



COMMONWEALTH of VIRGINIA
Department of Education

March 20, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: *Revised 2015 Student Code of Conduct Policy Guidelines*

On January 22, 2015, the Virginia Board of Education adopted its updated [2015 Student Code of Conduct Policy Guidelines](#). These *guidelines* are intended to aid school boards in developing and implementing standards and policies for student behavior and accountability. School boards are required to adopt and revise regulations for codes of student conduct that are consistent with, but may be more stringent than, the guidelines. The guidelines were revised in 2001, 2004, 2006, 2009, and 2013 to reflect changes in federal and state laws. The 2014 Virginia General Assembly enacted HB 195 (Landes), HB 752 (Rust), SB 441 (Garrett), HB 751 (Rust), HB 1112 (Garrett), SB 594 (Obenshain), and HB 484 (Kory), which are presented below. The enacted legislation necessitated further revisions to the *Student Code of Conduct Policy Guidelines*.

- [HB 198 \(Landes\)](#), [HB \(Rust\) 752](#) and [SB 441 \(Garrett\)](#), all identical, amended § 22.1-277.07 *Expulsion of students under circumstances; exceptions* and § 22.1-277.08 *Expulsion of students for certain drug offenses* to allow for disciplinary actions other than expulsion for weapons and drug violations:

“...Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation....”

- [HB 751 \(Rust\)](#) amended § 22.1-277.08 *Expulsion of students for certain drug offenses* to give authority to school administrators, pursuant to school board policy, and school boards to determine disciplinary action for drug violations as follows:

“...A school administrator, pursuant to school board policy, or a school board, may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate....”

- [HB 1112 \(Garrett\)](#) identical with SB 594 (Obenshain) repealed § 18.2-248.1:1 of the *Code*. This repeal removed the definition of “synthetic cannabinoids” as it was redundant with the term “cannabimimetic agents.” The term “synthetic cannabinoids” is being struck from the *2015 Student Code of Conduct Policy Guidelines*.
- [HB 484 \(Kory\)](#) amended the *Code of Virginia* by adding § 22.1-79.5 *Policy regarding electronic cigarettes*. This new section of the *Code* requires school boards to implement policies that prohibit the use of electronic cigarettes and reads as follows:

“Each school board shall develop and implement a policy to prohibit the use of electronic cigarettes on a school bus, on school property, or at a school-sponsored activity.”

Amendments to the *Board's Student Code of Conduct Policy Guidelines* reflect the 2014 legislative changes in the following sections. Content was added to the section on *Removal, Suspension and Expulsion of Pupils* on page 3, in accordance with changes to the *Code of Virginia* that permits, but does not require students to be expelled for drug violations or for bringing a firearm or other destructive device on to school property or to a school-sponsored event. Additionally, school administrators, pursuant to school board policy, and school boards may conclude that no disciplinary action or another disciplinary action other than expulsion is appropriate for a weapon or drug violation. These changes were also inserted into the sections *Expulsions for Weapons-Related Offenses*, *Expulsion for Drug-Related Offenses*, and *Weapons or Other Dangerous Articles*. Additionally, "synthetic cannabinoids repealed in the *Code of Virginia* § 22.1-248.1:1" was also deleted from the section "*Expulsion for Drug-Related Offenses*."

A new section of the *Code* (§ 22.1-79.5) requires school boards to address the prohibition of electronic cigarettes. The section on page 18 titled *Alcohol and Drugs* was changed to *Alcohol, Tobacco and Related Products, and Other Drugs* to accommodate the *Code* changes. Hence, the prohibition of "electronic cigarettes" was added to this section.

Additionally, all sample policy statements pertaining to violations were removed from the 2015 *Student Code of Conduct Policy Guidelines*. Many of the statements were outdated and did not reflect best practices. Other updates made to the guidelines include the deletion of outdated information, the inclusion of current resources and publications, and minor edits.

For additional information, please contact Jo Ann Burkholder, director of student services, at (804) 225-2818, or e-mail at Joann.Burkholder@doe.virginia.gov.

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