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SENATE BILL NO. 995

Offered January 11, 2017

Prefiled January 3, 2017

A BILL to amend and reenact §§ 22.1-209.1:2, 22.1-276.01, 22.1-277, and 22.1-277.05 of the Code of Virginia, relating to public schools; student discipline.

Patrons—Stanley, Dunnavant, McClellan, Spruill and Wexton

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-209.1:2, 22.1-276.01, 22.1-277, and 22.1-277.05 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-209.1:2. Regional alternative education programs for certain students.

A. With such funds as may be appropriated for this purpose, the Board of Education shall establish a program consisting of regional alternative education options for elementary, middle, and high school students in compliance with subdivision D 7 of § 22.1-253.13:1 who (i) have committed an offense in violation of school board policies relating to weapons, alcohol or drugs, or intentional injury to another person, or against whom a petition or warrant has been filed alleging such acts or school board charges alleging such policy violations are pending; (ii) have been expelled from school attendance or have received one suspension for an entire semester, or have received two or more long-term suspensions within one school year; or (iii) have been released from a juvenile correctional center and have been identified by the Superintendent of the Department of Juvenile Justice's Division of Education and the relevant division superintendent as requiring a regional alternative education program. Based on available space, a student may also be administratively assigned to a regional alternative education program either at the request of the parent and with the consent of the division superintendent or by the division superintendent after written notice to the student and his parent. Such notice of the opportunity for the student and/or his parent to participate in a hearing conducted by the division superintendent or his designee regarding such placement shall be issued and the assignment shall be final unless altered by the school board, upon timely written petition, in accordance with regulations of the school board, by the student or his parent, for a review of the record by the school board. However, no child shall be assigned to any regional alternative education program described in this section for more than one school year without an annual assessment of the placement to determine the appropriateness of transitioning the child into the school division's regular program.

B. Applications for grants shall include the following components:

1. An agreement executed by two or more school divisions and approval of their respective governing bodies to offer a regional alternative education option as provided in subsection A, and a plan for the apportionment of responsibilities for the administration, management, and support of the program, including, but not limited to, the facilities and location for the program, daily operation and oversight, staffing, instructional materials and resources, transportation, funding and in-kind services, and the program of instruction.

2. A procedure for obtaining the participation in or support for the program, as may be determined, of the parents, guardian or other person having charge or control of a child placed in the program.

3. An interagency agreement for cooperation executed by the local departments of health and social services or welfare; the juvenile and domestic relations district court; law-enforcement agencies; institutions of higher education and other postsecondary training programs; professional and community organizations; the business and religious communities; dropout prevention and substance abuse prevention programs; community services boards located in the applicants' respective jurisdictions; and the Department of Juvenile Justice.

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students.

5. An emphasis on building self-esteem and the promotion of personal and social responsibility.

6. A low pupil/teacher ratio to promote a high level of interaction between the students and the teacher.

7. An extended day program, where appropriate, to facilitate remediation; tutoring; counseling; organized, age-appropriate, developmental education for elementary and middle school children; and opportunities that enhance acculturation and permit students to improve their social and interpersonal relationship skills.

8. Community outreach to build strong school, business, and community partnerships, and to promote

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59 parental involvement in the educational process of participating children.

60 9. Specific, measurable goals and objectives and an evaluation component to determine the program's
61 effectiveness in reducing acts of crime and violence by students, the dropout rate, the number of youth
62 committed to juvenile correctional centers, and recidivism; and in increasing the academic achievement
63 levels and rehabilitative success of participating students, admission to institutions of higher education
64 and other postsecondary education and training programs, and improving staff retention rates.

65 10. The number of children who may be assigned to the regional alternative education program
66 during the school year.

67 11. A plan for transitioning the enrolled students into the relevant school division's regular program.

68 12. A current program of staff development and training.

69 C. Beginning with the first year of program implementation, the Department of Education shall be
70 entitled to deduct annually from the locality's share for the education of its students a sum equal to the
71 actual local expenditure per pupil for the support of those students placed by the relevant school division
72 in any such program. The amount of the actual transfers shall be based on data accumulated during the
73 prior school year.

74 D. A school board shall require written notification to the pupil's parent, guardian, or other person
75 having charge or control, when a pupil commits an offense in violation of school board policies, which
76 school officials determine was committed without the willful intent to violate such policies, or when the
77 offense did not endanger the health and safety of the individual or other persons, of the nature of the
78 offense no later than two school days following its occurrence. A school board shall require the
79 principal of the school where the child is in attendance or other appropriate school personnel to develop
80 appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

81 E. For the purposes of this section, "regional alternative education program" means a program
82 supported and implemented by two or more school divisions which are either geographically contiguous
83 or have a community of interest.

84 F. For the purposes of this section, "one school year" means no more than 180 teaching days.

85 **§ 22.1-276.01. Definitions.**

86 A. For the purposes of this article, unless the context requires a different meaning:

87 "Alternative education program" includes night school, adult education, or any other education
88 program designed to offer instruction to students for whom the regular program of instruction may be
89 inappropriate.

90 "Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or
91 humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors
92 and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber
93 bullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

94 "Disruptive behavior" means a violation of school board regulations governing student conduct that
95 interrupts or obstructs the learning environment.

96 "Exclusion" means a Virginia school board's denial of school admission to a student who has been
97 expelled or has been placed on a long-term suspension of more than 30 calendar days by another school
98 board or a private school, either in Virginia or another state, or for whom admission has been withdrawn
99 by a private school in Virginia or another state.

100 "Expulsion" means any disciplinary action imposed by a school board or a committee thereof, as
101 provided in school board policy, whereby a student is not permitted to attend school within the school
102 division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

103 "Long-term suspension" means any disciplinary action whereby a student is not permitted to attend
104 school for more than 40 school days but less than 365 calendar 11 to 45 school days.

105 "Short-term suspension" means any disciplinary action whereby a student is not permitted to attend
106 school for a period not to exceed 10 school days.

107 B. For the purposes of §§ 22.1-277.04, 22.1-277.05, 22.1-277.2, and 22.1-277.2:1, "superintendent's
108 designee" means a (i) trained hearing officer or (ii) professional employee within the administrative
109 offices of the school division who reports directly to the division superintendent and who is not a
110 school-based instructional or administrative employee.

111 **§ 22.1-277. Suspensions and expulsions of pupils generally.**

112 A. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in
113 no cases may sufficient cause for suspensions include only instances of truancy. *No long-term*
114 *suspension shall extend beyond the current grading period. However, if the school principal or division*
115 *superintendent finds that aggravating circumstances exist, as defined by the local school board, then a*
116 *long-term extension may extend beyond the current grading period but in no case shall a long-term*
117 *suspension extend beyond the current school year.*

118 B. Any student for whom the division superintendent of the school division in which such student is
119 enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction
120 for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school

121 attendance pursuant to this article.

122 C. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in
123 certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04,
124 22.1-277.05, or 22.1-277.06.

125 **§ 22.1-277.05. Long-term suspensions; procedures; readmission.**

126 A. A pupil may be suspended from attendance at school for ~~more than ten~~ *11 to 45 school* days after
127 providing written notice to the pupil and his parent of the proposed action and the reasons therefor and
128 of the right to a hearing before the school board, or a committee thereof, or the superintendent or his
129 designee, in accordance with regulations of the school board. If the regulations provide for a hearing by
130 the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the
131 full school board. Such appeal shall be decided by the school board within thirty days.

132 If the regulations provide for a hearing by a committee of the school board, the regulations shall also
133 provide that such committee may confirm or disapprove the suspension of a student. Any such
134 committee of the school board shall be composed of at least three members. If the committee's decision
135 is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board.
136 Such appeal shall be decided by the school board within thirty days.

137 B. A school board shall include in the written notice of a suspension for ~~more than ten~~ *11 to 45*
138 *school* days required by this section; notification of the length of the suspension. In the case of a
139 suspension for ~~more than ten~~ *11 to 45* days, such written notice shall provide information concerning the
140 availability of community-based educational, alternative education, or intervention programs. Such notice
141 shall also state that the student is eligible to return to regular school attendance upon the expiration of
142 the suspension or to attend an appropriate alternative education program approved by the school board
143 during or upon the expiration of the suspension. The costs of any community-based educational,
144 alternative education, or intervention program that is not a part of the educational program offered by
145 the school division that the student may attend during his suspension shall be borne by the parent of the
146 student.

147 Nothing in this section shall be construed to prohibit the school board from permitting or requiring
148 students suspended pursuant to this section to attend an alternative education program provided by the
149 school board for the term of such suspension.