

Section 9-12.2. Weapons and children with disability. — A. Students with disabilities are subject to the provisions of the weapons policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student’s disability. The provisions of Chapter 9, Article 19 ~~Disciplining Students with Disabilities~~ Suspension of Students with Disabilities will be followed in addition to the regular disciplinary procedures.

B. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense. For purposes of this forty-five (45) school day removal, the weapon must meet the following definition: “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.” (Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-100; Effective Date: July 1, 2013)

Legal Authority - §§ 15.2-915.4, 18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 22.1-277.07:1, 22.1-280.2:4. (1950), as amended and 8 VAC 20-81-10.