

1 HOUSE BILL NO. 1709

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Education

4 on _____)

5 (Patron Prior to Substitute--Delegate Filler-Corn)

6 A BILL to amend and reenact § 22.1-279.6 of the Code of Virginia, relating to school boards; policies
7 and procedures prohibiting bullying; parental notification.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 22.1-279.6 of the Code of Virginia is amended and reenacted as follows:**

10 **§ 22.1-279.6. Board of Education guidelines and model policies for codes of student**
11 **conduct; school board regulations.**

12 A. The Board of Education shall establish guidelines and develop model policies for codes of
13 student conduct to aid local school boards in the implementation of such policies. The guidelines and
14 model policies shall include, but not be limited to, (i) criteria for the removal of a student from a class,
15 the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension and
16 expulsion and exclusion, and the procedures to be followed in such cases, including proceedings for
17 such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards,
18 consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related
19 activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with
20 disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes
21 of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents,
22 and school personnel; and (iii) standards for in-service training of school personnel in and examples of
23 the appropriate management of student conduct and student offenses in violation of school board
24 policies.

25 In accordance with the most recent enunciation of constitutional principles by the Supreme Court
26 of the United States of America, the Board's standards for school board policies on alcohol and drugs

27 and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug
28 testing in schools, including, but not limited to, which groups may be tested, use of test results,
29 confidentiality of test information, privacy considerations, consent to the testing, need to know, and
30 release of the test results to the appropriate school authority.

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

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

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

44 D. Each school board shall include in its code of student conduct, ~~by July 1, 2014,~~ policies and
45 procedures that include a prohibition against bullying. Such policies and procedures shall (i) be
46 consistent with the standards for school board policies on bullying and the use of electronic means for
47 purposes of bullying developed by the Board pursuant to subsection A and (ii) direct the principal to
48 notify the parent of any student involved in an alleged incident of bullying of the status of any
49 investigation within 14 school days of the allegation of bullying.

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

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

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

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

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

69 H. Each school board shall include in its code of student conduct a prohibition on possessing
70 electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.

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