

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-277.2:1 of the Code of Virginia, relating to the disciplinary*
3 *authority of school boards under certain circumstances.*

4 [H 2341]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-277.2:1 of the Code of Virginia is amended and reenacted as follows:**8 § 22.1-277.2:1. Disciplinary authority of school boards under certain circumstances; alternative
9 education program.

10 A. A school board may, in accordance with the procedures set forth in this article, require any
11 student who has been (i) charged with an offense relating to the Commonwealth's laws, or with a
12 violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person,
13 *or with an offense that is required to be disclosed to the superintendent of the school division pursuant*
14 *to subsection G of § 16.1-260;* (ii) found guilty or not innocent of an offense relating to the
15 Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have
16 resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the
17 school division pursuant to subsection G of § 16.1-260; (iii) found to have committed a serious offense
18 or repeated offenses in violation of school board policies; (iv) suspended pursuant to § 22.1-277.05; or
19 (v) expelled pursuant to §§ 22.1-277.06, 22.1-277.07, or § 22.1-277.08, or subsection B of § 22.1-277,
20 to attend an alternative education program. A school board may require such student to attend such
21 programs regardless of where the crime occurred. School boards may require any student who has been
22 found, in accordance with the procedures set forth in this article, to have been in possession of, or under
23 the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity
24 in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if
25 recommended by the evaluator and with the consent of the student's parent, to participate in a treatment
26 program.

27 As used in this section, the term "charged" means that a petition or warrant has been filed or is
28 pending against a pupil.

29 B. A school board may adopt regulations authorizing the division superintendent or his designee to
30 require students to attend an alternative education program consistent with the provisions of subsection
31 A after (i) written notice to the student and his parent that the student will be required to attend an
32 alternative education program and (ii) notice of the opportunity for the student or his parent to
33 participate in a hearing to be conducted by the division superintendent or his designee regarding such
34 placement. The decision of the superintendent or his designee regarding such alternative education
35 placement shall be final unless altered by the school board, upon timely written petition, as established
36 in regulation, by the student or his parent, for a review of the record by the school board.

37 C. A school board may adopt regulations authorizing the principal or his designee to impose a
38 short-term suspension, pursuant to § 22.1-277.04, upon a student who has been charged with an offense
39 involving intentional injury enumerated in subsection G of § 16.1-260, to another student in the same
40 school pending a decision as to whether to require that such student attend an alternative education
41 program.

ENROLLED

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