

RESOLUTION TO ADOPT MODEL POLICY FOR TEACHERS' BILL OF RIGHTS

WHEREAS, the Alabama Legislature passed into Law Act 2024-409 (SB 157), to be known as the Teachers' Bill of Rights; and

WHEREAS, said Act requires the State Board of Education to adopt a Model Policy; and

WHEREAS, said Act requires, beginning with the 2024-2025 school year, each local board of education to adopt a policy addressing the minimum requirements of this Act; and

WHEREAS, said Act does not require that any local board of education adopt this Model Policy as written:

NOW, THEREFORE, BE IT RESOLVED, That the Alabama State Board of Education does hereby adopt a Model Policy for the Teacher's Bill of Rights; and

BE IT FURTHER RESOLVED, that the Alabama State Board of Education will post the Model Policy on the Alabama State Department of Education website.

Done this 8th day of August 2024

TEACHERS' BILL OF RIGHTS MODEL POLICY

The Teachers' Bill of Rights requires every teacher to have an approved classroom management plan and affords teachers the right to exclude disruptive students from their classrooms in certain circumstances. The purpose of this policy is to outline the standards applicable to the development and approval of required classroom management plans; the standards applicable to the exclusion of a student from the classroom by a teacher; and the appeal process available to a teacher if a student is returned to the classroom by the principal.

For purposes of this policy, the term principal also includes assistant principal, vice principal, or his or her designee.

A. Classroom Management Plans: Each classroom plan must be approved by the principal before the tenth day of instruction for students during each academic year. Principals are authorized to set a deadline for submission of classroom management plans by teachers that provides them with ample time to review and approve plans and seek revisions.

B. Exclusion of Student from Classroom by Teacher: A teacher may exclude a student from his or her classroom due to their behavior only if:

- The student has:
 - Engaged in disorderly conduct, which is defined by the Act as any conduct that intentionally disrupts, disturbs, or interferes with the teaching of students or disturbs the peace, order, or discipline at any school;
 - Behaved in a manner that obstructs the teaching or learning process of others in the classroom;
 - Threatened, abused, intimidated, or attempted to intimidate an education employee or another student;
 - Willfully disobeyed an education employee;
 - Uses abusive or profane language directed at an education employee;
- The referring teacher followed his or her approved classroom management plan before excluding the student from the classroom; and

- The referring teacher completes any required referral form and submits it to the principal or his or her designee when the student is excluded and referred to school administration.

C. Principal Review and Decision: The Superintendent shall develop guidance and procedures for principals to handle instances of student exclusion pursuant to this policy and consistent with Alabama and Federal law.

D. Appeal: An appeal may be filed by a teacher if (1) a principal refuses to allow a student to be excluded from the classroom under this policy, or (2) a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom under this policy.

The appeal process available under this policy may not be invoked if:

- The decision not to exclude a student from the classroom or to return a student to the classroom results from a decision reached at the end of a school disciplinary hearing required by the Code of Conduct or state or federal law;
- A 504 or IEP team or other legally authorized person or entity determines that a student with a disability has the right to remain in or return to the classroom under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990; or
- The student is otherwise legally entitled to remain in or return to the classroom.

1. Filing of Appeal: The teacher must complete and submit the approved appeal form to the Superintendent within ____ day(s) of the principal's refusal to exclude the student from the classroom or the return of the student to the teacher's classroom.

2. Status of Student During Appeal: During the pendency of an appeal, the decision of the principal regarding the placement of the student, if any, will remain in effect.

3. Administrative Review: Upon receipt of a timely appeal, the Superintendent or designee shall start an investigation of the appeal. The investigation may include interviews of the teacher, the principal, and/or witnesses; obtaining or reviewing written statements, classroom management plans, or other pertinent documents; holding administrative conferences, and any other lawful action deemed necessary to reach a just disposition of the appeal at the discretion of the investigator.

Upon completion of the investigation, the Superintendent or designee shall prepare a written recommendation regarding the issues raised in the appeal.

The written recommendation of the Superintendent shall be transmitted to the teacher within ____ day(s) of the date on which the appeal is filed. Should the Superintendent need such additional time to issue a written decision, the teacher shall be notified of same in writing and advised of when the decision will be issued.

4. Appeal to Local Board of Education: A teacher may appeal the decision to the Local Board of Education by filing a written notice of appeal with the Superintendent within ____ day(s) of receipt of the Superintendent's written decision.

The Superintendent shall transmit to Local Board Members for their review a copy of the written appeal, the decision, and all evidence considered at any stage of the administrative review process.

Not later than ____ day(s) following receipt of the notice of appeal by the Superintendent, the Local Board shall meet to consider the appeal. After consideration of the appeal and administrative record, the Local Board may, by majority vote:

- a) Affirm the decision of the Superintendent;
- b) Reverse or modify the Superintendent's decision; or
- c) Defer final action pending a hearing before the Local Board.

5. Hearing Process: If a hearing is requested by a majority of the Local Board, the hearing shall be set within ____ day(s). The hearing procedures shall be determined by the Local Board. A final Local Board decision on the appeal shall be issued within ____ day(s) after the hearing ends. The Local Board shall give written notice of its final decision to all parties.

6. Local Board's Decision. The Board's decision shall be final, and the Superintendent will take steps to implement the decision.

Principal Procedures for Exclusion

1. Step One: Any student excluded from a referring teacher's classroom shall be placed under the control of the school principal or his or her designee.
2. Step Two: The principal will review the referral from the teacher and determine whether the teacher followed his or her approved classroom management plan before excluding the student:
 - a. If not, the principal may return the student to the classroom and no further action is necessary.
 - b. If so, the principal will review the referral and determine whether allegations against the student include behavior that allows the referring teacher to exclude the student from the classroom under this policy.
 - i. If not, the student will be returned to the classroom. However, the if the student engaged in behavior that otherwise violates the Code of Conduct, the principal may discipline the student.
 - ii. If so, the principal will determine whether the student engaged in the behavior and, if so, determine what disciplinary action is called for under the Student Code of Conduct.
 - c. If a student in grades six through twelve is excluded by the referring teacher 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 referring teacher regarding the student before he or she may be readmitted to the classroom.
 - d. If a student is returned to the classroom after being excluded by the referring teacher, the principal or his or her designee must provide written certification to the referring teacher that the student may be readmitted and the type of disciplinary action, if any, that was taken.
3. Step Three: Before returning a student to the classroom of the referring teacher, the principal will also review the records of the student to determine if the student has previously been properly excluded from the referring teacher's classroom.

- a. If a student has been excluded from the classroom two times in one semester, the principal will determine whether all other reasonable means of classroom discipline have been exhausted:
 - i. If not, the principal will take steps to work with the referring teacher to implement additional classroom discipline measures to address the student's behavior.
 - ii. If so, the student may be readmitted to the classroom only after:
 - a) The principal, referring teacher, and, if possible, the student's parent or guardian have held a conference to discuss the student's disruptive behavior patterns;
 - b) The principal informs the teacher of any course of discipline for the student going forward; and
 - c) The student's parent or guardian has been informed of the course of discipline.
- b. If a student's disruptive behavior persists following their readmittance to the classroom, 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 that is approved by the Superintendent.
- c. If a student has been excluded for the remainder of the school day 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.

Nothing in this policy 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 policy shall be included as necessary into any and all Individualized Education Plans (IEPs), behavioral intervention plans, and other similar documents.

Generated pursuant to Act 2024-409 (Teachers' Bill of Rights).