

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 18, SECTION 9-18.1 ENTITLED “DEFINITIONS; SUSPENSION OR EXPULSION, GENERALLY; GROUNDS THEREFORE” OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD - FIRST READING

BE IT ORDAINED, by the School Board of the City of Suffolk, Virginia that Chapter 9, Article 18, Section 9-18.1 entitled “Definitions; Suspension or Expulsion, generally; grounds therefore” of the Policies of the Suffolk City School Board, be, and the same is hereby amended as follows:

Section 9-18.1. Definitions; Suspension or Expulsion, generally; grounds therefore. — A. As used in this policy the following terms shall mean —

“Alternative education program” shall include, but shall not be limited to, night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“Destructive device” means:

- (1) any explosive, incendiary, or poison gas, bomb, grenade rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device;
- (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and
- (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled.

“Destructive device” shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in ~~subsection G~~ of Va. Code § 18.2-308.2:2.

“Disruptive behavior” means a violation of school board ~~regulations~~ policies or the Standards of Student Conduct issued by the superintendent pursuant to Chapter 9, Article 11 – “Student Conduct” governing student conduct that interrupts or obstructs the learning environment.

"Exclusion" means a 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 thirty 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.

"Firearm" means any weapon prohibited on school property or at a school-sponsored activity pursuant to Va. Code § 18.2-308.1, or (1) any weapon, including a starter gun, that will, or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. "Firearm" does not include any pneumatic gun as defined in this Policy.

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

"One year" means 365 calendar days as required in federal regulations.

"Pneumatic gun" means any implement, designed as a gun that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

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

B. Suspension or expulsion or both may be used as disciplinary measures when the designated school authorities determine that suspension or discipline or both meet School Board policy or (i) is an appropriate disciplinary sanction for a violation of a Student Code of Conduct; (ii) is appropriate to prevent disruption of the school's programs or activities; (iii) is appropriate to insure the safety and welfare of the student, other students and/or staff; (iv) is appropriate to maintain a safe, drug free, healthy school environment that is conducive to learning; or (v) it is appropriate when School Board policy has been violated.

C. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy. Except as provided in subsection C of Va. Code § 277 or Va. Code §§ 22.1-

277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education. Any student for whom the division superintendent of the school division in which the student is enrolled has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled from school attendance. The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy. The superintendent is responsible for creating procedures to ensure that suspended students are able to access and complete graded work during and after the suspension. (Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-103; Effective Date: July 1, 2013; Revised: February 14, 2019; Ordinance Number 18/19-53; Effective Date: February 14, 2019)

Legal Authority - Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

BE IT FURTHER ORDAINED that all phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the School Board's Policy Manual not amended or repealed shall remain in full force and effect.

FIRST READING: _____

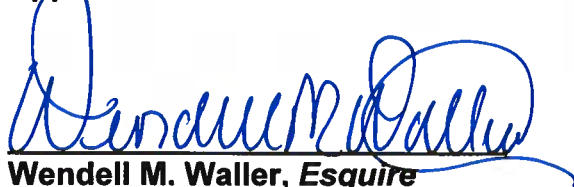
SECOND READING: _____

EFFECTIVE DATE: _____

TESTE: _____

CLERK

Approved as to form and content:



Wendell M. Waller, Esquire
School Board Attorney