

LD4381204

## HOUSE BILL NO. 2150

House Amendments in [ ] — February 2, 1995

*A BILL to amend and reenact § 22.1-257, as it is currently effective and as it may become effective, and § 22.1-277.1 of the Code of Virginia, relating to disciplinary authority of school boards and alternative education placement of students.*

Patrons—Diamonstein, Armstrong, Behm, Bennett, Brickley, Cooper, Councill, Croshaw, Davies, Deeds, Grayson, Hull, Johnson, Keating, Plum, Reynolds and Scott; Senators: Earley, Houck, Saslaw and Woods

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That § 22.1-257, as it is currently effective and as it may become effective, and § 22.1-277.1 of the Code of Virginia are amended and reenacted as follows:**

§ 22.1-257. Excusing children who cannot benefit from education or whose parents conscientiously object; excusing children for reasons of health or apprehension for personal safety; school board authority for alternative education placements; and court authority to order alternatives.

A. ~~[ In accordance with federal and state laws and regulations, the local school board of a school division shall determine the appropriate alternative education placement of pupils attending the public schools it supervises or residing within its school division. Whenever a court orders any pupil into an alternative education program offered in the public schools, the local school board of a school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises, or resides within its school division. ]~~

B. A school board:

1. May, on recommendation of the principal and the division superintendent, with the written consent of the parent or guardian, excuse from attendance at school any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school;

2. Shall excuse from attendance at school any pupil who, together with his parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school;

3. Shall, on the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, excuse from attendance at school for such period of time as the court deems appropriate any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court to be justified;

4. May, on recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, excuse from attendance at school any pupil who, in the judgment of such court, cannot benefit from education at such school;

5. May, upon a finding that a school-age child has committed an offense in violation of school board policies, or against whom such charges are pending as described in subsection A of § 22.1-209.1:2, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or § 22.1-277.1.

~~B. C.~~ The court in reaching its determination as to whether the concern or apprehension referred to in subdivision A 3 of this section is justified shall take into consideration the recommendation of the principal and division superintendent.

~~C. D.~~ The juvenile and domestic relations district court of the county or city in which a pupil resides, or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime which resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. The local school board of the school division in which the pupil resides shall determine the appropriate alternative education placement for such pupil. This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277 and 22.1-277.2.

~~D. E.~~ As used in subdivision A 2 of this section, the term "bona fide religious training or belief"

ENGROSSED

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60 does not include essentially political, sociological or philosophical views or a merely personal moral  
61 code.

62 § 22.1-257. (Delayed effective date) Excusing children who cannot benefit from education or whose  
63 parents conscientiously object; excusing children for reasons of health or apprehension for personal  
64 safety; school board authority for alternative education placements; court authority to order alternatives.

65 A. ~~[ In accordance with federal and state laws and regulations, the local school board of a school~~  
66 ~~division shall determine the appropriate alternative education placement of pupils attending the public~~  
67 ~~schools it supervises or residing within its school division. Whenever a court orders any pupil into an~~  
68 ~~alternative education program offered in the public schools, the local school board of a school division~~  
69 ~~in which the program is offered shall determine the appropriate alternative education placement of the~~  
70 ~~pupil, regardless of whether the pupil attends the public schools it supervises, or resides within its~~  
71 ~~school division. ]~~

72 B. A school board:

73 1. May, on recommendation of the principal and the division superintendent, with the written consent  
74 of the parent or guardian, excuse from attendance at school any pupil who the school board determines,  
75 in accordance with regulations of the Board of Education, cannot benefit from education at such school;

76 2. Shall excuse from attendance at school any pupil who, together with his parents, by reason of  
77 bona fide religious training or belief, is conscientiously opposed to attendance at school;

78 3. Shall, on the recommendation of the family court of the county or city in which the pupil resides,  
79 excuse from attendance at school for such period of time as the court deems appropriate any pupil who,  
80 together with his parents, is opposed to attendance at a school by reason of concern for such pupil's  
81 health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension  
82 for personal safety when such concern or apprehension in that pupil's specific case is determined by the  
83 court to be justified;

84 4. May, on recommendation of the family court of the county or city in which the pupil resides,  
85 excuse from attendance at school any pupil who, in the judgment of such court, cannot benefit from  
86 education at such school;

87 5. May, upon a finding that a school-age child has committed an offense in violation of school board  
88 policies, or against whom such charges are pending as described in subsection A of § 22.1-209.1:2,  
89 require the child to attend an alternative education program as provided in § 22.1-209.1:2 or  
90 § 22.1-277.1.

91 ~~B.~~ C. The court in reaching its determination as to whether the concern or apprehension referred to  
92 in subdivision A 3 of this section is justified shall take into consideration the recommendation of the  
93 principal and division superintendent.

94 ~~C.~~ D. The family court of the county or city in which a pupil resides, or in which charges are  
95 pending against a pupil, or any court in which charges are pending against a pupil, may require the  
96 pupil who has been charged with (i) a crime which resulted in or could have resulted in injury to others,  
97 (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to  
98 possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative  
99 education program, including, but not limited to, night school, adult education, or any other educational  
100 program designed to offer instruction to students for whom the regular program of instruction may be  
101 inappropriate. The local school board of the school division in which the pupil resides shall determine  
102 the appropriate alternative education placement for such pupil. This subsection shall not be construed to  
103 limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277  
104 and 22.1-277.2.

105 ~~D.~~ E. As used in subdivision A 2 of this section, the term "bona fide religious training or belief"  
106 does not include essentially political, sociological or philosophical views or a merely personal moral  
107 code.

108 § 22.1-277.1. Disciplinary authority of school boards under certain circumstances.

109 A school board may require any student *who has been charged with an offense, or who has been*  
110 *found guilty or not innocent of a crime which resulted in or could have resulted in injury to others, or*  
111 *of a crime for which the disposition ordered by a court is required to be disclosed to the superintendent*  
112 *of the school division pursuant to § 16.1-305.1, to attend an alternative education program, including,*  
113 *but not limited to, night school, adult education, or any other educational program designed to offer*  
114 *instruction to students for whom the regular program of instruction may be inappropriate. A school*  
115 *board may require such student to attend such programs regardless of where the crime occurred.*