

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-97 of the Code of Virginia, relating to state and local*
3 *appropriations of sufficient education funds.*

4 [H 2151]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-97 of the Code of Virginia is amended and reenacted as follows:**8 § 22.1-97. Calculation and reporting of required local expenditures; procedure if locality fails to
9 appropriate sufficient educational funds.10 *A. The Department of Education shall collect annually the data necessary to make calculations and*
11 *reports required by this subsection.*12 *At the beginning of each school year, the Department shall make calculations to ensure that each*
13 *school division has appropriated sufficient funds to support its estimated required local expenditure for*
14 *providing an educational program meeting the prescribed Standards of Quality, required by Article VIII*
15 *of the Constitution of Virginia and Chapter 13.2 (§ 22.1-253.13:1 et seq.) of this title. At the conclusion*
16 *of the school year, the Department shall make calculations to verify whether the locality has provided*
17 *the required expenditure, based on average daily membership as of March 31 of the relevant school*
18 *year.*19 *The Department shall report annually to the House Committees on Education and Appropriations*
20 *and the Senate Committees on Finance and Education and Health the results of such calculations and*
21 *the degree to which each school division has met, failed to meet, or surpassed its required expenditure.*22 *The Joint Legislative Audit and Review Commission shall report annually to the House Committees*
23 *on Education and Appropriations and the Senate Committees on Finance and Education and Health the*
24 *state expenditure provided each locality for an educational program meeting the Standards of Quality.*25 *The Department and the Joint Legislative Audit and Review Commission shall coordinate to ensure*
26 *that their respective reports are based upon comparable data and are delivered together, or as closely*
27 *following one another as practicable, to the appropriate standing committees.*28 *B. Whenever such calculations indicate that the governing body of a county, city or town fails or*
29 *refuses to appropriate funds sufficient to provide that portion of the cost apportioned to such county,*
30 *city or town by law for maintaining an educational program meeting the Standards of Quality for the*
31 *several school divisions prescribed as provided by law, the Board of Education shall notify the Attorney*
32 *General of such failure or refusal in writing signed by the president of the Board. Upon receipt of such*
33 *notification, it shall be the duty of the Attorney General to file in the circuit court for the county, city or*
34 *town a petition for a writ of mandamus directing and requiring such governing body to make forthwith*
35 *such appropriation as is required by law.*36 *The petition shall be in the name of the Board of Education, and the governing body shall be made a*
37 *party defendant thereto. The court may, in its discretion, cause such other officers or persons to be made*
38 *parties defendant as it may deem proper. The court may make such order as may be appropriate*
39 *respecting the employment and compensation of an attorney or attorneys for any party defendant not*
40 *otherwise represented by counsel. The petition shall be given first priority on the docket of such court*
41 *and shall be heard expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et*
42 *seq.) of Chapter 25 of Title 8.01 and the writ of mandamus shall be awarded or denied according to the*
43 *law and facts of the case and with or without costs, as the court may determine. The order of the court*
44 *shall be final upon entry. Any appeal therefrom shall be heard and disposed of promptly by the Supreme*
45 *Court next after habeas corpus cases already on the docket.*