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HOUSE BILL NO. 1461

Offered January 11, 2023

Prefiled December 23, 2022

A *BILL to amend and reenact §§ 22.1-276.01 and 22.1-276.2 of the Code of Virginia, relating to Department of Education; uniform system of discipline for disruptive student behavior.*

Patrons—Wiley, Fowler, LaRock and Walker; Senator: Vogel

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-276.01 and 22.1-276.2 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-276.01. Definitions.

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

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

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

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

"Dress or grooming code" means any practice, policy, or portion of a code of student conduct adopted by a school board that governs or restricts the attire, appearance, or grooming, including hairstyle, of any enrolled student.

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days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

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

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days.

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

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 designee" means 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.

§ 22.1-276.2. Removal of students from classes.

A. Teachers shall have the initial authority to remove a student for disruptive behavior from a class.

B. ~~Each school board~~ *The Department* shall establish, within the regulations governing student conduct required by § 22.1-279.6, ~~and each school board shall adhere to, a uniform system of discipline for disruptive behavior and the removal of a student from a class that includes:~~

1. Criteria for teachers to remove disruptive students from their classes, *including a requirement for a teacher to remove a disruptive student from a class if the disruptive behavior is violent and a requirement to implement a three-strike system for nonviolent disruptive behavior whereby a teacher is required to remove a student from a class if the student repeats or continues the nonviolent disruptive behavior after the teacher provides two warnings to the student;*

2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removals from class;

3. Procedures for the written notification of a student and his parents of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the student's behavior and the possible consequences if such behavior does not cease;

4. Guidelines for the alternative assignment and instruction of such students and for the duration of such removals; ~~and~~

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59 5. Procedures for the return of students to class, for teacher participation in any decision by the
60 principal to return a student to the class from which he has been removed, and for the resolution of any
61 disagreements between such principal and teacher regarding such return; *and*

62 6. *A prohibition against holding a teacher liable for taking reasonable actions or utilizing*
63 *reasonable methods to control a physically disruptive or violently disruptive student.*

64 C. The principal shall, unless a student who has been removed from class is suspended or expelled
65 from school attendance, ensure that such student continues to receive an education.

66 D. Any teacher whose evaluation indicates deficiencies in the management of student conduct may
67 be required by the school board to attend professional development activities designed to improve
68 classroom management and disciplinary skills.

69 E. Application of this section to students with disabilities shall be in accordance with state and
70 federal law and regulations.

71 F. This section shall not be construed to limit or restrict other school board policies and regulations
72 for maintaining order in the classroom.