our budgets passed, and I cannot see how this would
21 upset people.

22 MS. GRAHAM: I just wanted to know, how many
23 independent systems do we have.

24 DR. FULBRIGHT: 28.

25 CHAIRMAN GAMBRELL: I don't know that they're all



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1 on this plan. It could be --

2 MS. GRAHAM: It seems like this ought to be across
3 the board, though. If we're going to have one system having
4 its millage, why not the others.

5 SENATOR STARR: Question, Mr. Chairman. Who then
6 would approve their millage? The county commissioners have
7 to approve it.

8 DR. FULBRIGHT: No, no.

9 SENATOR STARR: They have to set the levy and set
10 the taxes.

11 DR. FULBRIGHT: But the county boards of education
12 set the millage.

13 SENATOR STARR: That's right, but you don't think
14 there's a lot of conversation about what it's going to be
15 between the two bodies? I've been there, I know what I'm
16 talking about.

17 MR. OWENS: Mr. Chairman -- Excuse me.

18 MR. HARRIS: Of the 28 independent school systems,
19 12 have boards of education, and all are appointed by the
20 city council, one is a self-perpetuating board, and 16 are
21 elected, so that in effect you would be having in the instance
22 of 12 of these school systems, you would be eliminating the
23 opportunity for the city council to look at the proposed
24 budget of a nonelected board of education.

25 CHAIRMAN GAMBRELL: The term delicate balance was

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1 mentioned here while ago in another reference, and I think
2 that we are dealing with some delicate balances that exist
3 around the state that we have not assessed, and in all due
4 respect to the merits of what might exist in Carroll County
5 I have some reservation about leaving it out everywhere
6 because we are concerned about it in one jurisdiction, and
7 that's the reason for the provision that the General Assembly
8 can make the change if they want to.

9 Yes, John.

10 MR. GRAHAM: I was going to point that out, that
11 we're not locking in the independent systems by this
12 constitution to keep what they've got, there is a provision
that they can change.

14 There may be a lot of reasons locally why they do
15 things historically the way they do. I don't see much
16 rationale in it, but there may be.

17 A VOICE: Has there been a great hue and cry from
18 independent school systems to make a change in this direction?

19 DR. FULBRIGHT: I would say the independent school
20 systems would like to see this change, and I'm not sure -- we
21 have not taken a vote, but I feel pretty sure that I speak for
22 most of the independent systems.

23 MS. GRAHAM: I would like to ask Dr. Fulbright,
24 how many students do you have in your independent system and
25 what's your total budget?



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1 DR. FULBRIGHT: We have 3,000 students, and our
2 total budget is just under six million.

3 MR. OWENS: Mr. Chairman, this is a question that I
4 need to ask anyone who can answer it.

5 The taxes, at least the independent system and the
6 county system is levied so many mills, for an example 15
7 being conservative, both the city or the independent system
8 would be levying that and the county system would be levying
9 that. Isn't that double indemnity on the taxpayer? That's
10 just a question. The same people would be paying the same
11 tax that's being levied, is that not true?

12 DR. FULBRIGHT: No.

13 MR. OWENS: Just the city people? What I'm trying
14 to say now, I still pay my county taxes, it's levied there
15 too, and if I'm in the city I would be paying both.

16 MR. HARRIS: Not the school tax if there's an
17 independent system in the city.

18 MR. OWENS: I just wanted to get that clarified,
19 and it will help me make a decision.

20 DR. FULBRIGHT: Mr. Chairman, can I move to with-
21 draw the motion that I made?

22 SENATOR STARR: I second his motion to withdraw the
23 motion.

24 CHAIRMAN GAMBRELL: I think you can withdraw it
25 and you don't have to make a motion if it's all right with

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1 the person that seconded it.

2 DR. FULBRIGHT: I withdraw it because I think --

3 CHAIRMAN GAMBRELL: Do you agree to let him with-
4 draw it, or do you want to have a vote on it? You seconded
5 it.

6 MS. GRAHAM: Didn't he say to withdraw his --

7 CHAIRMAN GAMBRELL: He said with your consent he
8 would withdraw it.

9 MS. GRAHAM: Yes, I consent. Dr. Fulbright is
10 quite knowledgeable when it comes to education in the state of
11 Georgia, and if he said that then he means it and I will
12 withdraw my second.

13 CHAIRMAN GAMBRELL: All right. This discussion is
14 valuable, I think particularly for those visitors here to
15 know that there are a lot of acute questions that affect
16 specific localities that have to be dealt with.

17 Any other proposals for amendment to the draft
18 which is now pending?

19 MS. WALTON: Mr. Chairman, I was not on the sub-
20 committee on the board of regents, and I'm certain that
21 subcommittee did make a recommendation to us on what they
22 felt was the thing to do.

23 I would like very much to hear the statement from
24 the people from the board of regents on this matter before
25 we take a vote on it if that's possible.

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1 SENATOR STARR: Mr. Chairman, I would like to hear
2 from the other side on it too to get the full understanding,
3 because I know there is a delicate balance there and I don't
4 know where we want to go with it, but we need to air that a
5 little bit more before we vote on it.

6 CHAIRMAN GAMBRELL: All right.

7 If there is a motion, we can discuss it on a motion
8 to modify the draft, or if there's not a motion maybe you
9 would like to hear the discussion and then consider making
10 a motion.

11 MS. WALTON: I would like to hear the discussion
12 before we make a motion if that's possible.

13 CHAIRMAN GAMBRELL: All right. Mr. Neal is here.
14 I don't know whether he would be the spokesman or someone
15 else.

16 MR. NEAL: Mr. Chairman, ladies and gentlemen of
17 the committee, Mr. McCoy who is the vice chancellor for
18 fiscal affairs and comptroller for the board of regents
19 has a statement that he is prepared to make and also to
20 distribute to the members of the committee after he makes
21 the statement if it pleases the committee.

22 MR. MCCOY: Mr. Chairman, ladies and gentlemen,
23 this statement was prepared and I will read it:

24 It is imperative that the University System of
25 Georgia continue the government, control and management of the



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1 University System of Georgia and all of its institutions
2 as provided in Article VIII, Section IV, Paragraph I of the
3 state constitution. One of the major means used to accomplish
4 this objective is controlling the funding appropriated to the
5 system. Any diminution of the board of regents' control of
6 their resources would greatly impair the board's
7 constitutional mandate to govern, control and manage the
8 system. The practice of providing lump sum appropriations
9 to the university system should be continued to enable the
10 board to properly manage the system.

11 Currently the board of regents receives a lump sum
12 appropriation for what is called resident instruction, the
13 33 teaching institutions. Line item appropriations are
14 received for the other ancillary activities such as the
15 Agricultural Experiment Stations, Engineering Experiment
16 Station, Skidaway Institute of Oceanography, Eugene Talmadge
17 Memorial Hospital, et cetera. Even resident instruction is
18 line itemed for personal services, operating expenses and
19 capital outlay.

20 Former Chairman of the Board of Regents, Erwin
21 Friedman, in a previous meeting of the subcommittee
22 expressed very well the need for lump sum appropriations when
23 he said "If the Board of Regents has the responsibility and
24 the duty to establish long term educational goals and
25 priorities in the state, then we must have the funds and

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1 control of the funds in order to carry out these long term
2 policies." If the lump sum method of appropriation were
3 removed, the board of regents would still have the
4 responsibility for planning and providing higher educational
5 opportunities for the people of Georgia, but would lose the
6 major means for determining what would be provided.

7 That is the statement Mr. Neal is passing out. I
8 would be happy to answer any questions.

9 SENATOR STARR: Mr. Chairman, question. What
10 brought this up? Has there been any mention of discontinuing
11 the lump sum?

12 MR. McCOY: Yes, sir, there has on a number of
occasions, Senator Starr.

14 SENATOR STARR: I'm talking about from this
15 committee. I know there is always discussions about it.

16 MS. HAGER: We approved it, that's why we put it in;
17 we felt it should be protected in the constitution, or
18 something about it.

19 MR. McCOY: I think the board feels very jealous
20 about this, and as I say, we have an excellent working
21 relationship with the budget bureau and the legislature, but
22 there comes up from time to time certain innuendos, hints,
23 threats and so forth, and I think the members of the board
24 felt it would be better if it were in the constitution as
25 such.

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1 SENATOR STARR: Mr. Stevens mentioned something
2 about eliminating something. May we hear from him what he's
3 talking about?

4 CHAIRMAN GAMBRELL: I wondered that myself. Is
5 there something in the constitution now on this subject, or
6 is it presumed?

7 Do you know, Henry, the answer to that?

8 MR. NEAL: Mr. Hill alluded to that, Mr. Chairman.
9 In the 1945 constitution -- Mel, you might read that language
10 at the tail end of that that the board of regents shall have
11 such powers and duties I think it says as now provided in this
12 paragraph or something to that effect and as -- Read that,
Mel.

14 MR. HILL: Said board of regents of the university
15 system of Georgia shall have the powers and duties as provided
16 by law existing at the time of the adoption of the constitution
17 of 1945, together with such further powers and duties as may
18 now or hereafter be provided by law.

19 MR. NEAL: It was that, tailed with such further
20 powers and duties, Mr. Chairman, that we think that -- and
21 we're not alone in our thoughts in that regard -- that that
22 language together with gives constitutional status to what is
23 Section III of the subcommittee draft.

24 That language in the subcommittee draft in Section
25 (c) comes directly from the statute. That statute was in

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1 effect in essence at the time that the constitution of 1945
2 was adopted. By virtue of that we have taken a position in
3 the past that that section already has constitutional status
4 even though it appears in the code as a statute and is not
5 written into the constitution as such, but is incorporated,
6 Mr. Chairman, by reference as it were.

7 We discussed this with the subcommittee on one or
8 two occasions, and Mr. Friedman who is a member of this
9 committee and former chairman of the board made a rather
10 lengthy statement to the committee at the beginning of the
11 subcommittee, at the beginning of its deliberations in which
12 he outlined in substantial detail the reasons why he felt it
would be advisable, indeed necessary for the board to have
14 this provision similar to this incorporated in the
15 constitution.

16 The subcommittee, Mr. Chairman, saw fit to include
17 this provision in its draft, and the position of the board
18 today is simply to say that we endorse the draft of the
19 subcommittee as written.

20 SENATOR STARR: May I ask a question?

21 Henry, what about the line item appropriations that
22 you make -- is this going to create any difficulty? That's
23 what I'm really concerned about.

24 MR. NEAL: No, the line item appropriations that
25 are presently made as spoke to by Mr. Friedman also in his

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1 remarks, we don't really object to those.

2 SENATOR STARR: Would this preclude those?

3 MR. NEAL: Mr. Stevens has raised that question as
4 to whether it would preclude it. As far as we're concerned
5 this draft of the subcommittee presents no real substantive
6 statutory or constitutional change from the present
7 constitution and the present law, and hence we say no, the
8 draft would not preclude it.

9 Mr. Stevens may take the contrary view with some
10 substantive argument.

11 CHAIRMAN GAMBRELL: Mr. Stevens, do you have any
12 comment to make on what's been said?

13 MR. STEVENS: Yes, I do. I think that through the
14 years there has evolved a very delicate balance between the
15 Governor, the legislature and the board of regents on
16 appropriations; it's been a very long and tough issue, it's
17 been hammered out through many governors and many processes
18 legal and otherwise to the point today where we appropriate
19 to the board of regents under an agreed method that's been in
20 effect for a number of years.

21 Now, no one party is a hundred percent satisfied
22 with the process as it currently works, but it does represent
23 a delicate balance between the Governor and the legislature
24 and board of regents, and as a point of information -- not
25 argument, but as a point of information I think Section (c)

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1 if we officially and formally write in lump sum appropriation
2 directly into the constitution I think it's going to suddenly
3 and dramatically change this delicate balance we have had for
4 several years.

5 I'm not speaking directly for the Governor on this
6 matter, but I do want to speak up in favor of leaving the
7 constitution as it is written now so there will be no question
8 as to the balance that exists.

9 I recommend to you that you make no change in the
10 constitution in the current method under which we appropriate
11 the lump sum. I think a change in the constitution regarding
12 lump sum can precipitate an unneeded struggle between all
parties.

14 CHAIRMAN GAMBRELL: Let me see if I understand one
15 thing that Mr. Neal said, that this language in (c) is in a
16 statute that was in existence before 1945?

17 MR. NEAL: Code Section 32-116, Mr. Chairman, yes.

18 CHAIRMAN GAMBRELL: And the board's position is that
19 that is brought forward by the constitution of 1945?

20 MR. NEAL: That's correct, yes, sir.

21 CHAIRMAN GAMBRELL: Any other questions or comments
22 on this subject?

23 MR. McCOY: Mr. Chairman, I don't want to disagree
24 with Mr. Stevens' comments as far as the practical aspects
25 of this go. I think that thing that has concerned members



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1 of the board and has concerned me personally is from time to
2 time we receive these hints, threats of line item, certain
3 projects and things that were not done in certain areas.

4 I think that has provided emphasis to put it in the
5 constitution.

6 I do not disagree with Mr. Stevens that it will
7 raise probably practical political problems, I think that might
8 be quite true; nevertheless, the board either is a constitu-
9 tional board with real constitutional powers to run the
10 university system, and the only way you're going to operate,
11 manage it and control it is if you've got control of the
12 funds. Of course the legislature and the Governor have to
provide those funds, you can't operate anything unless you
14 get the money, so there is a matter of practical policies
15 there.

16 CHAIRMAN GAMBRELL: Yes.

17 MR. STEVENS: I want to make it clear before we go
18 too much further that you've had no threats from the Office
19 of Planning and Budget regarding line item.

20 MR. MCCOY: No, sir, but I felt I could always beat
21 you, so I didn't particularly worry.

22 MS. GRAHAM: Mr. Chairman, may I speak?

23 CHAIRMAN GAMBRELL: Yes, Ma'am.

24 MS. GRAHAM: I don't know Mr. Neal personally, but
25 I do know of his reputation, and I do not know Mr. Stevens

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1 over there either, but I would think that since Mr. Neal has
2 had a lot of experience in regard to the board of regents
3 that we should certainly give the board of regents'
4 recommendation special consideration because apparently this
5 must be a problem or else they wouldn't have come here today
6 to address this.

7 MS. WALTON: I'm not a politician, so I don't know
8 much about these things, but I would like for somebody -- I
9 don't know who needs to answer this question, but it sounds
10 like to me that if the board of regents wants to keep this
11 in the constitution apparently they think it will give them
12 more power, so that if we do not put it in the constitution
it's going to give the legislature and the governor more to
14 say about what the board of regents does.

15 Is that what you all are saying to us?

16 MR. McCOY: That would be basically the effect of it
17 if it came to that stature.

18 As Clark says, we have worked out somewhat of an
19 agreement over a period of time as to who was going to stay
20 in what area and who was going to do what. At any time that
21 could be changed; I mean I may not be there, Clark may not be
22 there, the present board may not be there, the Governor may
23 not be there. If it's not in the constitution then that
24 delicate balance can go away.

25 It's kind of like when the budget law was passed



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1 there was a gentleman's understanding the budget law would
2 not apply to the university system, we did not lapse surplus
3 money at the end of the year for something like four or five
4 years. As I've said, all of a sudden all of the gentlemen
5 left Capitol Hill and we had to start lapsing money, so there
6 it went.

7 MR. NEAL: Mr. Chairman, I don't want to give the --
8 and I appreciate the comments of Ms. Graham -- I don't want to
9 give this lady the wrong impression. We certainly have had
10 no quarrel with the budget bureau, Mr. Stevens and his people
11 and the Governor's office have been awfully nice to the board
12 of regents and we acknowledge it and thank them publicly for
it.

14 We simply take the position as I said that Code
15 Section 32-116 which is the identical language that Section
16 (c) of this provision was incorporated by reference into the
17 constitution of 1945, we simply don't want to lose what we
18 think that that section does have constitutional status.

19 To my knowledge the Attorney General has never
20 ruled on it, we have never asked him to, and he's never had
21 an occasion, but on one occasion though Legislative Counsel
22 did offer his opinion that substantial argument could be made
23 that it had constitutional status, so 32-116 which is now a
24 statute, if it is not incorporated in this draft of the
25 constitution then, and if the legislature in its wisdom sees



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1 fit somewhere down the road to repeal 32-116, then our
2 argument as to its constitutional status would be defeated
3 and we would not even have it in the statute.

4 There is a lot to be said for the status quo so far
5 as Mr. Stevens has just mentioned and so far as the board is
6 concerned. We do operate under a delicate balance with our
7 present constitutional provision, we probably have weapons
8 in our arsenal that we've never used as does the General
9 Assembly, they've got a whole lot more than we have, and
10 the Governor's office has weapons in its arsenal that it's
11 never tried to use, legal weapons, so we do have a fine
12 working delicate balance and certainly the board of regents
does not want to disturb that.

14 CHAIRMAN GAMBRELL: Senator Starr.

15 SENATOR STARR: Mr. Chairman, I don't know how we
16 get in these cans of worms, but once you get there you just
17 have to wiggle out.

18 CHAIRMAN GAMBRELL: You offered for election.

19 SENATOR STARR: That's right.

20 What they're saying is true, but we're opening up
21 something here that don't have to be opened up that I think
22 could cause a problem.

23 Put yourself in the position of voting now that
24 we're going to give an appointed state board of education
25 with an appointed superintendent a total lump sum and say



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1 go with it, do what you want to where you want to when you
2 want to. That's exactly what we're doing here with the board
3 of regents. I don't think that's going to happen.

4 MR. TIDWELL: Mr. Chairman, could I --

5 DR. FULBRIGHT: Are you saying if we vote this in
6 that's what's going to happen?

7 SENATOR STARR: I'm saying, though that the balance
8 of power, it is delicate, there's nothing ill with what we're
9 doing right now, they're getting their lump sums, everybody
10 is agreeing to it, but if you try to write it in there with
11 finality and say it's going to be this way, then I'm asking
12 you would you want to do the same thing with the state board
of education.

14 DR. FULBRIGHT: I was wondering that too.

15 SENATOR STARR: And have them operate the same way,
16 give them total and complete authority. Nobody is asking for
17 that, it's not done; all the state board of education's
18 budgets are line itemed as we all know, but here it's
19 different and it's working, and we ought not tamper with it.
20 I don't think you all brought it up, did you, Henry?

21 MR. NEAL: Mr. Friedman who was on this committee
22 did bring it up in his initial comments.

23 SENATOR STARR: But he's not on the board of regents
24 now.

25 MR. NEAL: Yes, he is. He simply couldn't be here

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1 today.

2 I would differ with my good friend Senator Starr on
3 one question. The operation of the board of regents which
4 has 33 institutions under its jurisdiction is entirely
5 different than the operation of individual boards of
6 education and the state board of education.

7 MS. GRAHAM: I would have to second that.

8 CHAIRMAN GAMBRELL: Mr. Tidwell, did you have a
9 comment to make?

10 MR. TIDWELL: I'm not sure from listening to the
11 discussion if I was on the committee that I would understand
12 exactly what's been said here.

13 If I may, let me try and put it perspective. In
14 some areas of state government that are so sensitive that
15 sometimes at the sacrifice of good constitutional revision
16 you just back off and want to leave them alone, you want to
17 preserve the status quo so you don't get into a power
18 struggle, and I think that's the gist of what Clark is trying
19 to point out here, that if this language that's in (c) is
20 adopted, becomes a part of the constitution, then it's my
21 opinion it does change the status quo, the object class
22 appropriation that the process is now done could not be --
23 in other words, you would have one lump sum going to the
24 regents as they do now, but it's now governed by object
25 class, now you would just say X numbers of dollars and the



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1 regents would spend that however they chose, capital outlay,
2 whatever.

3 So what's being said here is -- and the Governor is
4 certainly not abdicating or wanting to deny the regents,
5 it's his perception as I believe it is the legislature's and
6 the regents' that the present status of the way things are
7 handled probably while it's not to everyone's satisfaction
8 is in the interest of the university system that it be done
9 that way.

10 If it's changed I don't know what the legislature
11 might do with it when they get ahold of it. They might say
12 "Well, if that's the way it's going to be," if that's the way
this committee in its wisdom should say, "then we don't have
14 any control, let's change the whole process, let's line item
15 them like we do everybody else."

16 I don't think that would be in the interest of the
17 university system to do that, I don't know of anyone else
18 really that thinks it would be, so what's being said is
19 think carefully about changing the status quo and the
20 implications that might come from that.

21 In another article that had to do with money again
22 the appropriations process, the present language of the
23 constitution was certainly something less than a model of
24 clarity, because of the delicate balance that went on between
25 the legislative and executive it was the recommendation of

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1 the legislative budget office, the state budget office, the
2 Attorney General, for what it was worth myself that that
3 language and punctuation be left precisely as it was so that
4 it didn't open up the chance for trying to tip the balance.

5 Now, of course this committee is perfectly at
6 power if they want to tip the balance, tip it, but they
7 should know what the implications of what the tipping will
8 do.

9 CHAIRMAN GAMBRELL: Let me ask this question.

10 In the subcommittee -- who else from the sub-
11 committee, Ms. Hager and --

12 MS. HAGER: Mr. Green down here.

13 CHAIRMAN GAMBRELL: Was it the opinion of the
14 committee that the balance should be tipped?

15 MS. HAGER: No.

16 CHAIRMAN GAMBRELL: Was the effort in effect to
17 affirm what was supposed to have already been the law?

18 MS. HAGER: We were trying to preserve it was my
19 understanding of what it already was, and the reason for
20 putting it in the constitution was so that it would not be
21 statutory law that could be repealed. Now maybe I'm mis-
22 stating it, maybe Mr. Green wants to add to that, but we did
23 not intentionally try to give the board of regents more power
24 or -- you know, we really didn't try to change anything.

25 The testimony we heard was that it worked well the

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1 way it was, that this was our intent to put it in here so
2 it would be protected under the constitution, not statutory
3 law.

4 SENATOR STARR: Mr. Chairman, may I add one thing?
5 Let me add one thing. Excuse me.

6 CHAIRMAN GAMBRELL: I just wondered, is that your
7 understanding?

8 MR. GREEN: Yes, sir, that's my understanding.

9 CHAIRMAN GAMBRELL: I think the committee as a whole
10 would like to know what the subcommittee's views on this
11 matter were.

12 MR. GREEN: All the input that we had, more or less
13 summarized, would say that this provision put in the
14 constitution would in fact make what was already in existence
15 in relation to the constitution rather than in a law of some
16 type that could be repealed down the way.

17 I'm trying to remember who all was there at that
18 meeting, but we had testimony from a number of people, and we
19 did not have anyone take this point of view that is being
20 expressed this morning from your office.

21 I believe there was somebody from the Governor's
22 office there, was there not?

23 MR. HILL: It's been so long ago I've forgotten.

24 MR. GREEN: If there was a statement of tipping
25 balances or whatever, you know, in making this situation

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1 palatable to all parties concerned I don't recall it coming
2 out that clearly.

3 MR. HILL: No, there was no -- The only intent of
4 the committee was to clarify an ambiguous situation, but it
5 appears as if the delicate balance that we have is dependent
6 upon an ambiguously worded constitutional provision, and the
7 recommendation of everybody that is directly involved in it
8 is that we should continue the present situation so that we
9 don't clarify it the wrong way.

10 MS. WALTON: Is a motion in order?

11 CHAIRMAN GAMBRELL: Yes.

12 MS. WALTON: I would like to make a motion that we
13 delete Paragraph (c) from under that on page 4, Section IV,
14 board of regents.

15 MS. HAGER: I think we would have to replace it
16 with something. We cannot just completely not address the
17 appropriations.

18 CHAIRMAN GAMBRELL: If I understood Mr. Neal's
19 comment was that in rewriting the whole board of regents
20 provision the language about preserving the pre-1945 powers
21 is left out and this was an effort to preserve that part of
22 it by putting it specifically back in here, so if we strike
23 this out we will need to put the present situation back into
24 it, if that's the objective to maintain the present --

25 MS. WALTON: To maintain the present status. That

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1 was the intent of my motion.

2 CHAIRMAN GAMBRELL: That was the intent of your
3 motion?

4 MS. WALTON: Yes.

5 MR. TIDWELL: That's going to take quite a bit of
6 drafting to put it back in, it would be very difficult to sit
7 around this table this morning and preserve the status quo.
8 I wouldn't have a recommendation how you could do it, but
9 if that should be the sense of the committee then the staff
10 could do that and the regents could look at it and see if it
11 did preserve the status quo, or Clark could and others could,
12 but it's going to be a right delicate situation.

13 MR. HILL: There's only one sentence of that entire
14 section on board of regents that relates to the powers of
15 the board, and the rest is just organization and doesn't
16 affect it.

17 I think the sentence we're talking about is: Said
18 board of regents of the university system of Georgia shall
19 have the powers and duties as provided by law existing at
20 the time of the adoption of the constitution of 1945, together
21 with such further powers and duties as may now or hereafter
22 be provided by law.

23 If that sentence were added in place of (c) I think
24 you would have the status quo.

25 MR. TIDWELL: Then everybody could argue about what

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1 that meant.

2 MR. NEAL: That's what we're arguing about now.

3 MR. TIDWELL: That's certainly the status quo.

4 MR. NEAL: Mr. Chairman, may I add one comment?

5 Mr. Friedman -- I'm somewhat at a disadvantage
6 speaking for the board, and we don't have a member of the
7 board or Mr. Friedman here -- I think I could however make
8 some personal comments.

9 I served as chairman of two educational committees
10 to revise the constitution, one which I served on while I was
11 at the Governor's office, and another one I served on since
12 I've been with the board of regents, and serving on both those
committees it was my recommendation to the members of the
14 committee and indeed was adopted even by the legislature that
15 as Charlie Tidwell indicated, and for good reason, that there
16 be no change made in the provisions with regard to the board
17 of regents.

18 We are to some extent uncovering a -- or trying to
19 clarify, in the process we may be clarifying in some way.
20 Admittedly as an attorney, and Charlie seems to differ with
21 me as to the effect of that language in the constitution that
22 says that we contend gives us constitutional status -- a good
23 lawyer could take the opposite viewpoint and it would have to
24 be decided by the Supreme Court.

25 I guess where Charlie and I and the Governor's

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1 office are in agreement, and I'm speaking personally, is the
2 fact that the present constitutional provision with regard to
3 the board of regents works. There is only one addition in
4 my experience with this that I think possibly you may want to
5 consider adding if you adopt the present provision, and that
6 is a provision that gives the board the exclusive power to
7 establish junior colleges or institutions of higher education
8 otherwise. That's not in the present constitution.

9 Speaking personally I subscribe to everything that
10 my good friend Charlie Tidwell has said, and also that
11 Senator Starr has said, it is a delicate balance, it is
12 something that we both recognize is a delicate balance.
13 Maybe if you adopted something of the language as it exists
14 now, but that seems that we're really not facing the issue.
15 So far as we are concerned we would like to preserve the
16 present status, and that is we think that this 32-116 does
17 have a constitutional status. I don't know how else we
18 could clarify it.

19 I would like to say again, though, that Mr. Friedman
20 I'm sure would like for me to say, speaking for him and
21 perhaps the members of the board that the board would
22 endorse the draft of the subcommittee.

23 CHAIRMAN GAMBRELL: Yes, Mr. Graham.

24 MR. GRAHAM: I know Dr. Fulbright has to go in a
25 minute, and Dr. Pressly has left, and I think that maybe we



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1 should let everybody have a chance to speak, but we want to
2 have some committee left to vote on the full draft here, if
3 we couldn't try to get it to a vote.

4 CHAIRMAN GAMBRELL: There is a motion pending now
5 to delete this paragraph.

6 MR. GRAHAM: I don't believe there is a second.

7 MS. WALTON: There's not a second.

8 CHAIRMAN GAMBRELL: No second to that.

9 SENATOR STARR: Mr. Chairman, I'll second it, but
10 in deference to what he said I would just like to make one
11 further comment. From the old school of if it ain't broke
12 don't fix it oftentimes applies, and I understand exactly
13 what Henry and Shealy and everybody else are saying about
14 this thing, I think we all do that have been around a while --
15 Robin certainly understands, he's been here a long time and
16 he understands what we're talking about, and it just is going
17 to create something I'm afraid would work adverse to them.

18 I like what they're doing now and I have no quarrel with the
19 way we appropriate money to them now personally, that's fine
20 with me, but knowing the legislative process it bothers me
21 what we might be doing, and that's the only reason I brought
22 it up to begin with, but I agree it ought to be removed, but
23 we need to know for sure what we're going to put in before
24 we remove it, so I would second that.

25 CHAIRMAN GAMBRELL: You do second it?

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1 SENATOR STARR: I second it.

2 CHAIRMAN GAMBRELL: All right. We have a motion
3 and a second to delete Paragraph (c).

4 MR. HILL: And (d) would also be able to come out
5 because (d) was another one of those laws that was brought
6 forward, so (c) and (d) could both come out if you're going
7 to replace it with that old language, so I think so that
8 everybody is clear the motion is going to be that (c) and
9 (d) be removed and replaced with the existing language that
10 I read just a second ago.

11 MS. WALTON: Yes, that's correct.

12 SENATOR STARR: I'll second that.

13 CHAIRMAN GAMBRELL: All right. Any comment or
14 question or objection to that?

15 If not, all in favor of that motion say aye.

16 Opposed.

17 We had better have a show of hands. Let's take
18 the ayes first.

19 All in favor of the motion as made and stated by
20 Mel Hill please raise your hand, and hold it until we count
21 them. Five. Is that correct?

22 All right. All opposed. Three.

23 I get a count of five in favor and three opposed,
24 so the motion carries and those provisions are struck with
25 the substitution of the provision referred to.

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1 All right. Are there any other motions for
2 amendment or change to the draft as changed to date?

3 MR. NEAL: Forgive me, Mr. Chairman, in view of that
4 substantial change would it be possible to refer this to some
5 ad hoc committee or to some other committee and let them take
6 a look at the present language in the constitution and
7 perhaps substitute some semblance of that language for what
8 we have got here as emasculated now?

9 CHAIRMAN GAMBRELL: I'm going to suggest that we
10 have a motion when we get through that the staff review this
11 and receive any further comments on the draft and circulate
12 them, and if someone wants to have another meeting on any of
13 those comments or what have you we'll do it. It may be the
14 staff will suggest that this be polished up by these changes
15 and that can be done by mail or what have you, but I think
16 what you're saying needs to be done not only with reference
17 to this but as to the thing as a whole.

18 MS. WALTON: I suggest the staff do that and get
19 back to us by mail and see if we can take care of it that
20 way.

21 CHAIRMAN GAMBRELL: I would hope that we could
22 adopt this and then let the staff give us any further
23 comments or suggestions or what have you, and that we can
24 resolve it by mail without another meeting, but if we need
25 to have another meeting we'll have one.

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1 Yes, sir.

2 MR. GRAHAM: I voted no, and I just wanted to put on
3 record I think we have done by that amendment exactly what we
4 set about not to do when we started this whole procedure for
5 amending our constitution, we immediately incorporated into
6 it some provisions that won't be found in the draft, we have
7 immediately put into it not only this particular law but
8 anything that existed prior to the constitution of 1945
9 relating to the board of regents, we have immediately created
10 ambiguity when we set about to create clarification.

11 I think we have acted with haste and overlooked the
12 subcommittee's work, and I believe that I would have to take
13 the position with Mr. Neal that the language found in the 1945
14 constitution and 1976 constitution does make this code
15 section a part of the constitution from my own opinion as an
16 attorney, but I don't believe that what Senator Starr said,
17 if it's working don't fix it, I believe what we just did was
18 just broke it.

19 That's the point I want to make, we have accomplished
20 the opposite of what we set about to do.

21 CHAIRMAN GAMBRELL: Well, I think it is unfortunate
22 that this issue was not apparently sharply made before the
23 subcommittee and that the subcommittee -- that we are caught
24 on it the way we are.

25 I think what we have heard said here was that we

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1 rather than wanting to clarify this thing any further we in
2 effect said we would like for it to remain ambiguous and for
3 the delicate balance to be preserved in some way.

4 Let me ask Mr. Graham, would it be satisfactory
5 along the lines you have indicated that we ask the subcommittee
6 on the board of regents to reevaluate this change in light of
7 their deliberations, and if they have a strong feeling about
8 what was done here today that they advise the committee as a
9 whole and we'll reconsider it.

10 I am very much concerned that we have superceded
11 their action without adequate opportunity by them to defend
12 it.

13 MR. GRAHAM: I think I would agree with that. I
14 think that we -- if we adopt today a draft it ought to be
15 with the proviso that that particular subcommittee restudy
16 this issue and hear all the testimony and take all the time
17 that they can on this issue and formulate in their own minds
18 some opinions that would be helpful to us, but I think we
19 must reconsider this or we are going to set about to undo
20 something.

21 CHAIRMAN GAMBRELL: Well, if there is a motion to
22 the effect that the subcommittee reconsider it, we can do
23 that. I would not require them to do anything in particular,
24 but I do think that it ought to be brought to their attention
25 that this change has been made and to indicate to them that

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1 it's still open to be considered further if they're shocked
2 and alarmed by what we've done.

3 MS. WALTON: I think we also ought to consider
4 this, the full committee has taken a vote, and if you're
5 going to reconsider something the full committee has done
6 that should be taken into consideration, because the full
7 committee did vote to go that way.

8 CHAIRMAN GAMBRELL: I think it's very unfortunate
9 that it's sprung on us so to speak here at the end, but we
10 have done the best we can I think with it at the moment,
11 and it's still open until our report becomes final and is
12 sent forward.

13 Are there any other proposals for change in the
14 draft?

15 If not, I will --

16 MR. GREEN: Mr. Chairman, let me ask in relation to
17 what's been said, if I understand correctly there will in fact
18 be a meeting of the regents committee and the committee would
19 have opportunity to report back to this committee, or would it
20 be done in the form of written analysis?

21 CHAIRMAN GAMBRELL: What I would suggest is that I
22 refer this question or refer the fact that this change has
23 been made to the board of regents committee for whatever
24 action they wish to take. If they want to have a meeting,
25 they have a meeting; if they don't think it's necessary to



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1 have a meeting, don't, but that they get us comments back
2 before we have to send this report forward. If they feel
3 that we have made a terrible mistake they can say that, if
4 they feel there ought to be some editorial modifications on
5 what we've done they can say that. If they want to have a
6 full meeting of this committee they can say that, but unless
7 the committee so directs I would not say they have to have a
8 meeting or that we are going to reconsider this issue.
9 I think it's up to them to tell us what they think we ought
10 to do.

11 MR. GREEN: As a member of the committee, I do not
12 believe that we had full information on which to make this
13 recommendation. I felt in my vote a few minutes ago that we
14 needed the opportunity again to discuss this.

15 I have a real concern about the number of committee
16 members that are here today. I think with as many members as
17 we have and as few folks as we have here I would like to see
18 a delay of approving the whole thing until such time as all
19 committee members at least have an opportunity to let us know.

20 Now, I don't know what the procedure is on this
21 thing, but first of all on this particular issue having to
22 do with the regents I think we do need more information; we
23 appreciate what you have recommended here.

24 Also I have a real concern that I think there are
25 only seven members of the committee here. There's no

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1 requirement that --

2 MS. HAGER: There's ten.

3 MR. GREEN: There's ten? Excuse me.

4 I mean there's no requirement about how many should
5 be here to approve this; is that right?

6 CHAIRMAN GAMBRELL: I'm glad no one has ever rais
7 the question of a quorum. I'm not sure any of our actions
8 would be legal if it was put to that test.

9 My idea would be that -- It's very difficult to
10 get everybody to come to every meeting. To have another
11 meeting may mean that some who are here today can't be back
12 to the next one. My thought would be that we adopt this
13 report, this draft as our report subject to such changes as
14 may be made before a certain date, and if someone asks for
15 another full meeting of the committee I'm not going to refuse
16 to do that.

17 On the other hand, I'm not going to say just because
18 somebody doesn't like the report that I feel like I've got to
19 call people from all over Georgia here to act on it.

20 MS. WALTON: It's my understanding that this was to
21 be the final committee meeting for this committee, and I think
22 the people who serve on this committee seem to have that
23 knowledge too, and if they feel it's important enough to be
24 here I think I agree with you, and I do not think that we
25 should say today this committee should have to meet again.

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1 I think that we should refer this to the board of
2 regents committee, if they want to meet or if they want the
3 staff to take care of it as we have proposed then let us know,
4 but I don't think that -- we cannot wait until everybody on
5 this committee decides to come because we see they're not
6 going to come.

7 MS. GRAHAM: Mr. Chairman, considering that I had
8 to leave the room and did not get to vote, I would like to
9 know what was the motion and may I have a chance to voice my
10 opinion.

11 CHAIRMAN GAMBRELL: Yes, Ma'am, unless someone
12 objects we'll let Ms. Graham vote on -- You tell her, Mel,
what it is.

13 MR. HILL: The motion was to delete Sections (c)
14 and (d) in the board of regents provision, namely the lump
15 sum provision and another paragraph on conveyance of property
16 and to put back in the old language which says they shall
17 have such powers as provided by law as of the effective date
18 of the '45 constitution, and such further powers --
19

20 MS. GRAHAM: I would like to vote against that.

21 MS. WALTON: I object because you didn't need to go
22 to the restroom when you went. I don't want to be ugly, but --

23 MS. GRAHAM: I was only out a few minutes. I
24 didn't fly up from St. Simons Island for nothing, and we did
25 not have a break during this whole session.

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1 CHAIRMAN GAMBRELL: That just makes it five to four
2 I think. It's not affecting the outcome.

3 I think the sense of what we were trying to vote was
4 to retain the status quo as it in fact is without elevating
5 anything to constitutional status, or without removing
6 anything from the constitutional status, but in any event we
7 also agreed that this language that we have adopted would be
8 reviewed to be sure -- in an effort to be sure that the
9 existing so-called delicate balance was not upset.

10 Is that consistent with the motion?

11 MS. WALTON: (Nodded.)

12 MS. GRAHAM: I appreciate you giving me the
privilege.

14 CHAIRMAN GAMBRELL: If anybody else wants to do that
15 I may not agree to it because I may have to vote the next
16 time.

17 Okay. I don't know whether the committee is
18 satisfied with the approach that I have described. It had
19 been our intention unless there was a command for a further
20 meeting for this to be the final meeting subject to any
21 further input that we hear before the report is sent in.

22 So I would entertain a motion that we adopt this as
23 our final draft subject to any further input or requests
24 that come, and subject to this polishing that we expect to
25 be done.

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1 Is that consistent with the wishes of the full
2 committee?

3 MR. GREENE: Mr. Chairman, I would offer such a
4 motion.

5 CHAIRMAN GAMBRELL: Is there a second to that?

6 SENATOR STARR: Seconded.

7 CHAIRMAN GAMBRELL: A second from Senator Starr.

8 Any discussion on what's pending and what we've done?

9 If not, all in favor say aye.

10 Opposed.

11 MR. GRAHAM: No. Now, for clarification I'm only
12 voting there because I would be opposed to the last amendment
13 that was made to the board of regents and not to any of the
14 other.

15 CHAIRMAN GAMBRELL: All right. There's one
16 dissenting vote. Otherwise I'll declare the motion to have
17 been adopted.

18 I might say to the members of the public who are
19 here, if there is any further suggestion or input we're not
20 out of business I guess for some time. Our intention is to
21 get this report forwarded to the Select Committee not later
22 than when?

23 MR. HILL: December 1.

24 CHAIRMAN GAMBRELL: December 1, so if anyone has
25 any further business they want our committee to consider

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1 between now and then we would be glad to hear from you.

2 Certainly that's true from the committee.

3 What I assume the staff will do will be to go over
4 this and send out the final draft, a report of what was done
5 here today for the benefit of those who couldn't be here,
6 and also any suggestions that come in as to polishing or
7 adjusting that ought to be done consistent with this last
8 motion.

9 MR. OWENS: You missed the count there. There were
10 two dissenting votes, mine and his.

11 CHAIRMAN GAMBRELL: I beg your pardon.

12 MR. OWENS: And for the same reason.

13 CHAIRMAN GAMBRELL: All right. Any further
14 business to be conducted today?

15 MS. GRAHAM: Mr. Chairman, since our chairman is
16 absent I would like to thank everyone for his or her
17 cooperation in regard to the state school board and the state
18 school superintendent, and I would like to thank Mr. Chairman,
19 Mel Hill, Vickie Greenberg for their cooperation. All of you
20 have done an outstanding job in regard to research, and as a
21 citizen of the state of Georgia I certainly appreciate the
22 time that you have given, and there are so many others here
23 that need to be thanked, but I think that's enough, and I
24 just thought that needed to be on the record that you really
25 have given a lot of your own time.

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1 CHAIRMAN GAMBRELL: That is very good of you, and
2 I certainly endorse all of that with reference to the staff
3 and the members of the committee, and also I think we ought
4 to wish you good luck in your election here next week too.

5 I thank everyone for what they have done and the
6 dedication. We have come a long way and I think we have done
7 a good job for the people here.

8 If there is no other business, we stand adjourned.

9 (Whereupon, at 1:35 p.m. the committee meeting was
10 adjourned.)

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