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HOUSE BILL NO. 754

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 13, 2014)

(Patron Prior to Substitute—Delegate Rust)

A BILL to amend and reenact § 22.1-277 of the Code of Virginia, relating to student discipline; modifying suspensions and expulsions.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-277 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-277. Suspensions and expulsions of pupils generally.

A. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no cases may sufficient cause for suspensions include only instances of truancy.

B. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school attendance pursuant to this article.

C. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.

D. A school board, in its sole discretion, may modify a suspension or expulsion of a student if it deems such action to be warranted. Nothing in this subsection shall be construed to require a school board to modify any student disciplinary action. No action of a school board pursuant to this subsection shall be subject to judicial review pursuant to § 22.1-87.

2. That this act is declaratory of existing law.

SENATE SUBSTITUTE

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