

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 806

An Act to amend the Code of Virginia by adding a section numbered 22.1-277.03, relating to re-admission of suspended and expelled students to public schools.

[S 667]

Approved April 22, 1998

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-277.03 as follows:

§ 22.1-277.03. Re-admission of suspended and expelled students to public schools.

A. A school board shall require that, pursuant to § 22.1-277, any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division shall be borne by the parent of the student. However, when such notice is given orally, the omission of any required information will not automatically be grounds for the reversal of the suspension.

B. A school board shall include in the written notice of a suspension for more than ten days or an expulsion to the parent of a student who has been suspended or expelled from regular school attendance, as required in § 22.1-277, notification of the length of the suspension or expulsion. In the case of a suspension for more than ten days, such written notice shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program which is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

C. In the case of an expulsion, the written notice shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such re-admission. The costs of any community-based educational, training, or intervention program which is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

If the school board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the school board for re-admission after one calendar year from the date of his expulsion, and of the conditions, if any, under which re-admission may be granted.