

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the Board of Education to take certain actions regarding the Commonwealth's*  
3 *participation in the federal No Child Left Behind Act.*

4 [S 1136]

5 Approved

6  
7 **Be it enacted by the General Assembly of Virginia:**

8 **1.** *§ 1. That, pursuant to § 9401 of the federal No Child Left Behind Act (the Act), the Board of*  
9 *Education shall seek waivers from compliance with those provisions of the Act that are (i) in conflict*  
10 *with Title IX, Section 9527 (a), which prohibits federal authorities from mandating, directing, or*  
11 *controlling state or local allocation of resources and from mandating state or local expenditure of funds*  
12 *or incursion of any costs not paid for under the Act; or (ii) duplicative of the Commonwealth's existing*  
13 *educational accountability system as set forth in the Standards of Quality, Standards of Learning, and*  
14 *Standards of Accreditation; or (iii) lacking in effectiveness, including, but not necessarily limited to,*  
15 *those addressing (a) testing of students with disabilities or limited English proficiency; (b) additional or*  
16 *excessive testing; (c) exclusion of passing scores on expedited retakes of Standards of Learning*  
17 *assessments from calculations of adequate yearly progress; (d) measurement of adequate yearly progress*  
18 *based on, among other things, individual grade levels rather than longitudinal data and individual*  
19 *subgroup failures; (e) the overinclusion of certain students in several subgroups; and (f) components of*  
20 *the Commonwealth's educational accountability system and teacher licensure and employment*  
21 *requirements that, in the discretion of the Board, already substantially comply with the spirit and intent*  
22 *of the federal act.*

23 **2.** **That the Board of Education shall examine the fiscal and other implications for the**  
24 **Commonwealth and its local governments in the event that Virginia continues its compliance with,**  
25 **or withdraws from participation in, the federal No Child Left Behind Act. The Board shall convey**  
26 **its findings from such examination to the House Committees on Education and Appropriations**  
27 **and the Senate Committees on Education and Health and Finance no later than October 1, 2005.**

28 **3.** **That an emergency exists and this act is in force from its passage.**

ENROLLED

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