

# VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

## CHAPTER 734

*An Act to amend and reenact § 22.1-277 of the Code of Virginia, relating to suspensions and expulsions.*

[H 2526]

Approved March 22, 1997

**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. Short-term and long-term suspension, and expulsion of pupils; generally.

A. Pupils may be suspended or expelled from attendance at school for sufficient cause.

B. A pupil may be suspended for not more than ten 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; ~~provided that~~. 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. Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent ~~or person in loco parentis~~ of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and ~~act so as to~~ confirm or disapprove such action based on an examination of the record of the pupil's behavior. The decision of the division superintendent or his designee may be appealed to the school board or a committee thereof in accordance with regulations of the school board.

C. A pupil may be suspended from attendance at school for more than ten days after providing written notice to the pupil and his ~~parent(s) or guardian~~ *parent* of the proposed action and the reasons therefor and of the right to a hearing before the school board or a committee thereof or, if permitted by the regulations of the school board, the superintendent or his ~~designee(s)~~ *designee*. If the regulations provide for a hearing by a committee of the school board or by the superintendent or his ~~designee(s)~~ *designee*, the regulations shall also provide for an appeal of the decision to the full school board, ~~which~~. *Such* appeal, ~~if requested~~, shall be decided by the school board within thirty days.

~~C.~~ D. Pupils may be expelled from attendance at school after written notice to the pupil and his ~~parent or guardian~~ of the proposed action and the reasons therefor and of the right to a hearing before the school board or a committee thereof in accordance with regulations of the school board. If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide *that such committee may confirm or disapprove the expulsion of a student. Any such committee of the school board shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parent may for an* appeal ~~of~~ the committee's decision to the full school board. *Such*, ~~which~~ appeal, ~~if requested~~, shall be decided by the school board within thirty days.