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HOUSE BILL NO. 1720

Offered January 9, 2019

Prefiled December 17, 2018

A BILL to amend and reenact § 22.1-277 of the Code of Virginia, relating to public elementary and secondary school students; suspension and expulsion; cannabidiol oil and THC-A oil.

Patrons—Hurst, Adams, D.M., Bourne, Filler-Corn, Gooditis, Hope, Kory, Levine, McQuinn, Mullin, Plum, Reid and Simon

Referred to Committee for Courts of Justice

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 students generally.**

A. Students 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. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.

C. 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.

D. 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.

E. Any student who possesses a valid and unexpired written certification to use cannabidiol oil or THC-A oil that is issued by a practitioner in accordance with subsection B of § 54.1-3408.3 may possess and use cannabidiol oil or THC-A oil on school property, on a school bus, or at a school-sponsored activity. Notwithstanding the provisions of § 22.1-277.08, no school board shall suspend or expel from school attendance any such student who possesses or uses cannabidiol oil or THC-A oil on school property, on a school bus, or at a school-sponsored activity.

INTRODUCED

HB1720