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HOUSE BILL NO. 2144

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Saslaw
on February 24, 1999)

(Patron Prior to Substitute—Delegate Puller)

A BILL to amend and reenact § 22.1-277.01:1 of the Code of Virginia, relating to student suspensions and expulsions.

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-277.01:1 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-277.01:1. Expulsion of students for certain drug offenses.

A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in § 22.1-277, to have brought a controlled substance, imitation controlled substance, or marijuana, as defined in § 18.2-247, onto school property or to a school-sponsored activity as prohibited by § 18.2-255.2. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in § 22.1-277.

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective.

Notwithstanding the provisions of subsection A, mere possession of a legal nonprescription drug by a high school student for his own use shall not be included in any student conduct code in the public schools of this Commonwealth as an offense warranting suspension or expulsion.