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**HOUSE BILL NO. 2041**

Offered January 9, 2019

Prefiled January 7, 2019

A *BILL to amend and reenact § 22.1-277 of the Code of Virginia, relating to students; suspension; sufficient cause.*

Patron—Kory

Referred to Committee on Education

**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~~ *shall* sufficient cause for suspensions include only instances of (i) truancy, (ii) cell phone use, or (iii) dress code violations.

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.

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