

HB188 ENGROSSED



1 HB188
2 AJPGSS7-2
3 By Representative Collins
4 RFD: Education Policy
5 First Read: 15-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to K-12 public education; to amend Section 16-1-14, Code of Alabama 1975; to provide a uniform system of procedural due process protections for students facing long-term suspension or expulsion for violating the student code of conduct or state law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-1-14 of the Code of Alabama 1975, is amended to read as follows:

"§16-1-14

(a) As used in this section, the following terms have the following meanings:

(1) EXPULSION. The exclusion of a student from his or her regular school environment for more than 90, and less than 180, school days for disciplinary purposes.

(2) LONG-TERM ALTERNATIVE SCHOOL PLACEMENT. The placement of a student in alternative school for more than 15 school days, per incidence, for disciplinary purposes.

(3) LONG-TERM SUSPENSION. The exclusion of a student from his or her regular school environment for more than 10, and less than 90, school days for disciplinary purposes.

(4) REGULAR SCHOOL ENVIRONMENT. Any learning



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29 environment provided by the local board of education,
30 including in-school suspension and virtual school.

31 (b) Each local board of education~~Any city, county, or~~
32 ~~other local public school board shall~~, consistent with Section
33 16-28-12, ~~prescribe~~ shall adopt rules ~~and regulations~~ with
34 respect to behavior and discipline of ~~pupils~~ students enrolled
35 in the schools under its jurisdiction and, in order to enforce
36 ~~such the~~ rules ~~and regulations~~, may remove, isolate, or
37 separate ~~pupils~~ students who create disciplinary problems in
38 any classroom or other school activity and whose presence in
39 the class may be detrimental to the best interest and welfare
40 of the ~~pupils of such~~ students of the class as a whole. Any
41 rules ~~and regulations~~ adopted pursuant to this section shall
42 be approved by the State Board of Education.

43 (c) Any~~such~~ removal, isolation, or separation
44 authorized under this section may not deprive ~~such pupils of~~
45 ~~their~~ a student of his or her full right to an equal and
46 adequate education.

47 (d) Following an alleged student disciplinary incident
48 or infraction, the principal, or his or her designee, may
49 consider all of the following factors before recommending or
50 initiating disciplinary action against a student:

51 (1) The age of the student.

52 (2) The disciplinary history of the student.

53 (3) The seriousness of the violation or behavior.

54 (4) Whether a lesser intervention would appropriately
55 address the behavior of the student.

56 (e) Following an alleged violation of the code of



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57 student conduct or an alleged violation of state law that
58 results in a recommendation for the long-term alternative
59 school placement, long-term suspension, or expulsion of a
60 student, the local board of education, at a minimum, shall
61 ensure that all of the following procedures are followed:

62 (1) The student is afforded an opportunity for a
63 disciplinary hearing before the local board of education, or a
64 designee of the local board of education, to determine whether
65 the alleged violation has occurred.

66 (2) The student, and his or her parent or guardian,
67 receive reasonable written notice of the disciplinary hearing,
68 delivered to them personally or by mail. If the written notice
69 is not responded to by a parent or guardian, the hearing shall
70 be waived. The notice shall include:

71 a. A statement of the time, place, and nature of the
72 hearing;

73 b. A short and plain statement detailing the alleged
74 conduct, the provision of the code of student conduct or state
75 law allegedly violated, and any recommended discipline;

76 c. A statement outlining the rights of the student at
77 the hearing; and

78 d. An optional waiver of the disciplinary hearing
79 indicating the parent or guardian's assent to the alleged
80 violation or violations and to the recommended discipline.

81 (3) If the notice has been responded to by a parent or
82 guardian, the disciplinary hearing shall occur within 10
83 school days after the initial suspension from school, unless
84 good cause is otherwise shown or upon agreement of the



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85 parties.

86 (4) The student may be represented at the hearing by
87 legal counsel or another advocate of the student's choice at
88 the student's expense.

89 (5) At least five days before the hearing, the student,
90 parent or guardian, and legal counsel or advocate of the
91 student may review any audio or video recording of the
92 incident and, consistent with federal and state student
93 records laws and regulations, any records, documents, or other
94 information that may be presented as evidence at the hearing,
95 including written statements made by witnesses related to the
96 alleged incident leading to the suspension or expulsion.

97 (6) Representatives from the school seeking the
98 proposed disciplinary action shall offer evidence at the
99 hearing that the student violated the code of student conduct
100 or state law.

101 (7) The student, parent or guardian, or legal counsel
102 or advocate may present a defense, question adverse witnesses
103 who are present at the hearing and offering testimony,
104 excluding students under 14 years of age, and offer evidence,
105 including oral testimony from supporting witnesses, written
106 statements, and other documentary evidence and audio or video
107 recordings at the hearing. The anonymity of witnesses shall be
108 protected, and witnesses may not be compelled to attend or
109 testify in any disciplinary hearing.

110 (8) Each party to the hearing, upon request, shall
111 receive an electronic or written record of the hearing from
112 the local board of education.



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113 (9) The student and parent or guardian of the student
114 shall receive a written decision from the local board of
115 education, or its designee, within five school days after the
116 hearing. The written decision shall include, but not be
117 limited to, all of the following information:

118 a. The basis for the decision, including a reference to
119 the provision of the code of student conduct or state law that
120 the student is accused of violating.

121 b. A statement detailing the information that shall be
122 included in the official record of the student.

123 c. A statement detailing the right of the student to
124 appeal the decision pursuant to the code of student conduct of
125 the local board of education and Section 12-15-115, and notice
126 of the procedures necessary to file an appeal.

127 (f) Nothing in this section shall be construed to
128 infringe on any right provided to a student pursuant to the
129 federal Individuals with Disabilities Education Act, Family
130 Educational Rights and Privacy Act, Section 504 of the
131 Rehabilitation Act of 1973, or the Americans with Disabilities
132 Act of 1990."

133 Section 2. This act shall become effective on October
134 1, 2024.



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House of Representatives

138 Read for the first time and referred15-Feb-24
139 to the House of Representatives
140 committee on Education Policy
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142 Read for the second time and placed21-Mar-24
143 on the calendar:
144 0 amendments
145
146 Read for the third time and passed04-Apr-24
147 as amended
148 Yeas 96
149 Nays 5
150 Abstains 2

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John Treadwell
Clerk