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HOUSE JOINT RESOLUTION NO. 304

Offered January 24, 2000

Establishing a joint subcommittee to study student disciplinary statutes.

Patron—O'Brien

Referred to Committee on Rules

WHEREAS, Article 3 of Chapter 14 of Title 22.1 establishes the laws for student discipline in the public schools of the Commonwealth; and

WHEREAS, the student disciplinary statutes were first codified almost 50 years ago; and

WHEREAS, during the past 50 years, the nature and severity of discipline problems confronting public schools and school personnel daily have changed substantially, and the courts, and federal and state governments have become increasingly involved in establishing student disciplinary policies and procedures; and

WHEREAS, the student discipline statutes, amended annually by the General Assembly, have become increasingly more difficult to interpret and administer due to inconsistencies in the laws, and the intent of the statutes has become obscured; and

WHEREAS, student discipline laws that are understandable, consistent, and fair allow schools and teachers to ensure due process, minimize classroom disruptions, promote student safety, and enhance the learning environment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study student disciplinary statutes. The joint subcommittee shall be composed of 10 legislative members, to be appointed as follows: six members of the House of Delegates, to be appointed by the Speaker; and four members of the Senate, to be appointed by the Senate Committee on Privileges and Elections.

During the course of its deliberations, the joint subcommittee shall collaborate and communicate with other study committees charged to examine related issues. It shall also confer with the Secretary of Education, the President of the Board of Education, the Superintendent of Public Instruction, representatives of the Virginia Parents and Teachers Association, the Virginia School Boards Association, the Virginia Education Association, the Virginia Association of School Superintendents, the Virginia Association of Elementary School Principals, the Virginia Association of Secondary School Principals, the Virginia Counselors Association, the Virginia Association of Chiefs of Police, the Virginia Sheriffs Association, the National School Safety Center, and other recognized national and state organizations involved law enforcement and in the research, investigation, and study of school safety and student conduct issues which may further its work.

In conducting the study, the joint subcommittee shall:

1. Conduct a comprehensive review and analysis of U. S. Supreme Court, and other federal and state court decisions relating to student discipline, due process, and suspension and expulsion;

2. Review the provisions of Article VIII, § of the Virginia Constitution which bestows a constitutional right to a free public education to all school age children of the Commonwealth and recommend ways to reconcile the constitutional mandate, statutory provisions regarding expulsions, the general practice among school divisions respecting long-term suspensions and expulsions, and inconsistencies in the interpretation and application of the laws pertaining to expulsions among school boards;

3. Review the provisions of federal and State laws pertaining to student conduct and discipline; suspension, exclusion, and expulsion; school board policies pertaining to these issues; school crime reporting requirements and the disclosure of certain student information; alternative education programs for disruptive students; and parental involvement;

4. Ascertain and evaluate the procedures used by local school boards to develop and administer student discipline policies and procedures;

5. Review, discuss, and consider the findings and recommendations of the Summit on School Violence and previous and on-going study committees that examined school violence and safety issues to avoid unnecessary replication of efforts; and

6. Consider issues inherent in Senate Joint Resolution 85 (1996), and address concerns that minority students disproportionately receive more severe sanctions for violating school board student conduct and disciplinary policies;

7. Inventory alternative discipline procedures for handling cases at the local level;

8. Recommend ways to restore balance in the approach taken by public schools to deal with school

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HJ304

60 safety crises and violations of school board policies to provide prompt, consistent, and decisive
61 disciplinary action when warranted, while ensuring equity, due process, and the safety of students and
62 school personnel;

63 9. Recommend approaches for substantive revisions to State laws pertaining to school crime and
64 violence; compulsory school attendance law; student conduct and disciplinary issues; suspension,
65 exclusion, and expulsion; alternative education programs for disruptive students; disclosure of certain
66 student information; and such other statutes that impact or are intertwined with any of the issues being
67 considered by the joint subcommittee; and

68 10. Consider such related issues as the joint subcommittee may deem appropriate and necessary.
69 The direct costs of this study shall not exceed \$19,500.

70 The Division of Legislative Services shall provide staff support for the study. All agencies of the
71 Commonwealth shall provide assistance to the joint subcommittee, upon request.

72 The joint subcommittee shall complete its work in time to submit its findings and recommendations
73 to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the
74 Division of Legislative Automated Systems for the processing of legislative documents.

75 Implementation of this resolution is subject to subsequent approval and certification by the Joint
76 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
77 study.