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HOUSE BILL NO. 2405

House Amendments in [] — February 4, 1999

A BILL to amend and reenact § 22.1-277.1 of the Code of Virginia, relating to alternative placement procedures for certain public school students.

Patrons—Hull, Albo, Brink, Dillard, Keating, Plum, Puller, Scott, Van Landingham, Van Yahres and Watts; Senators: Colgan, Saslaw, Ticer and Whipple

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-277.1 of the Code of Virginia is amended and reenacted as follows:**

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

A. A school board may, in accordance with the procedures set forth in § 22.1-277, require any student who has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime which resulted in or could have resulted in injury to others, or of a crime for which the disposition ordered by a court is required to be disclosed to the superintendent of the school division pursuant to § 16.1-305.1; or (iii) expelled pursuant to § 22.1-277.01 or § 22.1-277.02, 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. A school board may require such student to attend such programs regardless of where the crime occurred.

As used in this section, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

B. A school board may adopt regulations authorizing the division superintendent or his designee to require students to attend an alternative education program consistent with the provisions of subsection A after (i) written notice to the student and his parent that the student will be required to attend an alternative education program and [(ii)] notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board.

For the purposes of this section, the superintendent's designee shall be a (i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the division superintendent and who is not a school-based instructional or administrative employee.

ENGROSSED

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