

A Manual of State Laws and Regulations School Safety and Discipline

2026



Alabama Achieves

ALABAMA STATE DEPARTMENT *of* EDUCATION

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Foreword

This document, A Manual of State Laws and Regulations of School Safety and Discipline 2026, contains current Alabama school safety and discipline laws relating to the responsibilities of each local board of education and its personnel. For most current laws, refer to the Alabama Legislature website: alison.legislature.state.al.us.

Upon receipt of this manual, the Local Board of Education should submit the Assurance of Compliance to ALSDE within 30 days. The assurance confirms receipt of the manual and completion of the annual self-assessment requirement. The assurance document should be completed using the method included within the ALSDE Memorandum.

For assistance with the purpose and use of this document, you may telephone the ALSDE, Support Services Section, at (334) 694-4717.

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Education Laws

Section 13A-11-72. Certain Persons Forbidden to Possess Firearm.

(a)(1) A person may not own a firearm or have a firearm in his or her possession or under his or her control if any of the following apply:

- a. The person has been convicted in this state or elsewhere of any kind of felony offense within the previous five years.
- b. The person has been convicted in this state or elsewhere of three or more felony offenses of any kind at any time; provided the felony offense convictions used to support a charge under this paragraph each arose from a different indictment or complaint or otherwise arose on a different date of charge.
- c. The person has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence as defined in Section 13A-11-70, misdemeanor offense of domestic violence as defined in subsection (h), or a violent offense as defined in Section 12-25-32.
- d. The person is subject to a valid protection order for domestic abuse.
- e. The person is of unsound mind.

(2) A violation of this subsection is a Class C felony.

(3) It shall be an affirmative defense to a prosecution under this subsection that the defendant has received a pardon pursuant to Section 15-22-36 which expressly restores the defendant's right to possess a firearm as to each conviction supporting the prosecution.

(b)(1) No person who is a minor, except under the circumstances provided in this section, an habitual drunkard, or who has a drug addiction shall own a pistol or have one in his or her possession or under his or her control.

(2) A violation of this subsection is a Class A misdemeanor.

(c)(1) No person who is an alien and is illegally or unlawfully in the United States or has been admitted to the United States under a nonimmigrant visa as defined in 8 U.S.C. § 1101(a)(26), provided no exception to this subsection as listed in 18 U.S.C. § 922(y)(2) applies, shall own a pistol or other firearm or have one in his or her possession or under his or her control.

(2) A violation of this subsection is a Class C felony.

(d)(1) 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 school.

(2) A violation of this subsection is a Class C felony.

(e) School security personnel and school resource officers qualified under Section 16-1-44.1(a), 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 (d). Law enforcement officers are exempt from this section, and persons with permits issued pursuant to Section 13A-11-75, are exempt from subsection (d).

(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 or firearm by his or her parent or legal guardian, and the pistol or firearm 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 or other firearm while acting in self-defense of himself, 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) For the purposes of this section, the following terms have the following meanings:
 - (1) **CONVICTED.** a. Means a 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.
 - b. A person is not 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 his or her 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.
 - (2) **DEADLY WEAPON.** A firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and the 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.
 - (3) **MISDEMEANOR OFFENSE OF DOMESTIC VIOLENCE.** 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, step-parent, child, step-child, grandparent, step-grandparent, grandchild, step-grandchild, any person with whom the defendant has a child in common, a present or former household member, or a person who has or had a dating relationship with the defendant.
 - (4) **QUALIFIED INDIVIDUAL.** A victim as defined in Section 30-5-2 or an individual who cohabitates or has cohabited with the person.
 - (5) **SCHOOL.** A school composed of grades K-12 and shall include a school bus used for grades K-12.
 - (6) **SCHOOL RESOURCE OFFICER.** 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.
 - (7) **UNSOUND MIND.** 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:
 - a. 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, herself, or others or lacks the mental capacity to contract or manage his or her own affairs.
 - b. 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.

- c. 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.

(8) **VALID PROTECTION ORDER.** 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 either of the following:

- a. 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.
- b. 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.

(Acts 1936, Ex. Sess., No. 82, p. 51; Code 1940, T. 14, §174; Acts 1951, No. 784, p. 1378; Code 1975, §13-6-152; Acts 1994, 1st Ex. Sess., No. 94-817, §1; Act 2013-288, p. 995, §2; Act 2015-341, p. 1055, §1; Act 2023-487, §1; Act 2025-273, §1.)

Section 15-20A-17. Adult Sex Offender - Loitering in Certain Areas; Requirements for Entering K-12 School Property or Attending K-12 School Events.

(a)(1) No adult sex offender, after having been convicted of a sex offense involving a minor, shall loiter on or within 500 feet of the property line of any property on which there is a school, childcare facility, playground, park, athletic field or facility, school bus stop, college or university, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors.

(2) Under this subsection, loiter means to enter or remain on property while having no legitimate purpose or, if a legitimate purpose exists, remaining on that property beyond the time necessary to fulfill that purpose. An adult sex offender does not violate this subsection unless he or she has first been asked to leave a prohibited location by a person authorized to exclude the adult sex offender from the premises. An authorized person includes, but is not limited to, any law enforcement officer, security officer, any owner or manager of the premises, a principal, teacher, or school bus driver if the premises is a school, childcare facility, or bus stop, a coach, if the premises is an athletic field or facility, or any person designated with that authority.

(3) For purposes of this subsection, a school bus stop is any location where a motor vehicle owned or operated by or on behalf of a public or private school stops on a regular basis for the purpose of transporting children to and from school.

(b)(1) No adult sex offender, after having been convicted of a sex offense involving a minor, shall enter onto the property of a K-12 school while school is in session or attend any K-12 school activity unless the adult sex offender does all of the following:

- a. Notifies the principal of the school, or his or her designee, before entering onto the property or attending the K-12 school activity.
- b. Immediately reports to the principal of the school, or his or her designee, upon entering the property or arriving at the K-12 school activity.
- c. Complies with any procedures established by the school to monitor the whereabouts of the sex offender for the duration of his or her presence on the school property or attendance at the K-12 school activity. For a public K-12 school, the local school board shall adopt a policy to effectuate this section.

(2) Procedures established to effectuate this subsection are limited to rules that allow the principal of the school, or his or her designee, to discreetly monitor the adult sex offender.

(3) For the purposes of this subsection, a K-12 school activity is an activity sponsored by a school in which students in grades K-12 are the primary intended participants or for whom students in grades K-12 are the primary intended audience including, but not limited to, school instructional time, after school care, after

school tutoring, athletic events, field trips, school plays, or assemblies.

(c) Any person who knowingly violates subsection (a) or subsection (b) shall be guilty of a Class C felony. Act 2011-640, p. 1569, §17; Act 2014-421, p. 1537, §1; Act 2015-463, §1.)

Section 16-1-2. Inspection of buildings during and after construction; acceptance of completed construction; forms for construction contracts.

In order to eliminate the causes of school fires and other conditions which jeopardize the health and safety of school children:

- (1) The county or city superintendent of education shall notify the State Superintendent of Education within 10 days after the beginning of the construction of a building; and, upon the request of the county or city superintendent of education, the State Superintendent of Education or his agent shall inspect said building during construction for the purpose of seeing that plans and specifications upon which the contract was let are being complied with.
- (2) A county or city superintendent of education shall not recommend and a county or city board of education shall not approve for payment more than 90 percent of the contract price of the building constructed by the county or city board of education until the State Superintendent of Education or his agent has made a final inspection of said building for the purpose of seeing that the plans and specifications upon which the contract was let have been complied with in full. The State Superintendent of Education or his agent must make final inspection of a school building within 10 days after being notified by the county or city board of education that the building is ready for final inspection. When the State Superintendent of Education or his agent makes a final inspection of a building and finds that it has been completed in accordance with said plans and specifications, the State Superintendent of Education must within five days after said final inspection give the county or city board of education written notice that the building has been completed in accordance with plans and specifications. If the State Superintendent of Education or his agent in making final inspection finds that the building has not been completed in accordance with plans and specifications, the State Superintendent of Education shall not authorize acceptance of said building until it has been completed in accordance with the plans and specifications on which the contract was let or until the contractor or his bondsmen makes an adjustment satisfactory to the county or city board of education and the State Superintendent of Education. Final acceptance of a building cannot be made by a county or city board of education and the final payment of 10 percent of the contract price of such building cannot be made until the State Superintendent of Education has given written notice to the county or city board of education that said building has been completed in accordance with the plans and specifications upon which the contract was let.
- (3) Contracts for architectural services and for school building construction shall be made by county and city boards of education on contract forms prescribed by the State Superintendent of Education, into which forms the contracting parties shall write the terms and conditions of the contract agreed upon.

Representatives of the Department of Finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund shall at all times have the authority to inspect for fire hazards school buildings insured in the State Insurance Fund. Reports of said inspections shall be made to the county or city superintendent of education, the State Superintendent of Education and the Director of Finance of the State Department of Finance. If a board of education fails within 30 days to eliminate a potential fire hazard, or hazards, in a school building insured in the State Insurance Fund when notified to do so by a representative of the State Department of Finance charged with the responsibility of inspecting buildings insured in the State Insurance Fund, upon the recommendation of the State Superintendent of Education, the Director of Finance shall have the authority to order the affected building vacated and closed until said potential fire hazard, or hazards, are eliminated.

(Acts 1943, No. 254, p. 224, §1.)

Section 16-1-2.1. New school construction to include approved safe space or hallway.

- (a) Commencing on July 1, 2010, any new contract awarded for the construction of a new public school, unless the school has an Alabama Building Commission approved safe space or hallway, shall include an Alabama Building Commission approved safe space or hallway.
- (b) The State Department of Education shall coordinate with the Alabama Building Commission and develop, promulgate, and enforce any rules necessary for the implementation of this section.

(Act 2010-746, p. 1885, §1.)

Section 16-1-7. Eye protective devices for pupils and teachers participating in certain courses.

- (a) Every pupil and every teacher in the public schools shall wear industrial quality eye protective devices while participating in the following courses:
 - (1) Vocational or industrial arts, shops or laboratories involving experience with:
 - a. Hot molten metals;
 - b. Milling, sawing, turning, shaping, cutting or stamping of any solid materials;
 - c. Heat treatment, tempering or kiln firing of any metal or other materials;
 - d. Gas or electric arc welding;
 - e. Repair or servicing of any vehicle;
 - f. Caustic or explosive materials.
 - (b) Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids. The board of education or other governing authority of each school shall furnish the eye protective devices prescribed in this section free of charge to the pupils and teachers of the school participating in the courses described in subsection (a) of this section. The county board of education or other governing authority shall furnish eye protective devices to all visitors to the courses heretofore named.
 - (c) "Industrial quality eye protective devices" as used in this section shall mean devices meeting the current standards of the American Standard Safety Code for head, eye and respiratory protection, promulgated by the American Standards Association, Incorporated.

(Acts 1965, 1st Ex. Sess., No. 168, p. 219, §§1-3.)

Section 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.

(Acts 1947, No. 532, p. 388, §1.)

Section 16-1-14. Uniform System of Procedural Due Process Protections for Students Facing Long-Term Suspension or Expulsion for Violating Student Code of Conduct or State Law.

- (a) As used in this section, the following terms have the following meanings:
 - (1) **EXPULSION.** The exclusion of a student from his or her regular school environment for more than 90, and less than 180, school days, per incident, for disciplinary purposes.
 - (2) **LONG-TERM ALTERNATIVE SCHOOL PLACEMENT.** The placement of a student in alternative school for more than 15 school days, per incident, for disciplinary purposes.
 - (3) **LONG-TERM SUSPENSION.** The exclusion of a student from his or her regular school environment for more than 10, and less than 90, school days, per incident, for disciplinary purposes.
 - (4) **REGULAR SCHOOL ENVIRONMENT.** Any learning environment provided by the local board of

education, including in-school suspension and virtual school.

- (b) Each local board of education, consistent with Section 16-28-12, shall adopt rules with respect to behavior and discipline of students enrolled in the schools under its jurisdiction and, in order to enforce the rules, may remove, isolate, or separate students 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 students of the class as a whole. Any rules adopted pursuant to this section shall be approved by the State Board of Education.
- (c) Any removal, isolation, or separation authorized under this section may not deprive a student of his or her full right to an equal and adequate education.
- (d) Following an alleged student disciplinary incident or infraction, the principal, or his or her designee, may consider all of the following factors before recommending or initiating disciplinary action against a student:
 - (1) The age of the student.
 - (2) The disciplinary history of the student.
 - (3) The seriousness of the violation or behavior.
 - (4) Whether a lesser intervention would appropriately address the behavior of the student.
- (e) Following an alleged violation of the code of student conduct or an alleged violation of state law that results in a recommendation for the long-term alternative school placement, long-term suspension, or expulsion of a student, the local board of education, at a minimum, shall ensure that all of the following procedures are followed:
 - (1) The student is afforded an opportunity for a disciplinary hearing before the local board of education, or a designee of the local board of education, to determine whether the alleged violation has occurred.
 - (2) The student, and his or her parent or guardian, receive reasonable written notice of the disciplinary hearing, delivered to them personally or by mail. If the written notice is not responded to by a parent or guardian, the hearing shall be waived. The notice shall include:
 - a. A statement of the time, place, and nature of the hearing;
 - b. A short and plain statement detailing the alleged conduct, the provision of the code of student conduct or state law allegedly violated, and any recommended discipline;
 - c. A statement outlining the rights of the student at the hearing; and
 - d. An optional waiver of the disciplinary hearing indicating the parent or guardian's assent to the alleged violation or violations and to the recommended discipline.
 - (3) If a parent or guardian has responded to the notice, the disciplinary hearing shall occur within 10 school days after the initial suspension from school, unless good cause is otherwise shown or upon agreement of the parties.
 - (4) Legal counsel or another advocate of the student's choice may represent the student at the hearing at the student's expense.
 - (5) At least five days before the hearing, the student, parent or guardian, and legal counsel or advocate of the student may review any audio or video recording of the incident and, consistent with federal and state student records laws and regulations, any records, documents, or other information that may be presented as evidence at the hearing, including written statements made by witnesses related to the alleged incident leading to the suspension or expulsion.
 - (6) Representatives from the school seeking the proposed disciplinary action shall offer evidence at the hearing that the student violated the code of student conduct or state law.
 - (7) The student, parent or guardian, or legal counsel or advocate may present a defense, question adverse witnesses who are present at the hearing and offering testimony, excluding students under 14 years of age, and offer evidence, including oral testimony from supporting witnesses, written statements, other documentary evidence, and audio or video recordings at the hearing. The anonymity of witnesses shall be

protected, and witnesses may not be compelled to attend or testify in any disciplinary hearing.

(8) Each party to the hearing, upon request, shall receive an electronic or written record of the hearing from the local board of education.

(9) The student and parent or guardian of the student shall receive a written decision from the local board of education, or its designee, within five school days after the hearing. The written decision shall include, but not be limited to, all of the following information:

a. The basis for the decision, including a reference to the provision of the code of student conduct or state law that the student is accused of violating.

b. A statement detailing the information that shall be included in the official record of the student.

c. A statement detailing the right of the student to appeal the decision pursuant to the code of student conduct of the local board of education and Section 12-15-115, and notice of the procedures necessary to file an appeal.

(f) Nothing in this section shall be construed to infringe on any right provided to a student pursuant to the federal Individuals with Disabilities Education Act, Family Educational Rights and Privacy Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

(Acts 1963, No. 460, p. 995, §1; Acts 1994, 1st Ex. Sess., No. 94-793, p. 98, §1; Act 2024-262, §1.)

Section 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.

(Acts 1981, No. 81-824, p. 1466, §§ 1-6.)

Section 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.

(Acts 1982, No. 82-515, p. 849, §§1-5.)

Section 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 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 individuals 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)(1) The principal shall notify appropriate law enforcement officials when any student or school employee violates local board of education policies concerning drugs, alcohol, weapons, physical harm to an individual, or threatened physical harm to an individual.
- (2) The principal shall notify appropriate law enforcement officials immediately upon notice of any individual making a terrorist threat pursuant to Section 13A-10-241 or Section 13A-10-242.
- (3) If any criminal charge is warranted arising from the conduct described in subdivision (1) or (2), the principal may sign a warrant or complaint. If that accused individual is a student enrolled in any public school in this state, the local school system shall immediately suspend that student from attending regular classes and schedule a hearing at the earliest possible date pursuant to the due process procedures provided in Section 16-1-14. The length of the suspension shall depend on the outcome of the disciplinary hearing before the local board of education. The initiation of criminal charges against a student 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) Except as otherwise provided in subsection (e), if a student or school employee is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to an individual, or threatened physical harm to an individual, the student or school employee may not be readmitted to the public schools of this state until: (i) all criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities; and (ii) the student or school employee has satisfied all other requirements imposed by the local board of education as a condition for readmission.
- (d) Except as otherwise provided in subsection (e), any student or school employee adjudicated or convicted of a criminal offense involving drugs, alcohol, weapons, physical harm to an individual, or threatened physical harm to an individual, may not be readmitted to the public schools of this state until the student or school employee has satisfied the conditions prescribed by the local board of education for preservation of the safety or security of students and employees of the local board of education, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.
- (e)(1) If a student is charged with the crime of making a terrorist threat in the first or second degree, he or she shall be immediately suspended from attending regular classes and banned from all public K-12 school property in the state for a minimum of one year, or earlier upon the dismissal of all related criminal charges. The student may not be readmitted to the public schools of this state until: (i) all criminal charges or offenses arising from the conduct have been disposed of by appropriate authorities; (ii) the student has completed a psychiatric or psychological evaluation and counseling prescribed by the court, at the expense of the parent or guardian of the student; and (iii) the student has satisfied all other requirements imposed by the local board of education as a condition for readmission.

- (2) In addition to the recovery of damages and court costs provided in subdivision (f)(3), upon a student being adjudicated or convicted of the crime of making a terrorist threat in the first or second degree, the student shall be expelled from school, and the court shall order the student and the parent or guardian of the student to pay restitution to law enforcement, emergency medical service providers, and the local board of education for any costs incurred relating to the crime.
- (f)(1) A copy of the school system's discipline plan shall be distributed to all students enrolled in the system and their parents or guardians 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 local board of education 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) The discipline plan of a school system shall include, but not be limited to, all of the following:
- a. A parent or guardian, excluding a foster parent, responsible for the care or control of a student enrolled in a public school system shall be responsible financially for the destructive acts of the student against school property or another individual.
 - b. A parent or guardian, excluding a foster parent, responsible for the care or control of a student enrolled in a public school system may be requested to appear at the school by an appropriate school official for a conference regarding the acts of the student specified in paragraph a.
 - c. A parent or guardian, excluding a foster parent, responsible for the care or control of a student enrolled in a public school system who has been summoned by proper notification by an appropriate school official shall attend the discipline conference specified in paragraph b.
- (3) Any public school system may recover actual damages, plus necessary court costs, from the parent or guardian, or both, of any student who maliciously and willfully damages or destroys property belonging to the school system. This subdivision shall not apply to any parent whose parental control of a student has been removed by court order or decree or to any parent of an exceptional child with specific mental and physical impairments if the damage is determined to result from the impairments. The action authorized in this subdivision shall be in addition to all other actions which the school system may maintain and nothing in this subdivision shall preclude recovery in a greater amount from the student or from an individual, including the parents or guardian, or both, for damages to which the student would otherwise be liable.
- (g) The local board of education shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of each school year, 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 local board of education 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 individuals, entities, 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.
 - (h) 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.
 - (i) Nothing in this section shall be construed to prevent a local board of education from adopting more stringent rules than those adopted on the state level in order to foster and maintain a safe and drug-free environment in the public schools.
- (Acts 1991, No. 91-323, p. 602, §22; Acts 1994, 1st Ex. Sess., No. 94-784, p. 72, §1; Act 2026-367, §1.)

Section 16-1-24.2. Department of Education to Develop Statewide Violence Prevention Program.

(a) For purposes of this section, the following words and terms shall have the following meanings:

- (1) **GUIDANCE COUNSELING PROCEDURES.** Procedures providing planned, sequential activities and services designed to help all students develop skills in the areas of personal and social growth, educational planning, and career and vocational development.
- (2) **LAW-RELATED EDUCATION.** Education which provides children and youth with the knowledge and skills pertaining to the law, the legal process, school safety, and citizenship responsibilities to promote law-abiding behavior with the purpose to prevent children and youth from engaging in delinquency or violence and enable them to become productive citizens.

(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.

(Acts 1994, 1st Ex. Sess., No. 94-784, p. 72, §2.)

Section 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.

(Acts 1995, No. 95-756, 1768, §§1-4.)

Section 16-1-39. Self-administration of medications by student.

- (a) Commencing with the 2007-2008 scholastic year, each local board of education and the governing body of each nonpublic school in the state shall permit the self-administration of medications by a student for chronic conditions if conducted in compliance with the State Department of Education and State Board of Nursing Medication Curriculum, as may be amended from time to time by the department and board. Approved medications may be self-administered if the parent or legal guardian of the student provides all of the information outlined in the medication curriculum, including, but not limited to, all of the following:
- (1) Written and signed authorization for the self-administration to the chief executive officer of the school.
 - (2) Written and signed acknowledgment that the school shall incur no liability and that the parent or legal guardian shall indemnify and hold harmless the school and the employees and agents of the school against any claims that may arise relating to the self-administration of approved medications.
 - (3) Written medical authorization that includes all of the following:
 - a. The signature of the attending physician, or his or her authorized agent.
 - b. Confirmation that the student has been instructed in the proper self-administration of the approved medication.
 - c. The name, purpose, and prescribed dosage of the medications to be self-administered.
 - d. The frequency with which the prescribed medications are to be administered.
 - e. Any special instructions or circumstances under which the medications should be administered.
 - f. The length of time for which the medications are prescribed.
 - (b) All documents provided to a school pursuant to subsection (a) shall be kept on file in the office of the school nurse or chief executive officer of the school.
 - (c) The local board of education or the governing body of the nonpublic school shall incur no liability and is immune from any liability exposure created by this section.
 - (d) Permission for the self-administration of approved medications shall only be effective for the school year in which permission is granted. Permission for self-administration of approved medications may be granted in subsequent years provided all requirements of this section are satisfied.
 - (e) Upon obtaining permission to self-administer approved medications pursuant to this section, a student shall be permitted to possess and self-administer approved medications, according to the orders of the prescriber, at any time while on school property or while attending a school-sponsored event.
 - (f) Nothing in this section shall be interpreted as permitting a student to possess a controlled substance, as defined in the medication curriculum, on school property.
 - (g) An epinephrine delivery system, as defined in Section 16-1-48(c), is an approved medication for purposes of subsection (a) that may be carried on the person of and self-administered by a student.
- (Act 2003-271, p. 643, §1; Act 2007-463, p. 970, §1; Act 2019-456, §2; Act 2026-561, §1.)

Section 16-1-44. School Emergency Operations Plans.

- (a)(1) Each local board of education shall develop and adopt a comprehensive school emergency operations plan for each school under the authority of the board.
- (2) The local board or its agent shall examine the conditions and operations of each school under the authority of the local board to determine hazards to student and staff safety and shall propose changes, if needed to promote the prevention of dangerous problems and circumstances.
- (3) In developing the plan for each school, the local board or its agent shall involve community law enforcement and safety officials, including community fire and emergency management assigned to the

school.

(b)(1) The board shall incorporate into each comprehensive school emergency operations plan the following:

a. Protocols for addressing each type of serious threats to the safety of school property, students, employees, or administrators which shall include, but not be limited to: Security-related threats addressed within a school lockdown plan, fire-related threats addressed within a fire safety plan, and severe weather-related threats addressed within a severe weather safety plan.

b. A protocol for responding to emergency events that compromise the safety of school property, students, and employees.

(2) Each protocol shall include procedures for notification and responding to threats and emergency events, respectively, including such action as notification of appropriate law enforcement and emergency response personnel for assistance, and informing parents of affected students.

(3) Each comprehensive school emergency operations plan shall include and use the following four alert levels, along with set plans of notification, action, and procedures for school personnel to follow in each circumstance:

1. Heightened Awareness. This means a potential may exist for an unusual situation and all parties should have heightened awareness to react as needed.

2. Secure Your Area of Responsibility. This means a specific incident has occurred, such as a medical emergency or a threat to one's self, and school personnel shall secure their area of responsibility in order to decrease risk of further incidents.

3. Secure Perimeter. A potential threat or danger does exist or has occurred within the community or neighborhood, and all parties should be aware to react as needed.

4. Lockdown. Recognition of potential immediate danger. Take immediate action using the safest and best option for survival.

(c)(1) The board shall update the emergency operations plan whenever a major modification to the building requires changes in the procedures outlined in the plan and at other necessary times. The school emergency operations safety plan shall be reviewed and revised annually, as needed, by the local board of education in consultation with the principal, administrative staff, faculty, and employees of the school.

(2) Upon request of law enforcement or safety officials, or both, the local board shall provide a copy of the current school emergency operations plan, which shall be kept in a secure place and not considered public record.

(d) The local board shall grant access to each school under its control to law enforcement and fire department personnel to enable them to prepare for responding to threats and emergency events affecting the school.

(e) The principal or his or her designee shall instruct and train students concerning procedures to be used for emergency drills and evacuations. The principal or his or her designee shall ensure that all safety and security drills and procedures are conducted and performed no less than what is required by state or federal law, or both. The doors and exits of each school may be locked from the outside but shall allow for immediate egress by those inside the building during school hours and at all school functions. An emergency drill shall include, but not be limited to, safety, security, severe weather, fire, and school lockdown drills.

(f) In conjunction with drills or evacuations required by subsection (e), a principal or his or her designee shall instruct students in safety precautions to be taken in case of a severe weather watch, alert, or warning. A principal or his or her designee shall designate, in accordance with standards prescribed by the local superintendent of education in conjunction with local public safety officials and the fire marshal, or appropriate local fire safety official in counties that do not have a fire marshal, appropriate locations to be used to shelter students in case of a severe weather watch, alert, or warning.

(g) In the event of an immediate threat to a school involving acts of violence, such as terrorism, a person

possessing a firearm or a deadly weapon, or any other threat of violence, any person who perceives the threat, or his or her designee, may institute a lockdown alert level for the school. In addition to the requirements of subsection (e), the principal or his or her designee shall conduct a school lockdown drill during the first six weeks of the fall and spring semesters of each school year to provide students with instruction in the procedures to follow in the case of a school lockdown. The principal or his or her designee shall hold an annual training session for employees of the school regarding the school lockdown plan, drills, and procedures to be conducted during a school year. The annual training session shall include mental health awareness.

(h) Appropriate disciplinary action shall be taken against any principal or his or her designee who knowingly neglects or refuses to comply with the requirements of this section.

(i) This section shall be read in pari materia with other laws relating to school safety and emergency planning.

(Act 2009-655, p. 2015, §§1, 2; Act 2013-329, p. 1152, §1; Act 2019-533, §1; Act 2021-424, §1.)

Section 16-1-44.1. School security personnel and school resource officers.

(a) As used in this section, the following terms have the following meanings:

(1) RETIRED LAW ENFORCEMENT OFFICER. A person who was a law enforcement officer and retired in good standing from a federal, state, or local law enforcement agency with at least 20 years of law enforcement experience.

(2) SCHOOL RESOURCE OFFICER. A person who 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 the power of arrest.

(b) 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 or he or she is a retired law enforcement officer.

(2) He or she has successfully completed active shooter training approved by the Alabama State Law Enforcement Agency.

(3) He or she annually completes and passes the firearm requalification required of law enforcement officers by the Alabama Peace Officers' Standards and Training Commission.

(4) While on duty, he or she carries a non-lethal weapon and is trained in the appropriate use of that non-lethal weapon.

(c) Nothing in this section confers upon any individual the power of arrest.

(d) The State Department of Education shall adopt 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.

(Act 2013-288, p. 995, §1; Act 2019-532, §1.)

Section 16-1-44.2. Electronic Notification System.

(a) The Department of Education shall implement an electronic notification system designed to allow local schools and local school systems to input specific information relating to school delays, early releases, shelter-in-place information, as well as other emergency-related information to be compiled in one central electronic repository that is accessible by the department and the Governor.

(b) The department shall implement the electronic notification system under subsection (a) by October 1, 2017.

(c) It is the intent of the Legislature that all local schools and local school systems use the electronic notification system implemented by the department as a means of relaying information as set forth in subsection (a).

(Act 2017-401, §1.)

Section 16-1-45. Automated external defibrillator requirements.

(a) For purposes of this section, the term automated external defibrillator is given the same definition as provided in subsection (c) of Section 6-5-332.3.

(b) An automated external defibrillator shall be placed in each public K-12 school in Alabama. The superintendent of each local board of education shall designate at least one employee at each school to be trained in the use of an automated external defibrillator.

(c) The State Department of Education shall implement and administer this section and shall adopt such rules as are necessary.

(Act 2009-754, p. 2278, §1.)

Section 16-1-48. Anaphylaxis Preparedness Program.

(a) The State Department of Education shall develop an anaphylaxis preparedness program to be adopted by each local board of education and implemented in each K-12 public school commencing with the 2015-2016 scholastic year. The Alabama State Board of Pharmacy shall provide guidance, direction, and advice to the State Department of Education in developing and administering the anaphylaxis preparedness program.

(b) The anaphylaxis preparedness program shall incorporate the following three levels of prevention initiated by licensed public school nurses as a part of the health services program:

(1) Level I, primary prevention: Education programs that address food allergies and anaphylaxis through both classroom and individual instruction for staff and students.

(2) Level II, secondary prevention: Identification and management of chronic illness.

(3) Level III, tertiary prevention: The development of a planned response to anaphylaxis-related emergencies in the school setting.

(c) Each local board of education may collaborate with a physician to develop and maintain a protocol for emergency response that shall include a supply of premeasured, single dose auto injectable epinephrine on each public school campus to treat potentially life threatening allergic reactions. Single dose auto injectable epinephrine consists of a single use device used for automatic injection of a premeasured dose of epinephrine into the human body or another epinephrine system approved by the federal Food and Drug Administration for public use. Single dose auto injectable epinephrine may be self-administered at school by a student pursuant to Section 16-1-39 or may be administered or provided to school children by the school nurse, or unlicensed school personnel who have completed an anaphylaxis training program conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or other medication administration program approved by the State Department of Education and State Board of Nursing. Training may be conducted online or in person and, at a minimum, shall cover each of the following:

(1) Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis.

(2) Standards and procedures for the storage and administration of single dose auto injectable epinephrine.

(3) Emergency follow-up procedures.

(d) A school that possesses and makes available single dose auto injectable epinephrine and its employees, agents, and other trained personnel, and any person who conducts the training described in subsection (c), shall be immune from suit and not liable for any civil damages resulting from any acts or omissions in the supervision or rendering of services, care, or assistance to a student under this section, nor for any civil damages resulting from any act, or failure to act, to provide or arrange for further treatment, care, or

assistance. No information or protocols produced related to this section shall be construed to establish a standard of care for physicians or otherwise modify, amend, or supersede any provision of the Alabama Medical Liability Act of 1996, commencing with Section 6-5-540, or any amendment thereto, or any judicial interpretation thereof. Any provision of law to the contrary notwithstanding, a physician who is consulted or participates in regard to anaphylaxis-related emergencies, or develops, maintains, or is otherwise associated with, a protocol under this section, or takes any other action associated with, or related to, this section, is immune from all civil and criminal liability for any such acts.

- (e) The requirement that a supply of premeasured, single dose auto injectable epinephrine be secured and maintained on each public school campus shall only be enforced if funding is provided by the state.

(Act 2014-405, p. 1496, §1; Act 2019-456, §2.)

Section 16-1-51.1. Annalyn's Law.

- (a)(1) On or before January 1, 2019, the State Board of Education shall develop a comprehensive model policy for the supervision and monitoring of juvenile sex offender students, who have a low risk of re-offense and are enrolled, attending class, and participating in school activities with the general population of students. The purpose of the model policy is to provide a safe and secure environment for all students and staff. The model policy shall be adopted by each local board of education and implemented beginning with the 2020-2021 school year. The model policy, at a minimum, shall contain all of the following components:

- a. Application to all school property and school-sponsored functions including, but not limited to, classroom instructional time, assemblies, athletic events, extracurricular activities, and school bus transportation.
- b. An initial meeting of all parties immediately upon the enrollment of the low risk juvenile sex offender, and frequent meetings thereafter as necessary to provide for the continual monitoring of the student and a safe school environment for all. The principal and all appropriate school personnel who have received confidential notification pursuant to subdivision (1) of subsection (b) of Section 15-20A-27, in consultation with juvenile probation professionals, shall meet with the student, and the parent or guardian of the student, to create and implement an individualized student safety plan. The principal shall determine other appropriate school personnel to be included in the meetings to assist in defining school expectations. Student safety plans shall outline the responsibilities of all parties in safely managing the behavior of the student and protecting all students. The plan shall be consistent with existing disciplinary policies and procedures, student conduct policies, and mandatory reporting policies. Student safety plans shall include, but not be limited to, all of the following:
 1. An outline of conditions or limitations, or both, on the low risk juvenile sex offender concerning his or her interactions on school property and when participating in school activities.
 2. An effective procedure, developed in conjunction with school staff in consultation with the parent or guardian of the student, for communicating concerns relating to the student.
 3. Guidelines for expected intervention actions for high-risk behaviors and for reinforcing positive behaviors based on the needs of the student and the safety of all students and staff.
 4. Procedures for the continual review of each plan by staff designated by the principal and for monitoring and changing the plan on an as-needed basis by school staff.
 5. Safeguards for protecting confidential information.
- c. Continuity of information and monitoring of low-risk juvenile sex offender students over time as the students change schools and as administrators and school personnel change.
- d. Comprehensive training for school personnel to take appropriate action upon noticing an increase or escalation of those behaviors in a low risk juvenile sex offender student, both for the short and long-term safety of that student and all other students.
- e. In addition to the mandatory reporting requirements pursuant to Section 26-14-3, school personnel shall report violations of plan expectations to the principal when they occur. Upon notification, the principal, as

appropriate, shall follow the procedures and intervention actions detailed in the safety plan created pursuant to this section.

(2) When a low risk juvenile sex offender student changes schools, the principal shall notify local law enforcement and local law enforcement shall notify the principal of the new school and, where applicable, the local superintendent of education pursuant to subsection (b) of Section 15-20A-27. The principal of the prior school shall ensure that all records and safety plans pertaining to the low risk juvenile sex offender student follow the student to his or her new school. If the sex offender status or probation or parole status of the student changes, the principal shall notify the appropriate school staff as part of the safety planning of the school. The principal and school staff shall maintain confidentiality regarding these students as required by law. Any information received by a principal, school personnel, or local superintendent of education as a result of a notification is confidential and may not be further disseminated except as provided in Section 15-20A-27, and other state law and the Family Educational and Privacy Rights Act of 1994, 20 U.S.C. §1232g et seq. Any school district employee who releases information in compliance with state and federal law is immune from civil liability in accordance with Section 36-1-12.

(b)(1) The sentencing court shall have the discretion to determine whether a juvenile sex offender classified as having a moderate or high risk of reoffending should return to a public school. Upon making this determination, the court shall consult with a juvenile probation officer and the local superintendent of education to determine appropriate educational placement.

(2) Any alternative placement of a student with a disability who receives special education services shall be made in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., and its implementing regulations, 34 C.F.R. Part 300.

(Act 2018-528, §3.)

Section 16-1B-3. Limitations on Student Possession and Use of Wireless Communication Devices.

(a) Beginning with the 2025-2026 school year, no student shall use or operate any wireless communication device in any public elementary or secondary school building or on the grounds thereof during the instructional day.

(b) Beginning with the 2025-2026 school year, no student may possess a wireless communication device in any public elementary or secondary school building or on the grounds thereof during the instructional day unless the wireless communication device is turned off and stored off their person in a locker, car, or similar storage location.

(c) Notwithstanding subsections (a) and (b), a student may use, operate, or possess a wireless communication device in a public elementary or secondary school building or on the grounds thereof during the instructional day in any of the following circumstances:

(1) The use, operation, or possession is pursuant to the student's Individualized Education Program, Individualized Accommodation Plan, Section 504 Plan, or Individualized Health Plan.

(2) The use, operation, or possession is for educational or learning purposes under the supervision of local board of education personnel.

(3) The use, operation, or possession occurs during an emergency threatening the life or safety of the student or another individual.

(d) No later than July 1, 2025, each local board of education shall adopt a wireless communication device policy. The wireless communication device policy shall include consequences for violations. The local board of education shall reasonably distribute the wireless communication device policy to students, parents, faculty, staff, and the State Board of Education.

(Act 2025-386, §3.)

Section 16-1B-4. Internet Safety Policy.

(a) No later than July 1, 2025, each local board of education shall adopt an Internet safety policy that

addresses student access to the Internet on devices owned by the local board of education.

(b) The policy shall do all of the following:

- (1) Limit Internet access by students to only age-appropriate subject matters and materials deemed age-appropriate pursuant to the policy.
- (2) Provide specific procedures and other protections that prioritize the safety and security of students when using email, chat rooms, and other forms of direct electronic communication.
- (3) Prohibit access by students to unlawfully obtained data or information, including hacking, and other unlawful online activity by students.
- (4) Prohibit access to websites, web applications, or software that exposes students to the disclosure, use, or dissemination of their personal information.
- (5) Prohibit students from accessing social media platforms, except when expressly directed by a teacher solely for educational purposes.

(c) The principal shall be responsible for ensuring consistent compliance with the policy by school personnel.

(Act 2025-386, §4.)

Section 16-3-12. Rules and regulations — Generally.

The State Board of Education shall adopt rules and regulations for the proper construction of school buildings, for the sanitation of schools, for the physical examination of school children and, in conjunction with other state authorities, shall see to it that the rules relating to school health, compulsory education and child conservation are enforced.

(School Code 1927, §36; Code 1940, T. 52, §15.)

Section 16-3-41. Written Policy Requirements on Student Discipline and Education Related to Private Images and Child Sexual Abuse Material.

The State Board of Education shall require each local board of education to do all of the following before the start of the 2024-2025 school year:

- (1) Develop a written policy on student discipline and education related to the distribution of private images as defined in Section 13A-6-240, and the distribution, dissemination, public display, advertising, promoting, presenting, soliciting, possession, possession with intent to distribute, and production of child sexual abuse material as defined in Division 4 of Article 4 of Chapter 12 of Title 13A.
- (2) Include within the written policy a prohibition of private, explicit, or pornographic images generated with artificial intelligence.
- (3) Broadly disseminate the policy following its adoption.
- (4) Distribute copies of the policy to all teachers, staff, parents, and students.

(Act 2024-98, §7.)

Section 16-6B-5. School 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.

(Acts 1995, No. 95-313, p. 620, §5.)

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

(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.

(Acts 1995, No. 95-313, p. 620, §7.)

Section 16-22A-1. Short title; purpose.

This chapter shall be known and cited as the Alabama Child Protection Act of 1999. Article 1 provides the procedure for conducting criminal history background information checks on all applicants for certification, public and nonpublic applicants for employment, nonpublic current employees, and current employees under review. Article 2 provides the procedure for conducting criminal history background information checks on current public certified and noncertified employees.

(Act 99-361, p. 566, §1; Act 2002-457, p. 1171, §1.)

Section 16-22-16. Registered Nurses Required.

(a) The State Department of Education and the Alabama Institute for Deaf and Blind shall require the employment of school nurses in each local school system.

(b) There shall not be greater than five licensed practical nurses to one registered nurse within each school system. However, based upon individual circumstances, including specific medical needs and tasks which must be performed by a registered nurse as set forth in the Nurse Practice Act and the Administrative Code rules of the Alabama Board of Nursing, there may be a lower registered nurse to licensed practical nurse ratio within each school system.

(c) The allotment of school nurses shall be distributed so that each school system shall receive one registered nurse and an additional nurse or nurses or fraction of a nursing allocation based upon the average daily membership during the first 20 scholastic days after Labor Day of the preceding school year.

(d) Each local school superintendent shall designate one registered nurse for the entire school system whose responsibilities shall include annually providing a full and comprehensive assessment of all student health needs within that system. Based upon the assessment findings, the designated nurse shall make a recommendation to the local school superintendent concerning the implementation and coordination of student health needs.

(e) The State Department of Education shall employ a School Nurse Consultant, who shall be a registered nurse, to provide supervision of programs statewide and implement school nursing programs as established by the State Board of Education.

(f) At a minimum, all school nurses shall be paid according to the statewide salary schedule for school nurses which shall be included in the annual budget act for the public schools.

(g) The amounts necessary to meet the requirements of this section shall be appropriated in the annual budget act for the public schools and in the annual budget act for the Alabama Institute for Deaf and Blind. The funding for this requirement is contingent upon available revenue in the Education Trust Fund and appropriation by the Legislature.

- (h) Funding provisions of the School Nurses Act shall be met once every public school in Alabama has a school nurse and a ratio of one state-funded school nurse for every 500 pupils exists statewide.
- (i) This section shall be construed in pari materia with other laws, but to the effect that this section specifically conflicts with other laws in direct conflict with this section, then those laws or parts of laws are hereby repealed.

(Act 98-672, p. 1477, §§1, 3; Act 2009-280, p. 470, §1.)

Section 16-22-16.2. Mental Health Service Coordinator Employed by Each Local Board of Education and Independent School System; Mental Health Services.

- (a) Subject to appropriations by the Legislature, commencing with the 2023-2024 school year, each local board of education in the state shall employ a mental health service coordinator. The coordinator shall be responsible for coordinating student mental health services throughout the local school system.
- (b) An individual hired as a coordinator shall possess at least one of the following qualifications:
 - (1) Have a bachelor's degree in social work.
 - (2) Satisfy State Department of Education qualifications for a school counselor.
 - (3) Satisfy State Department of Education qualifications for a school nurse.
 - (4) Have professional mental health experience, or have been licensed in a mental health occupation including, but not limited to, licensure as a licensed professional counselor or marriage and family therapist.
 - (5) Other qualifications as determined by the Alabama Department of Mental Health and the State Department of Education.
- (c) Within one year after being hired as a mental health service coordinator, an individual shall earn a school-based mental health certificate by successfully completing a certification program developed by the Alabama Department of Mental Health.
- (d) On or before the last day of the 2021 fiscal year, and as requested thereafter, each local board of education shall complete and submit to the Alabama Department of Mental Health a needs assessment and resource map for the schools under the jurisdiction of the board. The assessment shall document the status of mental health for the entire school system and allow the local board of education to engage in a quality improvement process to improve the provision of mental health resources to students within the school system.
- (e) The Alabama Department of Mental Health and the State Department of Education may adopt rules and policies as necessary for implementation of this section.
- (f) The administration of this section shall be subject to appropriations made by the Legislature.
- (g) As used in this section, the term "local board of education" and "school system" shall include the schools or school systems provided by Chapter 1 of Title 21; Chapters 26A, 26B, and 26D of this title; and Article 4 of Chapter 1 of Title 44.
- (h)(1) For the purposes of this section: (i) "mental health services" includes services, treatment, surveys, or assessments relating to mental health, including, but not limited to, guidance counseling and any programming offered by an employee or independent contractor of a local board of education relating to mental health, suicide counseling, or bullying counseling; (ii) "parent" includes a student's parent or legal guardian, as applicable; and (iii) "imminent threat" means a known or foreseeable danger that could occur in the immediate or near future.
- (2)a. Except as provided in paragraph b., no student of a public K-12 school under 16 years of age may be allowed to participate in ongoing school counseling services including, but not limited to, mental health services, unless specific written instruction has been granted by the student's parent. For the purposes of this section, this written permission is referred to as an opt in.
- b. No school counselor or health care provider may be precluded from providing mental health services due

to:

1. An imminent threat to the health of the student or others;
 2. Suspected abuse, neglect, or exploitation; or
 3. When there is an immediate necessity for immediate grief counseling.
- (3) All local boards of education in this state shall adopt a policy concerning parent opt in for mental health services. At a minimum, each policy shall contain the following:
- a. A provision for written notification, at least annually, to parents about school provided or sponsored mental health services. The notification shall include the purpose and general description of each of the mental health services, information regarding ways parents may review materials to be used in guidance and counseling programs that are available to students, and information regarding ways parents may allow, limit, or prevent their student's participation in the programs.
 - b. A provision requiring written permission by a parent for his or her student to participate in mental health services. This written permission shall be specific as to any treatment and not broad in nature. This permission shall also be required annually and may be rescinded at any time by providing written notice to school administration.
 - c. If a parent elects to opt in to mental health services for his or her student, the counselor providing the services shall keep the parent fully informed regarding diagnosis, recommended counseling, or treatments, and the parent shall have the authority to make final decisions regarding counseling and treatments.
 - d. A provision requiring all records pertaining to mental health services to be treated as health care records and kept separately from academic records.
- (i) Nothing in this section shall limit, preclude, or prevent the provision of any health care service to a minor when the health care provider providing the service has a good faith belief that one of the following conditions exist in regard to the minor:
- (1) An imminent threat, as defined in subsection (h).
 - (2) Suspected abuse, neglect, or exploitation.
- (Act 2022-442, §1; Act 2025-455, §1.)

Section 16-22A-4. Initiation of request for criminal history background check.

Any person who wishes to initiate a request for a criminal history background check of a current employee shall be required to provide a written signed statement to the designated chief executive officer of an authorized employer containing the reasonable articulable grounds supporting a request and initiation of review.

(Act 99-361, p. 566, §4.)

Section 16-22A-5. Agencies required to conduct criminal history background information checks.

- (a) A criminal history background information check shall be conducted on all applicants seeking positions with, and on all current employees under review employed by any local employing board, and any State Department of Education personnel as determined by the State Superintendent of Education, who have unsupervised access to and provide education, training, instruction, or supervision for children in an educational setting.
- (b) A criminal history background information check shall be conducted on all applicants seeking positions with, and on all current employees and current employees under review employed by any nonpublic school, who have unsupervised access to or who provide education, training, instruction, or supervision for children in an educational setting.
- (c) No institution listed in subsection (a) or subsection (b) shall hire an individual who may have

unsupervised access to a child without first obtaining a criminal history background information check, except on a temporary emergency basis. In the event that this exception is used and a position is filled by the employer due to exigent circumstances, the applicant so employed may be placed on payroll until such time as a criminal history background information check on the employee is completed.

- (d) Nationwide criminal history background information reports for applicants for certification, certified applicants for public employment, noncertified applicants for public employment, and public current employees under review shall be sent directly from the Department of Public Safety to the State Department of Education within a reasonable time from the receipt of the report from the Alabama Bureau of Investigation.
- (e) Nationwide criminal history background information reports for nonpublic school applicants for employment, current employees, and current employees under review shall be sent directly from the Department of Public Safety to the State Department of Education within a reasonable time from the receipt of the report from the Alabama Bureau of Investigation. Thereafter, the State Superintendent of Education shall review the criminal history background information report and determine whether the applicant for employment, current employee, or current employee under review satisfies the suitability criteria for nonpublic employment. The State Superintendent of Education shall issue a suitability determination to the chief executive officer of the nonpublic school requesting the determination.
- (f) Mandatory criminal history background information checks shall be performed by the Department of Public Safety upon request by any public entity authorized to make a request and shall be forwarded to the State Department of Education. The Department of Public Safety shall provide an Alabama Bureau of Investigation criminal history background information check within a reasonable time of the receipt of such request. Criminal history background information checks shall be requested by the Department of Public Safety from the Federal Bureau of Investigation within a reasonable time of receipt of such request.
- (g) The Department of Public Safety, upon receipt of the criminal history background information report from the Federal Bureau of Investigation, shall forward such report to the State Department of Education within a reasonable time of the receipt of the report by certified mail. The fee charged for mandatory criminal history background information checks shall not exceed the statutory and regulatory amounts set under existing guidelines nor shall additional administrative fees of any kind, except for the cost of mailings, be charged which would increase the cost of the criminal history background information check. An applicant for employment and an applicant for certification are responsible for the cost of their criminal history background information check. The employer is responsible for the cost of the criminal history background information check on a current employee under review. The State Department of Education is responsible for the cost of the criminal history background information check on a nonpublic current employee, unless a court of competent jurisdiction determines that public funds may not be used for this purpose, then the employer or employee shall pay the cost. If a noncertified applicant for employment is determined by the chief executive officer of the prospective employer to be financially unable to pay the costs of a criminal history background information check, the prospective employer may pay the fee associated with the criminal history background information check.
- (h) The following persons shall obtain a signed and dated written consent to obtain criminal history background information checks for applicants, nonpublic current employees, and current employees under review who have or seek to have unsupervised access to children in an educational setting as provided in subsections (a) and (b):
 - (1) Persons designated by the public local employing board.
 - (2) Persons designated by the State Department of Education.
 - (3) Persons designated by any other nonpublic school.
- (i) Refusal by an applicant for certification, applicant for employment, nonpublic current employee, or current employee under review to sign and date a consent to obtain a criminal history background information check and to provide two acceptable sets of fingerprints shall result in the preclusion of employment or certification of the applicant for certification or applicant for employment, or the continued employment or

certification in a position requiring unsupervised access to children of the nonpublic current employee or current employee under review, until such time as written permission has been given to the local employing board, State Department of Education, or other appropriate chief executive officer to conduct the criminal history background information check.

- (j)(1) No current employee under review shall be subjected to a criminal history background information check for political or personal reasons. A review of a current employee under review, which may be conducted at any time, irrespective of whether a prior criminal history background information check has been conducted on the employee, shall be based upon reasonable suspicion.
- (2) A current employee under review shall be apprised in writing of the reasons supporting a request for a criminal history background information check, including the grounds supporting reasonable suspicion, and shall be provided the opportunity to supply additional information on his or her behalf to the employer. Any personnel action taken against the current employee under review shall be in accordance with all applicable state and federal laws as well as any adopted applicable local policies or procedures.

(Act 99-361, p. 566, §5; Act 2002-457, p. 1171, §1.)

Section 16-22A-6. Request from schools for criminal history background information check.

- (a) The State Department of Education, or other public authorized employer responsible for hiring employees who will have unsupervised access to children in an educational setting, shall request through the State Department of Education, that the Department of Public Safety secure from both the Alabama Bureau of Investigation and Federal Bureau of Investigation a criminal history background information check on each applicant for certification, certified applicant for public employment, noncertified applicant for public employment, and public current employee under review.
- (b) Any nonpublic school in which an individual may have unsupervised access to children in an educational setting, shall through its duly authorized representative under guidelines established by the nonpublic school employer, request that the Department of Public Safety secure a state criminal history background information check from the Alabama Bureau of Investigation and a nationwide criminal history background information check from the Federal Bureau of Investigation, on each applicant for nonpublic employment, nonpublic current employee, and nonpublic current employee under review.
- (c) A request to the Department of Public Safety for a criminal history background information check on an applicant for certification, applicant for employment, nonpublic current employee, and current employee under review shall be accompanied by the following:
 - (1) Two complete functional sets of fingerprints, properly executed by a criminal justice agency or an individual properly trained in fingerprinting techniques.
 - (2) In the case of public education employment, written consent from the applicant for certification, certified applicant for public employment, noncertified applicant for public employment, or public current employee under review for the release of criminal history background information to the State Superintendent of Education and a specifically designated representative of the State Department of Education authorized to make the request.
 - (3) In the case of nonpublic school employment, written consent from the applicant for employment, nonpublic current employee, or current employee under review for the release of criminal history background information to the State Superintendent of Education.
 - (4) A nonrefundable fee to be paid by the applicant or educational entity requesting the criminal history background information check which shall conform to the guidelines promulgated pursuant to 42 U.S.C. 5119, the National Child Protection Act of 1993, and state law. An applicant for employment shall not be required to pay the fee until the authorized employer is prepared to employ the applicant and request the criminal history background information check. An applicant for certification shall be required to submit two complete acceptable sets of fingerprints and the fee for the criminal history background information check at the time his or her application for certification is submitted to the State Department of Education. If two sets of acceptable fingerprints and the appropriate fee are submitted to the State Department of Education

and a criminal history background information check is not performed, the fee shall be refunded to the applicant or educational entity that paid the fee for the criminal history background information check.

(Act 99-361, p. 566, §6; Act 2002-457, p. 1171, §1.)

Section 16-22A-10. Confidentiality of information.

- (a)(1) Any criminal history background information reports received by the State Department of Education from the Department of Public Safety shall be confidential, conspicuously marked as confidential, and not further disclosed or made available for public inspection.
- (2) Any criminal history background information report received by a local employing board from the State Department of Education shall be confidential, conspicuously marked as confidential, and not further disclosed or made available for public inspection.
- (b) All criminal history background information reports are specifically excluded from any requirement of public disclosure as a public record as the Legislature finds these documents to be sensitive personnel records.
- (c) Transmittal of any criminal history background information at any time shall be accomplished in a nontransparent package, sealed, and marked confidential with instructions to be opened only by the person named on the package and authorized to receive the information pursuant to this chapter.
- (d) Without additional public disclosure, the following actions shall not be construed to violate this section:
 - (1) Showing the report of criminal history background information to the applicant for certification, applicant for employment, current employee, or current employee under review to give him or her the opportunity to challenge the report.
 - (2) Releasing the report to a court of competent jurisdiction in the event of litigation brought by the applicant for certification, applicant for employment, current employee, or current employee under review.
 - (3) Use of the information in preparation, investigation, and presentation during administrative proceedings involving revocation of certification or suitability determination brought by the State Superintendent of Education, termination by the employer, or restriction on unsupervised access to a child in an educational setting.
- (e) Any person having access to criminal history background information check reports and releasing same as provided herein, shall be required to maintain a register consistent with the National Child Protection Act of 1993, Public Law 103-209, 42 U.S.C. 5119, et seq.
- (f) Nothing in this chapter shall be construed to prohibit the distribution of employment or certification status through the National Association of State Directors of Teacher Education and Certification Educator Identification Clearinghouse.

(Act 99-361, p. 566, §10; Act 2002-457, p. 1171, §1.)

Section 16-22B-3. School Security Program; School Security and Fire Safety Fund.

- (a)(1) There is established the School Security Program. The board shall adopt rules to implement and administer the program pursuant to this chapter.
- (2) The board shall require that at least once every five years, the school facilities under the jurisdiction of each local board of education shall be inspected by at least one school security inspector to determine the compliance of the school facility and the local board of education with the school security criteria established pursuant to subsection (b).
- (b)(1) The board shall establish criteria for school security inspections. The criteria shall be established in consultation with the department's regional school safety coordinators and any other entities or individuals as determined by the board. The criteria shall include a rubric that school security inspectors must use to evaluate each school facility during an inspection. The rubric shall include, but not be limited to, standards for each of the following:
 - a. Security cameras.

- b. Alarm systems.
 - c. Locks on exterior and interior doors.
 - d. Emergency escapes.
 - e. Fire extinguishers.
 - f. Intercoms and communications equipment.
 - g. Panic buttons.
 - h. Any other physical measures used to strengthen the security of school facilities, school buses, and school grounds, including, but not limited to, criteria related to intrusion detection, fencing, and windows.
- (2) The board shall periodically review and update the criteria and rubric to ensure that both accurately reflect current best practices relating to school security.
- (c) Inspections under this chapter shall be completed by one or more school security inspectors. The board shall adopt rules relating to the selection of school security inspectors. School security inspectors shall be neutral and nonbiased individuals with some background experience relating to school security or school facilities, as determined by the board. Each school security inspector shall be certified through a state, federal, or other industry professional course relating to physical security. Upon request, the school security inspector must provide proof of his or her certification to the department, ALEA, and the State Fire Marshal. A regional school safety coordinator may not be a school security inspector but may attend school security inspections for the purposes of reviewing the accuracy and currentness of the school security criteria and rubric.
- (d)(1) Following an inspection, the school security inspector who conducted the inspection shall provide each school facility with a school security rubric rating. The school security inspector shall also provide each local board of education whose school facilities that he or she inspects with the school security rubric rating for each school facility and recommendations to improve school security.
- (2) A school security rubric rating may be assigned the color green, yellow, or red. A “green” rating shall indicate the highest level of compliance with the school security criteria, a “red” rating shall indicate serious needs, and a “yellow” rating shall indicate minor needs.
- (e)(1) The School Security and Fire Safety Fund is created within the State Treasury.
- (2)a. The board may award grants to local boards of education to assist those local boards in complying with the school security criteria established pursuant to subsection (b).
- b. The board may award grants to local boards of education to assist those local boards in complying with fire safety recommendations made by the state Fire Marshal or his or her assistants, as defined by Section 36-19-3.
- (3) A local board of education that receives a grant from the fund shall ensure that the expenditure of any grant funds will be used to improve school facilities in compliance with the state building code and rules adopted by the board, including rules related to school facilities.
- (4) The board shall develop an application form and adopt procedures for the administration of the fund, including for the development of application criteria. The board shall prioritize schools with the most need as demonstrated through the school security inspection rubric rating and local boards of education that have completed a facilities assessment through the department’s regional school safety training program.
- (5) Any monies appropriated shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4, commencing with Section 41-4-80 of Chapter 4 of Title 41, and only in the amounts provided by the Legislature in the general appropriations act or other appropriations act.
- (Act 2024-356, §3.)

Section 16-27-1. State Board of Education to prescribe rules and regulations.

The State Board of Education shall prescribe rules and regulations:

- (1) Requiring all local boards of education which provide transportation services for pupils going to and from public elementary and secondary schools of Alabama or in school-related activities, and the presidents of all state community, junior and technical colleges and directors of all state technical institutes and trade schools which provide transportation services for pupils going to and from said technical institutes and trade schools or community, junior and technical colleges to employ a competent supervisor or manager of such transportation services, whether such transportation services are provided in publicly owned or privately owned buses;
- (2) Requiring periodic safety inspection of all vehicles used for transporting pupils, whether such vehicles are publicly or privately owned;
- (3) Requiring and providing for special training and licensing of drivers of all vehicles used to transport pupils to and from school and in all school-related activities, whether such vehicles are publicly owned and operated or operated under contract with a private owner.

(Acts 1969, No. 281, p. 614, §1.)

Section 16-27-2. Transportation of community, junior and technical college, etc., students on public school buses.

- (a) A student attending a state community, junior and technical college, technical institute or trade school shall be entitled to receive transportation on a public school bus; provided, that no community, junior and technical college, technical institute and trade school bus service is available to such student, such student lives along a route usually served by a public school bus and there is space available in such public school bus for the safe transportation of additional students.
- (b) The county boards of education whose school buses are being used shall adopt such rules and regulations necessary to carry out the provisions and intent of this section.

(Acts 1966, Ex. Sess., No. 448, p. 621, §§ 1, 2.)

Section 16-27-3. Safety inspections by state school bus inspectors; reporting and remedying deficiencies; records and reports.

- (a) Safety inspections provided for in the rules hereinabove mentioned shall be made by authorized, qualified State Department of Education employees and shall be made at least once each year and more often when, in the judgment of the State Superintendent of Education, such inspections should be made. The state Director of Public Safety shall advise and consult with the State Department of Education relative to the type and manner of inspections to be made and the scheduling thereof. When a safety check by a state school bus inspector indicates that a bus does not meet the safety standards set up by the State Board of Education, the inspector shall immediately report this fact to the local board of education using such bus. The report shall define the deficiency and prescribe the immediate status of the bus regarding its use; and any bus found by the inspector to be unsafe for operation shall not be used to transport pupils until appropriate repairs have been made. Any restrictions placed on a school bus by an official inspector can be lifted only:
 - (1) When a follow-up inspection reveals that the deficiency has been removed; or
 - (2) When the local superintendent of education certifies to the State Department of Education that the prescribed repairs or corrections have been made.
- (b) Records and reports relative to such inspections and corrections shall be made on forms prescribed by the State Board of Education. Such records and reports shall be maintained on file by the local board of education for a minimum period of one year.

(Acts 1969, No. 281, p. 614, §2; Acts 1971, No. 970, p. 1727.)

Section 16-27-4. Licensing of drivers.

Regulations made pursuant to an order of the board of education requiring and providing for special training and licensing of drivers of vehicles used to transport pupils to and from school shall require an applicant for

a school bus driver's license to be the holder of a currently valid regular driver's license and to complete a minimum of 12 clock-hours of approved instruction in school bus driving and to pass satisfactorily a written examination and also a driving performance test. The written examination shall be designed by the State Superintendent of Education with the cooperation of the State Director of Public Safety and may be given to the applicant either by an employee of the State Department of Education or a state trooper or other representative of the State Department of Public Safety as the State Superintendent of Education and the director of public safety agree; but the driving performance test shall be given by a state trooper or other representative of the State Department of Public Safety. The plan for the performance test shall, however, be submitted to and approved by the State Superintendent of Education before the performance test is given. If the applicant for a school bus driver's license satisfactorily passes the test, the testing officer shall report this fact to the State Superintendent of Education and shall send a copy of such report to the local superintendent of education of the county or city where the applicant desires a job as a school bus driver.

Upon receipt of the testing officer's report of an applicant having satisfactorily passed the examinations, the State Superintendent of Education shall issue a special school bus driver's license. Such license shall be valid for one year from the date of its issuance and may be renewed annually for an additional year if the applicant attends a four clock-hour training session for school bus drivers conducted in such manner as the State Superintendent of Education prescribes. Such rules may also provide for the issuance of temporary permits or licenses for school bus drivers who have had a minimum of four clock-hours of instruction conducted by representatives of a local board of education. Holders of such temporary licenses shall only be employed for the purpose of filling vacancies which develop between scheduled training periods, and such temporary licenses shall be valid for a maximum of six months only.

(Acts 1969, No. 281, p. 614, §3; Acts 1971, No. 970, p. 1727; §1; Acts 1982, No. 82-618, p. 1170, §1.)

Section 16-27-7. Vehicle liability insurance for employees required to transport pupils.

- (a) The State Board of Education, each governing board of Alabama's public senior universities and each city and county board of education shall provide vehicle liability insurance for bus drivers or any other employee who is required to transport pupils. Said vehicle liability insurance shall cover personal liabilities for bus drivers or any other employee who is required to transport pupils. Said liability insurance shall be applicable to moving vehicular accidents only.
- (b) School boards and other agencies covered by this section shall be deemed to be in compliance with the requirements of this section by either purchasing a liability insurance policy naming drivers as insureds, or if the employing board elects not to purchase a policy, by reimbursing individual employees for amounts necessary to add "drive other car broad form liability" riders to their individual vehicle liability insurance policies, to the limits specified by the employing board or agency.
- (c) The provisions of this section shall also apply to the Alabama Department of Youth Services and the Alabama Institute for Deaf and Blind.

(Acts 1984, No. 84-191, p. 300, §§ 1, 2.)

Section 16-27-8. School buses - Crossing control arm required.

- (a) No new school bus registered in this state and purchased after August 1, 2000, to transport public and nonpublic school students shall be operated or used as a school bus within this state unless the bus is equipped with a crossing control arm on the front of the bus that conforms to equipment and installation standards promulgated by the State Board of Education pursuant to the Administrative Procedure Act, Chapter 22 of Title 41, commencing with Section 41-22-1.
- (b) Priority in the use of any new school bus equipped with a crossing arm shall be given to the transportation of elementary school students.
- (c) A crossing arm meeting the standards promulgated by the board shall be designed to swing out at least seventy inches from the front of a school bus each time the bus stops and opens its doors for school children to enter or exit the bus.

(Act 2000-701, p. 1424, §§1, 2; Act 2004-484, p. 901, §1.)

Section 16-27A-1. Short Title; Civil Enforcement of School Bus Violations Authorized.

- (a) This chapter shall be known and may be cited as the Alabama School Bus Safety Act.
- (b) Any board may authorize a process of civil enforcement of a school bus violation pursuant to the procedures set out in this chapter.
- (c) The provisions of this chapter shall not compel a governing body or board to participate in the safety program created herein.

(Act 2016-166, §1.)

Section 16-27A-2. Definitions.

The following definitions and provisions shall apply to this chapter:

- (1) **AUTOMATED DEVICE.** Any camera or recording device that uses a vehicle sensor and camera synchronized to record by photograph or video the rear of a motor vehicle approaching or overtaking a school bus that is stopped for the purpose of receiving or discharging school children in violation of Section 32-5A-154.
- (2) **BOARD.** A board of education or the governing body of a school system.
- (3) **CONTRACTOR.** A company that provides services to a board or governing body including, but not limited to, automated devices, citation processing, and collection of the civil fines. None of the activities of the contractor shall be construed as an agent providing or participating in private investigative services or acting as a statutory authority under open records laws.
- (4) **COURT.** A district court, if a school bus violation occurs in an unincorporated area or a municipal court if a violation occurs in an incorporated municipality.
- (5) **GOVERNING BODY.** A county commission, city council, or city commission.
- (6) **LAW ENFORCEMENT AGENCY.** A law enforcement agency of a local governing body, a county sheriff, the Alabama State Law Enforcement Agency, or a school system that is authorized to issue a citation for a violation of the state vehicle law or of local traffic laws or regulations.
- (7) **OWNER.** The meaning ascribed to owner in Section 32-1-1.1, except that the term shall not include a motor vehicle rental or leasing company when a motor vehicle registered by the company is being operated by another person under a rental or lease agreement with the company, in which event owner shall mean the person to whom the vehicle is rented or leased; nor shall the term include motor vehicles displaying a dealer license plate, in which event owner shall mean the person to whom the vehicle is assigned for use; nor shall the term include the owner of a vehicle that has been reported stolen to a law enforcement agency prior to the time of the violation, in which event owner shall mean the person who is found guilty of stealing the motor vehicle.
- (8) **SCHOOL BUS VIOLATION or VIOLATION.** Any violation of Section 32-5A-154.
- (9) **TRAINED TECHNICIAN.** A sworn law enforcement officer or person who has received instruction and training in the proper use of the automated photographic enforcement system to be used by the school board or contractor.

(Act 2016-166, §2.)

Section 16-27A-3. Adoption of Automated School Bus Enforcement Program; Fines.

- (a) A board may approve the use of automated devices to detect school bus violations by voting at a meeting of the board to approve the adoption of an automated school bus enforcement program.

The school board may elect to operate the program authorized in this chapter without the involvement of the governing body or sheriff through the utilization of a trained technician. In such case, all references in this chapter to governing body, county, or city shall apply to the school board.

- (b) In the alternative, if approved by a board and authorized by ordinance or resolution enacted by the governing body, the board may enter into an agreement with a contractor for the installation, operation,

notice processing, administration, and maintenance of school bus automated devices on buses within the school system's fleet whether owned or leased. Prior to entering into a contract for the installation, operation, notice processing, administration, and maintenance of school bus automated devices, the board shall have entered into an intergovernmental agreement with the appropriate law enforcement agencies, municipal police department, the Alabama State Law Enforcement Agency, and/or county sheriff, and the local governing body providing that the appropriate law enforcement agency is willing to review any violation occurring in its respective jurisdiction.

- (c) A civil fine of three hundred dollars (\$300) for each offense shall be imposed for a school bus violation for which a notice of violation is issued pursuant to this chapter. All such fines shall be paid, after deducting costs to administer, operate, and maintain the program, as follows: 40 percent to the county or municipal governing body which contracted for the operation of a school bus violation program through an intergovernmental agreement with the board pursuant to subsection (b); 40 percent to the school system where the offense was committed; 10 percent to the State Department of Education for school bus safety initiatives; and 10 percent to the Alabama State Law Enforcement Agency for highway safety enforcement.

(Act 2016-166, §3.)

Section 16-27A-4. Notice of Violation; Destruction of Images and Information.

- (a) After review of the violation by a law enforcement officer or trained technician, the governing body or contractor shall send the owner of a vehicle that has been detected by the device as being involved in a school bus violation a notice of violation by U. S. mail. A notice of violation shall be mailed no later than 14 days after being reviewed by law enforcement. In the event there is more than one owner, the notice may be issued to the first person listed on the title or other evidence of ownership, or jointly to all listed owners.
- (b) The notice of violation shall include at a minimum each of the following items of information:
- (1) The name and address of the person alleged to be liable as the owner of the motor vehicle involved in the violation.
 - (2) The license tag number of the vehicle.
 - (3) The violation charged.
 - (4) The date, time, and location where the violation occurred.
 - (5) The photographic images and the online video of the vehicle that are captured by the automated device. The image or video shall be reviewed by a law enforcement officer or trained technician who shall electronically certify the notice of violation. The image or video may not contain images of the face of the driver or passengers in the vehicle.
 - (6) The amount of the civil fine along with the time, place, and manner for payment of the fine which shall include the option to pay the fine by electronic means.
 - (7) The procedure under which the notice of violation may be contested, or the procedure and conditions under which responsibility for payment of the civil fine may be transferred to another individual who was operating the vehicle at the time of the violation.
 - (8) The date by which the local governing body must receive payment of the civil fine, receive notice by the owner that responsibility is being transferred to another, or receive notice by the owner that the notice of violation is being contested, shall be clearly and prominently stated on the notice of violation. The time may not be less than 30 days after the notice of violation is mailed.
- (c) All recorded video images and other photographic information obtained through the use of school bus violation detection monitoring systems authorized in this chapter that do not identify a violation shall be destroyed by any city, town, school system or contractor within 90 days of the date the image was recorded, unless otherwise ordered by a court of competent jurisdiction. All photographic and other recorded information that identifies a violation shall be destroyed within 30 days of final disposition of proceedings related to the enforcement or defense of a violation, unless otherwise ordered by a court of competent jurisdiction.

- (d) All photographic evidence regardless of whether it is a still photograph or video shall remain the sole property of the board and shall be available to a third party, other than the alleged violator, pursuant only to a valid court order.
- (e) Except as expressly provided, all civil actions based on evidence produced by a school bus violation detection monitoring system shall follow the procedures set out in this chapter.

(Act 2016-166, §4.)

Section 16-27A-9. Exception When Identity of Owner Cannot Be Reliably Established.

In the event the evidence produced by an automated device does not produce an image or video of the license plate with sufficient clarity for a law enforcement officer or trained technician to determine the identity of the owner, and if the identity cannot otherwise be reliably established, then no notice of violation may be issued pursuant to this chapter.

(Act 2016-166, §9.)

Section 16-28-2.2. Establishment of program by local boards to inform parents of educational responsibilities.

- (a) Local boards of education, pursuant to guidelines established by the State Board of Education, shall establish educational programs to inform parents of school children of their education-related responsibilities to their children. The programs shall include, but shall not be limited to, coverage of each of the following topics:
- (1) The criminal liability and criminal sanctions parents may be subject to under Section 16-28-12, for failing to compel their child to properly conduct himself or herself as a pupil, or for failing to ensure that their child attends school or enrolls in school.
 - (2) The necessity for a parent to monitor and supervise the school work and educational activities of the child.
 - (3) An explanation of the responsibilities of teachers and the school system to a child, and an enumeration of those matters that are strictly the responsibility of the parent.
 - (4) Techniques and suggestions to enable a parent to best supervise the school work and educational activities of the child.
 - (5) An explanation of the interrelationship of the family life of a child and the educational achievement of the child.
- (b) The State Board of Education and local boards of education shall develop strategies to ensure that parents of school children receive this information. These strategies may include provisions for weekend meetings, one-to-one conferences, telephone communications, and neighborhood meetings.
- (c) Local district attorneys and law enforcement officials shall, at the request of the local board of education, assist in the implementation and operation of this section.

(Acts 1993, No. 93-672, p. 1213, §2.)

Section 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.

- (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.
- (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.

(School Code 1927, §305; Code 1940, T. 52, §302; Acts 1993, No. 93-672, p. 1213, §1; Acts 1994, 1st Ex. Sess., No. 94-782, p. 70, §1.)

Section 16-28-13. Burden of proof on person in loco parentis.

No parent, guardian or other person having control or charge of any child shall be convicted for failure to have said child enrolled in school or for failure to send a child to school or for failure to require such child to regularly attend such school or tutor, or for failure to compel such child to properly conduct himself as a pupil, if such parent, guardian or other person having control or charge of such child can establish to the reasonable satisfaction of the court the following:

- (1) That the principal teacher in charge of said school which he attends or should attend or the tutor who instructs or should instruct said child gave permission for the child to be absent; or
- (2) That such parent, guardian or other person is unable to provide necessary books and clothes in order that the child may attend school in compliance with law, and that such parent, guardian or other person had prior to the opening of the school, or immediately after the beginning of such dependency, reported such dependent condition to the juvenile court of the county and offered to turn the child over to the State Department of Human Resources as a dependent child; or
- (3) That such parent, guardian or other person has made a bona fide effort to control such child and is unable to do so, and files in court a written statement that he is unable to control such child; or
- (4) That there exists a good cause or valid excuse for such absence; or
- (5) That such parent, guardian or other person has made a bona fide, diligent effort to secure the regular attendance of such child and that the absence was without his knowledge, connivance or consent.

A good cause or valid excuse, as used in this section, exists when on account of sickness or other condition attendance was impossible or entirely inadvisable or impracticable or when, by virtue of the extraordinary circumstances, the absence is generally recognized as excusable.

(School Code 1927, §306; Code 1940, T. 52, §303.)

Section 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.

(School Code 1927, §307; Code 1940, T. 52, §304.)

Section 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.

(School Code 1927, §314; Code 1940, T. 52, §311; Act 99-705, 2nd Sp. Sess., p. 222, §1; Act 2001-344, p. 446, §1.)

Section 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.

(School Code 1927, §315; Code 1940, T. 52, §312.)

Section 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 Alabama State Law Enforcement Agency shall deny a driver license or a learner permit for the operation of a motor vehicle to any individual under the 19 years of age who does not, at the time of application, present a diploma or other certificate of graduation issued to the individual from a secondary high school of this state or any other state, or documentation that the individual satisfies one of the following:

(1) The individual is enrolled and making satisfactory progress in a nontraditional high school diploma option program or a course leading to a general educational development certificate (GED) from a state approved

- institution or organization, or has obtained the certificate.
- (2) The individual 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 which would extend the age of eligibility for the student to apply for a driver license.
 - (3) The individual is participating in a job training program approved by the State Superintendent of Education.
 - (4) The individual is gainfully and substantially employed.
 - (5) The individual is a parent with the care and custody of a minor or unborn child.
 - (6) A physician certifies that the parents of the individual depend on him or her as their sole source of transportation.
 - (7) The individual is exempted from this requirement due to circumstances beyond his or her control as provided in this chapter.
- (b)(1) The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status and disciplinary points on a form approved by the State 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 Alabama State Law Enforcement Agency, on application for, or renewal or reinstatement of, a driver license or a learner permit to operate a motor vehicle.
- (2) Upon the request of a student seeking a fee exemption on the basis of his or her homelessness, the staff member designated to act as the local educational agency liaison for homeless children and youth, pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii), shall provide documentation that the student is a qualified student, on a form approved by the State Department of Education, for presentation to the Alabama State Law Enforcement Agency, on application for, or renewal, reinstatement, or replacement of a driver license. The term “qualified student” refers to a student who the local educational agency liaison for homeless children and youth verifies as meeting the definition of a “homeless child or youth” as provided by 42 U.S.C. § 11434a(2) and whose enrollment status and disciplinary points have been documented pursuant to subdivision (1).
- (3) Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator shall notify the Alabama State Law Enforcement Agency 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 Alabama State Law Enforcement Agency shall send notice to the licensee that his or her driver license or learner permit 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 agency 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 Alabama State Law Enforcement Agency to suspend the license of the student. If the student is applying for or renewing a driver license or a learner permit, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Alabama State Law Enforcement Agency 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 individual. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of an individual.
- (e)(1) Any individual over 14 years of age 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 license or learner permit for the operation of a motor vehicle for 180 days from the date the individual is eligible and applies for a license or permit 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 an individual as a juvenile delinquent or youthful offender where the underlying charge is a violation under Section 13A-11-72 shall be reported to the Alabama State Law Enforcement Agency.

- (2) If an individual over 14 years of age possesses a driver license on the date of conviction, the Alabama State Law Enforcement Agency, within five days of receipt of a notice of conviction from the court, shall send notice to the licensee that his or her driver 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 agency before the 30th day that the individual was not convicted of the crime. Upon the appropriate date, the agency shall suspend the license.
 - (3) Upon the written request of the individual whose license is denied or suspended, the Alabama State Law Enforcement Agency shall afford the individual an opportunity for a hearing in the same manner and under the procedure used for other driver license suspensions. If the suspension or denial of issuance determination is sustained by the Secretary of the Alabama State Law Enforcement Agency or the authorized agent of the secretary, upon such hearing, the individual may file a petition in the appropriate court to review the final order of suspension or denial by the secretary or the authorized agent of the secretary 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 Alabama State Law Enforcement Agency, 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 Alabama State Law Enforcement Agency of the conviction of an individual over 14 years of age 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 adopt necessary rules and regulations to implement this notification procedure.
- (Acts 1993, No. 93-368, p. 628, §1; Acts 1994, 1st Ex. Sess., No. 94-820, p. 138, §1; Act 2009-713, p. 2095, §3; Act 2022-300, §1; Act 2025-326, §2.)

Section 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.

(Acts 1995, No. 95-539, p. 1121, §1.)

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.

(Acts 1995, No. 95-539, p. 1121, §2.)

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.

(Acts 1995, No. 95-539, p. 1121, §3.)

Section 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.

(Acts 1995, No. 95-539, p. 1121, §4.)

Section 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.

(Acts 1995, No. 95-539, p. 1121, §5.)

Section 16-28B-1. Short title.

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

(Act 2009-571, p. 1674, §1; Act 2018-472, §1.)

Section 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.

(Act 2009-571, p. 1674, §2; Act 2018-472, §1.)

Section 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.

(Act 2009-571, p. 1674, §3; Act 2018-472, §1.)

Section 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.

(Act 2009-571, p. 1674, §4; Act 2018-472, §1.)

Section 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 nonexhaustive 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.

(Act 2009-571, p. 1674, §5; Act 2018-472, §1.)

Section 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.

(Act 2009-571, p. 1674, §6.)

Section 16-28B-7. Freedoms of speech and expression.

This chapter shall not affect the freedom of speech and freedom of expression guaranteed each student under the Constitution of the United States and the Constitution of Alabama of 1901, and other applicable statutory law provided in the Code of Alabama 1975.

(Act 2009-571, §7.)

Section 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 students 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 inservice 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.
- (Act 2009-571, p. 1674, §8; Act 2016-310, §3.)

Section 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.

(Act 2009-571, §9.)

Section 16-28C-3. Exclusion of Students from the Classroom in Certain Circumstances; Readmittance; Disciplinary Actions; Reporting Requirements.

- (a) Beginning with the 2024-2025 school year, a teacher may exclude from his or her classroom any student who does any of the following:
 - (1) Engages in disorderly conduct.
 - (2) Behaves in a manner that obstructs the teaching or learning process of others in the classroom.

- (3) Threatens, abuses, intimidates, or attempts to intimidate an education employee or another student.
 - (4) Willfully disobeys an education employee.
 - (5) Uses abusive or profane language directed at an education employee.
 - (b)(1) Any student excluded from the classroom pursuant to subsection (a) shall be placed under the control of the school principal or his or her designee, provided that the excluding teacher has followed his or her own approved classroom management plan. The excluded student may be readmitted to the classroom only after the principal, or his or her designee, provides written certification to the classroom teacher that the student may be readmitted and specifies the type of disciplinary action, if any, that was taken.
 - (2) If the principal, or his or her designee, finds that disciplinary action is warranted, he or she shall provide written and, if possible, telephonic notice of the action to the student's parent or guardian.
 - (c) If a student is excluded from the classroom pursuant to subsection (a) two times in one semester and all other reasonable means of classroom discipline have been exhausted, the student may be readmitted to the classroom only if all of the following are satisfied:
 - (1) The principal, teacher, and, if possible, the student's parent or guardian have held a conference to discuss the student's disruptive behavior patterns.
 - (2) The principal informs the teacher of any course of discipline for the student going forward.
 - (3) The student's parent or guardian has been informed of the course of discipline.
 - (d) Following a student's readmittance to the classroom pursuant to subsection (c), if the student's disruptive behavior persists, upon the teacher's request, the principal shall mete out the maximum discipline provided for by the student code of conduct for the infraction, including, but not limited to, transfer to an alternative school that is approved by the local superintendent of education.
 - (e)(1) If the student removed from the classroom pursuant to subsection (a) is in grades six through 12 and is removed for his or her disorderly conduct, interference with an orderly educational process, or obstruction of the teaching or learning process of others in the classroom, the student may not be readmitted to the referring teacher's classroom for at least the remainder of the school day. The principal must communicate with the teacher regarding the student before he or she may be readmitted to the classroom.
 - (2) A student who is excluded for the remainder of a school day pursuant to this subsection for a total of three times in one 30-day period shall receive, as determined by the principal, in-school or out-of-school suspension, or may be recommended for placement in an alternative school, if one is available within the school district.
 - (f) Beginning with the 2024-2025 school year, each local board of education shall adopt a policy establishing an appeal process that allows a teacher to appeal to the local board of education in both of the following scenarios:
 - (1) If a principal refuses to allow a student to be excluded from the classroom pursuant to this section.
 - (2) If a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom pursuant to this section.
 - (g) Each local board of education shall require each school to collect data related to any disciplinary action taken pursuant to this section. Each local board of education shall compile a report of the data collected from each school to the State Department of Education. The State Department of Education shall compile a report of the data collected from each local board of education and provide it to the Legislature no later than the first day of each regular legislative session.
- (Act 2024-409, §3.)

Section 16-28C-5. Adoption of Policies.

Beginning with the 2024-2025 school year, the State Board of Education shall adopt a model policy that reflects the requirements of this chapter. Each local board of education may adopt and implement the model

policy, or may adopt and implement another policy, provided that each local board of education shall adopt policies that meet the minimum requirements of this chapter.

(Act 2024-409, §5.)

Section 16-28C-6. Construction and Administration of Chapter.

- (a) Nothing in this chapter shall be construed to infringe on any right provided to a student pursuant to the Individuals with Disabilities Education Act (IDEA), the Family Educational Rights and Privacy Act (FERPA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990, provided that student information related to this chapter shall be included as necessary into any and all Individualized Education Plans (IEPs), behavioral intervention plans, and other similar documents.
- (b) Principals and other relevant administrators shall carry out this chapter in a manner that complies with the laws listed in subsection (a), including, but not limited to: (i) promptly carrying out manifestation determinations after misconduct; (ii) meting out discipline in accordance with the student code of conduct where misconduct is not determined to be a manifestation of disability;
- (iii) performing functional behavior assessments and adjusting behavior intervention plans as needed in a timely manner; and (iv) performing any other duties and responsibilities provided by those laws.

(Act 2024-409, §6.)

Section 16-30A-1. Short Title.

This chapter shall be known as the Alabama Safe at Schools Act.

(Act 2014-437, p. 1618, §1.)

Section 16-30A-2. Definitions.

For purposes of this chapter, the following words have the following meanings:

- (1) DELEGATION. The act of authorizing a competent individual to perform selected nursing activities supportive to registered nurses or licensed practical nurses in selected school situations as provided under this chapter, while retaining the accountability for the outcome if the delegation is to an unlicensed individual.
- (2) INDIVIDUAL HEALTH PLAN. A document that outlines health care to be provided to a student in the school setting, developed by the school nurse in conjunction with the student's parents or guardians and may contain the orders from the physician, certified registered nurse practitioner operating under a valid collaborative agreement, or physician assistant operating with a valid supervisory agreement.
- (3) SCHOOL. Any primary or secondary public school located in the state.
- (4) SCHOOL EMPLOYEE. Any person employed by a public school system located in the state.
- (5) UNLICENSED MEDICATION ASSISTANT. A school employee who is trained in accordance with this chapter, but who is not required to be a health care professional.

(Act 2014-437, §2.)

Section 16-30A-3. Training of School Employees for Care of Students with Diabetic Medical Needs.

- (a) No later than the beginning of the 2015-2016 school year, the State Department of Education, in consultation with the Alabama Board of Nursing, shall develop guidelines for the training of school employees in the care needed for students with diabetic medical needs according to the student's Individual Health Plan, the medical authorizations of which are limited to permitting the administration of injectable medications specific to his or her diabetes. No other delegation of injectable medications shall be allowed under this chapter. These guidelines shall be developed in consideration of the recommendations of the American Academy of Pediatrics, the National Diabetes Education Program, and any other appropriate published medical guidelines. Each local board of education shall ensure that diabetes training programs are provided for all school nurses and unlicensed medication assistants at

schools under its jurisdiction.

- (b) Each local school system shall ensure that the training outlined in subsection (a) is provided to unlicensed medication assistants. In consultation with the local school superintendent and in consideration of a student's Individual Health Plan related to his or her diabetic condition, the lead nurse of the school system may recommend the placement of a school nurse based on the overall health needs of that student.
 - (c) School employees shall not be required to serve as unlicensed medication assistants, nor be subject to any penalty or disciplinary action for refusing to serve as an unlicensed medication assistant. It shall be unlawful to consider a school employee's decision to serve or not to serve as an unlicensed medication assistant in any employment decision, including, but not limited to, termination, non-renewal of contract, reduction-in-force, or transfer. Furthermore, no school administrator or supervisor shall threaten, harass, or otherwise coerce a school employee into serving as an unlicensed medication assistant.
 - (d) The medical authorization allowed under this chapter shall be limited to permitting the use of injectable medications specific to diabetes.
- (Act 2014-437, p. 1618, §3.)

Section 16-30A-3.1. Attendance and Activities of Students with Certain Medical Conditions.

- (a) For the purposes of this section, the term "adrenal insufficiency" means a hormonal disorder that occurs when the adrenal glands do not produce enough hormones.
 - (b) No later than the beginning of the 2024-2025 school year, the State Board of Education, in consultation with the Alabama Board of Nursing, shall develop guidelines for the training of school employees in the necessary care for students with medical needs related to an adrenal insufficiency according to the student's Individual Health Plan. The medical authorizations earned from the training shall be limited to permitting the administration of injectable medications specific to the adrenal insufficiency of the student. The guidelines shall be developed in consideration of the recommendations of the American Academy of Pediatrics and other appropriate published medical guidelines relating to adrenal insufficiency, as approved by the State Board of Education and the Board of Nursing. Each local board of education shall ensure that adrenal insufficiency training programs are provided for all school nurses and unlicensed medication assistants at schools under its jurisdiction.
 - (c)(1) The lead nurse of a school system, in consultation with the local superintendent of education, may recommend that school nurses be placed at particular schools based on the Individual Health Plans of students with adrenal insufficiency and the overall health needs of students.
 - (2) Each local board of education shall ensure that each student in the school system with an adrenal insufficiency receives appropriate care as specified in his or her Individual Health Plan.
 - (d) No school employee shall be required to serve as an unlicensed medication assistant or be subject to any penalty or disciplinary action for refusing to serve as an unlicensed medication assistant. The decision of a school employee to serve or not to serve as an unlicensed medication assistant may not be considered in any employment decision including, but not limited to, termination, non-renewal of contract, reduction-in-force, or transfer. No school administrator or supervisor shall threaten, harass, or otherwise coerce a school employee into serving as an unlicensed medication assistant.
 - (e) The parent or guardian of each student who is identified as having an adrenal insufficiency shall submit an order to be considered in the development of the student's Individual Health Plan pursuant to Section 16-30A-4.
 - (f) A private K-12 school may provide training for employees and care for students who have an adrenal insufficiency in accordance with this chapter.
- (Act 2023-75, §1)

Section 16-30A-5. Appropriate Care for Students Under Individual Health Plan; Availability of Nurse or Medication Assistant.

- (a) The local board of education shall ensure that each student in the school or system with a diabetic condition or an adrenal insufficiency receives appropriate care as specified in his or her Individual Health Plan.
- (b) The school nurse or a trained unlicensed medication assistant, to the extent required by the student's Individual Health Plan, shall be on site and available to provide care to each student with diabetes or an adrenal insufficiency during regular school hours and school-sponsored before school and after school care programs, during field trips, extended off-site excursions, extracurricular activities in which the student is a direct participant, and on buses when the bus driver is not a trained unlicensed medication assistant.

(Act 2014-437, p. 1618, §5; Act 2023-75, §2.)

Section 16-30A-6. Training and Supervision of School Employees Becoming Unlicensed Medication Assistants.

Notwithstanding any other provision of law, a licensed health care professional may provide training and supervise school employees becoming unlicensed medication assistants who may also be providing care and performing tasks pursuant to this chapter in the activities set forth in Section 16-30A-5.

(Act 2014-437, p. 1618, §6.)

Section 16-30A-7. Attendance and Activities of Students with Diabetes.

- (a) For the purposes of this section, the term "medical condition" refers to a diabetic condition or an adrenal insufficiency.
- (b) A student with a medical condition in public school may attend the school the student would otherwise attend if the student did not have that medical condition, and the medical care specified in

Section 16-30A-5 shall be provided at the school. A school system may not restrict a student who has a medical condition from attending any school on the basis of that medical condition, that the school does not have a full-time school nurse, or that the school does not have trained unlicensed medication assistants. A student with a medical condition may participate in extracurricular and co-curricular activities to the same extent as a student without a medical condition. In addition, a school shall not require or pressure parents or guardians to provide care for a student with a medical condition at school or at school-sponsored activities in which the student is a direct participant as set forth in Section 16-30A-5. However, if the parent or guardian of a student with a medical condition does not supply the medication, the order from a physician, certified registered nurse practitioner operating under a valid collaborative agreement, or physician assistant operating under a valid supervisory agreement, supplies, or a signed parental and prescriber authorization, the parent or guardian shall be responsible for providing medical care to the student at school or at school-sponsored activities in which the student is a direct participant.

(Act 2014-437, p. 1618, §7; Act 2023-75, §2.)

Section 16-30A-8. Other Medical Conditions Requiring Supervision or Specialized Services.

Notwithstanding any other provision of this chapter, a student with a medical condition, other than or in addition to diabetes, requiring supervision or other specialized services may be assigned to a school in accordance with the student's Individual Health Plan.

(Act 2014-437, p. 1618, §8.)

Section 16-30A-9. Liability of School Employees.

A school employee shall be immune from suit and not liable for any civil damages as a result of his or her acts or omissions in the supervision or rendering of services, care, or assistance to a student under this chapter, nor shall he or she be liable for any civil damages as a result of any act, or failure to act, to provide

or arrange for further treatment, care, or assistance.

(Act 2014-437, p. 1618, §9.)

Section 16-30C-1. Short Title.

This chapter may be known and shall be cited as the Seizure Safe Schools Act.

(Act 2021-519, §1.)

Section 16-30C-2. Seizure Management and Treatment Plans.

(a) Commencing with the 2022-2023 school year, the parent or guardian of a student who has a seizure disorder and is enrolled in and attending a public K-12 school may seek care for the student's seizures while the student is at school or is participating in a school-sponsored activity by collaborating with school personnel and the applicable local board of education to ensure a seizure management and treatment plan is included in the student's individual health plan. The seizure management and treatment plan shall be submitted to and reviewed by the lead nurse employed by the local board of education at all of the following times:

- (1) Before or at the beginning of the school year.
- (2) Upon enrollment of the student, if the student enrolls in a school after the beginning of the school year.
- (3) As soon as practicable following a diagnosis of a seizure disorder for the student.

(b) A seizure management and treatment plan shall include all of the following:

- (1) A list of the health care services the student may receive at school or while participating in a school sponsored activity.
- (2) A list of prescribed medications the student may receive including the name and purpose of the medication, the prescribed dosage, the route of administration, the frequency that the medication may be administered, and the circumstances under which the medication may be administered.
- (3) An evaluation of the student's level of understanding and ability to manage his or her seizures.
- (4) The signature of the student's parent or guardian.
- (5) The name and address of the physician responsible for the student's seizure treatment.

(Act 2021-519, §1.)

Section 16-30C-3. Administration of Seizure Disorder Medication by Unlicensed Medication Assistant.

With consent of the parent or guardian, a local board of education may provide for an unlicensed medication assistant, who is a school employee trained in accordance with this chapter, but not required to be a health care professional, to administer to a student seizure disorder medication provided for in the student's individual health plan.

(Act 2021-519, §1.)

Section 16-30C-4. Development of Training Guidelines for Care of Students with Medical Needs Relating to Seizure Disorders; Training Programs.

(a) The State Department of Education shall develop guidelines, subject to approval by the Alabama Board of Nursing, for the training of school employees regarding the care needed for a student with medical needs relating to seizure disorder according to the student's seizure management and treatment plan, the medical authorizations of which are limited to permitting the administration of medications specific to his or her seizure disorder. These guidelines shall be developed in conjunction with the recommendations of the American Academy of Pediatrics, the Epilepsy Foundation or its successor, and any other appropriate published medical guidelines. Each local board of education shall ensure that epilepsy and seizure disorder training programs are provided for all school nurses and unlicensed medication assistants at schools under its jurisdiction.

- (b) Training programs may be provided in-person or online and shall include instruction for school nurses regarding managing students with seizure disorders, information about seizure recognition, and related first aid. This information may be included in general student health training programs provided to all school personnel. A local board of education may approve an in-person or online course of instruction provided by a nonprofit national foundation that supports the welfare of individuals with epilepsy and seizure disorders. An in-person or online course of instruction approved by a local board of education shall be provided by the nonprofit entity free of charge.
- (c)(1) Each local board of education shall ensure that the training outlined in this section is provided to unlicensed medication assistants. In consultation with the local school superintendent and in consideration of a student's individual health plan related to his or her seizure disorder condition, the lead nurse of the school system may recommend the placement of a school nurse based on the overall health needs of that student.
- (2) Each local board of education shall provide annually a list of the school employees trained to administer seizure disorder medications to each parent or guardian of a student with a seizure disorder, each student, and all other employees of the local board of education. The local board of education shall thereafter publish and maintain a list on the local board of education's website.
- (d) A school employee shall not be required to serve as an unlicensed medication assistant, nor be subject to any penalty or disciplinary action for refusing to serve as an unlicensed medication assistant. It shall be unlawful to consider a school employee's decision to serve or not to serve as an unlicensed medication assistant in any employment decision including, but not limited to, termination, nonrenewal of contract, reduction in force, or transfer. No school administrator or supervisor shall threaten, harass, or otherwise coerce a school employee into serving as an unlicensed medication assistant.
- (e) The Alabama Board of Nursing shall retain the sole authority to adopt rules to permit delegation of limited nursing tasks by licensed nurses to trained, unlicensed assistive personnel and to implement this chapter.
- (f) The medical authorization allowed under this chapter shall be limited to permitting the use of medications specific to seizure disorders. Under no circumstance shall rectal or vaginal suppositories be administered by anyone other than a licensed nurse.
- (Act 2021-519, §1.)

Section 16-30C-5. Liability of School Employees.

- (a) A school employee shall be immune from civil liability or criminal liability as a result of his or her acts or omissions in the supervision or rendering of services, care, or assistance to a student pursuant to this chapter or for any act, failure to act, or in the provision or arrangement for further treatment, care, or assistance unless the school employee acts willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law.
- (b)(1) This chapter does not create any supervisory authority between physicians creating seizure management and treatment plans and the school's execution of those plans. A physician shall not be subject to criminal or civil liability for the acts or omissions of school employees and officials in carrying out a seizure management and treatment plan, and shall also not be subject to vicarious liability.
- (2) Nothing in this chapter shall be construed to establish a standard of care for physicians or otherwise modify, amend, or supersede any provision of the Alabama Medical Liability Act of 1987, the Alabama Medical Liability Act of 1996, or any amendment or judicial interpretation thereof.
- (Act 2021-519, §1.)

Section 16-30C-6. Rulemaking Authority.

Not later than March 1, 2022, the State Department of Education and the State Board of Nursing shall adopt rules to implement and administer this chapter.

(Act 2021-519, §1.)

Section 16-30D-1. Short Title.

This article shall be known and may be cited as the Tyrell Spencer Act.

(Act 2023-235, §1.)

Section 16-30D-2. Definitions.

For the purposes of this article, the following terms have the following meanings:

(1) AHSAA. The Alabama High School Athletic Association.

(2) AISA. The Alabama Independent School Association.

(3) ATHLETIC ACTIVITY.

a. This term includes any of the following activities:

1. Interscholastic athletics at any school.

2. Any athletic contest or competition other than interscholastic athletics that is sponsored by or associated with a school, including club-sponsored sports activities.

3. Competitive or noncompetitive cheerleading that is sponsored by or associated with a school.

4. Any practices, including interscholastic practices or scrimmages for any activities listed in this paragraph.

b. This term does not include any recreational sports activity that is not associated with a school, including a city or county recreational youth sports league.

(4) BOARD. The State Board of Education.

(5) SCHOOL. Any public or private K-12 school.

(6) STUDENT ATHLETE. A student who is enrolled in a K-12 school and participates in any athletic activity.

(Act 2023-235, §2.)

Section 16-30D-3. Adoption of Guidelines; Cardiac Arrest Symptoms and Warning Signs Information Sheet.

(a) The board shall adopt guidelines to inform and educate student athletes, parents, and coaches about the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to participate in or practice an athletic activity after experiencing symptoms, as outlined by the required training.

(b) The board shall develop a cardiac arrest symptoms and warning signs information sheet to be provided to each student athlete participating in an athletic activity. Beginning with the 2024-2025 school year, before any student athlete may participate in any athletic activity, the student athlete and his or her parent or guardian shall sign and return to the student athlete's school an acknowledgement form acknowledging their receipt and review of the information sheet. The acknowledgment form shall be developed by the AHSAA for its member schools and the AISA for its member schools. As part of the student athlete's eligibility requirements, a new acknowledgment form shall be signed and returned to the applicable school at the beginning of each school year in which the student athlete intends to participate in an athletic activity. Each acknowledgment form shall be kept in the school's online eligibility software program.

(c) In developing guidelines and materials, the board may use educational materials created by Simon's Heart for the purpose of educating student athletes, parents, and coaches about sudden cardiac arrest.

(d) The board, the AHSAA, and the AISA shall post any guidelines or materials developed pursuant to this article on the publicly accessible website of the entity.

(Act 2023-235, §3.)

Section 16-30D-4. Informational Meetings.

Each local board of education may hold an informational meeting for student athletes, parents, coaches, and other school officials prior to the start of each athletic season regarding the symptoms and warning signs of

sudden cardiac arrest. Informational meetings may include, but are not limited to, presentations from physicians, pediatric cardiologists, and athletic trainers.

(Act 2023-235, §4.)

Section 16-30D-5. Cardiac Arrest Training Course.

(a)(1) Beginning with the 2024-2025 school year, once every two years, each coach of any athletic activity shall complete a cardiac arrest training course provided by the AHSAA for its member schools and by the AISA for its member schools. The training shall be approved by the board, and may include the course produced by Simon's Heart and made available through the National Federation of State High School Associations.

(2) The training shall be in correlation with any other training required by the relevant school association related to cardiopulmonary resuscitation (CPR) and automated external defibrillators (AEDs).

(b) A coach of any athletic activity may not be eligible to coach in any practice or competition until he or she has completed the training course required under this section.

(Act 2023-235, §5.)

Section 16-30D-6. Removal of Student Athlete Exhibiting Certain Identifiable Symptoms.

(a) An athletic trainer, coach, or other responsible party may remove any student athlete who, during any athletic activity, exhibits any symptoms identifiable by the required training if the trainer, coach, or other responsible party reasonably believes that the student athlete's symptoms are cardiac related. If a student athlete is removed from an athletic activity for the reason described in this subsection, an athletic trainer, coach, or other responsible party who observed the student athlete exhibit the symptoms shall attempt to notify the student athlete's parent or guardian of those symptoms.

(b) A student athlete who is removed from participation in an athletic activity pursuant to this section may not be permitted to return to play until he or she has been evaluated by a licensed physician and receives written clearance to return to play from the licensed physician.

(Act 2023-235, §6.)

Section 16-30D-8. Availability of Automated External Defibrillator.

The Legislature encourages the availability of an automated external defibrillator (AED) within three minutes retrieval time at any athletic activity.

(Act 2023-235, §8.)

Section 16-30D-20. Short Title; Definitions.

(a) This article shall be known and may be cited as the John Wesley Foster Act.

(b) For the purposes of this article, the following terms have the following meanings:

(1) **ATHLETIC ACTIVITY.** The same meaning as Section 16-30D-2.

(2) **AUTOMATED EXTERNAL DEFIBRILLATOR or AED.** A lightweight, portable device that delivers an electric shock through the chest to the heart which can potentially stop an irregular heartbeat and allow a normal rhythm to resume following sudden cardiac arrest.

(3) **CARDIAC EMERGENCY RESPONSE PLAN.** A written document that establishes the specific steps to reduce death from cardiac arrest in a particular setting.

(4) **HIGH-NEEDS SCHOOL.** A school that meets at least one of the following criteria:

a. A school where at least 50 percent of the students are eligible to receive free and reduced priced meals.

b. A school that provides meals to all students through the Community Eligibility Provision.

c. A Title I school.

(5) **SCHOOL.** A public or nonpublic preK-12 school.

(6) SUDDEN CARDIAC ARREST. A heart malfunction in which the heart stops beating unexpectedly and, if left untreated, may quickly result in death.

(Act 2024-392, §1.)

Section 16-30D-21. Development and Implementation of Cardiac Emergency Response Plans.

(a) Beginning with the 2025-2026 school year, each local board of education and governing body of a nonpublic school shall develop and implement both of the following:

- (1) A cardiac emergency response plan that addresses the appropriate use of personnel to respond to incidents of sudden cardiac arrest or other similar life-threatening emergencies that occur on school property.
- (2) If the local board of education or the governing body of a nonpublic school oversees a school with an athletic department or organized athletic program, a cardiac emergency response plan that addresses the appropriate use of personnel to respond to incidents of sudden cardiac arrest or other similar life-threatening emergencies that occur while an individual attends or participates in any athletic activity on school property.

(b) Each cardiac emergency response plan shall include, but not be limited to, each of the following:

- (1) Recommendations relating to the development of a cardiac emergency response plan by the American Heart Association or another entity that provides nationally recognized and evidence-based guidelines based on emergency cardiovascular care.
- (2) The establishment of a cardiac emergency response team.
- (3) The implementation and maintenance of ongoing staff training related to cardiopulmonary resuscitation (CPR) and the use of an AED, as provided in subsection (c).
- (4) Procedures related to the activation of the cardiac emergency response team in response to an incident of sudden cardiac arrest.
- (5)a. Appropriate AED placement on school property in accordance with the guidelines set by the American Heart Association or another entity that provides nationally recognized and evidence-based guidelines based on emergency cardiovascular care, including routine maintenance.

b. AED placement at sporting events and sporting venues, as required by subsection (d).

(6) Procedures to disseminate the cardiac emergency response plan on school property.

(7) The creation of requirements relating to the practice of an emergency response, including drills.

(8) Procedures and standards for the ongoing annual review and evaluation of the cardiac emergency response plan.

(c) Appropriate school staff shall be trained in first aid, CPR, and the use of an AED according to the guidelines set forth by the American Heart Association or another entity that provides nationally recognized and evidence-based guidelines based on emergency cardiovascular care. The term “appropriate school staff” shall be defined in each cardiac emergency response plan and shall include, but not be limited to, licensed coaches, school nurses, and athletic trainers.

(d) An AED shall be clearly marked and easily accessible to anyone at:

- (1) Each athletic event space on school property, including, but not limited to, stadiums, athletic fields, gymnasiums, practice fields, and weight rooms when students, athletes, or staff are present; and
- (2) Any school-sponsored athletic event or athletic practice in which students are participating.

(e) Each local board of education and governing body of a nonpublic school shall work directly with local emergency services providers to develop the cardiac emergency response plan and integrate it into the community’s emergency medical services responder protocols.

(Act 2024-392, §2; Act 2025-347, §1.)

Section 16-30D-22. Rulemaking Authority.

The State Board of Education may adopt rules establishing a procedure to monitor adherence to this article by local boards of education and governing bodies of nonpublic schools.

(Act 2024-392, §3.)

Section 16-40A-3. Minimum Contents to Be Included in Drug Education Program or Curriculum; Instruction Related to Fentanyl Prevention and Drug Poisoning Awareness.

(a) Any program or curriculum in the public schools of this state that includes drug education or instructs on the use of drugs or alcohol, at a minimum, shall include all of 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, at a minimum, clearly prohibit 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) Research-based instruction related to fentanyl prevention and drug poisoning awareness pursuant to subsection (b).
- (5) 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.

(b) Commencing with the 2024-2025 school year, each local education agency shall annually provide research-based instruction related to fentanyl prevention and drug poisoning awareness to students in grades six through 12 in a manner comparable to instruction provided for other drug and alcohol education and prevention programs.

(1) The instruction required by this subsection shall include all of the following:

- a. Prevention of the abuse of and addiction to fentanyl.
- b. Awareness of local school and community resources and any processes involved in accessing those resources.
- c. Health education that includes information about substance use and abuse, including youth substance use and abuse.

(2) The instruction required by this subsection may be provided by an entity or an employee or agent of an entity selected by the local education agency that is:

- a. A public or private institution of higher education.
- b. A library.
- c. A community service organization.
- d. A religious organization.
- e. A local public health agency.
- f. An organization employing mental health professionals.
- g. An employee of the local education agency.

(Acts 1992, No. 92-590, p. 1216, §3; Act 2024-221, §2.)

Section 16-40-9. Instruction for Avoiding Child Sexual Abuse.

- (a)(1) The Legislature recognizes that Erin Merryn was raped and molested for six and a half years by a neighbor and a family member. She began a crusade her senior year of high school in 2004 to end the silence and shame around sexual abuse. Erin's Law has been adopted in a number of states to help address the problem of child sexual abuse.
- (2) The intent of Erin's Law is to shatter the silence and stigma around child sexual abuse, and to educate children and empower them to recognize and to report abuse.
- (3) The Legislature finds that without a specific initiative like Erin's Law, schools generally fail to give young students adequate awareness and a voice in this issue.
- (b) The Governor's Task Force on Prevention of Sexual Abuse of Children created under subsection (c) shall adopt guidelines for a child sexual abuse prevention instructional program. The guidelines shall:
 - (1) Educate children in grades pre-kindergarten through 12 in public schools on child sexual abuse prevention through age appropriate curriculum through role plays, discussions, activities, and books.
 - (2) Give children the knowledge and encouragement to speak up and tell if anyone has ever touched them inappropriately, rather than keep it a secret.
 - (3) Educate children on safe touch, unsafe touch, safe secrets, and unsafe secrets, and how to get away from an abuser and report an incident immediately.
- (c)(1) There is created the Governor's Task Force on Prevention of Sexual Abuse of Children.
- (2) Members of the task force shall include the following:
 - a. Eight members appointed by the Governor representing the eight regional school board districts and reflecting the racial, ethnic, gender, and age diversity of the state. The appointees shall be actively involved in the fields of child abuse and neglect prevention and child welfare.
 - b. One member appointed by the State Superintendent of Education.
 - c. One member appointed by the Commissioner of the Department of Human Resources.
 - d. One member appointed by the Executive Director of the Children's Trust Fund.
 - e. The House Education Policy Committee Chair, or his or her designee.
 - f. The Senate Education and Youth Affairs Committee Chair, or his or her designee.
- (3) The task force shall make recommendations for decreasing the incidence of sexual abuse of children in this state. In making recommendations, the task force shall do all of the following:
 - a. Gather information regarding sexual abuse of children throughout the state.
 - b. Receive related reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations.
 - c. Create goals for state education policy that would enhance the prevention of sexual abuse of children.
 - d. Create goals for other areas of state policy that would enhance the prevention of sexual abuse of children.
 - e. Submit a report with its recommendations to the Governor and the Legislature by December 31, 2015.
- (4) Recommendations by the task force may include proposals for specific statutory changes and methods to foster cooperation among state agencies and between the state and local governments.
- (5) At the call of the Governor, the task force shall convene its first meeting and by majority vote of the members present elect a chair and co-chair. Subsequent meetings shall be at the call of the chair.
- (6) Members of the task force shall serve without compensation and shall not receive expense reimbursement.
- (d) All K-12 public schools shall establish a child sexual abuse prevention instructional program for students in grades consistent with subsection (b). The content of instruction shall be at the discretion of the local board; provided that, at a minimum, the instruction shall include all of the following:

- (1) Techniques to teach children to recognize child sexual abuse, equip them with skills to reduce their vulnerability, and encourage them to report the abuse.
 - (2) At least four sessions of instruction to reinforce the concepts learned in the program.
 - (3) Sessions conducted at least annually, building on skills learned in the previous years.
 - (4) Developmentally appropriate instruction for each grade level.
 - (5) Involvement of students as active learning participants, including discussions, modeling, and role playing.
 - (6) The capacity to be delivered by a wide range of personnel and professionals, including teachers, school counselors, and outside agency prevention educators; provided that the personnel and professionals should have a thorough knowledge of child sexual abuse, including how to respond appropriately to child sexual abuse disclosures.
 - (7) An evaluation component with measurable outcomes.
 - (8) Instruction that is culturally sensitive and adaptable for use within varying school contexts, including age, race, and special needs.
 - (9) An evidence-based curriculum, to the extent possible.
 - (10) A professional training component for administrators, teachers, and other school personnel on talking to students about child sexual abuse prevention, effects of child sexual abuse on children, handling of child sexual abuse disclosures, and mandated reporting.
 - (11) A component that encourages parental involvement within the child sexual abuse prevention program. This component shall inform parents about child sexual abuse topics, including characteristics of offenders, grooming behaviors, and how to discuss this topic with children.
- (Act 2015-456, §§1, 2.)

Section 16-41-1. Short Title.

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

(Acts 1971, No. 1934, p. 3122, §1.)

Section 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.

(Acts 1971, No. 1934, p. 3122, §2.)

Section 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.

(Acts 1971, No. 1934, p. 3122, §3.)

Section 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.

(Acts 1971, No. 1934, p. 3122, §4.)

Section 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.

(Acts 1971, No. 1934, p. 3122, §7.)

Section 16-41A-1. Vaping Awareness, Education, and Prevention Programs; Adoption of Policies.

- (a) On or before September 1, 2025, the State Board of Education shall adopt a model policy for the establishment of a vape awareness, education, and prevention program to prohibit the possession and use of prohibited tobacco, tobacco products, electronic nicotine delivery systems, e-liquids, and alternative nicotine products by students in public K-12 schools.
- (b) On or before November 1, 2025, each local board of education shall adopt a policy that, at a minimum, contains the criteria established in the model policy adopted by the State Board of Education.
- (c) The model policy adopted by the State Board of Education, at a minimum, shall contain all of the following:
 - (1) A statement prohibiting the possession or use of tobacco, tobacco products, electronic nicotine delivery systems, e-liquids, and alternative nicotine products, as those terms are defined under Section 28-11-2, by any student at a public K-12 school, on a school bus, or at any school-sponsored function.
 - (2) A series of graduated consequences for any student who violates the policy by possessing or using tobacco, tobacco products, electronic nicotine delivery systems, e-liquids, or alternative nicotine products as prohibited by this section. Graduated consequences may include, but are not limited to: (i) Notification of the student's parent or guardian; (ii) required participation in a vaping awareness, education, and prevention class; (iii) in-school suspension, out-of-school suspension, or alternative school; (iv) referral of the matter to the juvenile court for disposition pursuant to Section 28-11-13(d); or (v) any combination of the foregoing. Graduated consequences shall conform with applicable disability, antidiscrimination, and education laws and school discipline policies.
- (3) A model complaint form and procedure for reporting violations of this section. An anonymous report may

not be the basis of imposing formal disciplinary action against a student.

- (4) A procedure for the prompt investigation of reports of serious violations and complaints, specifying that the principal, assistant principal, or school resource officer is the individual responsible for the investigation.
- (5) A response procedure for a school to follow upon confirmation of the possession or use of tobacco, tobacco products, electronic nicotine delivery systems, e-liquids, or alternative nicotine products as prohibited by this section.
- (6) A procedure for publicizing local school board policy through publication in the student handbook, including providing notice that the policy applies to behavior occurring on school property, school buses, and at school-sponsored functions.
- (7) A statement prohibiting the use of tobacco, tobacco products, electronic nicotine delivery systems, e-liquids, and alternative nicotine products, as those terms are defined under Section 28-11-2, by any teacher, administrator, or other school employee on the campus of any public K-12 school.
- (d) The State Department of Education shall coordinate with the Drug Education Council to develop a vaping awareness, education, and prevention class based on curriculum established by the Drug Education Council. The content of the class shall be approved by the State Board of Education. The department shall make the curriculum available to each local board of education through the local superintendent of education.
- (e) The policy adopted by each local board of education shall be included in the code of conduct policy of the local board of education and included in the student handbook.

(Act 2025-403, §3)

Section 21-7-4. Right of person with a disability to be accompanied by service animal.

- (a) For the purposes of this section, the term service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.
- (b) Every person with a disability, including a person who is totally or partially blind, hearing-impaired, or diagnosed on the autism spectrum shall have the right to be accompanied by a service animal in any public place, including a public or private school, and any of the places listed in Section 21-7-3. The person may not be required to pay an extra charge for the service animal.
- (c) The work or tasks performed by a service animal must be directly related to the handler's disability.
- (d) A person training a service animal shall be entitled to the same privileges granted to a person with a disability pursuant to subsection (b).
- (e) In the case of a disabled child, including a child diagnosed on the autism spectrum, any aide assigned to assist the child shall be trained with the service animal in basic commands in order to assist the child as a team.
- (f) This section does not relieve a person accompanied by a service animal from liability for any damages done to the premises or facilities by the service animal.

(Acts 1975, No. 869, p. 1711, §2; Acts 1982, No. 82-527, p. 877, §1; Act 99-698, 2nd Sp. Sess., p. 298, §1; Act 2001-344, p. 446, §1; Act 2011-578, §1.)

Section 22-11E-2. Athletic head injury safety training.

Each local school system and governing body of each sport or recreational organization shall develop guidelines and other pertinent information and forms to inform and educate youth athletes and their parents or guardians in their program of the nature and risk of concussion and brain injury, including continuing to play after a suspected concussion or brain injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete and the athlete's parent or guardian prior to the youth athlete's initiating practice or competition.

- (a) Each local school system and sports or recreational organization governing body shall ensure that coaches receive annual training to learn how to recognize the symptoms of a concussion and how to

seek proper medical treatment for a person suspected of having a concussion.

- (b) Each local school system and sports or recreational organization shall establish by rule the requirements of the training which shall be provided by using designated resources to the extent practicable and timelines to ensure that, to the extent practicable, every coach receives the training before the beginning of practice for the school athletic team.
- (c) A youth athlete who is suspected of sustaining a concussion or brain injury in practice or a game shall be immediately removed from participation and may not return to play the day of the injury and until he or she is evaluated by a licensed physician and receives written clearance to return to play from a licensed physician.

(Act 2011-541, p. 989, §2; Act 2012-314, §1.)

Section 26-14-3. Mandatory Reporting.

- (a) All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, physical therapists, nurses, public and private K-12 employees, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, employees of public and private institutions of postsecondary and higher education, members of the clergy as defined in Rule 505 of the Alabama Rules of Evidence, or any other person called upon to render aid or medical assistance to any child, when the child is known or suspected to be a victim of child abuse or neglect, shall be required to report orally, either by telephone or direct communication immediately, and shall be followed by a written report, to a duly constituted authority.
- (b)(1) When an initial report is made to a law enforcement official, the official subsequently shall inform the Department of Human Resources of the report so that the department can carry out its responsibility to provide protective services when deemed appropriate to the respective child or children.
- (2) As soon as is practicable after a report of known or suspected child abuse or neglect is made, the Department of Human Resources shall make efforts to determine the military status of the parent or guardian of the child who is the subject of the child abuse or neglect allegation.
- (3) If the Department of Human Resources determines that a parent or guardian under subdivision (2) is in the military, the department shall notify a United States Department of Defense family advocacy program at the military installation of the parent or guardian that there is an allegation of child abuse or neglect that is being investigated that involves a child of the military parent or guardian.
- (c) When the Department of Human Resources receives initial reports of suspected abuse or neglect, as defined in Section 26-14-
 - 1. including suspected abuse or neglect involving discipline or corporal punishment committed in a public or private school or suspected abuse or neglect in a state-operated child residential facility, the Department of Human Resources shall transmit a copy of school reports to the law enforcement agency and residential facility reports to the law enforcement agency and the operating state agency which shall conduct the investigation. When the investigation is completed, a written report of the completed investigation shall contain the information required by the state Department of Human Resources which shall be submitted by the law enforcement agency or the state agency to the county department of human resources for entry into the state's central registry.
- (d) Nothing in this chapter shall preclude interagency agreements between departments of human resources, law enforcement, and any other state agencies on procedures for investigating reports of suspected child abuse and neglect to provide for departments of human resources to assist law enforcement and other state agencies in these investigations.
- (e) Any provision of this section to the contrary notwithstanding, if any agency or authority investigates any report pursuant to this section and the report does not result in a conviction, the agency or authority shall expunge any record of the information or report and any data developed from the record.
- (f) Subsection (a) to the contrary notwithstanding, a member of the clergy shall not be required to report

information gained solely in a confidential communication privileged pursuant to Rule 505 of the Alabama Rules of Evidence which communication shall continue to be privileged as provided by law.

(g) Commencing on August 1, 2013, a public or private employer who discharges, suspends, disciplines, or penalizes an employee solely for reporting suspected child abuse or neglect pursuant to this section shall be guilty of a Class C misdemeanor.

(Acts 1965, No. 563, p. 1049, §1; Acts 1967, No. 725, p. 1560; Acts 1975, No. 1124, p. 2213, §1; Acts 1993, 1st Ex. Sess., No. 93-890, p. 162, §3; Act 2003-272, p. 645, §1; Act 2013-201, p. 416, §1; Act 2016-354, §2; Act 2017-257, §1.)

Section 32-5A-154. Overtaking and passing school bus or church bus; penalties and fines.

- (a) The driver of a vehicle upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children on a highway, on a roadway, on school property, or upon a private road or any church bus which has stopped for the purpose of receiving or discharging passengers shall bring the vehicle to a complete stop before reaching the school or church bus when there is in operation on the school or church bus a visual signal as specified in Section 32-5A-155. The driver shall not proceed until the school or church bus resumes motion or is signaled by the school or church bus driver to proceed or the visual signals are no longer actuated.
- (b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "school bus" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of Section 32-5A-155, which shall be actuated by the driver of the school bus only when the vehicle is stopped for the purpose of receiving or discharging school children. The visual signals shall not be actuated at any other time.
- (d) The driver of a vehicle upon a divided highway having four or more lanes which permits at least two lanes of traffic to travel in opposite directions need not stop the vehicle upon meeting a school or church bus which is stopped in the opposing roadway or if the school or church bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
- (e) If the driver of any vehicle is witnessed by a peace officer or the driver of a school bus to have violated this section and the identity of the driver of the vehicle is not otherwise apparent, it shall be an inference that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the inference by providing the peace officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation.
- (f)(1) Upon first conviction, a person violating subsection (a) shall be punished by a fine of not less than one hundred fifty dollars (\$150) nor more than three hundred dollars (\$300).
 - (2) On a second conviction, a person convicted of violating subsection (a) shall be punished by a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) and shall complete at least 100 hours of community service. In addition, the Director of the Department of Public Safety shall suspend the driving privileges or driver's license of the person convicted for a period of 30 days.
 - (3) On a third conviction, a person convicted of violating subsection (a) shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and shall complete at least 200 hours of community service. In addition, the Director of the Department of Public Safety shall suspend the driving privileges or driver's license of the person convicted for a period of 90 days.
 - (4) On a fourth or subsequent conviction, a person convicted of violating subsection (a) shall be guilty of

a Class C felony and punished by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000). In addition to the other penalties authorized, the Director of the Department of Public Safety shall revoke the driving privileges or driver's license of the person convicted for a period of one year.

- (g) Any law to the contrary notwithstanding, the Alabama habitual felony offender law shall not apply to a conviction of a felony pursuant to subsection (f), and a conviction of a felony pursuant to subsection (f) shall not be a felony conviction for purposes of the enhancement of punishment pursuant to Alabama's habitual felony offender law.
- (h) All fines and penalties imposed pursuant to this section shall be forwarded immediately upon collection by the officer of the court who collects the proceeds to the general fund of the respective agency that enforced this section.
- (i) Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of overtaking and passing a school bus or church bus.

(Acts 1980, No. 80-434, p. 604, §7-106; Act 2006-311, p. 660, §1.)

Section 32-6-7.4. Disciplinary point system - Age of student eligibility.

- (a) Notwithstanding any other provision of law, each student over the age of 12 years who is enrolled in a public or private secondary school shall be subject to a disciplinary point
- (b) system for an infraction committed on school property to determine the age at which the student shall be allowed to apply for a learner's permit, motor driven cycle operator's license, driver's license, or any license required by the State of Alabama for the operation of a motor vehicle or vessel. The disciplinary points imposed for a disciplinary action shall be as follows:
 - (1) One day in-school suspension - 1 point.
 - (2) One day out-of-school suspension - 2 points.
 - (3) Alternative school placement - 6 points.
 - (4) Expulsion - 20 points.
- (b)(1) The points shall accumulate on a yearly basis, beginning with the school year including summer school in which the student turns 13, and accumulate each year until the student is eligible to apply for a driver's license under the imposed point system. Each accumulated point shall add one additional week to the age at which the student is eligible to be issued a learner's permit, motor driven cycle operator's license, or driver's license.
- (2) Notwithstanding subdivision (1), the age at which a student may apply for a license or permit shall not be extended by Act 2009-713 beyond one year from the date the student initially applies for a learner's permit, motor driven cycle operator's license, driver's license, or any license required by the State of Alabama for the operation of a motor vehicle or vessel.
- (c) The following subdivisions are contingent upon the technical capability of the student data management system to track, manage, and coordinate the data:
 - (1) Points shall be accrued on a school-year basis.
 - (2) Points may not accrue for the first three days of in-school suspension in any school year; however, beginning with the fourth day of suspension in any school year, all days, including the first three, of in-school suspension shall be counted in determining the points.
 - (3) Points may not accrue for an initial out-of-school suspension of two days or less in any school year; however, the days of the initial suspension shall be used to determine the points after a second out-of-school suspension in any school year or all days will be used to determine points if the initial suspension exceeds two days.
 - (4) Accumulated points shall be reduced by one-half if the student has not received additional accumulated points for one school year. If no additional points are received for two years, all records of the accumulated points shall be removed from the student's records at the school.

(Act 2009-713, p. 2095, §1.)

Section 34-23-7. Illegal possession of prescription drugs.

Any person found in possession of a drug or medicine limited by law to dispensation by a prescription, unless such drug or medicine was lawfully dispensed, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000.00 and, in addition thereto, may be imprisoned in the county jail for hard labor for not more than one year. This section shall not apply to a licensed pharmacy, licensed pharmacist, wholesaler, manufacturer or his representative acting within the line and scope of his employment, physician, veterinarian, dentist or nurse acting under the direction of a physician, nor to a common carrier or messenger when transporting such drug or medicine in the same unbroken package in which the drug or medicine was delivered to him for transportation.

(Acts 1966, Ex. Sess., No. 205, p. 231, §31.)

Section 36-19-9. Promulgation of regulations for fire prevention and protection of any construction or building, etc., and keeping, storing, etc., of explosives, etc., by fire marshal.

The fire marshal, subject to the approval of the commissioner of insurance, shall make regulations for fire prevention and protection of any construction or building, exits or other safety measures and the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of rubbish and highly inflammable materials, gunpowder, dynamite, carbide, crude petroleum or any of its products, explosives or inflammable fluids or compounds, tablets, torpedoes or any explosive of like nature including all fireworks, and may prescribe the material and construction of receptacles and buildings to be used for any of said purposes.

(Acts 1919, No. 701, p. 1013; Code 1923, §966; Code 1940, T. 55, §38; Acts 1971, No. 1982, p. 3230.)

Section 36-19-10. Regulation of emergency drills and doors and exits in schools, factories, hospitals, etc.

The Fire Marshal and his or her deputies and assistants shall require officials and teachers of public and private schools and educational institutions to have at least one emergency drill each month and to have all doors and exits at the schools and educational institutions open out and that all the doors and exits shall be unlocked during school hours and that the doors and exits of factories, asylums, hospitals, churches, halls, theatres, amphitheaters, and other places in which numbers of persons live, work, or congregate from time to time, for any purpose or purposes, shall open out. For the purposes of this section, an emergency drill shall include, but not be limited to, a fire drill, severe weather drill, or school lockdown drill as provided in Section 16-1-44.

(Acts 1919, No. 701, p. 1013, §13; Code 1923, §981; Code 1940, T. 55, §55; Act 2013-329, p. 1152, §1; Act 2019-533, §1.)

Alabama Administrative Code

Rule 290-3-1.02. 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).

Periodic, Unannounced Visits by Law Enforcement

- (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.

Alternative Education Programs

- (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.

Unsafe School Option

- (d) 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.

Seclusion and Restraint for ALL Students

(e) 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.

Drug Education

- 16) Drug Education. In accordance with Code of Ala. 1975, Title 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.

Rule 290-4-1-.01. School Safety and Discipline 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 and 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.

Rule 290-1-2-.06. Imminent Health or Safety Risk

- 1) In those circumstances where an imminent health or safety risk is the subject of a review, the State Superintendent may conduct an emergency review. In such case the Superintendent shall:
 - (a) Notify the county or city board of education and county superintendent of education or city superintendent of schools of the imminent health or safety danger within three (3) working days of the imminent health or safety danger being brought to the attention of the State Superintendent.
 - (b) Except that if the imminent health or safety danger is of such a nature to require emergency action on the part of the State Superintendent, the State Superintendent may, without notice or after conducting such investigation as deemed necessary, suspend any action or order of a county or city board of education or county superintendent of education or city superintendent of schools for a period not to exceed ten (10) work days.
 - (c) If the State Superintendent suspends an action or order of a county or city board of education or of a county superintendent of education or a city superintendent of schools prior to the State Superintendent giving notice of the review, the county or city board of education, or county superintendent of education or city superintendent of schools shall respond to the notice in writing not later than five (5) days after receiving actual notice of the State Superintendent's review.