

# VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

## CHAPTER 728

*An Act to amend and reenact § 22.1-277.2 of the Code of Virginia, relating to pupils' suspensions and expulsions.*

[H 2378]

Approved March 22, 1997

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

**1. That § 22.1-277.2 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-277.2. Admission of expelled students; authority to exclude under certain circumstances.

A student, who has been expelled *or suspended for more than thirty days* from attendance at school by a school board or a private school in this Commonwealth or in another state *or for whom admission has been withdrawn by a private school in this Commonwealth or in another state* for an offense in violation of school board policies related to destruction of school property or privately-owned property while located on school property, weapons, alcohol or drugs, or for the willful infliction of injury to another person, may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, *suspension, or withdrawal of admission*, for no more than one year *in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, for no longer than the duration of such suspension*, upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent, guardian, or other person having control or charge that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended. If the decision by the superintendent or his designee has been appealed to a committee of the school board, the student or his parent, guardian or other person having control or charge shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, *in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing*, notify in writing; the student or his parent, guardian or other person having control or charge of its decision. Upon the expiration of the exclusion period *for an expulsion*, which shall not be more than one year, the student may petition the school board for admission. For the purposes of this section, "one year" shall mean 365 calendar days.