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GEORGIA SUPREME COURT STRIKES DOWN CHARTER SCHOOLS COMMISSION

A divided Georgia Supreme Court struck down the Charter Schools Commission Act, ruling it unconstitutional. In a 4-3 decision, the Court explicitly reaffirmed the “fundamental principal of exclusive local control” of K-12 public education. The Charter Schools Commission Act ran afoul of this fundamental principle by creating a State-level Commission – a body comprised wholly of appointees selected by the governor, lieutenant governor, and speaker of the House – that had the authority to create Commission charter schools without the approval or consent of any local board of education.

Advocates of the Commission charter schools argued that these schools were “special schools” under Georgia’s Constitution. The Supreme Court majority flatly rejected this assertion. Specifically, the Court noted that “special schools” were historically those that served specific populations (such as blind or deaf students, or adult students) or those that had a limited and specific curriculum (such as vocational schools). Commission charter schools, meanwhile, fit no such criteria, “are created to deliver K-12 public education to any student” in Georgia, and “necessarily operate in competition with or duplicate efforts” of local K-12 public schools.

For local boards of education, this decision is an explicit affirmation of the concept of local control of public education – that public K-12 schools are governed by “the level of government closest and most responsive to the taxpayers and parents of the children being educated.” While we can certainly expect charter school advocates to continue seeking approval of more local charter schools throughout Georgia, these public charter schools will all have to secure the approval of local boards of education to do so.