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**SENATE BILL NO. 1212**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
(Proposed by the Senate Committee on Education and Health  
on January 25, 2007)

(Patron Prior to Substitute—Senator Hanger)

*A BILL to direct the Board of Education to request a waiver from the duplicative provisions of the No Child Left Behind Act and to withdraw the Commonwealth from participation in the Act if the waiver is not granted.*

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

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

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

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

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

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