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HOUSE BILL NO. 688

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact §§ 22.1-276.2, 22.1-277, 22.1-277.04, and 22.1-277.05 of the Code of Virginia, relating to student discipline; alternative education programs.

Patrons—McQuinn, Adams, D.M., Bourne, Boysko, Krizek, Lindsey, Plum, Rasoul, Simon, Tyler and Watts

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-276.2, 22.1-277, 22.1-277.04, and 22.1-277.05 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-276.2. Removal of students from classes.

A. Teachers shall have the initial authority to remove a student for disruptive behavior from a class.

B. Each school board shall establish, within the regulations governing student conduct required by § 22.1-279.6:

1. Criteria for teachers to remove disruptive students from their classes;

2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class;

3. Procedures for the written notification of a student and his parents of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease;

4. Guidelines for the alternative assignment and instruction of such students and for the duration of such removals; and

5. Procedures for the return of students to class, for teacher participation in any decision by the principal to return a student to the class from which he has been removed, and for the resolution of any disagreements between such principal and teacher regarding such return.

C. The principal shall, unless a student who has been removed from class is ~~suspended or~~ expelled from school attendance, ensure that such student continues to receive an education.

D. Any teacher whose evaluation indicates deficiencies in the management of student conduct may be required by the school board to attend professional development activities designed to improve classroom management and disciplinary skills.

E. Application of this section to students with disabilities shall be in accordance with state and federal law and regulations.

F. This section shall not be construed to limit or restrict other school board policies and regulations for maintaining order in the classroom.

§ 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. The local school board shall provide alternative education programs for any student suspended under § 22.1-277.04 or 22.1-277.05.

§ 22.1-277.04. Short-term suspension; procedures; readmission.

A pupil may be suspended for not more than ~~ten~~ 10 school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as practicable thereafter.

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HB688

58 Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such
59 suspension shall report the facts of the case in writing to the division superintendent or his designee and
60 the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the
61 action taken by the principal, assistant principal, or teacher upon a petition for such review by any party
62 in interest and confirm or disapprove such action based on an examination of the record of the pupil's
63 behavior.

64 The decision of the division superintendent or his designee may be appealed to the school board or a
65 committee thereof in accordance with regulations of the school board; however, the decision of the
66 division superintendent or his designee shall be final if so prescribed by school board regulations.

67 The school board shall require that any oral or written notice to the parent of a student who is
68 suspended from school attendance for not more than ~~ten~~ 10 days include (i) notification of the length of
69 the suspension, (ii) information regarding the ~~availability of community-based educational programs,~~
70 ~~alternative education programs or other educational options provided by the local school board,~~ and (iii)
71 *notification* of the student's right to return to regular school attendance upon the expiration of the
72 suspension. ~~The costs of any community-based educational program, or alternative education program or~~
73 ~~educational option, which is not a part of the educational program offered by the school division, shall~~
74 ~~be borne by the parent of the student.~~

75 **§ 22.1-277.05. Long-term suspensions; procedures; readmission.**

76 A. A pupil may be suspended from attendance at school for more than ~~ten~~ 10 days after providing
77 written notice to the pupil and his parent of the proposed action and the reasons therefor and of the
78 right to a hearing before the school board, or a committee thereof, or the superintendent or his designee,
79 in accordance with regulations of the school board. If the regulations provide for a hearing by the
80 superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full
81 school board. Such appeal shall be decided by the school board within ~~thirty~~ 30 days.

82 If the regulations provide for a hearing by a committee of the school board, the regulations shall also
83 provide that such committee may confirm or disapprove the suspension of a student. Any such
84 committee of the school board shall be composed of at least three members. If the committee's decision
85 is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board.
86 Such appeal shall be decided by the school board within ~~thirty~~ 30 days.

87 B. A school board shall include in the written notice of a suspension for more than ~~ten~~ 10 days
88 required by this section, notification of the length of the suspension. In the case of a suspension for
89 more than ~~ten~~ 10 days, such written notice shall provide information concerning the ~~availability of~~
90 ~~community-based educational,~~ alternative education, ~~or intervention~~ programs *provided by the local*
91 *school board*. Such notice shall also state that the student is eligible to return to regular school
92 attendance upon the expiration of the suspension or to attend an appropriate alternative education
93 program approved by the school board during or upon the expiration of the suspension. The costs of any
94 community-based educational, alternative education, or intervention program that is not a part of the
95 educational program offered by the school division that the student may attend during his suspension
96 shall be borne by the parent of the student.

97 Nothing in this section shall be construed to prohibit the school board from permitting or requiring
98 students suspended pursuant to this section to attend an alternative education program provided by the
99 school board for the term of such suspension.