

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia, relating to
3 student discipline; gun and drug offenses.

4 [H 198]
5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 22.1-277.07 and 22.1-277.08 of the Code of Virginia are amended and reenacted as
8 follows:

9 § 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

10 A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free
11 Schools Act of 1994), a school board shall expel from school attendance for a period of not less than
12 one year any student whom such school board has determined, in accordance with the procedures set
13 forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as
14 prohibited by § 18.2-308.1; to have possessed a firearm or destructive device as defined in subsection E,
15 a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on
16 school property or at a school-sponsored activity. A school administrator, pursuant to school board
17 policy, or a school board may, however, determine, based on the facts of a particular situation, that
18 special circumstances exist and no disciplinary action or another disciplinary action or another term of
19 expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes
20 special circumstances. In addition, a school board may, by regulation, authorize the division
21 superintendent or his designee to conduct a preliminary review of such cases to determine whether a
22 disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a
23 determination is made that another disciplinary action is appropriate, any such subsequent disciplinary
24 action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section*
25 *shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

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

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

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

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

40 D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the
41 JROTC program from conducting marksmanship training when such training is a normal element of
42 such programs. Such programs may include training in the use of pneumatic guns. The administration of
43 a school operating a JROTC program shall cooperate with the JROTC staff in implementing such
44 marksmanship training.

45 E. As used in this section:

46 "Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket
47 having a propellant charge of more than four ounces, missile having an explosive or incendiary charge
48 of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a
49 shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name
50 known that will, or may be readily converted to, expel a projectile by the action of an explosive or
51 other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is
52 homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any
53 sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian
54 ownership by federal law; and (iii) any combination of parts either designed or intended for use in
55 converting any device into any destructive device described in this subsection and from which a
56 destructive device may be readily assembled. "Destructive device" does not include any device that is

57 not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon
58 and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device,
59 nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

60 "Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be
61 converted to, expel single or multiple projectiles by the action of an explosion of a combustible material
62 or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined
63 in subsection E of § 15.2-915.4.

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

65 "School property" means any real property owned or leased by the school board or any vehicle
66 owned or leased by the school board or operated by or on behalf of the school board.

67 F. The exemptions set out in § 18.2-308 regarding concealed weapons shall apply, *mutatis mutandis*,
68 to the provisions of this section. The provisions of this section shall not apply to persons who possess
69 such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by
70 the schools in the school division or any organization permitted by the school to use its premises or to
71 any law-enforcement officer while engaged in his duties as such.

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

77 **§ 22.1-277.08. Expulsion of students for certain drug offenses.**

78 A. School boards shall expel from school attendance any student whom such school board has
79 determined, in accordance with the procedures set forth in this article, to have brought a controlled
80 substance, imitation controlled substance, marijuana as defined in § 18.2-247, or synthetic cannabinoids
81 as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity. A school board may,
82 however, determine, based on the facts of the particular case, that special circumstances exist and
83 another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the
84 division superintendent or his designee to conduct a preliminary review of such cases to determine
85 whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a
86 determination is made that another disciplinary action is appropriate, any such subsequent disciplinary
87 action is to be taken in accordance with the procedures set forth in this article. *Nothing in this section*
88 *shall be construed to require a student's expulsion regardless of the facts of the particular situation.*

89 B. Each school board shall revise its standards of student conduct to incorporate the requirements of
90 this section no later than three months after the date on which this act becomes effective.