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SENATE BILL NO. 80

Senate Amendments in [] — February 14, 2000

A BILL to amend and reenact § 22.1-277.01 of the Code of Virginia, relating to expulsion of students under certain circumstances; exceptions.

Patrons—Howell, Byrne, Puller, Saslaw and Ticer; Delegates: Albo, Amundson, Brink, Dillard, Plum, Scott and Watts

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-277.01 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-277.01. Expulsion of students under certain circumstances; Board of Education designated agency; local school board application for assistance; reporting; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-"Gun-Free Schools Act of 1994"), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in § 22.1-277, to have brought a firearm onto school property or to a school-sponsored activity as prohibited by § 18.2-308.1, or to have brought a firearm as defined in subsection D of this section on school property or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in § 22.1-277.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994, and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section;

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known which will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" shall not include any device which is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device.

"Firearm" means any weapon prohibited on school property or at a school-sponsored activity pursuant to § 18.2-308.1, or (i) any weapon, including a starter gun, which will, or is designed or may readily be converted to, expel a projectile by the action of an explosive; (ii) the frame or receiver of any such weapon; (iii) any firearm muffler or firearm silencer; or (iv) any destructive device.

"One year" means 365 calendar days as required in federal regulations.

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60 E. The exemptions set out in § 18.2-308 shall apply, mutatis mutandis, to the provisions of this
61 section. The provisions of this section shall not apply to [*Junior ROTC and Senior ROTC program*
62 *personnel and activities, specifically in relation to the possession or discharge of firearms which existing*
63 *ROTC programs currently allow, providing said firearms are under the control of the ROTC military*
64 *personnel and instructors, and providing that when not in use, said firearms are securely stored and*
65 *maintained, as is currently required.*] ~~persons who possess such firearm or firearms as a part of the~~
66 ~~curriculum or other programs sponsored by the schools in the school division or any organization~~
67 ~~permitted by the school to use its premises or to~~ any law-enforcement officer while engaged in his
68 duties as such.

69 F. This section shall not be construed to diminish the authority of the Board of Education or the
70 Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the
71 federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate
72 and provide policy direction on official communications between the Commonwealth and the United
73 States government.