VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 880

An Act to request certain waivers and exemptions to the federal No Child Left Behind Act.

[H 1428]

Approved April 19, 2006

Be it enacted by the General Assembly of Virginia:

1. *§ 1. No Child Left Behind; waiver and exemption requests.*

A. The President of the Board of Education is encouraged to request from the U.S. Department of Education, in calendar year 2006, the following waivers and exemptions of the statutory and regulatory requirements of the federal No Child Left Behind Act (Public Law 107-110):

1. Additional flexibility for the Commonwealth to apply sanctions regarding supplemental services and public school choice.

2. The identification of schools in improvement to consider those schools that fail to make adequate yearly progress for two consecutive years in the same subject and for the same subgroup.

3. The modification of adequate yearly progress calculation policies to accommodate appropriate measures of progress for students with disabilities and those students who are limited English proficient.

4. The ability to count the passing scores of students on retests in the calculation of adequate yearly progress in a manner that increases the validity of adequate yearly progress determinations across tested grade levels.

Nothing in this section shall be construed to prohibit the Board of Education from making additional requests as it deems necessary.

B. The President of the Board of Education shall make a report on the status of all requests provided in subsection A of this act to the Governor, the Chairmen of the Senate Education and Health and House Education Committees, and the Chairmen of the Senate Finance and House Appropriations Committees no later than the first day of the 2007 Session of the General Assembly. If such report indicates that the response from the U.S. Department of Education to the requests in subsection A of this act is unsatisfactory, then the President of the Board of Education shall make recommendations to the Governor and the General Assembly regarding additional actions. Such actions may include, but need not be limited to (i) the nullification and revocation of the Virginia Consolidated State Application submitted to the U.S. Department of Education; (ii) legal actions that may be taken by the Office of the Attorney General; and (iii) additional negotiations with the U.S. Department of Education.