

SUMMARY OF CIVIL LIABILITIES AND CRIMINAL PENALTIES

The following summaries of laws relate to civil liabilities and criminal penalties for violence or other misbehavior by students on school property or against school employees. Local Boards of Education are required to provide notice to parents, guardians, and students.

Attendance and Conduct (§16-28-12)

Each parent/guardian or other person having control or custody of a child required to attend school who fails to require the child to enroll, to regularly attend school, or to compel the child to properly conduct himself/herself as a pupil in accordance with the written policy on school behavior adopted by the local Board of Education shall be guilty of a misdemeanor (may be fined up to \$100 and may be sentenced for hard labor up to 90 days).

Child Abuse and Neglect Reporting (§26-14-1)

Certain persons and institutions are required by law to report known or suspected child abuse or neglect under a penalty of a misdemeanor, fine or sentence. Those who are required by law to report are: hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, or any other personal called upon to render aid of medical assistance to a known or suspected victim of child abuse or neglect. Besides those persons who are required by law to report child abuse and neglect, any person may make such report, if such person has reasonable cause to suspect that a child is being abused or neglected.

Drug Dealing (§6-5-72)

A person who unlawfully sells, furnishes, or gives a controlled substance to a minor may be liable for injury or damage or both suffered by a third person caused by or resulting from the use of the controlled substance by the minor, if the sale, furnishing, or giving of the controlled substance is the proximate cause of the injury or damage.

Drugs, Alcohol, Weapons, Physical Harm, or Threatened Physical Harm (§16-1-24.1)

The school principal shall notify appropriate law enforcement officials when a person violates the local board of education policies concerning drugs, alcohol, weapons, physical harm to a person or threatened physical harm to a person. If any criminal charge is warranted, the principal is authorized to sign the appropriate warrant. If that person is a student, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing within 5 school days. If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person or threatened physical harm to a person, the person may not be readmitted to the public schools until criminal charges, if any, have been disposed of by appropriate authorities and the person has satisfied all other requirements imposed by the local board of education as a condition of readmission.

Firearm Possession (§16-1-24.3)

All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period for 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.

Sexual Harassment (§26-14-3)

A student who believes that he or she has been or is being subjected to any form of sexual harassment shall immediately report the matter to a teacher, the school counselor, principal, or the Superintendent.

Any student who suspects that another student is being sexually harassed shall immediately report the information to a teacher, school counselor, principal, or the Superintendent. A student's request to make his or her report to someone of the same sex will be granted.

Teacher Assault (§13A-6-21)

A person commits the crime of assault in the second degree (Class C felony) if the person assaults with intent to cause serious physical injury to a teacher or to an employee of a public education institution during or as a result of the performance of his or her duty.

Tobacco Possession (§28-11-13)

It is unlawful for any minor to purchase, use, possess, or transport tobacco or tobacco products within this state (See Alabama Law §28-11-14 for additional reference.)

Vandalism (§6-5-380)

The parents, guardian, or other person having control of any minor under the age of 18 with whom the minor is living and who have custody of the minor shall be liable for the actual damages sustained to school property, plus the court costs, caused by intentional, willful, or malicious act of the minor.

Weapons in Schools (§13A-11-72)

No person shall knowingly with intent to do bodily harm carry or possess a deadly weapon on the premises of a public school. Possession of a deadly weapon with the intent to do bodily harm on the premises of a public school or school bus is a class C felony. (Note: Deadly weapons include but are not limited to hand grenade, 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.)