

Alabama Teacher Bill of Rights Handbook

A Guide to Understanding Act #2024-409

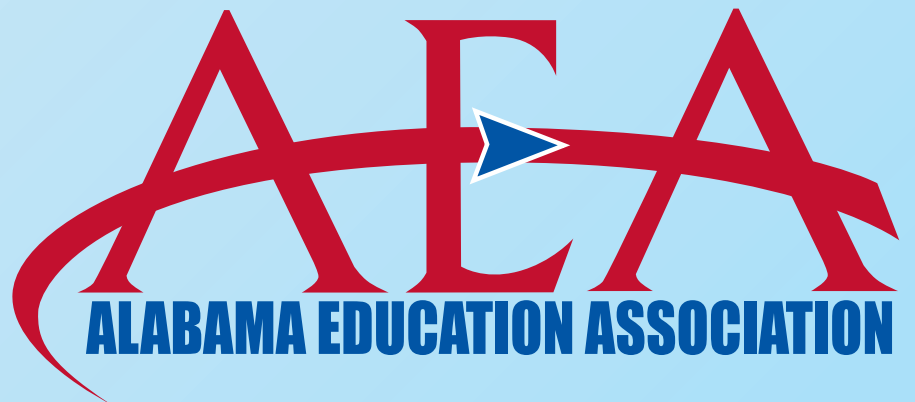


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Overview

What it Does:

Beginning with the 2024-25 school year, the Alabama Teacher Bill of Rights (ATBOR) gives teachers the right to control the learning environment in their classrooms by excluding consistently disruptive students and requires school administration to respond in accordance with the local student code of conduct.

What it Doesn't Do:

ATBOR does not replace a local school district's student code of conduct or mandate any specific disciplinary action against a student.

Who Can Exclude?

A professional educator who has a direct instructional or counseling relationship with students and who spends the majority of his or her time in this capacity. However, a teacher can exclude any student who threatens, abuses, intimidates, or attempts to intimidate any education employee.

Classroom Management Plan

Your Classroom Management Plan plays a very important role. The teacher must have followed his or her approved classroom management plan prior to excluding a student, so make sure you give this your attention.

Create Your Classroom Management Plan

First, get your classroom management plan to your principal as soon as possible when you return to work for the next school year.

Submit Your Plan to Administration for Approval

Under ATBOR, principals are required to approve classroom management plans before the tenth day of instruction each school year.

Get Your Classroom Management Plan Approval in Writing

Make sure you get written confirmation of the approval of your plan by the principal. It can be as simple as your principal writing "Approved" on a paper copy of your plan and signing it or sending an email with that one word. Regardless, if you don't have documentation of that approval by the tenth day of instruction, follow up with your principal in writing.

Reasons to Exclude

ATBOR allows a teacher to exclude a student from their classroom for the following reasons:

1. Disorderly Conduct: Any conduct that intentionally disrupts, disturbs, or interferes with the teaching of students; or disturbs the peace, order, or discipline at any school.
2. When a student behaves in a manner that obstructs the teacher or learning process of others in the classroom;
3. When a student threatens, abuses, intimidates, or attempts to intimidate an education employee or another student;
4. When a student willfully disobeys an education employee; or
5. When a student uses abusive or profane language directed at an education employee.

The Exclusion Process

Initial Exclusions

The teacher must have followed his or her approved Classroom Management Plan prior to the exclusion.

A student who is excluded from the classroom is placed under the control of the principal or their designee.

The student may only be readmitted to the teacher's classroom after the teacher is provided written certification of what disciplinary action, if any, was taken against the student.

Principals or their designees are to provide written notice to the student's parent or guardian of the action taken and, if possible, notify them by telephone.

Subsequent Exclusions

If a student is excluded twice in one semester after all other discipline methods have been tried, the student may not be readmitted until the principal, teacher, and, if possible, the student's parent or guardian have held a conference to discuss the student's disruptive behavior patterns, the principal informs the teacher of the course of discipline for the student going forward, and the student's parent or guardian have been informed of that course of discipline.

If the disruptive behavior persists, the teacher may request that the principal issue the maximum disciplinary measures provided in the local student code of conduct. With approval from the superintendent, this can include transfer to an alternative school if one is available.

Grades 6-12

Students in grades 6-12 who are removed for disorderly conduct, interfering with an orderly educational process, or obstructing the teaching or learning process of others may not be readmitted to that teacher's classroom for the remainder of that school day.

The principal is required to communicate with the teacher regarding the student prior to readmission to the classroom.

Any student excluded three times in any 30-day period shall be subject to in-school or out-of-school suspension or placement in an alternative school if one is available in the district.

Student Exclusion Process Flowchart



This flow chart can be used as a resource to help you follow the steps for excluding a student. If you have any questions or concerns, your AEA UniServ Director is available to assist you every step of the way!

Step 1: Develop your classroom plan and have it approved by the school principal by the 10th day of instruction for students.

Step 2: After following your approved classroom management plan, you can exclude students for the following behaviors:

- Engaging in disorderly conduct.
- Behaving in a manner that obstructs the teaching or learning process of others in the classroom.
- Threatening, abusing, intimidating, or attempting to intimidate an education employee or other students.
- Willfully disobeying an education employee.
- Using abusive or profane language directed at an education employee.

Step 3: The student will remain with the principal or their designee until the teacher receives written approval for readmission and details on any disciplinary actions. If discipline is necessary, the principal will inform the parent in writing and attempt a phone call notification if feasible.

Step 4a: If a student is excluded twice in one semester after all other discipline methods have been tried, they must stay out of the classroom until the principal and teacher meet to discuss the future disciplinary actions. The parent is encouraged to join the conference, but their attendance is optional. The parent must be notified of the discipline plan set by the principal.

Step 4b: If the student is allowed back into the classroom but continues with disruptive behavior, the principal must impose the highest disciplinary action permitted by the student code of conduct if requested by the teacher. It's important to note that the repeated behavior doesn't have to happen in the same teacher's classroom.

Step 5a: If a student in grades 6-12 is excluded from the classroom due to 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 teachers classroom for at least the remainder of the school day. The principal must communicate with the teacher regarding the student's exclusion before they can return.

Step 5b: A student (6-12) who is excluded for the remainder of a school day for 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.

Step 6: If the principal declines to remove a student from the classroom or if the teacher feels the student's exclusion was ended prematurely, the classroom teacher can appeal to the board of education following a procedure set by the local board.

Step 7: If the teacher excludes a student, the principal must ensure that the student's rights under IDEA, FERPA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act are not violated by doing the following:

- promptly carrying out manifestation determinations after misconduct;
- meting out discipline in accordance with the student code of conduct where misconduct is not determined to be a manifestation of disability;
- performing functional behavior assessments and adjusting behavior/intervention plans as needed in a timely manner;
- and
- performing any other duties and responsibilities provided by those laws.

What Can You Do?

Take Notes

- DOCUMENT, DOCUMENT, DOCUMENT. That includes both internal documentation, such as notations in your grade book, and external documentation, such as an email to your principal along the lines of, “The next time Johnny acts up, I’m excluding him from the classroom.”
 - Make sure you document compliance with each step of your classroom management plan before you invoke your rights under ATBOR. Otherwise, your principal will be able to override your exclusion of a student.
 - Keep copies of all documentation you receive from your principal under ATBOR in case you have to file an appeal to the board.
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Use Common Sense

- These are children, and things are going to happen. AEA understands that you are a professional and have training and experience on how to handle day-to-day classroom issues.
- In trying to defeat the bill, the opposition tried to paint all kinds of doomsday scenarios. One went so far as to say kids would be disciplined for making tapping noises. Don’t prove the naysayers right.
- ATBOR is designed for teachers to get help from administration on serious disciplinary matters because they were not getting it before.
- Be prepared to use it when the situation calls for it, but do not abuse it.

Federal Guidelines

ATBOR contains specific language designed to maintain compliance with federal special education laws including 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. **Those laws must always be followed.**

The school principal is responsible for compliance with federal laws, including:

- Promptly carrying out manifestation determinations after misconduct;
 - Imposing discipline in accordance with the student code of conduct where misconduct is not determined to be a manifestation of disability;
 - Performing functional behavior assessments and adjusting behavior intervention plans as needed in a timely manner; and
 - Performing any other duties and responsibilities provided by those laws.
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Future IEPs, BIPs, etc.

ATBOR requires that future individualized education plans (IEPs), behavioral intervention plans (BIPs), and similar documents all contain relevant information about ATBOR.

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No longer will an IEP or 504 plan serve as a “get out of jail free card” for misbehaving students whose behavior is not a manifestation of disability.

Liabilities

ATBOR protects teachers by giving them civil and criminal immunity for actions they take in addressing student behavior so long as those actions are taken in compliance with the rules set forth by the Alabama State Department of Education (ALSDE) and their local board of education's policies. The only exceptions are the use of excessive force or cruel and unusual punishment or when a teacher acts willfully, maliciously, fraudulently, in bad faith, beyond their authority, or under a mistaken interpretation of the law.

Teachers who are required to defend themselves for actions taken consistent with ATBOR may be reimbursed for their legal fees. ***However, as an AEA member, employment-related legal services are included with your membership, subject to guidelines established by the AEA Board of Directors.*** When you are assigned an attorney by AEA, you do not have to worry about paying legal fees out of pocket and then hoping for reimbursement.

Further, teachers are now afforded a rebuttable presumption that any actions they take consistent with their approved classroom management plan are necessary to restore or maintain the safety or instructional atmosphere of their classroom, further strengthening their immunity from liability.

Fear of Retaliation

ATBOR contains an iron-clad anti-retaliation clause that prohibits principals, school boards, or the ALSDE from taking action against a teacher for any action they take under ATBOR that complies with the law, local board policy, and any relevant ALSDE policy. AEA will be there to represent any member who is retaliated against for exercising their rights.

The School District's Responsibilities

ATBOR Policy & Appeals Process

Local boards and special schools, including charter schools, must adopt a policy to implement ATBOR.

This includes the appeals process for teachers for the following scenarios:

- If a principal refuses to allow a student to be excluded from the classroom;
- If a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom.

Districts can adopt a model policy that will be developed by ALSDE, or they can create their own. However, the

policy must carry out the minimum requirements of ATBOR.

ATBOR Data Collection & Reporting

Local boards and special schools are also required to collect data related to ***any disciplinary action*** taken pursuant to ATBOR.

Annually, they must compile a report and forward it to ALSDE.

ALSDE is required to submit a comprehensive report on actions taken state-wide by the first day of each legislative session.

AEA is Here for YOU!

Know the Value of Your Membership

Your administration is aware of which teachers are members of the AEA and which are not. This distinction is crucial, as it determines who may be more likely to assert their rights under ATBOR.

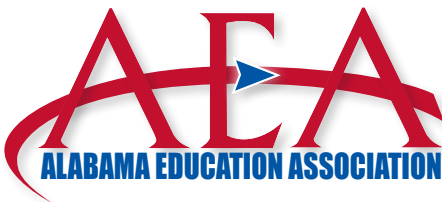
As an AEA member, you benefit from the support of nearly 90,000 colleagues, access to a nearby UniServ Director, and an exceptional team of lawyers. The AEA Legal Department is renowned for its steadfast advocacy, consistently standing up to school boards to support employees.

Unlike transient insurance companies that heavily market their services in the summer but disappear when challenges arise during the school year, AEA offers steadfast support year-round.

Other so-called “professional” organizations that avoid political engagement and fail to support this legislation lack the capacity to provide the comprehensive support that AEA does. No other education advocacy entity testified on the bill or took action to ensure its passage, underscoring that only AEA has the resources, experience, and legal expertise necessary to help you assert your rights under ATBOR.

**If you have any questions or concerns, please contact your local
AEA UniServ Director or call 800.392.5839**

*Get Involved!
Stay Informed!*



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