

SB157 ENROLLED



1 SB157
2 8PECFH2-2
3 By Senators Orr, Chesteen, Price, Williams, Waggoner, Hovey,
4 Sessions, Melson, Weaver, Givhan, Allen, Butler
5 RFD: Education Policy
6 First Read: 27-Feb-24



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1 Enrolled, An Act,

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3 Relating to public education employees; to authorize a
4 teacher to exclude students from the classroom in certain
5 circumstances; to authorize the placement of an excluded
6 student under the control of a principal; to provide
7 procedures relating to the return of an excluded student to
8 the classroom; to authorize a school principal to suspend or
9 recommend for alternative school a student who is excluded
10 from the classroom three times in one month in certain
11 circumstances; to require each local board of education to
12 adopt a process for a teacher to appeal a principal's decision
13 relating to a student's return to the classroom; to provide
14 immunity to education employees for civil and criminal actions
15 related to the performance of their duties; to authorize, and
16 in certain circumstances, require, the Educators' Liability
17 Trust Fund reimburse certain expenses for certain legal fees
18 incurred by education employees; to require the Educators'
19 Liability Trust Fund to provide an annual report; to create a
20 rebuttable presumption that teachers take necessary actions
21 relating to classroom maintenance; and to require the State
22 Board of Education to adopt a model policy and each local
23 board of education to adopt a policy.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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



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

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

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

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

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

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41 d. An employee of the Alabama School of Mathematics and
42 Science.

43 e. An employee of the Alabama School of Cyber
44 Technology and Engineering.

45 f. An employee of a public charter school.

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

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

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

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

56 (1) Engages in disorderly conduct.



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

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

61 (4) Willfully disobeys an education employee.

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

64 (b) (1) Any student excluded from the classroom pursuant
65 to subsection (a) shall be placed under the control of the
66 school principal or his or her designee, provided that the
67 excluding teacher has followed his or her own approved
68 classroom management plan. The excluded student may be
69 readmitted to the classroom only after the principal, or his
70 or her designee, provides written certification to the
71 classroom teacher that the student may be readmitted and
72 specifies the type of disciplinary action, if any, that was
73 taken.

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

78 (c) If a student is excluded from the classroom
79 pursuant to subsection (a) two times in one semester and all
80 other reasonable means of classroom discipline have been
81 exhausted, the student may be readmitted to the classroom only
82 if all of the following are satisfied:

83 (1) The principal, teacher, and, if possible, the
84 student's parent or guardian have held a conference to discuss



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85 the student's disruptive behavior patterns.

86 (2) The principal informs the teacher of any course of
87 discipline for the student going forward.

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

90 (d) Following a student's readmittance to the classroom
91 pursuant to subsection (c), if the student's disruptive
92 behavior persists, upon the teacher's request, the principal
93 shall mete out the maximum discipline provided for by the
94 student code of conduct for the infraction, including, but not
95 limited to, transfer to an alternative school that is approved
96 by the local superintendent of education.

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

106 (2) A student who is excluded for the remainder of a
107 school day pursuant to this subsection for a total of three
108 times in one 30-day period shall receive, as determined by the
109 principal, in-school or out-of-school suspension, or may be
110 recommended for placement in an alternative school, if one is
111 available within the school district.

112 (f) Beginning with the 2024-2025 school year, each



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113 local board of education shall adopt a policy establishing an
114 appeal process that allows a teacher to appeal to the local
115 board of education in both of the following scenarios:

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

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

121 (g) Each local board of education shall require each
122 school to collect data related to any disciplinary action
123 taken pursuant to this section. Each local board of education
124 shall compile a report of the data collected from each school
125 to the State Department of Education. The State Department of
126 Education shall compile a report of the data collected from
127 each local board of education and provide it to the
128 Legislature no later than the first day of each regular
129 legislative session.

130 Section 4. (a) An education employee may not be held
131 civilly or criminally liable for his or her actions while
132 addressing student behavior that could lead to exclusion
133 pursuant to Section 3, if those actions are carried out in
134 conformity with rules of the State Board of Education or
135 policies of the local board of education where he or she is
136 employed, except in the following cases:

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

139 (2) The education employee acts willfully, maliciously,
140 fraudulently, in bad faith, beyond his or her authority, or



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141 under a mistaken interpretation of the law.

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

145 (b) (1) The Educators' Liability Trust Fund may
146 reimburse reasonable expenses for legal services for an
147 education employee if he or she is charged with civil or
148 criminal actions arising out of and in the course of the
149 performance of his or her assigned duties and responsibilities
150 under terms and conditions established by the Department of
151 Finance consistent with this act.

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

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

167 (2) If the Educators' Liability Trust Fund does not pay
168 a claim for reimbursement pursuant to this subsection,



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169 reimbursement may be made by the employing local board of
170 education at its sole discretion.

171 (d) (1) In cases in which a teacher faces legal action,
172 disciplinary action, or professional sanctions for an action
173 taken based on his or her classroom management plan that was
174 approved by the school principal, there is a rebuttable
175 presumption that the teacher was taking necessary actions to
176 restore or maintain the safety or instructional atmosphere of
177 his or her classroom.

178 (2) Principals shall review and act upon classroom
179 management plans promptly. Each classroom management plan
180 shall be approved by the principal before the tenth day of
181 instruction for students during each academic year.

182 (e) This section shall not be construed to eliminate,
183 alter, or otherwise modify any other immunity regarding
184 officers, employees, or agents of the state established under
185 the Constitution of Alabama of 2022, and the laws of this
186 state.

187 (f) A teacher may not be reprimanded or otherwise be
188 subjected to disciplinary action by his or her principal, a
189 local board of education, or the State Board of Education for
190 any action taken pursuant to this act if his or her actions
191 are found to be legal and in conformance with the policy of
192 the local board of education or the State Board of Education.

193 Section 5. Beginning with the 2024-2025 school year,
194 the State Board of Education shall adopt a model policy that
195 reflects the requirements of this act. Each local board of
196 education may adopt and implement the model policy, or may



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197 adopt and implement another policy, provided that each local
198 board of education shall adopt policies that meet the minimum
199 requirements of this act.

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

209 (b) Principals and other relevant administrators shall
210 carry out this act in a manner that complies with the laws
211 listed in subsection (a), including, but not limited to: (i)
212 promptly carrying out manifestation determinations after
213 misconduct; (ii) meting out discipline in accordance with the
214 student code of conduct where misconduct is not determined to
215 be a manifestation of disability; (iii) performing functional
216 behavior assessments and adjusting behavior intervention plans
217 as needed in a timely manner; and (iv) performing any other
218 duties and responsibilities provided by those laws.

219 Section 7. This act shall become effective on June 1,
220 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 04-Apr-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 07-May-24

Senate concurred in House amendment 07-May-24

By: Senator Orr