

STUDENTS

STUDENT CONDUCT

§8-40 Alternative Education Program Procedures

“Alternative education program” shall include, but shall not be limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. A disciplinary assignment to the Substance Abuse Education Program or other short-term assignment is not a placement under this policy.

The term “charged” means that a petition or warrant has been filed or is pending against a pupil.

A. The School Board may, in accordance with the procedures set forth in this policy, require any student to attend an alternative education program who has been:

charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the Superintendent pursuant to subsection G of § [16.1-260](#) (see listing of offenses below); or,

found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the Superintendent of the school division pursuant to subsection G of § [16.1-260](#); or,

found to have committed a serious offense or repeated offenses in violation of School Board policies; or,

long-term suspended or expelled in accordance with the policies and regulations of the School Board.

B. The School Board may require such student to attend such programs regardless of where the crime occurred.

C. A student who has been found, in accordance with the procedures above, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies may be required to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

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§ 8-40 Alternative Education Program Procedures (continued)D. Definitions

Subsection G of Section [16.1-260](#) of the Code of Virginia requires the following offenses to be reported to the Superintendent by the Juvenile Court Intake Officer:

1. A firearm offense pursuant to Article 4 (§ [18.2-279](#) et seq.), 5 (§[18.2-288](#) et seq.), 6 (§ [18.2-299](#) et seq.), or 7 (§ [18.2-308](#) et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ [18.2-30](#) et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ [18.2-51](#) et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ [18.2-61](#) et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ [18.2-89](#) through [18.2-93](#);
9. Robbery pursuant to § [18.2-58](#);
10. Prohibited criminal street gang activity pursuant to § [18.2-46.2](#);
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § [18.2-46.3](#); or
12. An act of violence by a mob pursuant to § [18.2-42.1](#).

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E. The Superintendent or his designee may require students to attend an alternative education program consistent with the above after:

written notice to the student and his parent that the student will be required to attend an alternative education program, and,

notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the Superintendent or his designee regarding such placement.

The decision of the Superintendent or his designee regarding such alternative education placement shall be final unless altered by the School Board, upon timely written petition by the student or his parent, for a review of the record by the School Board. The petition shall be in writing and submitted to the Superintendent or his designee within five (5) calendar days of the placement decision.

The petition review by the School Board shall be independently processed to the School Board which will conduct a review of the record as presented to the Superintendent or his designee.

F. Suspension Pending Assignment

A building principal or his designee may impose a short-term suspension of not more than ten (10) days upon a student who has been charged with an offense listed involving intentional injury to another student in the same school and which involves one of the offenses listed above under Subsection G of, [§16.1-260](#) pending a decision as to whether to require such student to attend an alternative education program.

Legal References: Code of Virginia §§ [22.1-276.01](#); [22.1-277.2.1](#); [16.1-260](#)

Adopted: 3/22/11