

2011 SESSION

INTRODUCED

11100449D

SENATE BILL NO. 840

Offered January 12, 2011

Prefiled January 7, 2011

A *BILL to amend and reenact § 22.1-87 of the Code of Virginia, relating to judicial review of school board divisions.*

Patrons—Petersen and Barker; Delegate: Kory

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-87 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-87. Judicial review.

Any parent, custodian, or legal guardian of a pupil attending the public schools in a school division who is aggrieved by an action of the school board may, within ~~thirty~~30 days after such action, petition the circuit court having jurisdiction in the school division to review the action of the school board. Such review shall proceed upon the petition, the minutes of the meeting at which the school board's action was taken, the orders, if any, of the school board, an attested copy of the transcript, if any, of any hearing before the school board, and any other evidence found relevant to the issues on appeal by the court. The action of the school board shall be sustained unless the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion.

For purposes of this section, any parent, custodian, or legal guardian of a school-age child eligible to attend a school directly affected by an action of the local school board shall presumptively be considered to be aggrieved by such action.

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