

Dear _____,

By now I'm sure you have received a memorandum asking you to pledge your support for an amicus brief written by the Georgia School Boards Association (GSBA) and the Georgia School Superintendents Association (GSSA), in reference to the lawsuit filed by seven school systems seeking to have HB881 declared unconstitutional.

The brief would be submitted to the Georgia Supreme Court, with the hope that it would somehow influence the Court to overturn a Fulton County Superior Court decision dismissing the lawsuit and upholding HB881, which led to the creation of the Georgia Charter Schools Commission and the funding mechanism for those schools approved by the Commission.

Supporting this brief, this misguided lawsuit and this most unfortunate decision by the suing districts to appeal the earlier ruling, would be tantamount to political malpractice on your part.

For starters, the brief has not even been written as of yet, and so you would be signing off on a document that you have not even read. I would hope – and I'm sure your constituents would agree with me – that this is not a standard business practice for you and your peers when dealing with the various agreements and contracts that come before you.

But even more importantly, please realize that the leaders of the GSBA and the GSSA, as well as the supporters of this lawsuit and appeal, are attempting to mislead you and the public by distorting the facts and the Georgia Constitution. Do not be fooled. Know the facts.

For instance, the GSBA/GSSA memorandum says *"The lawsuit and certainly the amicus brief are not directed against charter schools ..."* The truth is that two successful charter schools – Ivy Preparatory Academy in Norcross and the Charter Conservatory for Liberal Arts and Technology in Statesboro – are named in the lawsuit. They would more than likely be forced to shut down if the appeal is successful. Again, don't be fooled. Know the facts.

Also, Herb Garrett, executive director of the GSSA, was recently quoted as saying *"...[You] could have one of these commission charter schools established in [your] school system and have no say in it at all, yet still have to give them a share of [your] local tax money."* This statement is also patently false. It is a lie. No local tax revenues are involved in funding the education of a student in a Commission-approved charter school.

This fact was unequivocally confirmed by Fulton County Superior Court Judge Wendy L. Shoob, a highly respected, 30-year member of the Georgia bar, when she wrote in her decision: *"[HB881] specifies that commission charter schools are to be funded exclusively by State and federal funds. ... Indeed, there is absolutely no evidence whatsoever that the commission charter schools in this case have received*

revenue from bonded indebtedness or local school tax levies, either directly from the Plaintiffs or indirectly from any other source.”

Please take the proper and lawful stand on this issue. Make the decision to side with the laws of fairness and decency, as well as with the Georgia Constitution, and take no action on this ill-advised amicus brief.

We are aware that many local Boards of Education have already acted with public votes, and perhaps yours is one of them. If so, please be willing to review and reverse your vote.

You should know that representatives of GSBA and GSSA attended every hearing before HB881 was approved by the state legislature, and yet neither group you are funding with your local dues to represent you said a single thing on the public record in opposition to this bill. Now they expect the districts that are suing to do so with their own local funds (funds that could and should be going to their own classrooms), and they are similarly expecting you to vote in lock-step with them – before the document you are “signing” has even been written - based on their own demonstrably false statements of fact. Perhaps you should ask your GSBA and GSSA representatives for full and complete information.

In this regard, we would be more than happy to meet with you to discuss any legitimate questions or concerns you may have about charter schools and the benefits of having public school choice options in your district. Thank you for your time, consideration and steadfast devotion to Georgia’s public schools.

Sincerely,
Tony Roberts, Ph.D.