

Student Discipline Due Process Procedure as Mandated by HB188 Enrolled (2024), effective October 1, 2024

Full text of [HB188 Enrolled \(2024\)](#)

This document is for general informational purposes only and should not be considered final guidance.

1 Student commits infraction and is referred to principal.



2 Principal evaluates the infraction and determines appropriate consequence for student based on code of conduct and age, disciplinary history of student, severity of infraction, and whether a lesser or greater consequence will address the student's behavior.



3 If the principal decides that the appropriate consequence for the infraction should be long-term alternative school placement, long-term suspension, or expulsion, the following due process procedure should be followed:

- The student must receive a discipline hearing before the local board of education or its designee
- The student and his parent/guardian must receive written notice of the hearing, which must include the time, date and location of the hearing; a short and plain statement of the infraction and proposed consequence; a statement of the student's rights at the hearing; and the option to waive the hearing and assent to the infraction and proposed consequence.
- The hearing can be waived if no response is heard from the parent/guardian. If the parent/guardian does respond, the board must convene the hearing within 10 days of the original infraction.
- At least 5 days before the hearing, the board must allow the student/student's counsel to review any audio or video of the incident and any relevant documents, in compliance with relevant laws.



4 At the hearing

- The school representative will provide evidence of the infraction committed by the student.
- The student/student's counsel may present a defense and question witnesses present at the hearing.
- The student/student's counsel may request a record of the hearing.



5 The board will provide its decision to the student in writing within five days after the hearing, which will include the basis for the decision and a reference to the student code of conduct section and/or state laws that the student violated. The board's statement must also include a disclosure of the student's right to appeal the decision pursuant to the code of conduct and Code of Alabama Section 12-15-115, as well as the procedures necessary to file an appeal. A copy of the board's decision shall be included in the student's record.

LONG-TERM ALTERNATIVE SCHOOL PLACEMENT

Alternative school for more than 15 school days, per incident

LONG-TERM SUSPENSION

Suspension for more than 10 and fewer than 90 days, per incident

EXPULSION

Exclusion from school for more than 90 and fewer than 180 days, per incident