

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to direct the Board of Education to request a waiver from the duplicative provisions of the No*
3 *Child Left Behind Act and to make a recommendation to the General Assembly regarding Virginia's*
4 *continued implementation of such Act.*

5 [S 1212]

6 Approved

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

8 1. § 1. A. Pursuant to § 9401 of the federal No Child Left Behind Act (NCLB), Public Law 107-110, the
9 Board of Education shall continue to seek waivers from compliance with those provisions of NCLB that
10 are fiscally and programmatically burdensome to school divisions and are not instructionally sound or
11 in the best interest of children.

12 The Board shall report on the status of its waivers from compliance to the chairmen of the Senate
13 Education and Health Committee and the House Education Committee no later than October 1, 2007.
14 Such report shall contain a summary of the waivers requested from the United States Department of
15 Education during the calendar year 2007, a summary of the responses from the United States
16 Department of Education, and a timeline providing the submission date of every waiver request and the
17 date that a response was provided.

18 B. In the event that any or all waiver requests are not approved by the United States Department of
19 Education, the Board shall transmit a summary of all requests not approved to the Virginia
20 Congressional delegation for its consideration in the reauthorization of the Elementary and Secondary
21 Education Act. Such report or reports shall be submitted in a manner prescribed by the Board.

22 If the reauthorization of the Elementary and Secondary Education Act does not provide the necessary
23 revisions in the federal law to grant states and localities the flexibilities requested in Virginia's waiver
24 requests, the Board shall make a recommendation to the General Assembly on Virginia's continued
25 implementation of NCLB.

26 C. The Board of Education and Office of the Attorney General of Virginia may bring suit against the
27 United States Department of Education if, as a result of the Commonwealth's withdrawal from the
28 voluntary NCLB, funds that are not directly related to NCLB and that help children from low-income
29 families meet challenging academic content and achievement standards are withheld.

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