

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 669

An Act to amend and reenact § 22.1-277.2 of the Code of Virginia, relating to exclusion from public school attendance.

[H 1706]

Approved March 25, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-277.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-277.2. Admission of expelled students; authority to exclude under certain circumstances.

A. A student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state ~~for an offense in violation of school board policies related to destruction of school property or privately-owned property while located on school property, weapons, alcohol or drugs, or for the willful infliction of injury to another person,~~ may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission; ~~for no more than one year in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, for no longer than the duration of such suspension,~~ upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended.

In excluding any such expelled student from school attendance, the local school board may accept or reject any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to § 22.1-277.03. The excluding school board shall not impose additional conditions for readmission to school.

If the decision by the superintendent or his designee *to exclude* has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.

In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

B. In lieu of the procedures established in subsection A, a school board may adopt regulations providing that a student may be excluded from attendance after (i) written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition, as established in regulation, of the student so excluded or his parent, for a review of the record by the school board.

C. For the purposes of this section, the superintendent's designee shall be a (i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the division superintendent and who is not a school-based instructional or administrative employee.

D. Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which ~~period shall not be more than one year established by the school board, committee thereof, or superintendent or his designee, as the case may be, at the relevant hearing,~~ the student may petition the school board for admission. ~~For the purposes of this section, "one year" shall mean 365 calendar days~~ *readmission. If the petition for readmission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the school board for readmission.*