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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 incidence, 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 for disciplinary purposes.

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

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

55 (c) Any~~such~~ removal, isolation, or separation
56 authorized under this section may not deprive ~~such pupils of~~



57 ~~their~~ a student of his or her full right to an equal and
58 adequate education.

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

63 (1) The age of the student.

64 (2) The disciplinary history of the student.

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

139 (f) Nothing in this section shall be construed to
140 infringe on any right provided to a student pursuant to the



141 federal Individuals with Disabilities Education Act, Family
142 Educational Rights and Privacy Act, Section 504 of the
143 Rehabilitation Act of 1973, or the Americans with Disabilities
144 Act of 1990."

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