SB157

QU69545-2

By Senators Orr, Chesteen, Price, Williams, Waggoner, Hovey, Sessions, Melson, Weaver, Givhan, Allen, Butler

RFD: Education Policy

First Read: 27-Feb-24

A BILL

TO BE ENTITLED

AN ACT

Relating to public education employees; to authorize a teacher to exclude students from the classroom in certain circumstances; to authorize the placement of an excluded student under the control of a principal; to provide procedures relating to the return of an excluded student to the classroom; to authorize a school principal to suspend or recommend for alternative school a student who is excluded from the classroom three times in one month in certain circumstances; to require each local board of education to adopt a process for a teacher to appeal a principal's decision relating to a student's return to the classroom; to provide immunity to education employees for civil and criminal actions related to the performance of their duties; to authorize, and in certain circumstances, require, the Educators' Liability Trust Fund reimburse certain expenses for certain legal fees incurred by education employees; to require the Educators' Liability Trust Fund to provide an annual report; to create a rebuttable presumption that teachers take necessary actions relating to classroom maintenance; and to require the State Board of Education to adopt a model policy that each local board of education must adopt.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Teachers' Bill of Rights.

Section 2. For the purposes of this act, the following terms have the following meanings:

(1) DISORDERLY CONDUCT. Any conduct that intentionally: (i) disrupts, disturbs, or interferes with the teaching of students; or (ii) disturbs the peace, order, or discipline at any school.

(2) EDUCATION EMPLOYEE. Any of the following individuals:

a. A certified or noncertified employee of the State Department of Education or any local board of education.

b. An employee of the Alabama Institute for Deaf and Blind.

c. An employee of the Alabama School of Fine Arts.

d. An employee of the Department of Youth Services School District.

e. An employee of the Alabama School of Mathematics and Science.

f. An employee of the Alabama School of Cyber Technology and Engineering.

g. An employee of a public charter school.

(3) PRINCIPAL. The principal, assistant principal, vice principal, or administrative head of a school, or his or her designee.

(4) SCHOOL. A public K-12 school.

(5) TEACHER. A professional educator who has a direct

instructional or counseling relationship with students and who spends the majority of his or her time in this capacity.

Section 3. (a) Beginning with the 2024-2025 school year, a teacher may exclude from his or her classroom any student who does any of the following:

(1) Engages in disorderly conduct.

(2) Behaves in a manner that obstructs the teaching or learning process of others in the classroom.

(3) Threatens, abuses, intimidates, or attempts to intimidate an education employee or another student.

(4) Willfully disobeys an education employee.

(5) Uses abusive or profane language directed at an education employee.

(b)(1) Any student excluded from the classroom pursuant to subsection (a) shall be placed under the control of the school principal or his or her designee. The excluded student may be readmitted to the classroom only after the principal, or his or her designee, provides written certification to the classroom teacher that the student may be readmitted and specifies the type of disciplinary action, if any, that was taken.

(2) If the principal, or his or her designee, finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the student's parent or guardian.

(c) If a student is excluded from the classroom pursuant to subsection (a) two times in one semester and all other reasonable means of classroom discipline have been

exhausted, the student may be readmitted to the classroom only if all of the following are satisfied:

(1) The principal, teacher, and, if possible, the student's parent or guardian have held a conference to discuss the student's disruptive behavior patterns.

(2) The teacher and the principal agree on a course of discipline for the student going forward.

(3) The student's parent or guardian has been informed of the course of discipline.

(d) Following a student's readmittance to the classroom pursuant to subsection (c), if the student's disruptive behavior persists, upon the teacher's request, the principal shall mete out the maximum discipline provided for by the student code of conduct for the infraction, including, but not limited to, transfer to an alternative school.

(e)(1) If the student removed from the classroom pursuant to subsection (a) is in grades six through 12 and is removed for his or her disorderly conduct, interference with an orderly educational process, or obstruction of the teaching or learning process of others in the classroom, the student may not be readmitted to the referring teacher's classroom for at least the remainder of the school day. The principal must communicate with the teacher regarding the student before he or she may be readmitted to the classroom.

(2) A student who is excluded for the remainder of a school day pursuant to this subsection for a total of three times in one 30-day period shall receive, as determined by the principal, in-school or out-of-school suspension, or may be

recommended for placement in an alternative school, if one is available within the school district.

(f) Beginning with the 2024-2025 school year, each local board of education shall adopt a policy establishing an appeal process that allows a teacher to appeal to the local board of education in both of the following scenarios:

(1) If a principal refuses to allow a student to be excluded from the classroom pursuant to this section.

(2) If a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom pursuant to this section.

Section 4. (a) An education employee may not be held civilly or criminally liable for actions carried out in conformity with rules of the State Board of Education or policies of the local board of education where he or she is employed, except in the following cases:

(1) The education employee engages in excessive force or cruel and unusual punishment.

(2) The education employee acts willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law.

(3) The education employee violates the United States Constitution, the Constitution of Alabama of 2022, or the laws of this state.

(b)(1) The Educators' Liability Trust Fund may reimburse reasonable expenses for legal services for an education employee if he or she is charged with civil or criminal actions arising out of and in the course of the

performance of his or her assigned duties and responsibilities.

(2) No later than the first legislative day of each regular session of the Legislature, the Educators' Liability Trust Fund shall provide a report detailing expenditures made during the preceding year pursuant to this act, including a breakdown of expenditures by employing school district, to the State Superintendent of Education, the Chair of the House of Representatives Ways and Means Education Committee, and the Chair of the Senate Finance and Taxation Education Committee.

(c)(1) If an education employee charged with civil or criminal actions arising out of and in the course of the performance of his or her assigned duties and responsibilities successfully defends himself or herself, the Educators' Liability Trust Fund shall provide for reimbursement of reasonable expenses for his or her legal services.

(2) If the Educators' Liability Trust Fund is unable to pay a claim for reimbursement pursuant to this subsection, reimbursement shall be made by the employing local board of education.

(d) In cases in which a teacher faces legal action, disciplinary action, or professional sanctions for an action taken based on his or her classroom management, there is a rebuttable presumption that the teacher was taking necessary actions to restore or maintain the safety or instructional atmosphere of his or her classroom.

(e) This section shall not be construed to eliminate, alter, or otherwise modify any other immunity regarding

officers, employees, or agents of the state established under the Constitution of Alabama of 2022, and the laws of this state.

(f) A teacher may not be reprimanded or otherwise be subjected to disciplinary action by his or her principal, a local board of education, or the State Board of Education if his or her actions are found to be legal and in conformance with the policy of the local board of education or the State Board of Education.

Section 5. Beginning with the 2024-2025 school year, the State Board of Education shall adopt a model policy that reflects the requirements of this act. Each local board of education shall adopt and implement the model policy, and each local board of education may adopt additional policies relating to this act, provided that the minimum requirements of this act are met.

Section 6. (a) Nothing in this act shall be construed to infringe on any right provided to a student pursuant to the Individuals with Disabilities Education Act (IDEA), the Family Educational Rights and Privacy Act (FERPA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990, provided that student information related to this act shall be included as necessary into any and all Individualized Education Plans (IEPs), behavioral intervention plans, and other similar documents.

(b) Principals and other relevant administrators shall carry out this act in a manner that complies with the laws listed in subsection (a), including, but not limited to: (i)

promptly carrying out manifestation determinations after misconduct; (ii) meting out discipline in accordance with the student code of conduct where misconduct is not determined to be a manifestation of disability; (iii) performing functional behavior assessments and adjusting behavior intervention plans as needed in a timely manner; and (iv) performing any other duties and responsibilities provided by those laws.

Section 7. This act shall become effective on June 1, 2024.

Senate

Read for the first time and referred 27-Feb-24
to the Senate committee on Education
Policy

Read for the second time and placed 28-Feb-24
on the calendar:
0 amendments

Read for the third time and passed 04-Apr-24
as amended
Yeas 34
Nays 0
Abstains 0

Patrick Harris,
Secretary.