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SYNOPSIS:

Under existing law, each local board of education is required to annually adopt and distribute a code of student conduct that details specific grounds and procedures for addressing student disciplinary actions.

This bill would provide a uniform statewide system of procedural due process protections relating to the long-term suspension and expulsion of public school students for violating the student code of conduct or state law.

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



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

31           (1) EXPULSION. The exclusion of a student from his or  
32 her regular school environment for more than 90, and less than  
33 180, school days for disciplinary purposes.

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

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

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

44           (b) Each local board of education~~Any city, county, or~~  
45 ~~other local public school board shall~~, consistent with Section  
46 16-28-12, ~~prescribe~~ shall adopt rules ~~and regulations~~ with  
47 respect to behavior and discipline of ~~pupils~~ students enrolled  
48 in the schools under its jurisdiction and, in order to enforce  
49 ~~such the~~ rules ~~and regulations~~, may remove, isolate, or  
50 separate ~~pupils~~ students who create disciplinary problems in  
51 any classroom or other school activity and whose presence in  
52 the class may be detrimental to the best interest and welfare  
53 of the ~~pupils of such~~ students of the class as a whole. Any  
54 rules ~~and regulations~~ adopted pursuant to this section shall  
55 be approved by the State Board of Education.

56           (c) Any~~such~~ removal, isolation, or separation



57 authorized under this section may not deprive ~~such pupils of~~  
58 ~~their~~ a student of his or her full right to an equal and  
59 adequate education.

60 (d) Following an alleged student disciplinary incident  
61 or infraction, the principal, or his or her designee, may  
62 consider all of the following factors before recommending or  
63 initiating disciplinary action against a student:

64 (1) The age of the student.

65 (2) The disciplinary history of the student.

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

67 (4) Whether a lesser intervention would appropriately  
68 address the behavior of the student.

69 (e) Following an alleged violation of the code of  
70 student conduct or an alleged violation of state law that  
71 results in a recommendation for the long-term alternative  
72 school placement, long-term suspension, or expulsion of a  
73 student, the local board of education, at a minimum, shall  
74 ensure that all of the following procedures are followed:

75 (1) The student is afforded an opportunity for a  
76 disciplinary hearing before the local board of education, or a  
77 designee of the local board of education, to determine whether  
78 the alleged violation has occurred.

79 (2) The student, and his or her parent or guardian,  
80 receive reasonable written notice of the disciplinary hearing,  
81 delivered to them personally or by mail. If the written notice  
82 is not responded to by a parent or guardian, the hearing shall  
83 be waived. The notice shall include:

84 a. A statement of the time, place, and nature of the



85 hearing;

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

89 c. A statement outlining the rights of the student at  
90 the hearing; and

91 d. An optional waiver of the disciplinary hearing  
92 indicating the parent or guardian's assent to the alleged  
93 violation or violations and to the recommended discipline.

94 (3) If the notice has been responded to by a parent or  
95 guardian, the disciplinary hearing shall occur within 10  
96 school days after the initial suspension from school, unless  
97 good cause is otherwise shown or upon agreement of the  
98 parties.

99 (4) The student may be represented at the hearing by  
100 legal counsel or another advocate of the student's choice at  
101 the student's expense.

102 (5) At least five days before the hearing, the student,  
103 parent or guardian, and legal counsel or advocate of the  
104 student may review any audio or video recording of the  
105 incident and, consistent with federal and state student  
106 records laws and regulations, any records, documents, or other  
107 information that may be presented as evidence at the hearing,  
108 including written statements made by witnesses related to the  
109 alleged incident leading to the suspension or expulsion.

110 (6) Representatives from the school seeking the  
111 proposed disciplinary action shall offer evidence at the  
112 hearing that the student violated the code of student conduct



113 or state law.

114 (7) The student, parent or guardian, or legal counsel  
115 or advocate may present a defense, question adverse witnesses  
116 who are present at the hearing and offering testimony,  
117 excluding students under 14 years of age, and offer evidence,  
118 including oral testimony from supporting witnesses, written  
119 statements, and other documentary evidence and audio or video  
120 recordings at the hearing. The anonymity of witnesses shall be  
121 protected, and witnesses may not be compelled to attend or  
122 testify in any disciplinary hearing.

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

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

131 a. The basis for the decision, including a reference to  
132 the provision of the code of student conduct or state law that  
133 the student is accused of violating.

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

136 c. A statement detailing the right of the student to  
137 appeal the decision pursuant to the code of student conduct of  
138 the local board of education and Section 12-15-115, and notice  
139 of the procedures necessary to file an appeal.

140 (f) Nothing in this section shall be construed to



141 infringe on any right provided to a student pursuant to the  
142 federal Individuals with Disabilities Education Act, Family  
143 Educational Rights and Privacy Act, Section 504 of the  
144 Rehabilitation Act of 1973, or the Americans with Disabilities  
145 Act of 1990."

146           Section 2. This act shall become effective on October  
147 1, 2024.