

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [H 1428]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 1. § 1. *No Child Left Behind; waiver and exemption requests.*7 A. *The President of the Board of Education is encouraged to request from the U.S. Department of*  
8 *Education, in calendar year 2006, the following waivers and exemptions of the statutory and regulatory*  
9 *requirements of the federal No Child Left Behind Act (Public Law 107-110):*10 1. *Additional flexibility for the Commonwealth to apply sanctions regarding supplemental services*  
11 *and public school choice.*12 2. *The identification of schools in improvement to consider those schools that fail to make adequate*  
13 *yearly progress for two consecutive years in the same subject and for the same subgroup.*14 3. *The modification of adequate yearly progress calculation policies to accommodate appropriate*  
15 *measures of progress for students with disabilities and those students who are limited English proficient.*16 4. *The ability to count the passing scores of students on retests in the calculation of adequate yearly*  
17 *progress in a manner that increases the validity of adequate yearly progress determinations across*  
18 *tested grade levels.*19 *Nothing in this section shall be construed to prohibit the Board of Education from making additional*  
20 *requests as it deems necessary.*21 B. *The President of the Board of Education shall make a report on the status of all requests*  
22 *provided in subsection A of this act to the Governor, the Chairmen of the Senate Education and Health*  
23 *and House Education Committees, and the Chairmen of the Senate Finance and House Appropriations*  
24 *Committees no later than the first day of the 2007 Session of the General Assembly. If such report*  
25 *indicates that the response from the U.S. Department of Education to the requests in subsection A of*  
26 *this act is unsatisfactory, then the President of the Board of Education shall make recommendations to*  
27 *the Governor and the General Assembly regarding additional actions. Such actions may include, but*  
28 *need not be limited to (i) the nullification and revocation of the Virginia Consolidated State Application*  
29 *submitted to the U.S. Department of Education; (ii) legal actions that may be taken by the Office of the*  
30 *Attorney General; and (iii) additional negotiations with the U.S. Department of Education.*

REENROLLED

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