

SB157 INTRODUCED



1 SB157
2 QEXV551-1
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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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



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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 provide additional procedures if
35 a student in grades preK through five commits certain
36 behavior that would result in exclusion from the
37 classroom and would require a conference with the
38 student's parent or guardian.

39 This bill would require each local board of
40 education to establish an appeal process for when a
41 teacher believes that a principal refuses to allow the
42 exclusion of a student from the classroom or
43 prematurely ends the exclusion of a student from the
44 classroom.

45 This bill would provide immunity from civil and
46 criminal actions against education employees for
47 actions carried out in conformity with the rules of the
48 State Board of Education or the policies of the local
49 board of education where they are employed, with
50 certain exceptions.

51 This bill would authorize each local board of
52 education to provide legal services to or reimbursement
53 for reasonable expenses for legal services for an
54 education employee charged with civil or criminal
55 activities arising out of and in the course of the
56 performance of his or her duties.



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57 This bill would require each local board of
58 education to reimburse an education employee who
59 successfully defends himself or herself from charges
60 relating to the performance of his or her duties.

61 This bill would require an education employee
62 who pleads guilty or nolo contendere or is found guilty
63 of charges relating to the performance of his or her
64 duties to reimburse any expenses incurred by the local
65 board of education where he or she is employed.

66 This bill would require meetings of the local
67 board of education where funds are expended for the
68 legal defense of an employee to be open meetings.

69 This bill would create a rebuttable presumption
70 that teachers take necessary action to restore or
71 maintain the safety or educational atmosphere of the
72 classroom.

73 This bill would also require the State Board of
74 Education to adopt a model policy and local boards of
75 education to adopt that model policy.

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A BILL

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TO BE ENTITLED

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AN ACT

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81 Relating to public education employees; to authorize a
82 teacher to exclude students from the classroom in certain
83 circumstances; to authorize the placement of an excluded
84 student under the control of a principal; to provide



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85 procedures relating to the return of an excluded student to
86 the classroom; to authorize a school principal to suspend or
87 consider for alternative school a student who is excluded from
88 the classroom three times in one month in certain
89 circumstances; to require each local board of education to
90 adopt a process for a teacher to appeal a principal's decision
91 relating to a student's return to the classroom; to provide
92 immunity to education employees for civil and criminal actions
93 related to the performance of their duties; to authorize each
94 local board of education to provide legal services or to
95 reimburse expenses for legal services for education employees
96 charged with certain civil or criminal actions; to require
97 each local board of education to reimburse an education
98 employee who successfully defends himself in certain civil or
99 criminal actions; to require an education employee who pleads
100 guilty or nolo contendere or is found guilty to reimburse any
101 legal expenses incurred by the local board of education; to
102 require meetings where funds are expended for the legal
103 defense of an employee to be open meetings; to create a
104 rebuttable presumption that teachers take necessary actions
105 relating to classroom maintenance; and to require the State
106 Board of Education to adopt a model policy that each local
107 board of education must adopt.

108 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

109 Section 1. For the purposes of this act, the following
110 terms have the following meanings:

111 (1) DISORDERLY CONDUCT. Any conduct that intentionally:
112 (i) disrupts, disturbs, or interferes with the teaching of



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113 students; or (ii) disturbs the peace, order, or discipline at
114 any school.

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

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

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

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

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

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

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

128 g. An employee of a public charter school.

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

132 (4) SCHOOL. A public preK-12 school.

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

136 Section 2. (a) Beginning with the 2025-2026 school
137 year, a teacher may exclude from his or her classroom any
138 student who does any of the following:

139 (1) Engages in disorderly conduct.

140 (2) Behaves in a manner that obstructs the teaching or



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141 learning process of others in the classroom.

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

144 (4) Willfully disobeys an education employee.

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

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

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

159 (c) If a student is excluded from the classroom
160 pursuant to subsection (a) two times in one semester and all
161 other reasonable means of classroom discipline have been
162 exhausted, the student may be readmitted to the classroom only
163 if all of the following are satisfied:

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

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



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

171 (d) Following a student's readmittance to the
172 classroom pursuant to subsection (c), if the student's
173 disruptive behavior persists, upon the teacher's request, the
174 principal, to the extent feasible, may transfer the student to
175 an alternative school.

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

185 (2) A student who is excluded for the remainder of a
186 school day pursuant to this subsection for a total of three
187 times in one month shall receive, as determined by the
188 principal, in-school or out-of-school suspension, or may be
189 considered for placement in an alternative school, if one is
190 available within the school district.

191 (f) If a student in grades preK through five commits
192 disorderly conduct, interferes with an orderly educational
193 process, or obstructs the teaching or learning process of
194 others in the classroom in a way that would have warranted his
195 or her removal from the classroom, the student may not be
196 removed until his or her parent or guardian have attended a



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197 conference with the student's teacher and principal, or his or
198 her designee. The conference shall occur no later than the
199 third school day following the student's offense. If the
200 student's parent or guardian fails to attend the conference,
201 the student may be removed from the classroom beginning on the
202 fourth school day following the offense and may not return
203 until the parent or guardian attends the conference.

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

208 (1) If a principal refuses to allow a student to be
209 excluded from the classroom pursuant to Section 1.

210 (2) If a teacher believes the school principal has
211 prematurely ended the exclusion of a student from the
212 classroom pursuant to Section 1.

213 Section 3. (a) An education employee may not be held
214 civilly or criminally liable for actions carried out in
215 conformity with rules of the State Board of Education or
216 policies of the local board of education where he or she is
217 employed, except in the following cases:

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

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

223 (3) The education employee violates the United States
224 Constitution, the Constitution of Alabama of 2022, or the laws



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225 of this state.

226 (b) (1) Each local board of education may reimburse
227 reasonable expenses for legal services for an education
228 employee if he or she is charged with civil or criminal
229 actions arising out of and in the course of the performance of
230 his or her assigned duties and responsibilities.

231 (2) If an education employee charged with civil or
232 criminal actions arising out of and in the course of the
233 performance of his or her assigned duties and responsibilities
234 successfully defends himself or herself, the employing local
235 board of education shall provide for reimbursement of
236 reasonable expenses for his or her legal services.

237 (c) (1) Each local board of education may provide legal
238 services for officers and employees of the board who are
239 charged with civil or criminal actions arising out of and in
240 the course of the performance of assigned duties and
241 responsibilities.

242 (2) In any case in which an employee pleads guilty or
243 nolo contendere or is found guilty, the employee shall
244 reimburse the local board of education for any expenses for
245 legal services that the local board incurred pursuant to this
246 subsection.

247 (3) Each meeting that a local board of education
248 expends funds for the legal defense of an employee, or for
249 reimbursement pursuant to this section, shall be an open
250 meeting pursuant to Chapter 25A of Title 36, Code of Alabama
251 1975.

252 (d) In cases in which a teacher faces litigation or



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253 professional sanctions for an action taken based on his or her
254 classroom management, there is a rebuttable presumption that
255 he or she was taking necessary action to restore or maintain
256 the safety or instructional atmosphere of his or her
257 classroom.

258 (e) This section shall not be construed to eliminate,
259 alter, or otherwise modify any other immunity regarding
260 officers, employees, or agents of the state established under
261 the Constitution of Alabama of 2022, and the laws of this
262 state.

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

269 Section 4. Beginning with the 2024-2025 school year,
270 the State Board of Education shall adopt a model policy that
271 reflects the requirements of this act. Each local board of
272 education shall adopt and implement the model policy, and each
273 local board of education may adopt additional policies
274 relating to this act, provided that the requirements of this
275 act are met.

276 Section 5. This act shall become effective on June 1,
277 2024.