

SUBCOMMITTEE: SUBCOMMITTEE #1

1 HOUSE BILL NO. 1600
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee on Education
4 on January 31, 2018)
5 (Patron Prior to Substitute--Delegate Bourne)

6 A BILL to amend and reenact §§ 22.1-276.01 and 22.1-277.05 of the Code of Virginia, relating to public
7 schools; student discipline; long-term suspension.

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 22.1-276.01 and 22.1-277.05 of the Code of Virginia are amended and reenacted as**
10 **follows:**

11 **§ 22.1-276.01. Definitions.**

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

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

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

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

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24 board or a private school, either in Virginia or another state, or for whom admission has been withdrawn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

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

29 "Long-term suspension" means any disciplinary action whereby a student is not permitted to attend
30 school for ~~more than 10 school days but less than 365 calendar~~ 11 to 45 school days.

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

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

37 **§ 22.1-277.05. Long-term suspensions; procedures; readmission.**

38 A. A pupil may be suspended from attendance at school for ~~more than ten~~ 11 to 45 school days
39 after providing written notice to the pupil and his parent of the proposed action and the reasons therefor
40 and of the right to a hearing before the school board, or a committee thereof, or the superintendent or his
41 designee, in accordance with regulations of the school board. If the regulations provide for a hearing by
42 the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the
43 full school board. Such appeal shall be decided by the school board within ~~thirty~~ 30 days.

44 If the regulations provide for a hearing by a committee of the school board, the regulations shall
45 also provide that such committee may confirm or disapprove the suspension of a student. Any such
46 committee of the school board shall be composed of at least three members. If the committee's decision is
47 not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such
48 appeal shall be decided by the school board within ~~thirty~~ 30 days.

49 B. A school board shall include in the written notice of a suspension for ~~more than ten~~ 11 to 45
50 school days required by this section; notification of the length of the suspension. In the case of a suspension
51 for ~~more than ten~~ 11 to 45 school days, such written notice shall provide information concerning the
52 availability of community-based educational, alternative education, or intervention programs. Such notice

53 shall also state that the student is eligible to return to regular school attendance upon the expiration of the
54 suspension or to attend an appropriate alternative education program approved by the school board during
55 or upon the expiration of the suspension. The costs of any community-based educational, alternative
56 education, or intervention program that is not a part of the educational program offered by the school
57 division that the student may attend during his suspension shall be borne by the parent of the student.

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

61 C. Notwithstanding the provisions of subsections A and B, a long-term suspension may extend
62 beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the school board or division
63 superintendent or his designee finds that aggravating circumstances exist, as defined by the local school
64 board in a written policy, or (ii) the long-term suspension is preceded by another long-term suspension in
65 the same school year.

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