

GEORGIA INSIGHT

Sue Ella Deadwyler
www.GeorgiaInsight.org
“*She hath done what she could.*”
Mark, 14:8a

SHIP: Mandatory Obamacare for College Students

Until now, University System of Georgia (USG) students paid a fee to use the health clinic, but the federal government is implementing a mandatory Student Health Insurance Program (SHIP) for applicants without USG-approved policies. The new requirements of USG are as follows:

“Students (both undergraduate and graduate) who fail to submit creditable health insurance information will automatically be enrolled in and billed for the system-wide student health insurance plan. All 35 institutions of the USG are required to use Pearce & Pearce, Inc. as the provider for students who must purchase health insurance.”

HHS regulations govern SHIP. On February 9, 2011, the federal Department of Health and Human Services proposed the SHIP regulation under authority of two federal laws passed in 2010 – the Patient Protection and Affordable Care Act (Obamacare) and the Health Care and Education Reconciliation Act. Public comment on SHIP was allowed until April 12, 2011.

On December 14, 2011, HHS reported the number of adults 19 through 25 years of age covered by private health insurance increased 2.5 million since September 2010, a result of Obamacare. With offspring remaining on their parents’ policies until age 26, that number will multiply.

SHOP: Obama-Compliant Health Insurance for Businesses

H.B. 476 is Georgia’s Obamacare-compliant legislation. If passed, it would put the state into the insurance business, big time! Government would be expanded with (a) a Georgia Health Exchange Authority and its nine-member governor-appointed board. (b) A Georgia Health Exchange Trust Fund would be a depository for federal grants, private contributions and other funds. (c) A governor-appointed Exchange Advisory Committee and (d) a Small Business Health Options Program (SHOP) would be created for small group plans. In 2011, H.B. 476 passed a House subcommittee before opposition caused the governor to pull it from the process.

But, **S.B. 17** *did pass* in 2011, authorizing a Special Advisory Commission on Mandated Health Insurance and the governor signed it May 11, 2011. Recommendations by that commission will pave the way for H.B. 476 to be resurrected in the upcoming 2012 session.

Reasons Legislators Should Not Rush to Implement Government Controlled Insurance

- (a) Soon, the U.S. Supreme Court will decide whether we can be forced to buy health insurance.
- (b) If the Supreme Court rules Obamacare unconstitutional, the federal mandate will disappear.
- (c) If the Court upholds Obamacare, states have until 2013 (a full year) to present a solid plan.
- (d) If H.B. 476 passes, we could face state-mandated health insurance, if Obamacare is voided.
- (e) Obamacare does not take effect until 2014, even if the U.S. Supreme Court upholds it.
- (f) H.B. 476 is premature. It would put the state in the insurance business before it’s necessary.

ACTION – Oppose. Contact Insurance Committee Representatives Smith, Richard, Ch., 404 656-6831; Maxwell, V-Ch., 656-5143; Holt, Sec., 656-0152; Atwood, 656-0152; Brockway, 656-0188; Cheokas, 656-0325; Davis, 656-0254; Dollar, 656-0254; Epps, B. 656-0126; Epps, C., 656-7859; Golick, 656-5943; Harbin, 656-3949; Heard, 656-0220; Hembree, 656-6801; Hugley, 656-5058; Jacobs, 656-0152; Lucas, 656-0220; Mayo, 656-6372; Meadows, 656-5141; Murphy, 656-0265; Neal, J. 656-5138; Rogers, 463-2247; Shaw, 656-0213; Stephens, M. 656-0116; Taylor, 656-0177; Wilkinson, 463-8143.

December 2011

USG Policies: College Entry Requires Verification of Lawful Presence

In October 2010, the Board of Regents approved two new policies that are posted on the web: Policy 4.1.6, Admission of Persons Not Lawfully in the United States, and Policy 4.3.4, Verification of Lawful Presence.

Policy 4.1.6. *A person who is not lawfully present in the U.S. shall not be eligible for admission to any University System institution which, for the two most recent academic years, did not admit all academically qualified applicants (except for cases in which applicants were rejected for non-academic reasons).*

The following institutions fall under Policy 4.1.6: Georgia College and State University, Georgia Health Sciences University, Georgia Institute of Technology, Georgia State University and the University of Georgia.

Students applying to one of the above must provide verification of their lawful presence in the U.S. before their admission to the university can be finalized.

Policy 4.3.4. *Each University System institution shall verify the lawful presence in the U.S. of every successfully admitted person applying for resident tuition status, as defined in Section 7.3 of this Policy Manual, and of every person admitted to an institution referenced in Section 4.1.6 of this Policy Manual.*

Students requesting classification as in-state students for tuition must provide verification of their lawful presence in the U.S. Otherwise, they will not qualify for in-state tuition. Students who are verified as lawfully present in the U.S. will be classified as out-of-state, unless they meet Georgia residency requirements. Students who choose not to submit requested lawful presence documentation would not be eligible for in-state tuition.

Documents students may present to prove lawful presence in the U.S. include a certified copy of their U.S. birth certificate, Georgia driver's license issued after January 1, 2008, U.S. passport, or Permanent Resident Card.

H.B. 59 Makes Law for USG Rules & Requires Citizenship for Welfare Benefits
H.B. 59, introduced by Representative Tom Rice January 25, 2011, was left in the Higher Education Committee for the 2012 session. It **removes college education from the list of benefits for illegal aliens** to align state law with federal law 8 U.S.C. Section 1623. If H.B. 59 passes, college applicants must execute a signed sworn affidavit verifying their lawful presence in the U.S. They must provide acceptable documentation that they are a U.S. citizen or a legal permanent resident 18 or older, or entered the U.S. under the federal Immigration and Nationality Act. If the latter, the alien number issued by the Department of Homeland Security or other federal immigration agency must be provided.

In addition, higher education applicants must be verified as eligible for public benefits by the Homeland Security's Systematic Alien Verification of Entitlement (SAVE) plan. Agencies that do not screen applicants through SAVE may suffer budget reductions. Also, students under age 18 must execute the signed and sworn affidavit within 30 days after their 18th birthday.

ACTION – Support. Contact Higher Education Committee Representatives Dempsey, V-Ch., 404 656-0201; Carter, Sec., 651-7737; Allison, 656-0188; Amerson, 657-8443; Ashe, 656-0116; Ehrhart, 463-2247; Fullerton, 656-0126; Gardner, 656-0265; Harden, M., 656-0188; Hatfield, 656-0254; Hembree, 656-6801; Huckaby, 651-7737; Knight, 656-3904; Long, 656-0325; McBrayer, 656-0126; Murphy, 656-0265; Sims, 656-7855; Smyre, 656-0116; Watson, 656-0109.

Constitutional Convention Proposed in Pre-filed Bill

“The stakes in this institution are much greater because you are putting the whole Constitution up for grabs.”

– Lawrence Tribe, Professor of Law

A constitutional convention was the subject of a September 24-25 conference at Harvard Law School. Over 300 participants heard Con Con proponent Nick Dranias of the Goldwater Institute plea for them to work out an agreement to call a Con Con. But he was contradicted by leftwing law professor Lawrence Tribe, who warned attendees that a Con Con cannot be limited to a single issue. Ironically, conferees could not agree and disbanded without a decision. Their experience is indicative of the irreconcilable turmoil that would certainly surface in a Con Con.

The National Status

During the last several decades, 32 state legislatures passed Con Con resolutions, but *since 1988 at least twelve repealed* their calls – Alabama, Florida, Louisiana, Idaho, Utah, North Dakota, Arizona, Virginia, South Carolina, **Georgia**, Wyoming and Oklahoma. All past calls for a Con Con in Georgia were rescinded in 2004, when the General Assembly passed H.R. 1343.

The Constitution of the United States Article V requires Congress to call a Con Con after two-thirds (34) of the states pass a bill requesting it. The absence of details in Article V, the only authority for a constitutional convention, leaves too many loopholes. Consider the following:

Questions With No Answers. Are *rescinded calls* valid? Where will a Con Con convene? Will all states be invited to participate? Will all delegates be U.S. citizens? How many days, weeks, or months will it meet? May the public participate? Who writes rules? Who presides? Who pays for it? Can it be limited? Could the entire Constitution be rewritten? Could our representative republic be replaced with a different government? Are the answers in Article V?

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the congress; Provided that no Amendment which may be made prior to the year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.”

– Constitution of the United States, Article V

H.R. 1095, prefiled December 13, 2011 by Representative Andrew Welch of House District 110, states “that, as provided for in Article V of the U.S. Constitution, the Georgia General Assembly respectfully applies for an amendments convention to be called for the purpose of proposing an amendment which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.”

An “amendments convention” is another term for a Con Con, which is extremely risky. The *Constitution of the United States* does NOT limit a Con Con to a single issue. On the contrary, Article V, specifically, mentions “proposing amendments,” which is plural not singular.

ACTION – Oppose. Until H.R. 1095 is officially introduced in the 2012 session, it will not be placed in a committee. Meantime, please ask your representative to oppose any call for a constitutional convention, because it is too dangerous. When this bill is introduced and assigned to a committee, I will provide the members’ names and contact numbers.

FSA Middle School Rejects Fulton School Board's Offer of 3-Year Charter

Charter schools are tax-funded public K – 12 schools, not subject to rules for other public schools, but are controlled by a contract with individuals or a national family of public charter schools or an educational management organization. Charter schools violate local control in Georgia and overstep the U.S. Constitution. By a 7-0 vote December 20th, the Fulton County Board of Education (FCBOE) failed to renew the Fulton Science Academy (FSA) Middle School contract after FSA rejected the board's proposal. Two critical issues: (a) Fulton County wants a majority of parents on the FSA board and (b) is concerned about FSA financial entanglements, including the following debt:

FSA Middle School entered a joint loan agreement of over \$18 million with the Development Authority of Alpharetta to fund a new 44-acre campus for the sister schools – Fulton Sunshine Academy, FSA Middle and FSA High. The three schools are jointly responsible for the loan.

FSA rejected a three-year charter. To attain better oversight of the conjoined finances of the three schools, FCBOE staff recommended that FSA Middle School be granted a three-year charter to coincide with the other FSA charters. After the FSA board rejected the offer, Fulton Superintendent Robert Avossa responded, "This is something I cannot support at this time. Our school system has an obligation to its taxpayers to be fiscally accountable and good stewards of its money." Although the FSA charter expires June 30, 2012, it will be reviewed in March.

131 Gulen Schools in U.S. The 3 in Georgia Comprise Fulton Science Academy

Fethullah Gulen is "one of the most influential Turkish Islamic scholars of his generation. The movement he initiated in the late 1970s now has millions of participants. It has founded and runs hundreds of modern educational institutions...." – The Gulen Movement

Two days in 2009, June 18, 20, two major Gulenist media outlets in Turkey reported a summer program at a Gulen school in the Turkish town of Tavsanlı. **Georgia** Fulton Science Academy students traveled to Turkey to attend the program, which was held at Basari Private Elementary School, whose Facebook page has an overtly Islamic character and promotes Imam Fethullah Gulen's teaching. Was the Islamic connection explained to parents before the trip to Turkey?

Georgia has three of the 131 Gulen schools currently operating in 26 U.S. states. Georgia's three comprising *Fulton Science Academy* (formerly *Cosmos Science Academy*) are affiliates of the Cosmos Foundation, created in Texas a decade ago by a group of Turkish professors and businessmen. A majority of Gulen personnel are here on H1B visas. 18 or more are in Georgia.

Texas: Of 42 Gulen charter schools, 38 are *Harmony Schools*, with charters held by Cosmos Fdn./Harmony Public Schools, that's also their manager. The four called *School of Science and Technology* are managed by SST Schools. **Arizona:** Six Gulen schools operate as *Sonoran Science Academy*, the seventh *Paragon Science Academy*. Daisy Education Corp. manages all six. **Arkansas:** Five *Lisa Academy* schools are managed by Cosmos Fdn./Harmony Public Schools. **California:** Of 13, ten operate as *Magnolia Science Academy*, two operate as *Pacific Technology*, all managed by Accord Institute for Education Research. Willow Education holds the *Bay Area Technology School* charter. **Florida:** The five Gulen schools are identified with Grace Institute, formerly connected with FSA in Georgia. **Nevada:** Coral Education Corp. has charters for three *Coral Academy of Science* schools managed by Accord Institute for Education Research. **Ohio:** Concept Schools, Inc. manages 16 Gulen schools – 14 are named *Horizon Science Academy* and two *Noble Academy*. Gulen schools in other states are not same-named.

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