

SB157 ENGROSSED



1 SB157
2 QU69545-2
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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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.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

34 (1) DISORDERLY CONDUCT. Any conduct that intentionally:

35 (i) disrupts, disturbs, or interferes with the teaching of
36 students; or (ii) disturbs the peace, order, or discipline at
37 any school.

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

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

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

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

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

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

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

51 g. An employee of a public charter school.

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

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

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



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

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

62 (1) Engages in disorderly conduct.

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

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

67 (4) Willfully disobeys an education employee.

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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141 performance of his or her assigned duties and
142 responsibilities.

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

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

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

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

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



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

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

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

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

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



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

204 Section 7. This act shall become effective on June 1,
205 2024.



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208 Senate

209 Read for the first time and referred27-Feb-24
210 to the Senate committee on Education
211 Policy
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213 Read for the second time and placed28-Feb-24
214 on the calendar:
215 0 amendments
216
217 Read for the third time and passed04-Apr-24
218 as amended
219 Yeas 34
220 Nays 0
221 Abstains 0
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223

Patrick Harris,
Secretary.

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