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SYNOPSIS:

Under existing law, public education employees acting in their official capacity are immune from civil liability. Education employees are also immune from civil liability in their personal capacity when the conduct is relating to the exercise of judgment or discharge of duties imposed by a state agency or by state law.

Also under existing law, each local board of education prescribes policies relating to student discipline.

This bill would authorize a teacher to exclude a student from his or her classroom if the student engages in disorderly conduct; obstructs the teaching or learning process of other students; threatens, abuses, or intimidates an education employee or student; or willfully disobeys or uses profane language directed at an education employee.

This bill would require the school principal, or his or her designee, to determine when a student may be readmitted to the classroom and what disciplinary actions, if any, are appropriate.

This bill would provide procedures relating to an excluded student's return to the classroom.

This bill would provide additional procedures if



29 a student in grades six through 12 is excluded from the
30 classroom in certain circumstances and would authorize
31 certain students excluded from the classroom three
32 times in one month to receive suspension or be
33 considered for placement in an alternative school.

34 This bill would require each local board of
35 education to establish an appeal process for when a
36 teacher believes that a principal refuses to allow the
37 exclusion of a student from the classroom or
38 prematurely ends the exclusion of a student from the
39 classroom.

40 This bill would provide immunity from civil and
41 criminal actions against education employees for
42 actions carried out in conformity with the rules of the
43 State Board of Education or the policies of the local
44 board of education where they are employed, with
45 certain exceptions.

46 This bill would authorize, and in certain cases,
47 require, the Educators' Liability Trust Fund to
48 reimburse certain education employees charged with
49 civil or criminal activities arising out of and in the
50 course of the performance of his or her duties.

51 This bill would require the Educators' Liability
52 Trust Fund to prepare an annual report summarizing
53 expenditures relating to legal services for education
54 employees.

55 This bill would create a rebuttable presumption
56 that teachers take necessary action to restore or



57 maintain the safety or educational atmosphere of the
58 classroom.

59 This bill would also require the State Board of
60 Education to adopt a model policy and require local
61 boards of education to adopt that model policy.

62
63 A BILL
64 TO BE ENTITLED
65 AN ACT

66
67 Relating to public education employees; to authorize a
68 teacher to exclude students from the classroom in certain
69 circumstances; to authorize the placement of an excluded
70 student under the control of a principal; to provide
71 procedures relating to the return of an excluded student to
72 the classroom; to authorize a school principal to suspend or
73 recommend for alternative school a student who is excluded
74 from the classroom three times in one month in certain
75 circumstances; to require each local board of education to
76 adopt a process for a teacher to appeal a principal's decision
77 relating to a student's return to the classroom; to provide
78 immunity to education employees for civil and criminal actions
79 related to the performance of their duties; to authorize, and
80 in certain circumstances, require, the Educators' Liability
81 Trust Fund reimburse certain expenses for certain legal fees
82 incurred by education employees; to require the Educators'
83 Liability Trust Fund to provide an annual report; to create a
84 rebuttable presumption that teachers take necessary actions



85 relating to classroom maintenance; and to require the State
86 Board of Education to adopt a model policy that each local
87 board of education must adopt.

88 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

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

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

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

110 g. An employee of a public charter school.

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



113 designee.

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

115 (5) TEACHER. A professional educator who has a direct
116 instructional or counseling relationship with students and who
117 spends the majority of his or her time in this capacity.

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

121 (1) Engages in disorderly conduct.

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

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

126 (4) Willfully disobeys an education employee.

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

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

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



141 (c) If a student is excluded from the classroom
142 pursuant to subsection (a) two times in one semester and all
143 other reasonable means of classroom discipline have been
144 exhausted, the student may be readmitted to the classroom only
145 if all of the following are satisfied:

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

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

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

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

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

168 (2) A student who is excluded for the remainder of a



169 school day pursuant to this subsection for a total of three
170 times in one 30-day period shall receive, as determined by the
171 principal, in-school or out-of-school suspension, or may be
172 recommended for placement in an alternative school, if one is
173 available within the school district.

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

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

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

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

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

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

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

196 (b) (1) The Educators' Liability Trust Fund may



197 reimburse reasonable expenses for legal services for an
198 education employee if he or she is charged with civil or
199 criminal actions arising out of and in the course of the
200 performance of his or her assigned duties and
201 responsibilities.

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

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

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

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



225 atmosphere of his or her classroom.

226 (e) This section shall not be construed to eliminate,
227 alter, or otherwise modify any other immunity regarding
228 officers, employees, or agents of the state established under
229 the Constitution of Alabama of 2022, and the laws of this
230 state.

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

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

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



253 (b) Principals and other relevant administrators shall
254 carry out this act in a manner that complies with the laws
255 listed in subsection (a), including, but not limited to: (i)
256 promptly carrying out manifestation determinations after
257 misconduct; (ii) meting out discipline in accordance with the
258 student code of conduct where misconduct is not determined to
259 be a manifestation of disability; (iii) performing functional
260 behavior assessments and adjusting behavior intervention plans
261 as needed in a timely manner; and (iv) performing any other
262 duties and responsibilities provided by those laws.

263 Section 7. This act shall become effective on June 1,
264 2024.