

2002 SESSION

INTRODUCED

027361826

HOUSE BILL NO. 512

Offered January 9, 2002

Prefiled January 8, 2002

A *BILL* to amend the Code of Virginia by adding a section numbered 22.1-277.09, relating to discipline of students.

Patron—Marrs

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by a section numbered 22.1-277.09 as follows:

§ 22.1-277.09. Policies regarding certain student actions.

Except as may be otherwise required by § 22.1-277.07, no disciplinary action shall be imposed against students for the following behaviors:

1. Reasonable actions taken in good faith by a student (a) in defense of himself or others; (b) to prevent harm to property; or (c) in response to provocation;

2. Possession of a bona fide eating or food service utensil, personal grooming device, or mechanical tool, unless such utensil, device, or tool is brandished or employed as a weapon or otherwise to effect or to threaten an act of violence against another or against property; and

3. Possession or use of nonprescription medication, regardless of whether school personnel have knowledge of such possession or use, if such nonprescription medication is held with the prior or subsequent approval of the pupil's parent.

The provisions of §§ 22.1-277.04, 22.1-277.05, and 22.1-277.06 notwithstanding, no student who has received notice of an intended suspension or expulsion who asserts the applicability of this section shall be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the validity of such assertion. School boards shall adopt procedures consistent with due process requirements of this article for the conduct of such inquiry.

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