



Alabama Compilation of School Discipline Laws and Regulations

Prepared: April 3, 2019

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2019. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:

Child Trends

7315 Wisconsin Avenue
Suite 1200W
Bethesda, Maryland 20814

EMT Associates, Inc.

1631 Creekside Drive
Suite 100
Folsom, California 95630



Table of Contents

- Alabama State Codes Cited 1**
- General Provisions 4**
 - Authority to develop and establish rules of conduct..... 4
 - Scope 7
 - Communication of policy 8
- In-School Discipline 10**
 - Use of multi-tiered discipline approaches 10
 - Teacher authority to remove students from classrooms 10
 - Alternatives to suspension 11
 - Use of corporal punishment 12
 - Use of student and locker searches 13
 - Other in-school disciplinary approaches 13
- Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements 14**
 - Grounds for possible suspension or expulsion 14
 - Grounds for mandatory suspension or expulsion 15
 - Limitations, conditions, or exclusions for use of suspension and expulsion 16
 - Administrative procedures related to suspension and expulsion 17
 - In-school suspension 18
 - Return to school following removal 18
 - Use of restraint and seclusion 19
 - Alternative placements 22
- Disciplinary Approaches Addressing Specific Infractions and Conditions 25**
 - Firearms (as required by the Gun-Free Schools Act) 25
 - Other weapons 32
 - Students with chronic disciplinary issues 35
 - Attendance and truancy 35
 - Substance use 42
 - Bullying, harassment, or hazing 48
 - Other special infractions or conditions 52
- Prevention and Behavioral Interventions (Non-Punitive) 53**
 - Prevention 53
 - Behavioral interventions and student support services 58
 - Professional development 66
- Monitoring and Accountability 69**
 - Formal incident reporting of conduct violations 69
 - Parental notification 75
 - Reporting and referrals between schools and law enforcement 78
 - Disclosure of school records 83
 - Data collection, review, and reporting of disciplinary policies and actions 84

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers	87
Authority and power to implement school arrest.....	87
Certification or training	87
MOUs, authorization, and/or funding	88
State Education Agency Support	89
State model policies and implementation support	89
Funding appropriations	91
Other or Uncategorized	96
Professional immunity or liability.....	96
Community input or involvement.....	97
Other or Uncategorized.....	99
<i>State-Sponsored, Publicly Available Websites or Other Resources on School Discipline</i>	100

Alabama State Codes Cited

Alabama Revised Laws

Title 13A. Criminal Code

Chapter 11. Offenses Against Public Order and Safety

Article 3. Offenses Relating to Firearms and Weapons

Division 1. General Provisions

[13A-11-61.1.](#) Discharging into a school bus or school building

[13A-11-61.2.](#) Possession of firearms in certain places

Division 2. Pistols

[13A-11-72.](#) Certain persons forbidden to possess pistol

Title 16. Education

Chapter 1. General Provisions

[16-1-10.](#) Selling, etc., alcoholic beverages to school children; keeping on school premises

[16-1-14.](#) Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result

[16-1-23.](#) Hazing prohibited; penalty

[16-1-24.](#) Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties

[16-1-24.1.](#) Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines

[16-1-24.2.](#) Department of Education to develop statewide violence prevention program

[16-1-24.3.](#) Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas

[16-1-27.](#) Use of electronic communication devices on school property

[16-1-44.1.](#) School security personnel and school resource officers

Chapter 6B. Education Accountability Plan

[16-6B-3.](#) Assistance programs

[16-6B-5.](#) School safety and discipline accountability

[16-6B-7.](#) Accountability reports to the public

Chapter 10. Boards of School Trustees

[16-10-5.](#) Dismissal of pupils

Chapter 28. School Attendance

[16-28-2.1.](#) Adoption of standards for mandatory attendance policy; parents held accountable; enforcement

[16-28-3.1.](#) Guidelines and procedures for withdrawal from school; dropout prevention program

- [16-28-12.](#) Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions
- [16-28-14.](#) Habitual truant
- [16-28-15.](#) Absence must be explained
- [16-28-16.](#) Cases of nonenrollment and nonattendance; withdrawal of enrollment
- [16-28-17.](#) When child may be taken into custody
- [16-28-18.](#) Record kept by attendance officer
- [16-28-20.](#) Compensation of attendance officers
- [16-28-40.](#) License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses

Chapter 28A. School Discipline

- [16-28A-1.](#) Legislative findings
- [16-28A-2.](#) Exemption of teachers and other employees from application of Title 26
- [16-28A-3.](#) Local boards of education required to develop and disseminate student discipline and behavior policies
- [16-28A-4.](#) Immunity for teachers or administrators who report suspected drug abuse
- [16-28A-5.](#) Immunity for other authorized school personnel

Chapter 28B. Jamari Terrell Williams Student Bullying Prevention Act

- [16-28B-1.](#) Short title
- [16-28B-2.](#) Legislative intent
- [16-28B-3.](#) Definitions
- [16-28B-4.](#) Prohibited behavior; complaints; school plans or programs
- [16-28B-5.](#) Model policy
- [16-28B-6.](#) Duties of schools
- [16-28B-7.](#) Freedoms of speech and expression
- [16-28B-8.](#) Suicide prevention programs, training, and policies; advisory committee; liability.
- [16-28B-9.](#) Adoption of local policies

Chapter 40A. Responsible Sexual Behavior and Prevention of Illegal Drug Use

- [16-40A-1.](#) Legislative findings; purpose of chapter
- [16-40A-3.](#) Minimum contents to be included in drug education program or curriculum
- [16-40A-4.](#) Illegal conduct not to be encouraged or proposed to public school children

Chapter 41. Drug Abuse Education

- [16-41-1.](#) Short title
- [16-41-2.](#) "Drug" defined
- [16-41-3.](#) Purpose; legislative intent
- [16-41-4.](#) Administration of chapter by State Superintendent of Education; priorities for implementation
- [16-41-5.](#) Exclusion of teacher or administrator employed by nonpublic school from participation in institutes or programs
- [16-41-6.](#) Exemption by parents
- [16-41-7.](#) Adoption of regulations by state board; scheduling of drug abuse education courses
- [16-41-9.](#) Combining of funds from various sources
- [16-41-10.](#) Report of status of program by State Superintendent of Education

Title 22. Health, Mental Health, and Environmental Control

Title 1. Health and environmental control generally

Chapter 15A. Alabama Clean Indoor Air Act

[22-15A-4.](#) Prohibition against smoking in public places; exceptions

[22-15A-6.](#) Designation of smoking areas; requirements; nonsmoking policies

Title 41. State Government

Chapter 15B. Children First

[41-15B-2.2.](#) Allocation of trust fund revenues

Alabama Regulations

Title 290. Alabama State Board of Education

Chapter 290-3-1. Public School Governance

290-3-1-.02. Regulations governing public schools

Chapter 290-4-1. Public School Governance

290-4-1-.01 Education accountability

290-4-1-.02 Educational intervention

General Provisions

Authority to develop and establish rules of conduct

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(e)(1) [...] The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(h). Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions.

16-1-27. Use of electronic communication devices on school property.

(c) Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

16-28-2.1. Adoption of standards for mandatory attendance policy; parents held accountable; enforcement.

The Legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the State of Alabama. The State Board of Education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the State of Alabama. Parents shall be held accountable in accordance with Sections 16-28-12 and 16-28-7, for the failure of the child who is of compulsory attendance age to attend either public, private or church-school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

16-6B-5. Local boards; safety and discipline accountability.

In addition to providing quality instruction in classrooms and fiscal soundness, all local boards of education shall be accountable for compliance with statutes and regulations regarding school safety and discipline. The State Department of Education shall send to all local boards of education and all local superintendents of education, on or before August 1 of each year, a manual containing all acts of the Legislature and all regulations promulgated by the State Board of Education which pertain to school safety and discipline. Within thirty (30) days of receipt of this manual, each local board of education shall provide to the State Board of Education a report, in the form prescribed by the State Department of Education, describing its compliance with these acts and regulations. If a local board of education is determined by the State Board of Education to have failed to comply in any material respect with these acts and regulations, the State Department of Education shall provide assistance to obtain compliance. If after one year, the State Board of Education determines that a local board of education refuses or fails to come into compliance with these acts and regulations, the State Superintendent of Education shall intervene in and assume the direct management and day-to-day operation of the local board of education for such period of time as the State Board of Education deems necessary to bring that local board of education into compliance with these acts and regulations.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28A-1. Legislative findings.

It is the finding of the Alabama Legislature that the people of Alabama have two basic expectations of their public schools: (1) that students be allowed to learn in a safe classroom setting where order and discipline are maintained; and (2) that students learn at the level of their capabilities and achieve accordingly. The Legislature finds further that every child in Alabama is entitled to have access to a program of instruction which gives him or her the right to learn in a non-disruptive environment. No student has a right to be unruly in his or her classroom to the extent that such disruption denies fellow students of their right to learn. The teacher in each classroom is expected to maintain order and discipline. Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education. So long as teachers follow approved policy in the exercise of their responsibility to maintain discipline in their classroom, such teacher shall be immune from civil or criminal liability. It shall be the responsibility of the local boards of education and the administrators employed by them to provide legal support to each teacher exercising his or her authority and responsibility to maintain order and discipline in his or her classroom as long as the teacher follows the local board of education's policy. Such support for the teacher shall include, but not be limited to, providing appropriate legal representation to defend the teacher against charges, filing of a written report pursuant to Section 16-1-24, seeking the issuance of a warrant or warrants for any person or persons threatening or assaulting a teacher, and the timely assistance and cooperation with the appropriate authorities in the prosecution of any person or persons threatening or assaulting a teacher. Local school board authorities and school administrators providing such support shall be absolutely immune from civil and criminal liability for actions authorized or required by this section.

16-28A-3. Local boards of education required to develop and disseminate student discipline and behavior policies.

To fully implement the provisions of this chapter, the State Board of Education shall require each local board of education to develop a written policy on student discipline and behavior and to broadly disseminate them following its adoption. Copies of the student discipline and behavior policy shall be given to all teachers, staff, parents and students.

16-28B-2. Legislative intent.

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

16-28B-9. Adoption of local policies.

Each local board shall establish a policy in compliance with this chapter on or before July 1, 2010. Each local policy or model policy adopted by a local board or the department, respectively, shall be consistent with this chapter.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.
2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.
3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

Scope

LAWS

16-1-24. Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties.

(a) For purposes of this section, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:

- (1) INCIDENT. Any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs.
 - a. On school property; or
 - b. During school activities, on or off school property; or
 - c. At any other times when such incident can be reasonably related to school functions.

Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to

school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

No relevant regulations found.

Communication of policy

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(e) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable, case law, and state and federal constitutional provisions.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following: (1) Specific grounds for disciplinary action, (2) Procedures to be followed for acts requiring discipline, (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(b) Each local public board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent shall provide at the commencement of each academic year a

copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the student and the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

16-28A-3. Local boards of education required to develop and disseminate student discipline and behavior policies.

To fully implement the provisions of this chapter, the State Board of Education shall require each local board of education to develop a written policy on student discipline and behavior and to broadly disseminate them following its adoption. Copies of the student discipline and behavior policy shall be given to all teachers, staff, parents and students.

16-28B-5. Model policy

The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

- (10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

- (12) Develop a process for discussing with student's local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.

REGULATIONS

No relevant regulations found.

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

16-28B-5. Model policy.

The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

- (4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

16-10-5. Dismissal of pupils.

No teacher shall dismiss pupils during school hours or close the school during school hours, except in an emergency, without the consent of the board of school trustees or the county superintendent of education.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

41-15B-2.2. Allocation of trust fund revenues.

(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars (\$225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.

(b) For the each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

a. The operation of alternative schools as defined below:

1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:

(i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.

(ii) The local board of education shall provide suitable facilities for housing alternative school programs.

(iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

(iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:

A. Remedial education where necessary.

B. Counseling, including sessions on conflict resolution.

C. Social skills development.

(v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.

(vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.

(vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.

2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:

- (i) The number of children served in each tier of the program.
- (ii) The improvement in academic achievement.
- (iii) The improvement in behavior.
- (iv) The improvement in parental involvement.
- (v) Financial accounting for the state and local monies expended.

3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

16-1-23. Hazing prohibited; penalty.

(c) The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

16-28A-1. Legislative findings.

Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education.

16-28A-2. Exemption of teachers and other employees from application of Title 26.

The provisions of Title 26 shall not apply to public school teachers in relation to corporal punishment of students when the punishment is consistent with established written policies of the employing board of education. Neither shall the provisions of Title 26 apply to public school teachers or other employees while maintaining order and discipline in the classroom and on public school property, including school buses, consistent with written policies of the employing board of education.

16-28A-5. Immunity for other authorized school personnel.

It is the intent of the Legislature to include under the provisions of this chapter, principals, assistant principals and any other school personnel authorized to use corporal punishment under the policies and guidelines developed by the local board of education.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

16-1-27. Use of electronic communication devices on school property.

(a) A local board of education may permit any pupil to carry a pocket pager, cellular telephone, or other electronic communication device while on school property and may permit any pupil to use a pocket pager, cellular telephone, or other electronic communication device, when such use is expressly and specifically permitted by the school administrator, teacher, or employee who is acting in a supervisory capacity at the time of the use.

(b) Any pupil found in violation of this section shall be subject to suspension by the board of education.

(c) Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-40A-3. Minimum contents to be included in drug education program or curriculum.

(a) Any program or curriculum in the public schools of Alabama that includes drug education or instructs on the use of drugs or alcohol shall, as a minimum, include the following:

- (1) Age-appropriate, developmentally-based drug and alcohol education and prevention programs that address the legal, social, and health consequences of drug and alcohol use and that provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol for students in all grades of the public schools from early childhood level through grade 12.
- (2) Information conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and is punishable by fines and imprisonment.
- (3) Standards of conduct that are applicable to students and employees in all public schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises, or as part of any activities of the school.
- (4) A clear statement that sanctions, consistent with local, state, and federal law, up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by subdivision (3). A description of those sanctions shall be included.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

16-1-27. Use of electronic communication devices on school property.

(a) A local board of education may permit any pupil to carry a pocket pager, cellular telephone, or other electronic communication device while on school property and may permit any pupil to use a pocket pager, cellular telephone, or other electronic communication device, when such use is expressly and specifically permitted by the school administrator, teacher, or employee who is acting in a supervisory capacity at the time of the use.

(b) Any pupil found in violation of this section shall be subject to suspension by the board of education.

(c) Each local board of education may adopt a local policy that pertains to pocket pagers, cellular telephones, and other electronic communication devices.

REGULATIONS

No relevant regulations found.

Limitations, conditions, or exclusions for use of suspension and expulsion

LAWS

16-10-5. Dismissal of pupils.

No teacher shall dismiss pupils during school hours or close the school during school hours, except in an emergency, without the consent of the board of school trustees or the county superintendent of education.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(b) [...] The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(b) [...] The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case

basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

41-15B-2.2. Allocation of trust fund revenues.

(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

a. The operation of alternative schools as defined below:

1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to

(iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

16-1-14. Removal, isolation, or separation of pupils creating disciplinary problems; state approval necessary for rules implementing such measures; deprivation of right to equal and adequate education may not result.

Any city, county, or other local public school board shall, consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, may remove, isolate, or separate pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Any rules and regulations adopted pursuant to this section shall be approved by the State Board of Education. Any such removal, isolation, or separation may not deprive such pupils of their full right to an equal and adequate education.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(f) Seclusion and Restraint for ALL Students.

1. Definitions.

(i) Chemical Restraint. Any medication that is used to control violent physical behavior or restrict the student's freedom of movement that is not a prescribed treatment for the student's medical or psychiatric condition. Use of chemical restraint is prohibited in Alabama public schools and educational programs.

(ii) Mechanical Restraint. The use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation. Use of mechanical restraint is prohibited in Alabama public schools and educational programs.

(iii) Physical Restraint. Direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to promote student safety or prevent self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing guidance to a location, providing comfort, or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.

(iv) Physical Restraint that restricts the flow of air to the student's lungs- Any method (face-down, face-up, or on your side) of physical restraint in which physical pressure is applied to the student's

body that restricts the flow of air into the student's lungs. Use of this type of restraint is prohibited in Alabama public schools and educational programs.

(v) Seclusion. a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. The seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student, time-out as defined in paragraph (1.) (vi) of this rule, in-school suspension, detention, or a student-requested break in a different location in the room or in a separate room. Use of seclusion is prohibited in Alabama public schools and educational programs.

(vi) Time-out. A behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used when:

(I) The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.

(II) The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.

(III) The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.

(IV) The time-out space is free of objects that unreasonably expose the student or others to harm.

2. Requirements.

(i) The use of seclusion is prohibited in Alabama public schools and educational programs.

(ii) The use of any method of physical restraint that restricts the flow of air to a student's lungs is prohibited in Alabama public schools and educational programs.

(iii) The use of mechanical restraint is prohibited in Alabama public schools and educational programs.

(iv) The use of chemical restraint is prohibited in Alabama public schools and educational programs.

(v) The use of physical restraint is prohibited in Alabama public schools and educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to less intensive behavioral interventions including verbal directives or other de-escalation techniques. Notwithstanding the foregoing, physical restraint is prohibited in Alabama public schools and educational programs when used as a form of discipline or punishment.

(vi) All physical restraint must be immediately terminated when the student is no longer an immediate danger to himself or others or if the student is observed to be in severe distress.

(vii) Schools and programs that use physical restraint in accordance with paragraph (2.) (v-xiv) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program's policies governing the use of physical restraint. The written policies must include the following provisions:

(I) Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,

(II) Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,

- (III) The use of physical restraint to be documented and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained,
- (IV) Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2.)(vii)(III),
- (V) Procedures for reporting the use of restraint and the documentation described in paragraph (2.)(vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually,
- (VI) The documentation described in paragraph (2.)(vii)(III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be submitted to the Alabama Department of Education annually, and
- (VII) The written policies described in paragraph (2.)(vii)(I and II) are to be included in each local education agencies' code of conduct and/or the student handbook.
- (viii) Schools and programs that use physical restraints in accordance with paragraph (2.)(v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.
- (ix) Nothing in this rule shall be construed to interfere with a school system, school or program, or school or program employee's authority to utilize time-out as defined in paragraph (1.)(vi) of this rule or any other classroom management technique or approach, including a student's removal from the classroom, that is not specifically addressed in this rule.
- (x) Nothing in this rule modifies the rights of school personnel to use reasonable force as permitted under the Code of Ala. 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Ala. 1975, §16-28-12.
- (xi) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to diffuse or break up a student fight or altercation.
- (xii) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.
- (xiii) Nothing in this rule shall be construed to eliminate or restrict the ability of an employee of a school system, school or program to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this rule shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.
- (xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

Alternative placements

LAWS

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

16-6B-3. Assistance programs.

(a) Student strategy. The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The standards shall include the results of the required assessment program adopted by the State Board of Education with emphasis on students who are found to be at one or more grade levels below the prescribed norm. The local board of education shall budget at least one hundred dollars (\$100) per student so identified to be expended on tutorial assistance programs including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum one hundred dollars (\$100) requirement set aside to be expended for at-risk students as defined in this chapter. In addition, these funds may be expended for any of the following purposes:

- (1) Programs to encourage at-risk five-year olds to attend an approved preschool program.
- (2) Programs to identify at-risk students in the first grade.
- (3) Programs to ensure strict enforcement of truancy laws.
- (4) Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
- (5) Programs to encourage parental involvement of parents of at-risk children.
- (6) Programs to encourage literacy of parents of at-risk children.

41-15B-2.2. Allocation of trust fund revenues.

(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars (\$225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.

(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

a. The operation of alternative schools as defined below:

1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:

(i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.

(ii) The local board of education shall provide suitable facilities for housing alternative school programs.

(iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

(iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:

A. Remedial education where necessary.

B. Counseling, including sessions on conflict resolution.

C. Social skills development.

(v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.

(vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.

(vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.

2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:

(i) The number of children served in each tier of the program.

(ii) The improvement in academic achievement.

(iii) The improvement in behavior.

(iv) The improvement in parental involvement.

(v) Financial accounting for the state and local monies expended.

3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.

REGULATIONS

No relevant regulations found.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

13A-11-61.1. Discharging into a school bus or school building.

- (a) No person shall shoot or discharge a firearm into an occupied or unoccupied school bus or school building.
- (b) A person who shoots or discharges a firearm into an occupied school bus or school building shall be guilty of a Class B felony.
- (c) A person who shoots or discharges a firearm into an unoccupied school bus or school building shall be guilty of a Class C felony.
- (d) This section shall not be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this section is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

Section 13A-11-61.2. Possession of firearms in certain places.

(a) In addition to any other place limited or prohibited by state or federal law, a person, including a person with a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85, may not knowingly possess or carry a firearm in any of the following places without the express permission of a person or entity with authority over the premises:

- (5) Inside any facility hosting an athletic event not related to or involving firearms which is sponsored by a private or public elementary or secondary school or any private or public institution of postsecondary education, unless the person has a permit issued under Section 13A-11-75(a)(1) or recognized under Section 13A-11-85.

13A-11-72. Certain persons forbidden to possess pistol.

- (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence, misdemeanor offense of domestic violence, violent offense as listed in Section 12-25-32(15), anyone who is subject to a valid protection order for domestic abuse, or anyone of unsound mind shall own a firearm or have one in his or her possession or under his or her control.
- (b) No person who is a minor, except under the circumstances provided in this section, a drug addict, or an habitual drunkard shall own a pistol or have one in his or her possession or under his or her control.
- (c) Subject to the exceptions provided by Section 13A-11-74, no person shall knowingly with intent to do bodily harm carry or possess a deadly weapon on the premises of a public school.
- (d) Possession of a deadly weapon with the intent to do bodily harm on the premises of a public school in violation of subsection (c) of this section is a Class C felony.
- (e) School security personnel and school resource officers qualified under subsection (a) of Section 16-1-44.1, employed by a local board of education, and authorized by the employing local board of education to carry a deadly weapon while on duty are exempt from subsection (c) of this section. Law enforcement officers are exempt from this section, and persons with pistol permits issued pursuant to Section 13A-11-75, are exempt from subsection (c) of this section.
- (f) A person shall not be in violation of Section 13A-11-57 or 13A-11-76 and a minor shall not be in violation of this section if the minor has permission to possess a pistol from a parent or legal guardian

who is not prohibited from possessing a firearm under state or federal law, and any of the following are satisfied:

- (1) The minor is attending a hunter education course or a firearms safety course under the supervision of an adult who is not prohibited from possessing a firearm under state or federal law.
 - (2) The minor is engaging in practice in the use of a firearm or target shooting at an established range under the supervision of an adult who is not prohibited from possessing a firearm under state or federal law.
 - (3) The minor is engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under 26 U.S.C. § 501(c)(3) which uses firearms as part of the performance.
 - (4) The minor is hunting or fishing pursuant to a valid license, if required, and the person has the license in his or her possession; has written permission of the owner or legal possessor of the land on which the activities are being conducted; and the pistol, when loaded, is carried only in a manner discernible by ordinary observation.
 - (5) The minor is on real property under the control of the minor's parent, legal guardian, or grandparent.
 - (6) The minor is a member of the armed services or National Guard and the minor is acting in the line of duty.
 - (7) The minor is traveling by motor vehicle to any of the locations or activities listed in subdivisions (1) through (6), has written permission to possess the pistol by his or her parent or legal guardian, and the pistol is unloaded, locked in a compartment or container that is in or affixed securely to the motor vehicle and is out of reach of the driver and any passenger in the motor vehicle.
- (g) This section does not apply to a minor who uses a pistol while acting in self-defense of himself or herself or other persons against an intruder into the residence of the minor or a residence in which the minor is an invited guest.
- (h) The term "school resource officer" as used in this section means an Alabama Peace Officers' Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school setting.
- (i) The term "public school" as used in this section applies only to a school composed of grades K-12 and shall include a school bus used for grades K-12.
- (j) The term "deadly weapon" as used in this section means a firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and such term includes, but is not limited to, a bazooka, hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any club, baton, billy, black-jack, bludgeon, or metal knuckles.
- (k)
- (1) The term "convicted" as used in this section requires that the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case if required by law, and either the case was tried before a judge, tried by a jury, or the person knowingly and intelligently waived the right to have the case tried, by guilty plea or otherwise.
 - (2) A person may not be considered to have been convicted for the purposes of this section if the person is not considered to have been convicted in the jurisdiction in which the proceedings were held or the conviction has been expunged, set aside, or is of an offense for which the person has been pardoned or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(l) The term "misdemeanor offense of domestic violence" as used in this section means a misdemeanor offense that has, as its elements, the use or attempted use of physical force or the threatened use of a dangerous instrument or deadly weapon, and the victim is a current or former spouse, parent, child, person with whom the defendant has a child in common, or a present or former household member.

(m) The term "valid protection order" as used in this section means an order issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate, that does any of the following:

(1) Restrains the person from harassing, stalking, or threatening a qualified individual or child of the qualified individual or person or engaging in other conduct that would place a qualified individual in reasonable fear of bodily injury to the individual or child and that includes a finding that the person represents a credible threat to the physical safety of the qualified individual or child.

(2) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the qualified individual or child that would reasonably be expected to cause bodily injury.

(n) The term "qualified individual" as used in subsection (m), means a spouse or former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabited with the person.

(o) The term "unsound mind" as used in this section includes any person who is subject to any of the findings listed below, and who has not had his or her rights to possess a firearm reinstated by operation of law or legal process:

(1) Found by a court, board, commission, or other lawful authority that, as a result of marked subnormal intelligence, mental illness, incompetency, condition, or disease, is a danger to himself or herself or others or lacks the mental capacity to contract or manage his or her own affairs.

(2) Found to be insane, not guilty by reason of mental disease or defect, found mentally incompetent to stand trial, or found not guilty by a reason of lack of mental responsibility by a court in a criminal case, to include state, federal and military courts.

(3) Involuntarily committed for a final commitment for inpatient treatment to the Department of Mental Health or a Veterans' Administration hospital by a court after a hearing.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical

harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a

code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

- (1) Specific grounds for disciplinary action.
- (2) Procedures to be followed for acts requiring discipline.
- (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.
- (g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.
- (h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

(c) When there are violations of the prohibition on firearms being brought to school or the possession of firearms by students, the school principal shall notify the appropriate law enforcement authority which may include city police, county sheriffs, and the local district attorney. In addition to notification of law enforcement officials, the school principal shall notify the parents of students who violate the firearm-free school environment provided for in this section.

Law enforcement authorities involved with students charged with firearm violations shall refer the violators of this section to the appropriate authority in the judicial system when the action is feasible.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

- (1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools.
- (2) A description of the circumstances surrounding an expulsion imposed under this section including:
 - a. The name of the school concerned.

- b. The number of students expelled.
- c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses.

(e) (1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180-day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

- 1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school," "TOS," or "TOS school" shall mean a "persistently dangerous school" as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

(i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

(ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

(iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA's receipt of status.

(iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

Other weapons

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

- a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.
- b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.
- c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

- (1) Specific grounds for disciplinary action.
- (2) Procedures to be followed for acts requiring discipline.
- (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

- (a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).
- (b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.
2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.
3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school," "TOS," or "TOS school" shall mean a "persistently dangerous school" as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

(i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

(ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

(iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA's receipt of status.

(iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2)

completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

Students with chronic disciplinary issues

LAWS

16-28-14 Habitual truant.

In case any child becomes an habitual truant, or because of irregular attendance or misconduct has become a menace to the best interest of the school which he is attending or should attend, and the parent, guardian or other person files a written statement in court as provided in Section 16-28-13, stating that he is unable to control such child, the attendance officer must file a complaint before the judge of the juvenile court of the county, alleging the facts, whereupon such child must be proceeded against in the juvenile court for the purpose of ascertaining whether such child is a dependent, neglected or delinquent child.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

16-6B-3. Assistance programs.

(a) Student strategy. The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The standards shall include the results of the required assessment program adopted by the State Board of Education with emphasis on students who are found to be at one or more grade levels below the prescribed norm. The local board of education shall budget at least one hundred dollars (\$100) per student so identified to be expended on tutorial assistance programs including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum one hundred dollars (\$100) requirement set aside to be expended for at-risk students as defined in this chapter. In addition, these funds may be expended for any of the following purposes:

- (1) Programs to encourage at-risk five-year olds to attend an approved preschool program.
- (2) Programs to identify at-risk students in the first grade.
- (3) Programs to ensure strict enforcement of truancy laws.
- (4) Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
- (5) Programs to encourage parental involvement of parents of at-risk children.
- (6) Programs to encourage literacy of parents of at-risk children.

(b) School strategy. The State Board of Education shall develop an assistance program for a school in need of assistance. A school in need of assistance shall mean any school which has a majority of its students scoring one or more grade levels below the prescribed norm on the state adopted student assessments. Local superintendents and local boards of education will be expected to make the effort

and commit the resources necessary to improve the instructional program for a school in need of assistance and shall be required to budget all funds earned by that school in the cost calculations of the Foundation Program. Local superintendents and local boards of education are encouraged to use assistance from the State Department of Education, colleges of education, accrediting agencies and other sources.

The State Board of Education's plan for an assistance program shall consist of the following components:

(1) The faculty and staff of each school in need of assistance shall engage in a self-study to examine the problem of low achievement within that school and shall develop steps which may be taken to improve student achievement. Parents of students in the schools shall be consulted as part of this self-study.

(2) If, after two years, student achievement has not improved, the State Superintendent of Education shall designate a team of practicing professionals to visit the school, conduct a study, consult with parents of students in the school, analyze causes of poor student achievement, and make specific recommendations which shall become a part of a school improvement plan for the succeeding year.

(3) As a final step, when insufficient or no improvement as determined by the State Board of Education is evident from the implementation of steps one and two above, the State Superintendent of Education is required to intervene and to appoint a person or persons to run the day-to-day operation of the school. In considering intervention, the State Board of Education shall consider factors which may have affected the prescribed norm test score. Factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each school.

(c) School system strategy. The State Board of Education shall develop an assistance program for a local board of education identified as being in need of assistance. A local board of education in need of assistance shall mean any local board of education which has a majority of its schools, or a majority of the students in a system, in which the students are scoring one or more grade levels below the prescribed norm.

The State Board of Education shall require a local board of education in need of assistance to do the following:

(1) The local board of education and the local superintendent with input from other administrators, teachers, staff, parents of students in the school, and the local community shall engage in a self-study to examine the problem of low achievement within the system and to develop steps which may be taken to improve student achievement.

(2) If, after two years, student achievement has not improved, the state superintendent shall develop a system-wide school improvement plan in consultation with teachers, parents of students in the school, and the local community. This school improvement plan shall become a part of the local board of education's program and financial operations for the succeeding year.

(3) If, after the implementation of the school improvement plan, student achievement has not sufficiently improved, relative to the previous year's performance, the State Board of Education shall require the State Superintendent of Education to intervene and assume the direct management and day-to-day operation of the local board of education for such period of time as may be necessary for student achievement to improve. In considering intervention, the State Board of Education shall consider factors which may have affected the prescribed norm test score. Factors shall include drop-out rates, attendance rates, special education enrollment, and any other data necessary to properly interpret student achievement in each system.

(d) It is the intent of the Legislature that intervention is not to occur when a school or school system scores below the prescribed average. Intervention by the State Board of Education is to occur only after

the three-year period provided in this chapter during which a school or school system fails to show improvement. So long as improvement is being shown, the State Board of Education shall not intervene but shall continue to encourage the school to improve.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

- (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

16-28-2.1. Adoption of standards for mandatory attendance policy; parents held accountable; enforcement.

The Legislature finds that mandatory attendance policies for schools differ from school system to school system throughout the State of Alabama. The State Board of Education shall adopt standards for a mandatory and enforceable attendance policy for all students in public schools in the State of Alabama. Parents shall be held accountable in accordance with Sections 16-28-12 and 16-28-7, for the failure of the child who is of compulsory attendance age to attend either public, private or church-school. Enforcement of this section shall lie with the local board of education and the juvenile court system.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(b) The State Department of Education shall work with local public school systems that have the lowest four-year graduation rates. The department shall incorporate specific dropout prevention strategies, target resources, and gather data that will improve graduation rates and educational outcomes in all grades in all public schools. The department shall develop specific methods of targeted intervention or identify appropriate existing methods for local public school systems that have a four-year graduation rate less than the percentage as determined by the State Board of Education. These interventions may include the following:

- (1) Early intervention for students who fail Algebra I, or any ninth grade reading or math class, and have insufficient credits to be promoted.
- (2) Alternative education programs designed to reengage dropouts including, but not limited to, dual enrollment courses at the community college level.
- (3) Increased availability of advanced placement courses.
- (4) Offering full course fee waivers for students who are eligible for free or reduced lunches, when enrolled in dual credit courses.
- (5) Flexible programs for older students who are currently not enrolled.
- (6) Comprehensive coaching for middle school and high school students who are below grade level in reading and math or who are at risk due to poor attendance, behavior, or safety issues including, but not limited to, harassment and bullying.
- (7) Teacher advisories and other supports that are designed to specifically address the needs of those students who are most at risk of dropping out of school by providing opportunities to build positive

connections with peers and teachers and providing assistance with course selection, school performance, and completion of graduation requirements. Students who are most at risk of dropping out of school include, but are not limited to, those students who move often, have poor attendance, or have multiple suspensions or discipline issues.

(8) Strategies that are specifically designed to improve high school graduation rates for those teenagers who are at the highest risk of dropping out, including, but not limited to, students in the foster care system, pregnant students, student parents, English as second language students, and students with special educational needs.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in:

- (1) The total number of high school suspensions related to truancy.
- (2) The total number of students enrolled in alternative education programs.
- (3) The total number of students who have been reenrolled in programs with flexible schedules or community college programs.
- (4) The total number of students who have failed Algebra I or ninth grade reading or math.
- (5) The total number of students who are repeating the ninth grade.
- (6) The total number of students receiving remedial assistance in the ninth grade.

(d) The department shall prepare and submit to the Legislature a written report that documents all of the following:

- (1) The outcomes of the dropout prevention strategies to date, at the local school system level.
- (2) Any planned modification of school system dropout prevention strategies and activities, based on the data compiled.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the

school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28-15. Absence must be explained.

Every parent, guardian, or other person having control or charge of any child required to attend public school, private school, or church school, shall as soon as practical explain the cause of any absence of the child under his control or charge which was without permission of the teacher, and a failure to furnish such explanation shall be admissible as evidence of such child being a truant with the consent and connivance of the person in control or charge of said child, unless such person can show to the reasonable satisfaction of the court that he had no knowledge of such absence and that he has been diligent in his efforts to secure the attendance of such child.

16-28-16. Cases of nonenrollment and nonattendance; withdrawal of enrollment.

(a) It shall be the duty of the county superintendent of education or the city superintendent of education, as the case may be, to require the attendance officer to investigate all cases of nonenrollment and of nonattendance. In all cases investigated where no valid reason for nonenrollment or nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. In the event of the absence of the parent, guardian, or other person having control of the child from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child, which notice shall require the attendance of the child at the school within three days from the date of the notice. In the event the investigation discloses that the nonenrollment or nonattendance was without valid excuse or good reason and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

(b) Each child who is enrolled in a public school shall be subject to the attendance and truancy provisions of this article except that any parent or parents, guardian or guardians who voluntarily enrolls their child in public school, who feel that it is in the best interest of that child shall have the right to withdraw the child at any time prior to the current minimum compulsory attendance age.

16-28-17. When child may be taken into custody.

It shall be the duty of the attendance officer, probation officer or other officer authorized to execute writs of arrest to take into custody without warrant any child required to attend school or be instructed by a private tutor who is found away from home and not in the custody of the person having charge or control of such child during school hours and who has been reported by any person authorized to begin proceedings or prosecutions under the provisions of this article as a truant. Such child shall forthwith be delivered to the person having charge or control of said child or to the principal teacher of the school or the private tutor from whom said child is a truant. If such child is an habitual truant, he shall be brought before the juvenile court for such disposition as the judge of said court finds proper from the facts.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; duties of school attendance official; withdrawal from school; conviction for certain pistol offenses.

(a) The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state

or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state and has not at the time of application accumulated disciplinary points while a student in school that would extend the age of eligibility for the student to apply for a driver's license; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

(b) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status and disciplinary points on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver's license or a learner's license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

(e) (1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that

the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180-day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(c) Truancy Definition. A parent, guardian, or other person having charge of any child officially enrolled in Alabama public schools (K-12) shall explain in writing the cause of any and every absence of the child no later than three (3) school days following return to school. A failure to furnish such explanation shall be evidence of the child being truant each day he is absent. The child shall also be deemed truant for any absence determined by the principal to be unexcused based upon the State Department of Education's current School Attendance Manual. Seven unexcused absences within a school year constitute a student being truant for the purpose of filing a petition with the Court. The Interagency Committee on Youth Truancy Task Force recommendations known as the Early Warning Truancy Prevention Program timeline for reporting truancy shall define the truancy status of any student as follows:

1. First truancy/unexcused absence (warning)

(i) Parent/guardian shall be notified by the school principal or his/her designee that the student was truant and the date of the truancy.

(ii) Parent/guardian shall also be provided with a copy of Alabama's compulsory school attendance laws and advised of the penalties that can be applied and the procedures that shall be followed in the event that other unexcused absences occur.

2. No earlier than the fifth unexcused absence (conference)

(i) The parent, guardian, or person having control of the child shall (1) attend a conference with the attendance officer and principal or his/her designee and/or (2) participate in the early warning program provided by the juvenile court.

(ii) Attendance at one of these conferences shall be mandatory except where prior arrangements have been made or an emergency exists.

(iii) Failure to appear at the school conference and/or to appear at the early warning program shall result in the filing of a complaint/petition against the parent under Code of Ala. 1975, § 16-28-12(c) (failure to cooperate), or a truancy against the child, whichever is appropriate.

3. No earlier than seventh unexcused absence, but within ten (10) school days (court)

(i) File complaint/petition against the child and/or parent/guardian, if appropriate.

4. Child under probation

(i) The school attendance officer should be notified by the juvenile probation officer of all children in the school system under probation supervision by the juvenile court as consistent with state statute, Code of Ala. 1975, § 12-15-100 and 105.

(ii) Where a child under probation is truant, the school attendance officer should immediately notify the juvenile probation officer.

5. Any local education agency may adopt a policy more rigorous than the State policy.

Substance use

LAWS

16-1-10. Selling, etc., alcoholic beverages to school children; keeping on school premises.

Any person, firm, corporation or association that knowingly sells, gives or dispenses any alcoholic beverage to any school student under the age of 18 years, or keeps or has in possession any alcoholic beverage in or on the campus or premises of any school building of any public secondary or grade school is guilty of a felony and, upon conviction thereof, shall be imprisoned in the state penitentiary for a period of from one to three years.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor or other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

(1) Specific grounds for disciplinary action.

(2) Procedures to be followed for acts requiring discipline.

(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

16-28A-4. Immunity for teachers or administrators who report suspected drug abuse.

A teacher or administrator who, in good faith, reports suspected drug abuse by a student to the appropriate authorities shall be immune from civil or criminal liability.

16-40A-1. Legislative findings; purpose of chapter.

(a) The Legislature finds that:

(2) Drug and alcohol abuse diminish the strength and vitality of the young people of our nation and state; an increasing number of substances, both legal and illegal, are being abused by increasing numbers of school children, even at the grade school level; abuse of any substance causes human behavior that influences many forces, including school, family, church, community, media, and peer groups. Prevention and early intervention in such behavior requires cooperation and coordination involving strategies designed to respond to carefully defined problems in which the education system of the state can play an important role.

(b) The purposes of this chapter are:

(2) To encourage the prevention of alcohol and drug abuse among children in the public schools; to stimulate the development of improved approaches to the prevention of alcohol and drug abuse; to demonstrate the use of such approaches in model educational programs and to evaluate the effectiveness thereof; to disseminate successful approaches and significant information for use in educational programs throughout the public schools; and to provide training programs for school administrators, teachers, and counselors.

16-40A-3. Minimum contents to be included in drug education program or curriculum.

(a) Any program or curriculum in the public schools of Alabama that includes drug education or instructs on the use of drugs or alcohol shall, as a minimum, include the following:

(1) Age-appropriate, developmentally-based drug and alcohol education and prevention programs that address the legal, social, and health consequences of drug and alcohol use and that provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol for students in all grades of the public schools from early childhood level through grade 12.

(2) Information conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and is punishable by fines and imprisonment.

(3) Standards of conduct that are applicable to students and employees in all public schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises, or as part of any activities of the school.

(4) A clear statement that sanctions, consistent with local, state, and federal law, up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and

employees who violate the standards of conduct required by subdivision (3). A description of those sanctions shall be included.

16-40A-4. Illegal conduct not to be encouraged or proposed to public school children.

Conduct that is illegal under state or federal law, including but not limited to, illegal use or distribution of controlled substances, under-age alcohol use or distribution, sexual intercourse imposed by means of force, or sexual actions which are otherwise illegal, shall not be encouraged or proposed to public school children in such a manner as to indicate that they have a legitimate right to decide or choose illegal conduct.

16-41-1. Short title.

This chapter shall be known and may be cited as "The Drug Abuse Education Act of 1971."

16-41-2. "Drug" defined.

As used in this chapter, the term "drug" shall include barbiturates, central nervous system stimulants, hallucinogenics, and all other drugs to which the narcotic and drug abuse laws of the United States apply. It shall also include alcoholic and intoxicating liquor and beverages and tobacco.

16-41-3. Purpose; legislative intent.

The purpose of this chapter is to insure the development of a comprehensive drug abuse education program for all children and youth in grades one through 12. It is the legislative intent that this program shall teach the adverse and dangerous effects on the human mind and body of drugs and that such instruction shall be intensive and that it shall be given immediate emphasis, beginning with the 1971-72 school year. It is further the intent of the Legislature that the voluntary services of persons from the professions of clergy, education, medicine, law enforcement, social services and such other professionally and occupationally qualified individuals as can make a contribution to this program be utilized in its implementation so that the highest possible degree of expertise may be brought to bear.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.

(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:

(1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;

(2) Establishing resource centers located in various regions of the state for the purpose of assisting the Department of Education in coordinating drug abuse education activities in that region;

(3) Expanding degree programs for the preparation of drug education specialists. Special attention shall be given to performance based criteria and to the development and articulation of appropriate drug abuse education courses at junior colleges;

(4) Designing programs for the selection and training of school paraprofessional personnel and personnel of nonschool health or health related agencies; and

(5) Implementing the provisions of this chapter to insure that actual pupil instruction in drug abuse education will begin with the opening of the 1971-72 school year, as part of the curriculum of every elementary, junior and senior high school in this state.

16-41-5. Exclusion of teacher or administrator employed by nonpublic school from participation in institutes or programs.

No teacher or school administrator employed by a nonpublic school shall be excluded from participating in in-service teacher education institutes or curriculum development programs conducted pursuant to this chapter.

16-41-6. Exemption by parents.

Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development and treatment and the use of instructional aids and materials of such subjects conflict with the religious teachings of his church shall be exempt from such instruction, and no child so exempt shall be penalized by reason of such exemption.

16-41-7. Adoption of regulations by state board; scheduling of drug abuse education courses.

The state board shall adopt regulations to insure the teaching of drug abuse education to all pupils. Every county and city school system shall schedule drug abuse education courses as part of the curriculum of every school, K-12.

16-41-9. Combining of funds from various sources.

In implementing this chapter, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving drug abuse education.

16-41-10. Report of status of program by State Superintendent of Education.

The State Superintendent of Education shall, at least 30 days prior to the 1973 Regular Session and each regular session thereafter, transmit to the members of the state board, the President of the Senate, the Speaker of the House, the Chairman of the Senate and the Chairman of the House Education Committees a report as to the status of the drug abuse education program together with any recommendations for further improvement or modification.

22-15A-4. Prohibition against smoking in public place; exceptions

(a) No person shall smoke in a public place or at a public meeting except as otherwise provided in this subsection and in Section 22-15A-7. This prohibition does not apply in any of the following places:

- (1) Bars and lounges.
- (2) Retail tobacco stores and tobacco businesses.
- (3) Limousines used under private hire by an individual or corporation.
- (4) Hotel and motel rooms rented to guests, except for those rooms designated by the hotels and motels as "no smoking" rooms.

(b) Smoking by patients in a chemical dependency treatment program or mental health program may be allowed in a separated well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness.

Designation of smoking areas; requirements; nonsmoking policies.

(a) Pursuant to this section, the person in charge of a public place may designate an area for the use of smokers. Notwithstanding the foregoing, a smoking area may not be designated and no person may smoke in any of the following unless the area is enclosed and well ventilated:

- (1) Child care facilities.
- (2) Hospitals, health care clinics, doctors' offices, physical therapy facilities, and dentists' offices.
- (3) Elevators.
- (4) Buses, taxicabs, and other means of public conveyance.
- (5) Government buildings, except private offices.
- (6) Restrooms.
- (7) Service lines.
- (8) Public areas of aquariums, galleries, libraries, and museums.
- (9) Lobbies, hallways, and other common areas in apartment buildings, senior citizen residences, nursing homes, and other multiple-unit residential facilities.
- (10) Polling places.
- (11) Schools or other school facilities or enclosed school sponsored events for grades K-12.
- (12) Retail establishments, excluding restaurants, except areas in retail establishments not open to the public.
- (13) Lobbies, hallways, and other common areas in multiple-unit commercial facilities.

(b) If a smoking area is designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke, and no more than one-fourth of the total square footage in any public place within a single enclosed area shall be reserved and designated for smokers unless clientele dictates otherwise. No area designated as a smoking area shall contain common facilities which are expected to be used by the public.

(c) Nothing in this section shall be construed to prevent any owner, operator, manager, or other person who controls any establishment or facility from declaring and enforcing a nonsmoking policy in the entire establishment or facility.

(d) Notwithstanding any other provision of this section or this chapter, if any restaurant is deemed by its owner as being too small to have a designated smoking area, it shall be left up to the discretion of the owner if the facility will be a "smoking" or a "nonsmoking" facility.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.
2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

290-3-1-.02. Regulations Governing Public Schools.

(16) Chapter 41, the State Superintendent of Education shall administer the rules adopted by the State Board of Education pertaining to a program of drug, narcotic, alcohol, and tobacco education for the schools of the state.

(a) All students, Grades K-12, shall be taught the adverse and dangerous effects of drugs on the human mind and body.

(b) An interdisciplinary drug education curriculum has been developed by the Alabama State Department of Education to assist schools in complying with these rules and the Alabama Drug Abuse Education Act. Copies may be obtained from Division of Instruction, State Department of Education, Montgomery, AL 36130.

Bullying, harassment, or hazing

LAWS

16-1-23. Hazing prohibited; penalty.

(a) Hazing is defined as follows:

(1) Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or

(2) Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.

(3) The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(b) No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

(c) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed hazing under the provisions of this section.

(d) Any person who shall commit the offense of hazing shall be guilty of a Class C misdemeanor as defined by Title 13A.

(e) Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

(f) Nothing in this section shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

16-28B-1. Short title.

This chapter shall be known and may be cited as the Jamari Terrell Williams Student Bullying Prevention Act.

16-28B-2. Legislative intent.

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

16-28B-3. Definitions.

The following terms have the following meanings:

(1) Bullying. A continuous pattern of intentional behavior that takes place on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in the model policy adopted by the department or by a local board, and implemented at each school. To constitute bullying, a pattern of behavior may do any of the following:

- a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
- b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- c. Have the effect of substantially disrupting or interfering with the orderly operation of the school, whether the conduct occurs on or off school property, online, or electronically.
- d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

(2) Department. The State Department of Education.

(3) Hostile Environment. The perception by an affected student or victim that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.

(4) Local Board. A city or county board of education.

(5) School. Each public school, grades prekindergarten through 12, the Alabama Institute for Deaf and Blind, the Alabama High School of Mathematics and Science, and the Alabama School of Fine Arts.

(6) School System. The schools under the jurisdiction of a local board.

(7) Threat. A statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of bullying, violence, or threat of violence.

(c) Any student, or parent or guardian of the student, who is the object of bullying may file a complaint outlining the details of the bullying, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school. A copy of the form shall be prominently posted and accessible on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programmatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-5. Model policy.

The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

(1) A statement prohibiting bullying, violence, and threats of violence.

(2) Definitions of the terms bullying, as provided in subdivision (1) of Section 16-28B-3, intimidation, and threats of violence.

(3) A description of the behavior expected of each student.

(4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

(5) A procedure for reporting an act of intimidation, threat of suicide, bullying, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student.

(6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.

(7) A response procedure for a school to follow upon confirmation of an incident of intimidation, bullying, violence, or threats of violence.

(8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or bullying, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.

(9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.

(10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.

(11) A clearly defined procedure for students to use in reporting bullying, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of bullying, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of bullying to the principal, or his or her designee.

(12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.

(13) A procedure for the development of a non-exhaustive list of the specific personal characteristics of a student which may often lead to bullying. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause bullying shall be identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board and included in the student handbook.

16-28B-6. Duties of schools.

Each school shall do all of the following:

(1) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.

(2) Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur.

(3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence.

(4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

- (1) Foster individual, family, and group counseling services related to suicide prevention.
- (2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- (3) Foster training for school personnel who are responsible for counseling and supervising students.
- (4) Increase student awareness of the relationship between drug and alcohol use and suicide.
- (5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- (6) Inform students of available community suicide prevention services.
- (7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- (8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
- (9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- (10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- (11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.
- (12) Develop a process for discussing with student's local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
- (13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

16-28B-9. Adoption of local policies.

Each local board shall establish a policy in compliance with this chapter on or before July 1, 2010. Each local policy or model policy adopted by a local board or the department, respectively, shall be consistent with this chapter.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

16-1-24.2. Department of Education to develop statewide violence prevention program.

(b) The Department of Education shall develop a statewide violence prevention program using such resources as law-related education and guidance counseling procedures to develop violence prevention curricula for grades K through twelve, to provide training to teachers and school administrators on violence prevention, and to develop school-community partnerships for violence prevention.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(b) The State Department of Education shall work with local public school systems that have the lowest four-year graduation rates. The department shall incorporate specific dropout prevention strategies, target resources, and gather data that will improve graduation rates and educational outcomes in all grades in all public schools. The department shall develop specific methods of targeted intervention or identify appropriate existing methods for local public school systems that have a four-year graduation rate less than the percentage as determined by the State Board of Education. These interventions may include the following:

- (1) Early intervention for students who fail Algebra I, or any ninth grade reading or math class, and have insufficient credits to be promoted.
- (2) Alternative education programs designed to reengage dropouts including, but not limited to, dual enrollment courses at the community college level.
- (3) Increased availability of advanced placement courses.
- (4) Offering full course fee waivers for students who are eligible for free or reduced lunches, when enrolled in dual credit courses.
- (5) Flexible programs for older students who are currently not enrolled.
- (6) Comprehensive coaching for middle school and high school students who are below grade level in reading and math or who are at risk due to poor attendance, behavior, or safety issues including, but not limited to, harassment and bullying.
- (7) Teacher advisories and other supports that are designed to specifically address the needs of those students who are most at risk of dropping out of school by providing opportunities to build positive connections with peers and teachers and providing assistance with course selection, school performance, and completion of graduation requirements. Students who are most at risk of dropping out of school include, but are not limited to, those students who move often, have poor attendance, or have multiple suspensions or discipline issues.
- (8) Strategies that are specifically designed to improve high school graduation rates for those teenagers who are at the highest risk of dropping out, including, but not limited to, students in the foster care system, pregnant students, student parents, English as second language students, and students with special educational needs.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in:

- (1) The total number of high school suspensions related to truancy.
- (2) The total number of students enrolled in alternative education programs.

- (3) The total number of students who have been reenrolled in programs with flexible schedules or community college programs.
 - (4) The total number of students who have failed Algebra I or ninth grade reading or math.
 - (5) The total number of students who are repeating the ninth grade.
 - (6) The total number of students receiving remedial assistance in the ninth grade.
- (d) The department shall prepare and submit to the Legislature a written report that documents all of the following:
- (1) The outcomes of the dropout prevention strategies to date, at the local school system level.
 - (2) Any planned modification of school system dropout prevention strategies and activities, based on the data compiled.

16-28B-2. Legislative intent.

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programmatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-6. Duties of schools.

Each school shall do all of the following:

- (1) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.
- (2) Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur.
- (3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

- (1) Foster individual, family, and group counseling services related to suicide prevention.
- (2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- (3) Foster training for school personnel who are responsible for counseling and supervising students.
- (4) Increase student awareness of the relationship between drug and alcohol use and suicide.
- (5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- (6) Inform students of available community suicide prevention services.
- (7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- (8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
- (9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- (10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- (11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.
- (12) Develop a process for discussing with student's local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
- (13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)

- (1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:
 - a. The School Superintendents of Alabama.
 - b. The Council for Leaders in Alabama Schools.
 - c. The Alabama Education Association.
 - d. The Alabama Association of School Boards.
 - e. The Jennifer Claire Moore Foundation.
 - f. Other pertinent mental health and suicide prevention organizations as determined by the department.
- (2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).
- (3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:
 - a. Training materials that are currently being used by a local school system.

b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.

c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-40A-3. Minimum contents to be included in drug education program or curriculum.

(a) Any program or curriculum in the public schools of Alabama that includes drug education or instructs on the use of drugs or alcohol shall, as a minimum, include the following:

(1) Age-appropriate, developmentally-based drug and alcohol education and prevention programs that address the legal, social, and health consequences of drug and alcohol use and that provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol for students in all grades of the public schools from early childhood level through grade 12.

(2) Information conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and is punishable by fines and imprisonment.

(3) Standards of conduct that are applicable to students and employees in all public schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on school premises, or as part of any activities of the school.

(4) A clear statement that sanctions, consistent with local, state, and federal law, up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct required by subdivision (3). A description of those sanctions shall be included.

16-41-3. Purpose; legislative intent.

The purpose of this chapter is to insure the development of a comprehensive drug abuse education program for all children and youth in grades one through 12. It is the legislative intent that this program shall teach the adverse and dangerous effects on the human mind and body of drugs and that such instruction shall be intensive and that it shall be given immediate emphasis, beginning with the 1971-72 school year. It is further the intent of the Legislature that the voluntary services of persons from the professions of clergy, education, medicine, law enforcement, social services and such other professionally and occupationally qualified individuals as can make a contribution to this program be utilized in its implementation so that the highest possible degree of expertise may be brought to bear.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.

(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:

(1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual

performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;

(2) Establishing resource centers located in various regions of the state for the purpose of assisting the Department of Education in coordinating drug abuse education activities in that region;

(3) Expanding degree programs for the preparation of drug education specialists. Special attention shall be given to performance based criteria and to the development and articulation of appropriate drug abuse education courses at junior colleges;

(4) Designing programs for the selection and training of school paraprofessional personnel and personnel of nonschool health or health related agencies; and

(5) Implementing the provisions of this chapter to insure that actual pupil instruction in drug abuse education will begin with the opening of the 1971-72 school year, as part of the curriculum of every elementary, junior and senior high school in this state.

16-41-7. Adoption of regulations by state board; scheduling of drug abuse education courses.

The state board shall adopt regulations to insure the teaching of drug abuse education to all pupils. Every county and city school system shall schedule drug abuse education courses as part of the curriculum of every school, K-12.

41-15B-2.2. Allocation of trust fund revenues.

2. School Safety Enhancement Programs eligible for grants shall be designed to prevent or reduce violence in the schools and communities and reduce school disciplinary or safety problems. The programs shall relate to one or more of the following:

(i) Extended day programs with supervised activities including, but not limited to, remedial education; tutorial assistance; arts, music, or other cultural enhancement; and activities for gifted children. Each local board of education may charge a fee based upon income for participation in the programs.

(ii) Pre-kindergarten programs for "at-risk" children. These programs do not require the local 25 percent match of funds for school safety activities mandated by item (ii) of subparagraph 1.

(iii) Truancy prevention programs which may include additional school attendance personnel and a Saturday school component.

(iv) Programs to assist children in dealing with anger and emphasizing acceptable ways of dealing with violence including peer mediation, conflict resolution, and law related education.

(v) Safety plans involving the use of metal detectors, other security devices, uniforms, school safety resource officers, or other personnel employed to provide a safe school environment.

(vi) Drug, alcohol, tobacco, gang-related, or satanic worshipping-related education, prevention, detection, or enforcement programs.

(vii) At-risk identification and intervention programs designed to identify children who are at-risk and coordinate school and community services so that the mental, physical, and social capabilities of the child are enhanced.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person may not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

(e) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

- a. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system shall be responsible financially for such child's destructive acts against school property or persons.
- b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.
- c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

(3) Any public school system shall be entitled to recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to the school system. However, this section shall not apply to parents whose parental control of any child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents or guardian, or both, for damages to which such minor other person would otherwise be liable.

(4) This section shall apply only to acts committed on or after August 1, 1992.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

- (1) Specific grounds for disciplinary action.
- (2) Procedures to be followed for acts requiring discipline.
- (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

(h) Nothing in this section shall be construed to prevent a local board of education from promulgating more stringent rules and regulations than those adopted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.

16-6B-3. Assistance programs.

(a) Student strategy. The superintendent of the local board of education along with the staff of each school shall develop an assistance program at each school for at-risk students performing below the standards set by the State Board of Education. The standards shall include the results of the required assessment program adopted by the State Board of Education with emphasis on students who are found to be at one or more grade levels below the prescribed norm. The local board of education shall budget at least one hundred dollars (\$100) per student so identified to be expended on tutorial assistance programs

including, but not limited to, after-school, Saturday school, or summer school, or any combination of these programs. These funds may be budgeted from state or federal funds. However, federal funds already budgeted for at-risk students may not be counted toward the minimum one hundred dollars (\$100) requirement set aside to be expended for at-risk students as defined in this chapter. In addition, these funds may be expended for any of the following purposes:

- (1) Programs to encourage at-risk five-year olds to attend an approved preschool program.
- (2) Programs to identify at-risk students in the first grade.
- (3) Programs to ensure strict enforcement of truancy laws.
- (4) Programs to create alternative or disciplinary schools in which children who consistently exhibit behaviors or patterns of behaviors that interfere with the learning environment of other students would be placed and would be provided counseling and instruction in basic skills.
- (5) Programs to encourage parental involvement of parents of at-risk children.
- (6) Programs to encourage literacy of parents of at-risk children.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(b) The State Department of Education shall work with local public school systems that have the lowest four-year graduation rates. The department shall incorporate specific dropout prevention strategies, target resources, and gather data that will improve graduation rates and educational outcomes in all grades in all public schools. The department shall develop specific methods of targeted intervention or identify appropriate existing methods for local public school systems that have a four-year graduation rate less than the percentage as determined by the State Board of Education. These interventions may include the following:

- (1) Early intervention for students who fail Algebra I, or any ninth grade reading or math class, and have insufficient credits to be promoted.
- (2) Alternative education programs designed to reengage dropouts including, but not limited to, dual enrollment courses at the community college level.
- (3) Increased availability of advanced placement courses.
- (4) Offering full course fee waivers for students who are eligible for free or reduced lunches, when enrolled in dual credit courses.
- (5) Flexible programs for older students who are currently not enrolled.
- (6) Comprehensive coaching for middle school and high school students who are below grade level in reading and math or who are at risk due to poor attendance, behavior, or safety issues including, but not limited to, harassment and bullying.
- (7) Teacher advisories and other supports that are designed to specifically address the needs of those students who are most at risk of dropping out of school by providing opportunities to build positive connections with peers and teachers and providing assistance with course selection, school performance, and completion of graduation requirements. Students who are most at risk of dropping out of school include, but are not limited to, those students who move often, have poor attendance, or have multiple suspensions or discipline issues.
- (8) Strategies that are specifically designed to improve high school graduation rates for those teenagers who are at the highest risk of dropping out, including, but not limited to, students in the foster care system, pregnant students, student parents, English as second language students, and students with special educational needs.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in:

- (1) The total number of high school suspensions related to truancy.
- (2) The total number of students enrolled in alternative education programs.
- (3) The total number of students who have been reenrolled in programs with flexible schedules or community college programs.
- (4) The total number of students who have failed Algebra I or ninth grade reading or math.
- (5) The total number of students who are repeating the ninth grade.
- (6) The total number of students receiving remedial assistance in the ninth grade.

(d) The department shall prepare and submit to the Legislature a written report that documents all of the following:

- (1) The outcomes of the dropout prevention strategies to date, at the local school system level.
- (2) Any planned modification of school system dropout prevention strategies and activities, based on the data compiled.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of bullying, violence, or threat of violence.

(c) Any student, or parent or guardian of the student, who is the object of bullying may file a complaint outlining the details of the bullying, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school. A copy of the form shall be prominently posted and accessible on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programmatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-6. Duties of schools.

Each school shall do all of the following:

- (1) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.
- (2) Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, as a minimum, on the criteria established by this chapter and local board policy, and to intervene when such incidents occur.

(3) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this chapter and local board policy against harassment, intimidation, violence, and threats of violence.

(4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

- (1) Foster individual, family, and group counseling services related to suicide prevention.
- (2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- (3) Foster training for school personnel who are responsible for counseling and supervising students.
- (4) Increase student awareness of the relationship between drug and alcohol use and suicide.
- (5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- (6) Inform students of available community suicide prevention services.
- (7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- (8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
- (9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- (10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- (11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.
- (12) Develop a process for discussing with student's local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
- (13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)

(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:

- a. The School Superintendents of Alabama.
- b. The Council for Leaders in Alabama Schools.
- c. The Alabama Education Association.
- d. The Alabama Association of School Boards.
- e. The Jennifer Claire Moore Foundation.

f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:

- a. Training materials that are currently being used by a local school system.
- b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.
- c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.

(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:

- (1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;
- (2) Establishing resource centers located in various regions of the state for the purpose of assisting the Department of Education in coordinating drug abuse education activities in that region;
- (3) Expanding degree programs for the preparation of drug education specialists. Special attention shall be given to performance based criteria and to the development and articulation of appropriate drug abuse education courses at junior colleges;
- (4) Designing programs for the selection and training of school paraprofessional personnel and personnel of nonschool health or health related agencies; and
- (5) Implementing the provisions of this chapter to insure that actual pupil instruction in drug abuse education will begin with the opening of the 1971-72 school year, as part of the curriculum of every elementary, junior and senior high school in this state.

41-15B-2.2. Allocation of trust fund revenues.

(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars (\$225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.

(b) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

a. The operation of alternative schools as defined below:

1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:

(i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.

(ii) The local board of education shall provide suitable facilities for housing alternative school programs.

(iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.

(iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:

A. Remedial education where necessary.

B. Counseling, including sessions on conflict resolution.

C. Social skills development.

(v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.

(vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.

(vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.

2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:

(i) The number of children served in each tier of the program.

(ii) The improvement in academic achievement.

(iii) The improvement in behavior.

(iv) The improvement in parental involvement.

(v) Financial accounting for the state and local monies expended.

3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.

4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.

b. 1. The School Safety Enhancement Program. The amount of monies available to each local board of education shall be determined by the State Board of Education based upon the second month enrollment of the preceding school year. To be eligible to initially receive a portion of the monies, each local board of education shall submit a grant application pursuant to guidelines promulgated by the State Board of Education with provisions for annual renewal of the grants. Provisions for program evaluation in order to determine effectiveness and financial accountability shall be included in the guidelines. The guidelines shall include all of the following:

(i) A component to enhance parental participation in school activities and promote parental responsibility for the performance and behavior of their children.

(ii) A requirement for a local 25 percent match of funds for school safety activities, excluding pre-kindergarten programs for at-risk children listed in item (ii) of subparagraph 2.

(iii) Sufficient safeguards implemented to ensure that the new monies will increase and not supplant or decrease existing local support.

2. School Safety Enhancement Programs eligible for grants shall be designed to prevent or reduce violence in the schools and communities and reduce school disciplinary or safety problems. The programs shall relate to one or more of the following:

(i) Extended day programs with supervised activities including, but not limited to, remedial education; tutorial assistance; arts, music, or other cultural enhancement; and activities for gifted children. Each local board of education may charge a fee based upon income for participation in the programs.

(ii) Pre-kindergarten programs for "at-risk" children. These programs do not require the local 25 percent match of funds for school safety activities mandated by item (ii) of subparagraph 1.

(iii) Truancy prevention programs which may include additional school attendance personnel and a Saturday school component.

(iv) Programs to assist children in dealing with anger and emphasizing acceptable ways of dealing with violence including peer mediation, conflict resolution, and law related education.

(v) Safety plans involving the use of metal detectors, other security devices, uniforms, school safety resource officers, or other personnel employed to provide a safe school environment.

(vi) Drug, alcohol, tobacco, gang-related, or satanic worshipping-related education, prevention, detection, or enforcement programs.

(vii) At-risk identification and intervention programs designed to identify children who are at-risk and coordinate school and community services so that the mental, physical, and social capabilities of the child are enhanced.

3. The State Board of Education shall review the programs of each local board of education which receive monies from the fund and annually submit a report to the council by July 1. This report shall include all of the following:

(i) The number of children served.

(ii) The improvement in academic achievement.

(iii) The improvement in behavior.

(iv) The improvement in parental involvement.

- (v) Financial accounting for the state and local monies expended.
- 4. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.
- c. Any other children's services provided by the State Board of Education.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(19) Problem Solving Teams (PST). By August 15, 2011, all public schools in Alabama will be required to implement the PST model.

(a) Definitions.

(1) The Problem Solving Teams (PST) is a model to guide general education intervention services for all students who have academic and /or behavioral difficulties. The PST is central to the school's successful implementation of the Response to Instruction (Rtl) framework.

(2) Response to instruction (Rtl). Response to instruction (Rtl) refers to an instructional framework that promotes a well-integrated system connecting general, gifted, supplemental, and special education services in providing high-quality, standards-based instruction and intervention that is matched to students' academic, social-emotional, and behavioral needs. Rtl combines core instruction, assessment, and intervention with a multi-tiered system to increase student achievement and reduce behavior problems.

(b) Decisions regarding the number of PSTs needed by a school should be determined at the school level; however, a minimum of one PST per school is required to review data-based documentation regarding students' progress regularly, advise teachers on specific interventions matched to student needs, and communicate with parents regarding student intervention needs being provided.

(c) The Problem Solving Teams will analyze screening and progress-monitoring data to assist teachers in planning and implementing appropriate instruction and evidence-based interventions for all students with academic and/or behavioral difficulties, including those students who exhibit the characteristics of dyslexia.

(d) The documentation requirements for a referral to special education found in the Alabama Administrative Code, Chapter 290-8-9.01(2) and (4) (Child Identification) and Chapter 290-8-9.03(10)(b)1, (10)(c)2.(ii), (10)(d)2.(I)(II)(ii) and (10)(d)4 (Disability Definitions, Criteria, and Minimum Required Evaluative Components) must be collected and provided by the PST to rule out the lack of appropriate instruction in reading or math including the essential components of reading instruction or Limited English Proficiency (LEP), as the determining factor in the eligibility decision.

(e) Any student who is reevaluated and determined not eligible for special education services must be referred to the PST to determine the appropriate supplemental services to facilitate successful transition in the general education program.

Professional development

LAWS

16-1-24.2. Department of Education to develop statewide violence prevention program.

(b) The Department of Education shall develop a statewide violence prevention program using such resources as law-related education and guidance counseling procedures to develop violence prevention curricula for grades K through twelve, to provide training to teachers and school administrators on violence prevention, and to develop school-community partnerships for violence prevention.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

(3) Foster training for school personnel who are responsible for counseling and supervising students.

(11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.

(13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)

(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:

a. The School Superintendents of Alabama.

b. The Council for Leaders in Alabama Schools.

c. The Alabama Education Association.

d. The Alabama Association of School Boards.

e. The Jennifer Claire Moore Foundation.

f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:

a. Training materials that are currently being used by a local school system.

b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.

c. Training materials that may be completed through self-review.

16-41-4. Administration of chapter by State Superintendent of Education; priorities for implementation.

(a) The State Superintendent of Education shall administer this chapter pursuant to regulations adopted by the State Board of Education. In administering this chapter, the superintendent shall seek and ask for advice and assistance from the medical association of the State of Alabama and take into consideration the advice of the Department of Public Health.

(b) Priorities for the implementation of this program shall include the following:

(1) The implementation of in-service education programs for teachers, administrators and other personnel. Special emphasis shall be placed on methods and materials necessary for the effective teaching of drug abuse education. In-service teacher education materials which are based on individual performance and designed for use with a minimum of supervision shall be developed and made available to all county and city school systems;

16-41-5. Exclusion of teacher or administrator employed by nonpublic school from participation in institutes or programs.

No teacher or school administrator employed by a nonpublic school shall be excluded from participating in in-service teacher education institutes or curriculum development programs conducted pursuant to this chapter.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(f) Seclusion and Restraint for ALL Students.

2. Requirements.

(viii) Schools and programs that use physical restraints in accordance with paragraph (2.)(v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training.

Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

16-1-24. Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties.

(a) For purposes of this section, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:

- (1) Incident. Any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs.
 - a. On school property; or
 - b. During school activities, on or off school property; or
 - c. At any other times when such incident can be reasonably related to school functions.

Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

(2) Principal. The principal or top administrator of any public elementary, junior or senior high school at which the incident occurred.

(3) Superintendent of Education. The superintendent of the county or city board of education in the county in which the school is located.

(4) Report. A written narrative report of an incident, the number and names and addresses of persons involved in the incident, the type of any weapon involved and a description of any injury or damage resulting from the incident. Said report shall contain the names and addresses of all known persons present at the time of said incident.

(5) Teacher and Other School Employee. An employee of any public elementary, junior or senior high school at which the incident occurred.

(6) School Board. The board of education.

(7) County Sheriff. The sheriff of the county in which the public school is located.

(b) It is the intention of the Legislature by passage of the section to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.

(c) Principals shall file a report within 72 hours with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of the school board and the county sheriff by the superintendent of education.

(d) Teachers and other school employees shall immediately report to the principal any incident of which they have knowledge. Said teacher and employee shall assist the principal in the preparation of the report required under subsection (c) of this section.

(e) Any superintendent of education, principal, teacher, or employee who violates the provisions of this section by failure to file a required report shall be guilty of a Class C misdemeanor.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

- (1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools.
- (2) A description of the circumstances surrounding an expulsion imposed under this section including:
 - a. The name of the school concerned.
 - b. The number of students expelled.
 - c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-based research, are data-driven, and show continuous improvement in: (1) The total number of high school suspensions related to truancy.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28B-2. Legislative intent.

It is the intent of the Legislature to provide for the adoption of policies in public school systems to prevent the bullying of students. It is the further intent of the Legislature that this chapter apply only to student against student bullying, intimidation, violence, and threats of violence in the public schools of Alabama, and between students while not on school property, in grades prekindergarten through 12, and that the State Department of Education develop, and each local board of education adopt procedural policies to manage and possibly prevent these acts against any student by another student or students based on the characteristics of a student.

Additionally, it is the intent of the Legislature that the filing of a complaint of bullying be in writing and submitted by the affected student, or the parent or guardian of the affected student, and not by an education employee on behalf of an affected student or his or her parent or guardian.

16-28B-4. Prohibited behavior; complaints; school plans or programs.

(a) No student shall engage in or be subjected to bullying, intimidation, violence, or threats of violence on or off of school property, on a school bus, or at any school-sponsored function by any other student in his or her school system.

(b) No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of bullying, violence, or threat of violence.

(c) Any student, or parent or guardian of the student, who is the object of bullying may file a complaint outlining the details of the bullying, on a form authorized by the local board, and submit the form to the official designated by the local board to receive complaints at the school. A copy of the form shall be prominently posted and accessible on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

(d) Each school shall develop plans or programs, including, but not limited to, peer mediation teams, in an effort to encourage students to report and address incidents of bullying, violence, or threats of violence. At the beginning of each school year, each school shall programmatically address the issue of bullying and school violence with faculty and students. The program shall include a discussion of available resources and shall encourage the reporting of incidents of bullying. Each school shall also periodically convene a committee of faculty and students to review and discuss the issue of bullying and make recommendations to school administrators regarding school climate, safety, and bullying. The local superintendent of education may report any recommendations to the local board for its consideration.

16-28B-5. Model policy.

The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

- (1) A statement prohibiting bullying, violence, and threats of violence.
- (2) Definitions of the terms bullying, as provided in subdivision (1) of Section 16-28B-3, intimidation, and threats of violence.
- (3) A description of the behavior expected of each student.
- (4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.

- (5) A procedure for reporting an act of intimidation, threat of suicide, bullying, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student.
- (6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.
- (7) A response procedure for a school to follow upon confirmation of an incident of intimidation, bullying, violence, or threats of violence.
- (8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or bullying, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.
- (9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.
- (10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.
- (11) A clearly defined procedure for students to use in reporting bullying, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of bullying, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of bullying to the principal, or his or her designee.
- (12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.
- (13) A procedure for the development of a non-exhaustive list of the specific personal characteristics of a student which may often lead to bullying. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause bullying shall be identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board and included in the student handbook.

16-28B-6. Duties of schools.

Each school shall do all of the following:

- (4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; denial of application if requisite status not shown; role of school attendance official; effect of withdrawal from school; effect of conviction for certain pistol offenses on driving privileges.

- (a) The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a

diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

(b) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver's license or a learner's license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

(e) (1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice

was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180 day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(f) Seclusion and Restraint for ALL Students.

2. Requirements.

(vii) Schools and programs that use physical restraint in accordance with paragraph (2.) (v-xiv) of this rule must develop and implement written policies to govern the use of physical restraint.

Parents must be provided information regarding the school or program's policies governing the use of physical restraint. The written policies must include the following provisions:

(I) Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,

(II) Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,

(III) The use of physical restraint to be documented and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained,

(IV) Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2.)(vii)(III),

(V) Procedures for reporting the use of restraint and the documentation described in paragraph (2.)(vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually,

(VI) The documentation described in paragraph (2.)(vii)(III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be submitted to the Alabama Department of Education annually, and

(VII) The written policies described in paragraph (2.)(vii)(I and II) are to be included in each local education agencies' code of conduct and/or the student handbook.

(viii) Schools and programs that use physical restraints in accordance with paragraph (2.)(v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training

shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.

(ix) Nothing in this rule shall be construed to interfere with a school system, school or program, or school or program employee's authority to utilize time-out as defined in paragraph (1.)(vi) of this rule or any other classroom management technique or approach, including a student's removal from the classroom, that is not specifically addressed in this rule.

(x) Nothing in this rule modifies the rights of school personnel to use reasonable force as permitted under the Code of Ala. 1975, §16-1-14 or modifies the rules and procedures governing discipline under the Code of Ala. 1975, §16-28-12.

(xi) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to diffuse or break up a student fight or altercation.

(xii) Nothing in this rule shall be construed to prohibit a school system, school, or program employee from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.

(xiii) Nothing in this rule shall be construed to eliminate or restrict the ability of an employee of a school system, school or program to use his or her discretion in the use of physical restraint to protect students or others from imminent harm or bodily injury. Nothing in this rule shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.

(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

Parental notification

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(e)(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

b. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in paragraph a.

c. A parent, guardian, custodian, or person, excluding a foster parent, responsible for the care or control of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b.

16-28-16. Cases of nonenrollment and nonattendance; withdrawal of enrollment.

(a) It shall be the duty of the county superintendent of education or the city superintendent of education, as the case may be, to require the attendance officer to investigate all cases of nonenrollment and of nonattendance. In all cases investigated where no valid reason for nonenrollment or nonattendance is found, the attendance officer shall give written notice to the parent, guardian, or other person having control of the child. In the event of the absence of the parent, guardian, or other person having control of the child from his or her usual place of residence, the attendance officer shall leave a copy of the notice with some person over 12 years of age residing at the usual place of residence, with instructions to hand the notice to the parent, guardian, or other person having control of the child, which notice shall require the attendance of the child at the school within three days from the date of the notice. In the event the investigation discloses that the nonenrollment or nonattendance was without valid excuse or good reason and intentional, the attendance officer shall be required to bring criminal prosecution against the parent, guardian, or other person having control of the child.

(b) Each child who is enrolled in a public school shall be subject to the attendance and truancy provisions of this article except that any parent or parents, guardian or guardians who voluntarily enrolls their child in public school, who feel that it is in the best interest of that child shall have the right to withdraw the child at any time prior to the current minimum compulsory attendance age.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(a) Safety precautions must be implemented and adequate facilities must be provided for implementations of programs prescribed by SDE Bulletin(s).

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.

2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school," "TOS," or "TOS school" shall mean a "persistently dangerous school" as those words are used in the No

Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

- (i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.
- (ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.
- (iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA's receipt of status.
- (iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

(f) Seclusion and Restraint for ALL Students.

2. Requirements.

(vii) Schools and programs that use physical restraint in accordance with paragraph (2.) (v-xiv) of this rule must develop and implement written policies to govern the use of physical restraint. Parents must be provided information regarding the school or program's policies governing the use of physical restraint. The written policies must include the following provisions:

- (I) Staff and faculty training on the use of physical restraint and the school or programs policy and procedures,
- (II) Written parental notification when physical restraint is used to restrain their student within a reasonable time not to exceed one school day from the use of restraint,
- (III) The use of physical restraint to be documented and a debriefing session held by staff or faculty participating in or supervising the restraint for each student in each instance in which the student is restrained,
- (IV) Procedures for the periodic review of the use of restraint and the documentation described in paragraph (2.)(vii)(III),
- (V) Procedures for reporting the use of restraint and the documentation described in paragraph (2.)(vii)(III) and any prohibited use of seclusion and chemical, mechanical, or physical restraint to the local board of education annually,

(VI) The documentation described in paragraph (2.)(vii)(III) (monthly summary reports) and any prohibited use of seclusion and chemical, mechanical, or physical restraint is to be submitted to the Alabama Department of Education annually, and

(VII) The written policies described in paragraph (2.)(vii)(I and II) are to be included in each local education agencies' code of conduct and/or the student handbook.

(viii) Schools and programs that use physical restraints in accordance with paragraph (2.)(v-xiv) of this rule, must ensure that staff and faculty are trained in the use of physical restraint. This training shall be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. Schools and programs must maintain written or electronic documentation on training provided and the list of participants in each training. Records of such training must be made available to the Alabama Department of Education or any member of the public upon request.

(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

Reporting and referrals between schools and law enforcement

LAWS

16-1-24. Reporting of property damage and physical assaults on students and school personnel; legislative intent; penalties.

(a) For purposes of this section, the following words and phrases shall have the following respective meanings, unless the context clearly indicates otherwise:

- (1) Incident. Any act of physical violence, with or without a weapon, trespass, vandalism, or property damage which occurs.
 - a. On school property; or
 - b. During school activities, on or off school property; or
 - c. At any other times when such incident can be reasonably related to school functions.

Provided, however, that incidents involving only students from the same school wherein no dangerous weapon was involved and no bodily injury requiring medical attention occurs shall not be required to be reported as provided herein. All attacks or incidents involving teachers or other school personnel shall be promptly reported.

(2) Principal. The principal or top administrator of any public elementary, junior or senior high school at which the incident occurred.

(3) Superintendent of Education. The superintendent of the county or city board of education in the county in which the school is located.

(4) Report. A written narrative report of an incident, the number and names and addresses of persons involved in the incident, the type of any weapon involved and a description of any injury or damage resulting from the incident. Said report shall contain the names and addresses of all known persons present at the time of said incident.

(5) Teacher and Other School Employee. An employee of any public elementary, junior or senior high school at which the incident occurred.

(6) School Board. The board of education.

(7) County Sheriff. The sheriff of the county in which the public school is located.

(b) It is the intention of the Legislature by passage of the section to require principals, teachers and other school employees of public elementary, junior and senior high schools to make reports of violent disruptive incidents occurring on school property during school hours or during school activities conducted on or off school property after school hours or at any other time when such incident can be reasonably related to school or school functions and to provide for penalties for failure to report such incidents.

(c) Principals shall file a report within 72 hours with the superintendent of education of any incident of which they have knowledge. A copy of the report shall also be furnished members of the school board and the county sheriff by the superintendent of education.

(d) Teachers and other school employees shall immediately report to the principal any incident of which they have knowledge. Said teacher and employee shall assist the principal in the preparation of the report required under subsection (c) of this section.

(e) Any superintendent of education, principal, teacher, or employee who violates the provisions of this section by failure to file a required report shall be guilty of a Class C misdemeanor.

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal is authorized to sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student's exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(c) Law enforcement authorities involved with students charged with firearm violations shall refer the violators of this section to the appropriate authority in the judicial system when the action is feasible.

16-28-12. Person in loco parentis responsible for child's school attendance and behavior; noncompliance; local boards to promulgate written behavior policy, contents, annual distribution, receipt to be documented; school officials required to report noncompliance; failure to report suspected violation; district attorneys vigorously to enforce provisions.

(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, church school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in any public school in accordance with the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more

than one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the public school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school.

16-28-40. License applicant under 19 to provide documentation of school enrollment, etc.; denial of application if requisite status not shown; role of school attendance official; effect of withdrawal from school; effect of conviction for certain pistol offenses on driving privileges.

(a) The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on him or her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.

(b) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver's license or a learner's license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

(c) Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this article on the 30th day following the date the notice was sent unless documentation of compliance with this article is received by the department before the 30th day.

(d) Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the

student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

(e) (1) Any person over the age of 14 who is convicted of the crime of possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be denied issuance of a driver's permit or license for the operation of a motor vehicle for 180 days from the date the person is eligible and applies for a permit or license for the operation of a motor vehicle. Any adjudication as a juvenile delinquent or youthful offender where the underlying charge is the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 shall be considered a conviction under this subsection, and the adjudication of a person as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Department of Public Safety.

(2) If a person over the age of 14 years possesses a driver's license on the date of conviction, the Department of Public Safety, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver's license will be suspended. The notice shall state that the license will be suspended for 180 days commencing on the 30th day following the date the notice was sent unless documentation is received by the department before the 30th day that the person was not convicted of the crime. Upon the appropriate date, the department shall suspend the license.

(3) Upon the written request of the person whose license is denied or suspended, the Department of Public Safety shall afford the person an opportunity for a hearing in the same manner and under the procedure used for other driver's license suspensions. If the suspension or denial of issuance determination is sustained by the Director of the Department of Public Safety or the authorized agent of the director, upon such hearing, the person may file a petition in the appropriate court to review the final order of suspension or denial by the director or the authorized agent of the director in the same manner and under the same conditions as is provided in the case of suspensions and denials.

(4) If the conviction is reversed within the 180 day period, the department, upon receipt of notice of the reversal from the Administrative Office of Courts, shall reinstate a suspended license and shall accept an application for a license and shall issue the license according to law and regulation.

(5) The court shall notify the Department of Public Safety of the conviction of a person over the age of 14 of a crime involving the possession of a pistol on the premises of a public school, or a public school bus, or both, under Section 13A-11-72 and any reversal of the conviction. The Administrative Office of Courts may promulgate necessary rules and regulations to implement this notification procedure.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(1) Safe School Equipment and Facilities, Laboratories, and Policies.

(b) Effective with the 1995-96 school year and thereafter, local boards of education must:

1. Adopt a uniform policy allowing law enforcement agencies to make periodic visits to local public schools to detect the presence of illegal drugs, unannounced to anyone except the local superintendent and building principal.
2. Adopt a uniform policy prohibiting the use of tobacco products on school property and prescribing specific penalties for violating this policy.

3. Adopt and enforce a uniform policy prohibiting all persons, other than authorized law enforcement personnel, from bringing or possessing any deadly weapon or dangerous instrument on school property and prescribing specific penalties for students and school personnel who violate this policy, notwithstanding any criminal penalties which may also be imposed.

(c) Local school systems which operate alternative educational programs shall provide a curriculum that stresses skills in recognizing and managing anger, alternatives to aggression (verbal and physical assault), strategies for developing self-control and personal responsibility, skills for getting along with others, success through academic achievement, and skills for success in the workplace.

(d) All policies and actions implemented under these mandatory regulations affecting students with disabilities must comply with federal and state special education laws, regulations, and court rulings.

(e) Unsafe School Choice Option

1. Definitions: A transfer option school (TOS) in the state of Alabama is one in which for three (3) consecutive school years the school has expelled one percent (1%) of the student population or five (5) students (whichever is greater) for violent criminal offenses committed on school property during school hours or committed at school-sponsored activities. The words "transfer option school," "TOS," or "TOS school" shall mean a "persistently dangerous school" as those words are used in the No Child Left Behind Act of 2001, Public Law 107-110, Title IX, §9532(a) and (b). For the purpose of this definition, a "violent criminal offense" shall mean homicide; robbery; assault in the first and/or second degree; sexual battery (including rape) as these offenses are defined in the Criminal Code of Alabama (see §13A-6-1, et. seq., Code of Ala. 1975); and use of a handgun, firearm component, explosive, knife, and other "unknown weapons" as defined by the Student Incident Report (SIR).

2. A student who becomes a victim of a violent criminal offense committed on school property during school hours or at school-sponsored activities shall be given an opportunity to transfer to a safe public school within the LEA. The LEA shall notify the student's parent/guardian of the right to transfer as soon as practicable, not to exceed ten (10) calendar days from the date of a final determination by the school board or its designee that a violent criminal offense has occurred. All LEA transfer procedures will be observed. It shall be the policy of the Alabama State Department of Education (SDE) to notify the LEA annually when one or more of its schools have been identified as a transfer option school. Each Superintendent or his or her designee shall orally notify the Prevention and Support Services Section of the State Department of Education within twenty-four (24) hours of the decision that a violent criminal offense has occurred, followed by written confirmation. The State Department of Education will assist the LEA in resolving all safety issues. At a minimum, an LEA that has one or more schools identified as persistently dangerous must:

(i) Step 1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within the LEA if another school is available.

(ii) Step 2. Complete the transfer for those students who opt to do so within 20 working days.

(iii) Step 3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of the LEA's receipt of status.

(iv) Step 4. Implement the corrective action plan. Once a school has been identified as a transfer option school, it can return to safe status by (1) completing Steps One through Four above and (2) completing two consecutive years with less than one percent (1%) of the student population or five (5) students (whichever is greater) expelled for violent criminal offenses as defined in its policy.

2. Requirements.

(xiv) In some instances in which a student is an immediate danger to himself or herself or others, the school or program must determine when it becomes necessary to seek assistance from law

enforcement and/or emergency medical personnel. Nothing in these rules shall be construed to interfere with the duties of law enforcement or emergency medical personnel. Parents must be promptly informed when students are removed from the school or program setting by emergency medical or law enforcement personnel.

Disclosure of school records

LAWS

No relevant laws found.

REGULATIONS

290-3-1-.02. Regulations governing public schools.

(4) Student Records from Existing Schools.

(a) Permanent records are to remain in a school or in another location designated by the local superintendent indefinitely for all students who have attended the school. A duplicate shall be filed in the local superintendent's office or some storage place other than the school which the student attends. Transcripts and disciplinary records with respect to suspension (in- and out-of school) and expulsion may be sent to another school.

(b) Student Records must contain:

1. Legal names.

2. Social Security Numbers.

(i) Each child enrolled in an Alabama public school Grades Kindergarten through 12 shall have a Social Security Number and a valid Social Security Card to be presented to school official(s) at pre-registration/registration for verification and returned to child/parent/guardian/custodian. For each student who is otherwise entitled to admittance but does not have a Social Security Number, the local superintendent or agency shall assign a temporary number in accordance with the directions as specified by the State Department of Education. The temporary identification number shall be uniquely assigned as follows:

(I) Must be nine numeric digits (the same number of digits as the Social Security Number).

(II) Reading from left to right, position 1 must be a 9.

(III) Position 2 must be the last digit of the calendar year; for example, this is 1998 and therefore position 2 is 8.

(IV) Positions 3, 4, and 5 represent the unique 3-digit system number assigned by the State Department of Education; for example, Montgomery County is 051 and Huntsville City is 159.

(V) Positions 6, 7, 8, and 9 represent a sequential number beginning with 0001 each January 1.

This allows 9,999 temporary numbers to be assigned each year by each local education agency.

3. Each local board of education and each agency reporting to the State Department of Education shall use the Unique State Student Identifier (SSID) as the official identification of each child/student in all record keeping systems and shall make such data available by SSID upon request by the State Superintendent of Education.

(c) All transcripts shall be transferred directly from one school official to the other.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(e) (1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan reviewed on an annual basis to ensure that its policies and procedures are currently in compliance with applicable, case law, and state and federal constitutional provisions.

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

- (1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools,
- (2) A description of the circumstances surrounding an expulsion imposed under this section including:
 - a. The name of the school concerned,
 - b. The number of students expelled,
 - c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-6B-7. Accountability reports to the public.

(a) The local board of education shall prepare an annual accountability report for each school and area vocational/technical center under its jurisdiction, and for itself, to be provided to the public under regulations promulgated by the State Board of Education. Such accountability reports shall include, but not be limited to, all of the following:

- (3) A School Safety and Discipline Report which shall include statistical information relating to student safety and discipline in each school and any other data deemed necessary by the local board of education or the State Board of Education to inform the public about safety and discipline in each school.

(b) These reports shall be released to the media, presented to parent organizations, members of the Legislature who represent the schools covered in each report, and the State Superintendent of Education. These reports shall be made available to the public upon request on or before ninety (90) days after the end of the fiscal year.

16-28-3.1. Guidelines and procedures for withdrawal from school; dropout prevention program.

(c) The department, in addition to other information and data, shall compile all of the following data to ensure that the dropout prevention program, and local versions of the program, are based upon evidence-

based research, are data-driven, and show continuous improvement in: (1) The total number of high school suspensions related to truancy.

16-28-18. Record kept by attendance officer.

The attendance officer whose appointment is by this article provided for shall keep an accurate record of all notices served, all cases prosecuted and all other services performed and shall make an annual report of the same to the county board of education or to the city board of education by whom he is employed.

16-28B-6. Duties of schools

Each school shall do all of the following:

- (4) Report statistics to the local board of actual violence, submitted reports of threats of violence, and harassment. The local board shall provide the statistics of the school system and each school in the school system to the department for posting on the department website. The posted statistics shall be available to the public and any state or federal agency requiring the information. The identity of each student involved shall be protected and may not be posted on the department website.

16-41-10. Report of status of program by State Superintendent of Education.

The State Superintendent of Education shall, at least 30 days prior to the 1973 Regular Session and each regular session thereafter, transmit to the members of the state board, the President of the Senate, the Speaker of the House, the Chairman of the Senate and the Chairman of the House Education Committees a report as to the status of the drug abuse education program together with any recommendations for further improvement or modification.

REGULATIONS

290-4-1-.01. Education accountability.

(4) School Safety and Discipline Accountability. The State Board of Education will utilize one or both of the following criteria to determine if intervention by the State Superintendent is necessary as required by the Code of Ala. 1975, §16-6B-5:

- (a) Failure of a school or school system to develop and implement the policies, rules, laws, and regulations relative to school safety and discipline as published and disseminated annually by the State Superintendent.

- (b) Failure of a school or school system to respond to legitimate and documented school safety and discipline concerns/ incidents as determined by the State Superintendent after investigating the concerns/incidents. The State Superintendent will investigate the following requests/incidents to determine if assignment of SDE personnel to a school or school system for school safety and discipline assistance is warranted:

1. A written request by official action of a local parent/professional/community organization (e.g., PTA/PTO; ACSAS; civic club), or by a majority of the employees of a school or school system to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.
2. A written request by official action of a school sanctioned student organization to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

3. A written request by a local school principal with evidence that a request was first submitted to the local school superintendent and next, to the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

4. An official request by a local superintendent of education.

5. An official request by a majority vote of a local board of education.

6. A person is killed or seriously injured at school or a school related activity as a result of a violent act.

(5) Release from Financial or School Safety & Discipline Intervention. Intervention for financial and/or school safety and discipline reasons shall remain in place until such time as either condition improves to an acceptable standard as determined by the State Superintendent. A local board may petition the State Board of Education for release from the state intervention by showing acceptable improvement on financial stability, safety and discipline, or for other just cause. The State Board, following a hearing, shall have final determination on the matter of release from state intervention.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

16-28-17. When child may be taken into custody.

It shall be the duty of the attendance officer, probation officer or other officer authorized to execute writs of arrest to take into custody without warrant any child required to attend school or be instructed by a private tutor who is found away from home and not in the custody of the person having charge or control of such child during school hours and who has been reported by any person authorized to begin proceedings or prosecutions under the provisions of this article as a truant. Such child shall forthwith be delivered to the person having charge or control of said child or to the principal teacher of the school or the private tutor from whom said child is a truant. If such child is an habitual truant, he shall be brought before the juvenile court for such disposition as the judge of said court finds proper from the facts.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

16-1-44.1. School security personnel and school resource officers.

(a) A local board of education may employ persons as school security personnel or contract with a local chief of police or sheriff to employ school resource officers. A local board of education may allow any person employed by the board as school security personnel or as a school resource officer to carry a firearm while on duty if the employee satisfies all of the following qualifications:

- (1) He or she is certified by the Alabama Peace Officers' Standards and Training Commission as a law enforcement officer whose certification is in good standing and who has successfully completed active shooter training approved by the Alabama State Law Enforcement Agency.
- (2) He or she annually completes and passes the firearm requalification required of law enforcement officers by the Alabama Peace Officers' Standards and Training Commission.
- (3) He or she must carry a non-lethal weapon and must be trained in the appropriate use of that non-lethal weapon.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

13A-11-72. Certain persons forbidden to possess pistol.

(e) School security personnel and school resource officers qualified under subsection (a) of Section 16-1-44.1, employed by a local board of education, and authorized by the employing local board of education to carry a deadly weapon while on duty are exempt from subsection (c) of this section. Law enforcement officers are exempt from this section, and persons with pistol permits issued pursuant to Section 13A-11-75, are exempt from subsection (c) of this section.

(h) The term "school resource officer" as used in this section means an Alabama Peace Officers' Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school setting.

16-1-44.1. School security personnel and school resource officers.

(a) A local board of education may employ persons as school security personnel or contract with a local chief of police or sheriff to employ school resource officers. A local board of education may allow any person employed by the board as school security personnel or as a school resource officer to carry a firearm while on duty if the employee satisfies all of the following qualifications:

(1) He or she is certified by the Alabama Peace Officers' Standards and Training Commission as a law enforcement officer whose certification is in good standing and who has successfully completed active shooter training approved by the Alabama State Law Enforcement Agency.

(2) He or she annually completes and passes the firearm requalification required of law enforcement officers by the Alabama Peace Officers' Standards and Training Commission.

(3) He or she must carry a non-lethal weapon and must be trained in the appropriate use of that non-lethal weapon.

(b) The State Department of Education shall promulgate any necessary rules to provide for the implementation of this section including, but not limited to, rules providing additional qualifications for employment as school security personnel or school resource officers.

16-28-20. Compensation of attendance officers.

The attendance officers who are employed by the county or city board of education shall be paid by the respective boards of education such salaries as may be required to secure efficient service. Said attendance officer shall be paid as other employees of the county or city boards of education are paid, but no attendance officer shall receive any compensation under the provisions of this title until he shall have filed such reports as are required by the State Board of Education and by the board of education of the county or city employing him.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(a) The Legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The Legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the State Board of Education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the Legislature that our schools remain safe and drug-free for all students and school employees. The State Board of Education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The State Board of Education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from Section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. The discipline plan shall also include uniform drug-free school policies with uniform penalties.

16-28B-5. Model policy.

The department shall develop a model policy prohibiting bullying, violence, and threats of violence on or off of school property, on a school bus, or at any school-sponsored function. The model policy, at a minimum, shall contain all of the following components:

- (1) A statement prohibiting bullying, violence, and threats of violence.
- (2) Definitions of the terms bullying, as provided in subdivision (1) of Section 16-28B-3, intimidation, and threats of violence.
- (3) A description of the behavior expected of each student.
- (4) A series of graduated consequences for any student who commits an act of intimidation, bullying, violence, or threats of violence. Punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies.
- (5) A procedure for reporting an act of intimidation, threat of suicide, bullying, violence, or threat of violence. An anonymous report may not be the basis for imposing formal disciplinary action against a student.
- (6) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, or his or her designee, is the person responsible for the investigation.
- (7) A response procedure for a school to follow upon confirmation of an incident of intimidation, bullying, violence, or threats of violence.
- (8) A statement prohibiting reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence, or bullying, including the consequences of and any appropriate remedial action that may be taken against a person who engages in such reprisal or retaliation.

(9) A statement of the consequences of and appropriate remedial action that may be taken against a person who has deliberately and recklessly falsely accused another.

(10) A procedure for publicizing local board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring off of school property and to participation in school-sponsored functions, whether the conduct occurs on or off school property, online, or electronically.

(11) A clearly defined procedure for students to use in reporting bullying, including, but not limited to, written reports on local board approved complaint forms and written reports of instances of bullying, intimidation, violence, and threats of violence based on the personal characteristics of a student. The complaint form may be served in person or by mail on the principal, or his or her designee, or his or her office. The procedures shall be made known and be readily available to each student, employee, and the parent or guardian of each student. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of bullying to the principal, or his or her designee.

(12) A procedure for promulgating rules to implement this chapter, including the development of a model student complaint form. The department shall seek public input in developing and revising the model policy, model complaint form, and any other necessary forms.

(13) A procedure for the development of a non-exhaustive list of the specific personal characteristics of a student which may often lead to bullying. Based upon experience, a local board of education may add, but not remove, characteristics from the list. The additional characteristics or perceived characteristics that cause bullying shall be identified by the local board on a case-by-case basis and added to the local board policy. The list shall be included in the code of conduct policy of each local board and included in the student handbook.

REGULATIONS

290-4-1-.01. Education accountability.

(4) School Safety and Discipline Accountability. The State Board of Education will utilize one or both of the following criteria to determine if intervention by the State Superintendent is necessary as required by the Code of Ala. 1975, §16-6B-5:

(a) Failure of a school or school system to develop and implement the policies, rules, laws, and regulations relative to school safety and discipline as published and disseminated annually by the State Superintendent.

(b) Failure of a school or school system to respond to legitimate and documented school safety and discipline concerns/ incidents as determined by the State Superintendent after investigating the concerns/incidents. The State Superintendent will investigate the following requests/incidents to determine if assignment of SDE personnel to a school or school system for school safety and discipline assistance is warranted:

1. A written request by official action of a local parent/professional/community organization (e.g., PTA/PTO; ACSAS; civic club), or by a majority of the employees of a school or school system to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

2. A written request by official action of a school sanctioned student organization to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school

safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

3. A written request by a local school principal with evidence that a request was first submitted to the local school superintendent and next, to the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

4. An official request by a local superintendent of education.

5. An official request by a majority vote of a local board of education.

6. A person is killed or seriously injured at school or a school related activity as a result of a violent act.

(5) Release from Financial or School Safety & Discipline Intervention. Intervention for financial and/or school safety and discipline reasons shall remain in place until such time as either condition improves to an acceptable standard as determined by the State Superintendent. A local board may petition the State Board of Education for release from the state intervention by showing acceptable improvement on financial stability, safety and discipline, or for other just cause. The State Board, following a hearing, shall have final determination on the matter of release from state intervention.

290-4-1-.02. Educational intervention.

(1) The State Board of Education may intervene in the educational operations of a city or county board of education as provided by the Educational Accountability and Intervention Act of 2013.

(2) After approval of educational intervention by the State Board of Education, the State Superintendent shall exercise control over the decision making and operational functions of the city or county board of education.

(3) The State Superintendent of Education or designee shall have the power and authority to act for and on behalf of the city or county board of education and its superintendent in all matters for all purposes under state laws while the city or county board of education is operating under educational intervention.

Funding appropriations

LAWS

16-1-24.3. Local boards of education to implement policies requiring expulsion of students who possess firearms in school areas.

(a) All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. Notwithstanding the foregoing, city and county boards of education and the local superintendent of education of each board may modify the expulsion requirement for a student on a case-by-case basis. Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services. Discipline of students with disabilities who violate the firearm possession policies of city and county boards of education shall be determined on a case-by-case basis in accordance with the requirements of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

(b) For the purposes of this section, the term "firearm" has the same meaning as defined in Section 921 of Title 18 of the United States Code.

(c) When there are violations of the prohibition on firearms being brought to school or the possession of firearms by students, the school principal shall notify the appropriate law enforcement authority which may include city police, county sheriffs, and the local district attorney. In addition to notification of law enforcement officials, the school principal shall notify the parents of students who violate the firearm-free school environment provided for in this section.

Law enforcement authorities involved with students charged with firearm violations shall refer the violators of this section to the appropriate authority in the judicial system when the action is feasible.

(d) Local education agencies submitting applications for federal funds to the State Department of Education shall include in the application:

- (1) An affidavit to affirm that the local education agency has developed and implemented a policy to provide for a gun-free environment in all its public schools.
- (2) A description of the circumstances surrounding an expulsion imposed under this section including:
 - a. The name of the school concerned.
 - b. The number of students expelled.
 - c. The types of weapons concerned.

The State Department of Education shall report the information collected from the local education agencies to the Secretary of Education.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

- (1) Foster individual, family, and group counseling services related to suicide prevention.
- (2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- (3) Foster training for school personnel who are responsible for counseling and supervising students.
- (4) Increase student awareness of the relationship between drug and alcohol use and suicide.
- (5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- (6) Inform students of available community suicide prevention services.
- (7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- (8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
- (9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- (10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- (11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.
- (12) Develop a process for discussing with student's local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.
- (13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)

(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:

- a. The School Superintendents of Alabama.
- b. The Council for Leaders in Alabama Schools.
- c. The Alabama Education Association.
- d. The Alabama Association of School Boards.
- e. The Jennifer Claire Moore Foundation.
- f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:

- a. Training materials that are currently being used by a local school system.
- b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.
- c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-41-9. Combining of funds from various sources.

In implementing this chapter, every effort shall be made to combine funds appropriated for this purpose with funds available from all other sources, federal, state, local or private, in order to achieve maximum benefits for improving drug abuse education.

41-15B-2.2. Allocation of trust fund revenues.

(a) For each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues and upon appropriation by the Legislature, an amount of up to and including two hundred twenty-five thousand dollars (\$225,000), or equivalent percentage of the total fund, shall be designated for the administration of the fund by the council and the Commissioner of Children's Affairs.

(b) For the each fiscal year, beginning October 1, 1999, contingent upon the Children First Trust Fund receiving tobacco revenues, the remainder of the Children First Trust Fund, in the amounts provided for in Section 41-15B-2.1, shall be allocated as follows:

(2) Twenty-two percent of the fund shall be allocated to the State Board of Education to one or more of the following:

- a. The operation of alternative schools as defined below:
 1. In the initial fiscal year funding after June 9, 1999, the State Board of Education shall distribute a pro rata share of the monies based upon the second month enrollment of the preceding school year to each local board of education which submits a plan that satisfies all of the following criteria:

- (i) The local board of education shall provide a 25 percent match of all funds for alternative school programs.
 - (ii) The local board of education shall provide suitable facilities for housing alternative school programs.
 - (iii) The plan submitted by each local board of education shall provide multiple tiers of alternative school programs which include, but are not limited to, "in-school suspension," a short-term alternative school program designed to enable children to perform in the traditional classroom setting, and a long-term program which is a true alternative to expulsion.
 - (iv) The plan as submitted by each local board of education shall outline the educational services which shall be available to each child assigned to the short-term or long-term programs. Those services shall include, but are not limited to, all of the following:
 - A. Remedial education where necessary.
 - B. Counseling, including sessions on conflict resolution.
 - C. Social skills development.
 - (v) Each tier of the local plan shall be curriculum-based to address the goal of academic improvement and shall include, to the extent possible, mandatory parental notification and involvement.
 - (vi) If a local board of education can satisfactorily demonstrate that alternative school programs meeting all of the criteria in this section have been implemented, the allocation to the local board of education for alternative school programs may be directed by the State Board of Education to programs under the School Safety Enhancement Program.
 - (vii) Each year any monies remaining after distribution by the State Board of Education to the local boards of education which meet the criteria pursuant to subparagraph 1. and qualify for a portion of the monies, shall be allocated to those local boards of education demonstrating innovative programs with measurable improvements in academic achievement, attendance, school behavior, and parental involvement.
2. The State Board of Education shall review the programs of each local board of education receiving monies from the fund and shall annually submit a report to the council by July 1. This report shall include all of the following:
- (i) The number of children served in each tier of the program.
 - (ii) The improvement in academic achievement.
 - (iii) The improvement in behavior.
 - (iv) The improvement in parental involvement.
 - (v) Financial accounting for the state and local monies expended.
3. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.
4. Sufficient safeguards shall be implemented to ensure that the new monies will increase and not supplant or decrease existing state or local support.
- b. 1. The School Safety Enhancement Program. The amount of monies available to each local board of education shall be determined by the State Board of Education based upon the second month enrollment of the preceding school year. To be eligible to initially receive a portion of the monies, each local board of education shall submit a grant application pursuant to guidelines promulgated by the State Board of Education with provisions for annual renewal of the grants. Provisions for program evaluation in order to determine effectiveness and financial accountability shall be included in the guidelines. The guidelines shall include all of the following:

- (i) A component to enhance parental participation in school activities and promote parental responsibility for the performance and behavior of their children.
 - (ii) A requirement for a local 25 percent match of funds for school safety activities, excluding pre-kindergarten programs for at-risk children listed in item (ii) of subparagraph 2.
 - (iii) Sufficient safeguards implemented to ensure that the new monies will increase and not supplant or decrease existing local support.
2. School Safety Enhancement Programs eligible for grants shall be designed to prevent or reduce violence in the schools and communities and reduce school disciplinary or safety problems. The programs shall relate to one or more of the following:
- (i) Extended day programs with supervised activities including, but not limited to, remedial education; tutorial assistance; arts, music, or other cultural enhancement; and activities for gifted children. Each local board of education may charge a fee based upon income for participation in the programs.
 - (ii) Pre-kindergarten programs for "at-risk" children. These programs do not require the local 25 percent match of funds for school safety activities mandated by item (ii) of subparagraph 1.
 - (iii) Truancy prevention programs which may include additional school attendance personnel and a Saturday school component.
 - (iv) Programs to assist children in dealing with anger and emphasizing acceptable ways of dealing with violence including peer mediation, conflict resolution, and law related education.
 - (v) Safety plans involving the use of metal detectors, other security devices, uniforms, school safety resource officers, or other personnel employed to provide a safe school environment.
 - (vi) Drug, alcohol, tobacco, gang-related, or satanic worshipping-related education, prevention, detection, or enforcement programs.
 - (vii) At-risk identification and intervention programs designed to identify children who are at-risk and coordinate school and community services so that the mental, physical, and social capabilities of the child are enhanced.
3. The State Board of Education shall review the programs of each local board of education which receive monies from the fund and annually submit a report to the council by July 1. This report shall include all of the following:
- (i) The number of children served.
 - (ii) The improvement in academic achievement.
 - (iii) The improvement in behavior.
 - (iv) The improvement in parental involvement.
 - (v) Financial accounting for the state and local monies expended.
4. The State Board of Education shall develop additional criteria for continued state funding of programs initiated pursuant to this chapter.
- c. Any other children's services provided by the State Board of Education.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(g) Except in the case of excessive force or cruel and unusual punishment, no certified or noncertified employee of the State Board of Education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

16-28A-1. Legislative findings.

Teachers are hereby given the authority and responsibility to use appropriate means of discipline up to and including corporal punishment as may be prescribed by the local board of education. So long as teachers follow approved policy in the exercise of their responsibility to maintain discipline in their classroom, such teacher shall be immune from civil or criminal liability. It shall be the responsibility of the local boards of education and the administrators employed by them to provide legal support to each teacher exercising his or her authority and responsibility to maintain order and discipline in his or her classroom as long as the teacher follows the local board of education's policy. Such support for the teacher shall include, but not be limited to, providing appropriate legal representation to defend the teacher against charges, filing of a written report pursuant to Section 16-1-24, seeking the issuance of a warrant or warrants for any person or persons threatening or assaulting a teacher, and the timely assistance and cooperation with the appropriate authorities in the prosecution of any person or persons threatening or assaulting a teacher. Local school board authorities and school administrators providing such support shall be absolutely immune from civil and criminal liability for actions authorized or required by this section.

16-28A-2. Exemption of teachers and other employees from application of Title 26.

The provisions of Title 26 shall not apply to public school teachers in relation to corporal punishment of students when the punishment is consistent with established written policies of the employing board of education. Neither shall the provisions of Title 26 apply to public school teachers or other employees while maintaining order and discipline in the classroom and on public school property, including school buses, consistent with written policies of the employing board of education.

16-28A-4. Immunity for teachers or administrators who report suspected drug abuse.

A teacher or administrator who, in good faith, reports suspected drug abuse by a student to the appropriate authorities shall be immune from civil or criminal liability.

16-28A-5. Immunity for other authorized school personnel.

It is the intent of the Legislature to include under the provisions of this chapter, principals, assistant principals and any other school personnel authorized to use corporal punishment under the policies and guidelines developed by the local board of education.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

16-1-24.1. Safe school and drug-free school policy; treatment of policy violators; promulgation and distribution of discipline policy; liability limited for discipline actions; local boards may adopt more stringent guidelines.

(f) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following: (1) Specific grounds for disciplinary action, (2) Procedures to be followed for acts requiring discipline, (3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

16-1-24.2. Department of Education to develop statewide violence prevention program.

(b) The Department of Education shall develop a statewide violence prevention program using such resources as law-related education and guidance counseling procedures to develop violence prevention curricula for grades K through twelve, to provide training to teachers and school administrators on violence prevention, and to develop school-community partnerships for violence prevention.

16-28B-8. Suicide prevention programs, training, and policies; advisory committee; liability.

(a) To the extent that the Legislature shall appropriate funds, or to the extent that any local board may provide funds from other sources, each school system shall implement the following standards and policies for programs in an effort to prevent student suicide:

- (1) Foster individual, family, and group counseling services related to suicide prevention.
- (2) Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- (3) Foster training for school personnel who are responsible for counseling and supervising students.
- (4) Increase student awareness of the relationship between drug and alcohol use and suicide.
- (5) Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- (6) Inform students of available community suicide prevention services.
- (7) Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- (8) Foster school-based or community-based, or both, alternative programs outside of the classroom.
- (9) Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- (10) Engage in any other program or activity which the local board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- (11) Provide training for school employees and volunteers who have significant contact with students on the local board policies to prevent harassment, intimidation, violence, and threats of violence.

(12) Develop a process for discussing with student's local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.

(13) Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing in-service training programs or as a part of required professional development offered by the local school system.

(b)

(1) The State Department of Education shall create an advisory committee consisting of practitioners and representatives from all of the following organizations:

- a. The School Superintendents of Alabama.
- b. The Council for Leaders in Alabama Schools.
- c. The Alabama Education Association.
- d. The Alabama Association of School Boards.
- e. The Jennifer Claire Moore Foundation.
- f. Other pertinent mental health and suicide prevention organizations as determined by the department.

(2) The advisory committee shall assist the department in developing and adopting rules to provide for the training of certificated school employees in suicide awareness and prevention pursuant to subdivision (13) of subsection (a).

(3) The department and the advisory committee may develop a list of approved training materials to fulfill the requirements of subdivision (13) of subsection (a). Approved training materials may include, but not be limited to, any of the following:

- a. Training materials that are currently being used by a local school system.
- b. Training materials that provide instruction on identifying appropriate mental health services, both within the school system and within the larger community.
- c. Training materials that may be completed through self-review.

(c) Each local school system shall adopt a policy on student suicide prevention. To assist local school systems in developing their own policies for student suicide prevention, the department and advisory committee shall establish a model policy for use by local school systems in accordance with this section.

(d) Any person involved in a cause of action or omission resulting from the implementation of this section or resulting from any training, or lack thereof, required by this section, shall be subject to Section 36-1-12.

16-41-3. Purpose; legislative intent.

The purpose of this chapter is to insure the development of a comprehensive drug abuse education program for all children and youth in grades one through 12. It is the legislative intent that this program shall teach the adverse and dangerous effects on the human mind and body of drugs and that such instruction shall be intensive and that it shall be given immediate emphasis, beginning with the 1971-72 school year. It is further the intent of the Legislature that the voluntary services of persons from the professions of clergy, education, medicine, law enforcement, social services and such other professionally and occupationally qualified individuals as can make a contribution to this program be utilized in its implementation so that the highest possible degree of expertise may be brought to bear.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Alabama provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Prevention and Support Services, Alabama State Department of Education	Provides links to information and resources to assist school systems and schools with alcohol and drug prevention, attendance, bullying prevention, character education, positive behavior supports, discipline, seclusion and restraint, school safety and related issues.	http://www.alsde.edu/sec/pss/Pages/home.aspx
PBIS – Handbooks, Alabama State Department of Education,	Provides links to handbooks, presentations, and other related resources to support school implementation of the Positive Behavior Intervention and Support (PBIS) Framework.	http://www.alsde.edu/sec/pss/Pages/positivebehavior-all.aspx?navtext=PBIS
<i>Documents</i>		
Seclusion and Restraint Guidance, 2014, Alabama State Department of Education	Guidance document to assist school staff, families and other stakeholders in implementing Rule 290-3-1-.02(1)(f) to prohibit the use of seclusion and limit the use of restraint to those situations in which students are a danger to themselves or other and provide support to school districts, schools, school employees, and the general public.	http://www.alsde.edu/sec/pss/Sec%20lusion%20and%20Restraint/Guidance%20Seclusion%20and%20Restraint%20AL%20Guide.pdf
Jamari Terrell Williams Student Bullying Model Policy, 2018, Alabama State Department of Education	Model district policy addressing bullying, intimidation, violence, and threats of violence.	http://www.alsde.edu/sec/pss/Stop%20Bullying/Jamari%20T.%20Williams%20Student%20Bullying%20Model%20Policy%20(all%20attachments).pdf

Title	Description	Website address (if applicable)
<i>Other Resources</i>		
Alabama State Personnel Development Grant (ALSPDG), Addressing Disproportionality in Alabama Schools	<p>Professional development resources covering three required training components that must be conducted annually for all newly hired teachers, administrators, evaluators and others, as appropriate.</p> <ol style="list-style-type: none"> 1. Addressing Disproportionality in Alabama Public Schools Presentation 2. Positive Behavior Support (PBS) 3. Makes Sense Strategies (MSS) Training 	http://www.alspdg.org/Addressing_Disproportionality.html
Annual School Incident Reports, 2018, Alabama State Department of Education	Annual report compiling discipline incident data by school system, school building, incident type, student grade, victim or participant status, and referrals to law enforcement.	http://www.alsde.edu/sec/pss/Pages/discipline-all.aspx?tab=School%20Incident%20Report&navtext=Discipline%20(SIR)