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HOUSE BILL NO. 1080

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Education
on February 8, 2012)

(Patron Prior to Substitute—Delegate Hugo)

A *BILL to amend and reenact § 22.1-279.3 of the Code of Virginia, relating to student discipline; parental notification.*

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.3. Parental responsibility and involvement requirements.

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

B. A school board shall provide opportunities for parental and community involvement in every school in the school division.

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.

E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school principal ~~may~~ *or his administrative designee shall* notify the parents of any student who ~~violates~~ *is suspected of committing a serious violation. For the purposes of this section, a "serious violation" means a violation of a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension of more than three days or expulsion, the notification of law enforcement, or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.*

In cases where a violation of a serious nature, as set forth in this subsection, necessitates the questioning of a student, the principal or his administrative designee may only question a student, except under exigent circumstances, after (a) the student's parents have been notified; (b) the student and his parents receive, both orally and in writing, the appropriate cautions against cooperation with questioning; and (c) the student, if he is at least 18 years old, or his parents, if he is less than 18 years old, agree in writing to proceed with questioning. For the purposes of this section, the "appropriate cautions against cooperation with questioning" include warning that the request for questioning need not be complied with and that the student may remain silent if he so chooses, that any statement made by the student may be used against him, and that he may have an attorney present to assist him. Under no circumstances shall the principal or his administrative designee compel or coerce written statements from any student, regardless of the student's age.

F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school

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60 principal or his designee determines that readmission, without parent conference, is appropriate for the
61 student.

62 G. Upon the failure of a parent to comply with the provisions of this section, the school board may,
63 by petition to the juvenile and domestic relations court, proceed against such parent for willful and
64 unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as
65 follows:

66 1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a
67 request of the principal as set forth in subsection D of this section, to review the school board's
68 standards of student conduct and the parent's responsibility to assist the school in disciplining the student
69 and maintaining order, and to discuss improvement of the child's behavior and educational progress, it
70 may order the parent to so meet; or

71 2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended
72 student to meet with school officials pursuant to subsection F, or upon the student's receiving a second
73 suspension or being expelled, it may order the student or his parent, or both, to participate in such
74 programs or such treatment, including, but not limited to, extended day programs, summer school, other
75 educational programs and counseling, as the court deems appropriate to improve the student's behavior
76 or school attendance. The order may also require participation in a parenting, counseling or a mentoring
77 program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and
78 limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or
79 his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

80 H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and
81 domestic relations court in which the student's school is located and shall be paid into a fund maintained
82 by the appropriate local governing body to support programs or treatments designed to improve the
83 behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed
84 by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such
85 civil penalties.

86 I. All references in this section to the juvenile and domestic relations court shall be also deemed to
87 mean any successor in interest of such court.