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SENATE BILL NO. 588

Offered January 13, 2014

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

Patron—Black

Referred to Committee on Education and Health

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. *Except in cases of short-term suspensions pursuant to § 22.1-277.04, when a school board or a committee thereof, in accordance with regulations of the school board, determines that (i) two or more students have engaged in closely related offenses arising out of the same incident or circumstances that lead to each student's expulsion or suspension, (ii) the cases resulted in highly disparate disciplinary decisions in which at least one student received a lesser punishment, and (iii) no rational basis exists for the disparate disciplinary decisions, the school board or a committee thereof may, after reviewing the facts of each case and reporting in writing its reasons for finding that no rational basis exists for the disparate disciplinary decisions, reduce the suspension or expulsion of the student or students who received a greater punishment. The decision of the school board or a committee thereof pursuant to this subsection shall not be subject to judicial review pursuant to § 22.1-87.* <title>

INTRODUCED

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