



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

Andy Beshear
GOVERNOR

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VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY
REGARDING HOUSE BILL 9 OF THE
2022 REGULAR SESSION

I, Andy Beshear, Governor of the Commonwealth of Kentucky, pursuant to the authority granted under Section 88 of the Kentucky Constitution, do hereby veto the following:

House Bill 9 of the 2022 Regular Session of the General Assembly in its entirety.

I am vetoing House Bill 9 because it diverts taxpayer funds away from our already underfunded public schools in the Commonwealth, redirecting those funds to for-profit entities running charter schools. The diverted taxpayer funds will go to charter schools that have boards that are not elected by and answerable to the people and that are not required to comply with the same controls and accountability measures as traditional public schools.

Under Section 183 of the Kentucky Constitution, "The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State." This is a constitutional mandate. See Rose v. Council for Better Educ., Inc., 790 S.W.2d 186, 211 (Ky. 1989). According to the Kentucky Supreme Court, the "essential, and minimal, characteristics of an 'efficient' system of common schools" include that "[c]ommon schools shall be substantially uniform throughout the state"; "[c]ommon schools shall provide equal educational opportunities to all Kentucky children"; and "[t]he General Assembly shall provide funding which is sufficient to provide each child in Kentucky an adequate education." Id. at 212-13. Through House Bill 9, the General Assembly violates its constitutional duty, permitting schools that are not substantially uniform and that do not provide equal educational opportunities to all Kentucky children, and further distributing state funds in such a way that each child in the Commonwealth will not be able to obtain an adequate education. "The sole responsibility for providing the system of common schools is that of our General Assembly[.]" Id. at 211. With House Bill 9 the General Assembly is abdicating that responsibility.

Further, House Bill 9 improperly and unconstitutionally targets Jefferson County and Northern Kentucky, requiring them to authorize charter schools within a certain timeframe. Indeed, during the floor debate on the bill on March 29, 2022, Senator Meredith stated, "Let's call it what it is, this is about Jefferson County Public Schools." This is special legislation that singles out a geographic location or locations for either favorable or disadvantageous treatment, in violation of Sections 59 and 60 of the Kentucky Constitution.

For these reasons, I am vetoing House Bill 9.

This, the 7th day of April, 2022.

A handwritten signature in black ink, reading "Andy Beshear". The signature is written in a cursive style with a large initial "A".

Andy Beshear
Governor