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HOUSE BILL NO. 2325

Offered January 17, 1997

A BILL to amend and reenact § 22.1-79 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 2 of Title 22.1 a section numbered 22.1-21, relating to the application for federal education funds and grants.

Patrons—Plum, Abbitt, Almand, Armstrong, Barlow, Behm, Bennett, Bloxom, Brickley, Christian, Clement, Connally, Cooper, Council, Cranwell, Crittenden, Croshaw, Cunningham, Darner, Davies, DeBoer, Deeds, Diamonstein, Dickinson, Grayson, Hall, Heilig, Hull, Jackson, Johnson, Jones, D.C., Jones, J.C., Keating, Lovelace, McEachin, Melvin, Moore, Moran, Moss, Murphy, Phillips, Puller, Robinson, Scott, Shuler, Spruill, Stump, Tate, Thomas, Van Lanningham, Van Yahres, Watts and Woodrum; Senators: Colgan, Couric, Edwards, Gartlan, Houck, Howell, Lambert, Lucas, Marsh, Marye, Maxwell, Miller, Y.B., Reasor, Saslaw, Waddell, Walker, Whipple and Woods

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 22.1 a section numbered 22.1-21 as follows:

§ 22.1-21. Duties of Board relating to application for federal education funds and grants; designation of "state education agency." Notwithstanding any other provision of law and without further approval of the Governor, the Board of Education shall have the power to apply for and accept federal education funds and grants. The Board's exercise of this power shall be consistent with the educational policy of the Commonwealth as set forth in Article VIII of the Constitution of Virginia and shall be subject to the ultimate authority of the General Assembly as prescribed in Article VIII, Section 5. Unless otherwise prescribed by law, the Board of Education is designated as the "state educational agency" for receipt and disbursement of federal education funds and, as such, is authorized, empowered and directed to exercise the powers and perform the duties conferred and imposed by applicable federal law. Where authorized by federal law and without further approval of the Governor, the Board shall approve applications by local school boards for federal education funds or grants.

§ 22.1-79. Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed eighteen months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal, suspension, or other disciplinary actions and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances except that there shall be no right to a hearing before a fact-finding panel;
7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law; and
8. Have the authority to apply directly to the U.S. Department of Education for federal education grants and funds where authorized by federal law; and
9. Obtain public comment through a public hearing not less than ten days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the

60 consolidation of schools; (ii) the transfer of the administration of all instructional services for any public
61 school classroom in the school division pursuant to a contract with any private entity or organization; or
62 (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of
63 school boundaries or adopting any pupil assignment plan affecting the assignment of fifteen percent or
64 more of the pupils in average daily membership in the affected school. Such public hearing may be held
65 at the same time and place as the meeting of the school board at which the proposed action is taken if
66 the public hearing is held before the action is taken. If a public hearing has been held prior to the
67 effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which
68 is to be implemented after the effective date of this provision, an additional public hearing shall not be
69 required.

70 **2. That each of the resolutions passed by the school boards for the Counties of Albemarle, Amelia,
71 Amherst, Appomattox, Arlington, Augusta, Bath, Botetourt, Brunswick, Buchanan, Campbell,
72 Caroline, Carroll, Craig, Cumberland, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin,
73 Frederick, Gloucester, Goochland, Grayson, Greensville/Emporia, Halifax/South Boston, Henry,
74 Highland, Isle of Wight, King George, King William, Lancaster, Lee, Loudoun, Louisa, Madison,
75 Mecklenburg, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange,
76 Patrick, Pittsylvania, Prince Edward, Prince William, Pulaski, Rappahannock, Roanoke,
77 Rockingham, Russell, Shenandoah, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex,
78 Tazewell, Westmoreland, Wise, and York; the Town of West Point; and the Cities of Alexandria,
79 Bedford, Charlottesville, Colonial Heights, Covington, Danville, Fairfax, Falls Church, Franklin,
80 Fredericksburg, Galax, Hampton, Harrisonburg, Manassas Park, Martinsville, Newport News,
81 Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Roanoke, Salem, Staunton, Suffolk,
82 Williamsburg, and Winchester shall constitute a request for approval of a direct application to the
83 U. S. Department of Education by such school divisions for funds under the Act, and the Board of
84 Education shall approve any direct application for such funds as made by any of these school
85 divisions or by any other school division seeking approval for a direct application for such funds
86 under the Act.**

87 **3. That notwithstanding the provisions of § 2.1-3 and § 2.1-38.2, and pursuant to the ultimate
88 authority of the General Assembly as prescribed in Article VIII, § 5 of the Constitution of
89 Virginia, it shall be the policy of the Commonwealth (i) to implement a comprehensive statewide
90 School-to-Work Opportunities system for all students and to coordinate activities under that
91 system with school improvement initiatives undertaken by the Board of Education and local school
92 divisions under the Goals 2000: Educate America Act and (ii) to apply for those funds and grants
93 available to the Commonwealth and the local school divisions under the Federal
94 School-to-Work-Opportunities Act of 1994 (Pub. L. No. 103-239, 108 Stat. 568) as amended. The
95 Governor and the Board of Education shall take no action either directly or indirectly in
96 contravention of this policy.**