

TEACHERS' BILL OF RIGHTS

The Teachers' Bill of Rights (Ala. Act 2024-409) requires every teacher to have an approved classroom management plan and affords teachers the right to exclude disruptive students from their classrooms in limited circumstances if they follow that plan. 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 removal of a student from the classroom by a teacher under the Teachers' Bill of Rights; and the appeal process available to a teacher if a student is returned to the classroom by the principal in limited circumstances.

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

A. Classroom Management Plans:

1. **Development of Classroom Management Plans:** Each teacher, in order to exercise his/her rights to exclude students under the Teachers' Bill of Rights (*i.e.*, to be eligible to use the exclusion procedures in "B", below), must have a classroom management plan that has been submitted by the teacher and approved by the principal, as set forth herein, for each school year. The classroom management plan for the teacher's classroom should be age and developmentally appropriate for the grade(s) served. Classroom management plans should describe expected behavior and rules in the teacher's classroom, the penalties/consequences for violations of the same, and the reasons/basis upon which students may be excluded from the classroom under the Teachers' Bill of Rights and this policy. The classroom management plan must align with the Student Code of Conduct; local school or school system behavior management policies, plans, and procedures; state/federal law; and any Positive Behavioral Intervention Supports or other behavior management systems adopted by the local school or school system. To comply with these limitations, implementation of an approved classroom management plan may preclude student exclusion for instances of behavior listed in "B" below. The Superintendent or designee is authorized to develop model classroom management plans that a teacher may adopt or use for the development of his or her plan.

2. **Approval of Classroom Management Plans:** Each classroom management 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.

Principals shall review submitted plans promptly and approve them if they meet the standards outlined above. If the principal does not approve a teacher's initial classroom plan, the teacher must either submit a revised plan within two school days or opt to use a

model plan if one is available. If the teacher's revised plan is not approved, the principal is authorized to require the teacher to use a model plan or another approved plan. Plans submitted or approved outside the stated timeframes may be valid if otherwise properly submitted and approved.

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

- The student has:
 - o Engaged in disorderly conduct, which is defined as any conduct that intentionally disrupts, disturbs, or interferes with the teaching of students or disturbs the peace, order, or discipline at any school;
 - o Behaved in a manner that obstructs the teaching or learning process of others in the classroom;
 - o Threatened, abused, intimidated, or attempted to intimidate an education employee or another student;
 - o Willfully disobeyed an education employee; or
 - o Used 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 a referral form indicating that the student has been excluded pursuant to the Teachers' Bill of Rights (on a form prescribed by the Superintendent or his/her designee) and submits it to the principal or his or her designee at the same time that the student is excluded and referred to the school administration.

Nothing in this policy shall prohibit teachers from otherwise disciplining students as they deem appropriate consistent with local policies, procedures, and state law.

C. Principal Review and Decision: The Superintendent may develop guidance and procedures for principals to handle instances of student exclusion pursuant to this policy and consistent with Alabama 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 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 to challenge or seek review or reconsideration of disciplinary or placement decisions if:

- The decision to not 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 or other process required by the Code of Student Conduct, board policy, or state or federal law;

- A 504 or IEP team or another 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 a written letter to the Superintendent within one (1) school day of the principal's refusal to exclude the student from the classroom or the return of the student to the teacher's classroom. The appeal letter must state that the teacher is presenting an appeal under this policy, specifically describe the principal's action being appealed (including the date that the student was returned to the classroom by the principal), explain why the teacher believes that the principal's action was incorrect, and the letter must be signed by the teacher. If the Superintendent has approved an appeal form for such purpose, then the teacher must also utilize the prescribed appeal form.

2. **Status of Student During Appeal:** During the pendency of any appeal, the decision of the principal regarding the placement of the student, if any, will remain in effect. This placement may include the student remaining in the appealing teacher's classroom until the appeal decision has been reached.

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 decision regarding the issues raised in the appeal. If the decision is made by the Superintendent's designee, the Superintendent may adopt, reject, or modify the decision based on his or her review of the evidence. If the decision includes disciplinary action that entitles a student to a disciplinary hearing and/or manifestation determination and it has not been held, the disciplinary action will be treated as a recommendation subject to the outcome of the hearing or manifestation determination process.

The written decision of the Superintendent should be made and mailed or transmitted to the teacher within ten (10) calendar days of the date on which the appeal is filed, unless more time is reasonably needed based on the particular circumstances of the appeal, as determined by the Superintendent. 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 Board of Education: A teacher dissatisfied with the decision of the Superintendent or designee may appeal the decision to the Board of Education by filing a written notice of appeal with the Superintendent within three (3) school days of receipt of the Superintendent's written decision.

The Superintendent shall transmit to Board Members for their review a copy of the written appeal, the decision, and all statements, recommendations, documents, recordings, transcripts, or other written or tangible evidence filed, submitted, or considered at any stage of the administrative review process.

Not later than 10 days following receipt of the notice of appeal by the Superintendent (unless more time is reasonably needed based on the circumstances, as determined by the Superintendent or the Board President), the Board shall meet to consider the appeal. After consideration of the appeal and administrative record, the Board may, by majority vote:

- a) Affirm the decision of the Superintendent;
- b) Reverse the Superintendent's decision; or
- c) Defer final action until a Board hearing is held on the appeal.

5. Hearing Process: If a hearing is requested by a majority of the Board, the hearing shall be set within 10 calendar days, unless more time is reasonably needed based on the particular circumstances of the appeal, as determined by the Superintendent or Board President. Written notice of the hearing date shall be given to the person who filed the appeal. The hearing shall be closed to the public.

The appropriate hearing procedures shall be determined by the Board. A final Board decision on the appeal shall be issued within five (5) calendar days after the hearing ends. The Board shall give written notice of its final decision to the teacher who filed the appeal.

6. Board's Decision. The Board's decision will be final, and the Superintendent will take steps to implement the decision, provided, however, that if the Board votes for disciplinary action that entitles a student to a disciplinary hearing and/or manifestation determination and it has not been held, the disciplinary action will be treated as a recommendation subject to the outcome of the hearing or manifestation determination process.

Legal Reference: Ala. Act No. 2024-409 (codified at Ala. Code § 16-28C-1, et seq. (1975)) (based on the ALSDE model policy, with revisions)
REVISED: September 23, 2024