

HB188 ENROLLED



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



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1 Enrolled, An Act,

2 Relating to K-12 public education; to amend Section
3 16-1-14, Code of Alabama 1975; to provide a uniform system of
4 procedural due process protections for students facing
5 long-term suspension or expulsion for violating the student
6 code of conduct or state law.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§16-1-14

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

13 (1) EXPULSION. The exclusion of a student from his or
14 her regular school environment for more than 90, and less than
15 180, school days, per incident, for disciplinary purposes.

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

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

23 (4) REGULAR SCHOOL ENVIRONMENT. Any learning
24 environment provided by the local board of education,
25 including in-school suspension and virtual school.

26 (b) Each local board of education~~Any city, county, or~~
27 ~~other local public school board shall,~~ consistent with Section
28 16-28-12, ~~prescribe~~ shall adopt rules ~~and regulations~~ with



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29 respect to behavior and discipline of ~~pupils~~ students enrolled
30 in the schools under its jurisdiction and, in order to enforce
31 ~~such the~~ rules and regulations, may remove, isolate, or
32 separate ~~pupils~~ students who create disciplinary problems in
33 any classroom or other school activity and whose presence in
34 the class may be detrimental to the best interest and welfare
35 of the ~~pupils of such~~ students of the class as a whole. Any
36 ~~rules and regulations~~ adopted pursuant to this section shall
37 be approved by the State Board of Education.

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

42 (d) Following an alleged student disciplinary incident
43 or infraction, the principal, or his or her designee, may
44 consider all of the following factors before recommending or
45 initiating disciplinary action against a student:

46 (1) The age of the student.

47 (2) The disciplinary history of the student.

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

49 (4) Whether a lesser intervention would appropriately
50 address the behavior of the student.

51 (e) Following an alleged violation of the code of
52 student conduct or an alleged violation of state law that
53 results in a recommendation for the long-term alternative
54 school placement, long-term suspension, or expulsion of a
55 student, the local board of education, at a minimum, shall
56 ensure that all of the following procedures are followed:



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57 (1) The student is afforded an opportunity for a
58 disciplinary hearing before the local board of education, or a
59 designee of the local board of education, to determine whether
60 the alleged violation has occurred.

61 (2) The student, and his or her parent or guardian,
62 receive reasonable written notice of the disciplinary hearing,
63 delivered to them personally or by mail. If the written notice
64 is not responded to by a parent or guardian, the hearing shall
65 be waived. The notice shall include:

66 a. A statement of the time, place, and nature of the
67 hearing;

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

71 c. A statement outlining the rights of the student at
72 the hearing; and

73 d. An optional waiver of the disciplinary hearing
74 indicating the parent or guardian's assent to the alleged
75 violation or violations and to the recommended discipline.

76 (3) If the notice has been responded to by a parent or
77 guardian, the disciplinary hearing shall occur within 10
78 school days after the initial suspension from school, unless
79 good cause is otherwise shown or upon agreement of the
80 parties.

81 (4) The student may be represented at the hearing by
82 legal counsel or another advocate of the student's choice at
83 the student's expense.

84 (5) At least five days before the hearing, the student,



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85 parent or guardian, and legal counsel or advocate of the
86 student may review any audio or video recording of the
87 incident and, consistent with federal and state student
88 records laws and regulations, any records, documents, or other
89 information that may be presented as evidence at the hearing,
90 including written statements made by witnesses related to the
91 alleged incident leading to the suspension or expulsion.

92 (6) Representatives from the school seeking the
93 proposed disciplinary action shall offer evidence at the
94 hearing that the student violated the code of student conduct
95 or state law.

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

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

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



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113 a. The basis for the decision, including a reference to
114 the provision of the code of student conduct or state law that
115 the student is accused of violating.

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

118 c. A statement detailing the right of the student to
119 appeal the decision pursuant to the code of student conduct of
120 the local board of education and Section 12-15-115, and notice
121 of the procedures necessary to file an appeal.

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

128 Section 2. This act shall become effective on October
129 1, 2024.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 04-Apr-24, as amended.

John Treadwell
Clerk

Senate	25-Apr-24	Amended and Passed
House	25-Apr-24	Concurred in Senate Amendment