

Long-Term Suspension, Long-Term Alternative Placement, and Expulsion

For purposes of this policy, the following words/phrases have the following meanings:

“Long-term consequences” means long-term suspension, long-term alternative placement, and/or expulsion.

“Long-term suspension” means the exclusion of a student from any learning environment of Athens City Schools for more than 10 days and less than 90 days per disciplinary incident.

“Long-term alternative placement” means the placement of a student in an alternative school setting (*i.e.*, a special educational setting of Athens City Schools designed for students that have engaged in disciplinary infractions) for more than 15 days per disciplinary incident.

“Expulsion” means the exclusion of a student for more than 90 days from any learning environment of Athens City Schools per disciplinary incident.

Upon the determination by a principal (or his/her authorized representative) that a student under his/her supervision has likely committed a violation of the student code of conduct (or state law), which should merit long-term consequences, the principal (or his/her authorized representative) may initiate charges against the student for such misconduct and recommend long-term consequences. If a student is charged with any misconduct which may result in long-term consequences, then the following due process will be afforded to that student:

1. The student will be afforded an opportunity for a disciplinary hearing before the board of education (or its student disciplinary hearing officer) to determine whether the alleged violation has occurred, and if so, what consequences should follow.
2. The student and his/her parent(s)/guardian(s) will receive reasonable written notice of the disciplinary hearing via mail (at the last known address provided by the parent(s)/guardian(s) to the school system) or personal delivery. The notice may also be issued by other means reasonably calculated to provide notice to the student and his/her parent(s)/guardian(s), at the discretion of the school system. The notice must include:
 - (a) a statement of the time, place, and nature of the hearing;
 - (b) a short and plain statement detailing the alleged conduct, the provision(s) of the code of conduct allegedly violated, and any recommended discipline;
 - (c) a statement outlining the rights of the student at the hearing; and
 - (d) an optional waiver of the disciplinary hearing indicating a parent/guardian’s assent to the alleged violation(s) and recommended discipline.
3. If (a) the parent(s)/guardian(s) does not respond to the notice, then the hearing shall be waived and the school system may proceed to consider whether the student engaged in the violations and the appropriate discipline. If the parent(s)/guardian(s) responds, waives the hearing, and assents to the alleged violation(s) and recommended discipline, then the hearing shall be waived and the school system may proceed with the recommended discipline. If the parent(s)/guardian(s) otherwise responds to the notice, a disciplinary hearing shall occur within ten (10) school days after the initial suspension of the student from school, unless (a) there is good cause, or (b) agreed upon by the school system and the parent/guardian.
4. If the parent(s)/guardian(s) do not accept the recommended discipline and the student is found

to have committed the alleged violations, then the discipline imposed may differ from the principal's recommended discipline stated in the notice to the parent/guardian.

5. The student disciplinary hearing shall be conducted by the student disciplinary hearing officer (the Student Services Supervisor, School Safety & Discipline, or in the event of his/her absence, a school employee selected by the Superintendent for such purpose), except that the student disciplinary hearing shall be conducted by the board of education in the following situations: (a) the recommended discipline includes the possibility of expulsion, (b) the range of possible disciplinary consequences includes expulsion and the student disciplinary hearing officer determines that expulsion is a reasonable consequence if the allegations are found to be true, or (c) the student disciplinary hearing officer refers the matter to the board of education due to special or unusual circumstances which make it more appropriate for the board to hear the matter.
6. A student may be represented at the school disciplinary hearing by the student's legal counsel or another advocate of the student's choice at the student's sole expense.
7. At least five (5) days before the hearing, the student, parent/guardian, and/or legal counsel/advocate, may review information that may be presented as evidence at the hearing in accordance with federal and state student record laws and regulations.
8. The disciplinary hearing shall not be open to the public, as it relates to the educational records of the student.
9. At the hearing, school officials shall present evidence that the student violated the code of student conduct (or state law), and may recommend disciplinary measures.
10. Student disciplinary hearings are not required to conform to the formal rules and procedures (such as rules of evidence) that govern hearings and trials in courts of law.
11. At the hearing, the student may present a defense to the allegations, offer evidence and/or testimony, and cross-examine adverse witnesses (excluding students under 14 years of age). A student may not compel any witness to attend and testify in the hearing.
12. After the hearing has been conducted, the board or student disciplinary hearing officer (as the case may be) shall determine whether the student committed the alleged offenses, and if so, what disciplinary measures shall be imposed.
13. Upon request, a student will receive an electronic or written record of the hearing. Such request must be made by the student within ten (10) days of the hearing.
14. Within five (5) school days after the hearing, the board (or the student hearing disciplinary officer, as the case may be) shall issue a written decision to the student and parent/guardian. The decision will include the following: (a) the finding as to whether the student committed the alleged offense(s), (b) the disciplinary measure(s) to be imposed; (c) the basis for the decision; (d) a reference to the applicable provision of the code of conduct (or state law) that the student is accused of violating; (e) a statement that the student may appeal the decision, at his/her own expense, by filing a petition or complaint with the Juvenile Court of Limestone County, Alabama pursuant to § 12-15-115 of the *Code of Alabama*, as amended, within fourteen (14) days of the decision. Absent a contrary order from a court of appropriate jurisdiction, any such appeal shall not require a delay or suspension of the imposition of disciplinary measures.
15. Only the board of education can expel a student. Accordingly, where a student disciplinary hearing officer has conducted a hearing, and has determined that the student has engaged in a violation of the alleged offense(s), then, in his/her discretion, if the officer determines that expulsion would be an appropriate disciplinary measure, the officer may issue a decision referring the matter to the board of education for its further determination of disciplinary measures. In such event, the officer will provide written notice of the same to the student and

parent/guardian, and may direct that such student remain suspended from school pending such additional hearing. (The additional hearing by the board shall be conducted within thirty (30) days after the initial hearing before the student disciplinary hearing officer, absent unusual circumstances.) In such event, prior to any hearing before the board, the due process procedures hereunder will be repeated.

When imposing disciplinary measures, the board or student disciplinary hearing officer (as the case may be) imposing long-term consequences may also impose conditions, additional meeting requirements, or re-evaluation requirements that must be satisfied by a student prior to re-admission.

Notwithstanding the process described above, nothing herein shall prevent a parent/guardian, student, and the school system from all agreeing in writing to a particular outcome and disciplinary consequences for the student at any time during the process.

A principal (or his/her authorized representative) may temporarily suspend a student that is alleged to have committed a violation of this student code of conduct (or state law) pending the outcome of the hearing procedure set forth hereunder, where the principal (or authorized representative) determines that the suspension is necessary because the student's presence poses a continuing danger to persons or property, or is an ongoing threat of disrupting the academic process. In such case, the minimal due process set forth in Policy JCAA should be conducted in accordance with such temporary suspension. If the student has been temporarily suspended for more than ten (10) days without any outcome of the hearing procedure, then in the absence of good cause and/or unusual circumstances which delay the hearing, the student shall either be returned to the education setting existing prior to the suspension, or else provided with other educational services until the hearing procedure has concluded (such as the provision of virtual education services).

This policy shall not be read to contradict federal laws/regulations governing students and school discipline (such as, for example, in the case of student disciplinary matters involving the federal Individuals with Disabilities Education Act (IDEA), and in the event of any inconsistency with the same, such laws/regulations shall apply rather than this policy.

Unless otherwise required by law, a school official's inadvertent or mistaken failure to comply with any of the provisions of this policy will not invalidate or otherwise impact the validity of any disciplinary measure imposed by school officials, where such failure does not result in actual harm or material prejudice to the student.

SOURCE: Athens City Board of Education, Athens, AL

ADOPTED: Nov. 5, 1978; REVISED: June 15, 2000; REVISED: May 21, 2009; REVISED: August 9, 2019; REVISED: August 5, 2024

LEGAL REF: Ala. Code § 16-1-14 (1975); Ala. Code § 16-1-24.1 (1975); *Hammock v. Keys*, 93 F. Supp.2d 1222 (S.D. Ala. 2000).

