

HOUSE BILL NO. 1592

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health  
on February 9, 2023)

(Patron Prior to Substitute--Delegate Davis)

A BILL to amend and reenact § 22.1-279.6 of the Code of Virginia, relating to public schools; codes of student conduct; policies and procedures prohibiting bullying; parental notification.

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

**1. That § 22.1-279.6 of the Code of Virginia is amended and reenacted as follows:**

**§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.**

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies; (iv) standards for dress or grooming codes; and (v) standards for reducing bias and harassment in the enforcement of any code of student conduct.

26 In accordance with the most recent enunciation of constitutional principles by the Supreme Court  
27 of the United States of America, the Board's standards for school board policies on alcohol and drugs and  
28 search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing  
29 in schools, including which groups may be tested, use of test results, confidentiality of test information,  
30 privacy considerations, consent to the testing, need to know, and release of the test results to the  
31 appropriate school authority.

32 In the case of suspension and expulsion, the procedures set forth in this article shall be the  
33 minimum procedures that the school board may prescribe.

34 B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with  
35 the requirements of this section, regulations on codes of student conduct that are consistent with, but may  
36 be more stringent than, the guidelines of the Board. School boards shall include in the regulations on codes  
37 of student conduct procedures for suspension, expulsion, and exclusion decisions and shall biennially  
38 review the model student conduct code to incorporate discipline options and alternatives to preserve a  
39 safe, nondisruptive environment for effective teaching and learning.

40 C. Each school board shall include in its code of student conduct prohibitions against hazing and  
41 profane or obscene language or conduct. School boards shall also cite in their codes of student conduct  
42 the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor  
43 penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than  
44 \$2,500, either or both.

45 D. Each school board shall include in its code of student conduct policies and procedures that  
46 include a prohibition against bullying. Such policies and procedures shall (i) be consistent with the  
47 standards for school board policies on bullying and the use of electronic means for purposes of bullying  
48 developed by the Board pursuant to subsection A and (ii) direct the principal or his designee to notify the  
49 parent of any student involved in an alleged incident of bullying ~~of the status of any investigation~~ within  
50 ~~five school days~~ 24 hours of the allegation of bullying.

51 Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights  
52 of students and are not intended to prohibit expression of religious, philosophical, or political views,  
53 provided that such expression does not cause an actual, material disruption of the work of the school.

54 E. A school board may regulate the use or possession of beepers or other portable communications  
55 devices and laser pointers by students on school property or attending school functions or activities and  
56 establish disciplinary procedures pursuant to this article to which students violating such regulations will  
57 be subject.

58 F. Nothing in this section shall be construed to require any school board to adopt policies requiring  
59 or encouraging any drug testing in schools. However, a school board may, in its discretion, require or  
60 encourage drug testing in accordance with the Board of Education's guidelines and model student conduct  
61 policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

62 G. The Board of Education shall establish standards to ensure compliance with the federal  
63 Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in  
64 accordance with § 22.1-277.07.

65 This subsection shall not be construed to diminish the authority of the Board of Education or to  
66 diminish the Governor's authority to coordinate and provide policy direction on official communications  
67 between the Commonwealth and the United States government.

68 H. Each school board shall include in its code of student conduct a prohibition on possessing any  
69 tobacco product or nicotine vapor product, as those terms are defined in § 18.2-371.2, on a school bus, on  
70 school property, or at an on-site or off-site school-sponsored activity.

71 I. Any school board may include in its code of student conduct a dress or grooming code. Any  
72 dress or grooming code included in a school board's code of student conduct or otherwise adopted by a  
73 school board shall (i) permit any student to wear any religiously and ethnically specific or significant head  
74 covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (ii) maintain  
75 gender neutrality by subjecting any student to the same set of rules and standards regardless of gender;  
76 (iii) not have a disparate impact on students of a particular gender; (iv) be clear, specific, and objective in  
77 defining terms, if used; (v) prohibit any school board employee from enforcing the dress or grooming code

**78** by direct physical contact with a student or a student's attire; and (vi) prohibit any school board employee  
**79** from requiring a student to undress in front of any other individual, including the enforcing school board  
**80** employee, to comply with the dress or grooming code.

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