

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H1/15/25

A Bill

HOUSE BILL 1062

5 By: Representative R. Scott Richardson
6 By: Senator Dees
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE TEACHER AND STUDENT PROTECTION
10 ACT OF 2025; TO PROHIBIT A STUDENT WHO IS REMOVED
11 FROM A CLASSROOM DUE TO VIOLENT OR ABUSIVE BEHAVIOR
12 AGAINST A TEACHER OR ANOTHER STUDENT FROM BEING
13 PLACED IN A CLASS WITH THE TEACHER OR STUDENT AGAINST
14 WHOM THE VIOLENT OR ABUSIVE BEHAVIOR WAS DIRECTED;
15 AND FOR OTHER PURPOSES.
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Subtitle

18 TO CREATE THE TEACHER AND STUDENT
19 PROTECTION ACT OF 2025.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. DO NOT CODIFY. Legislative intent.

25 (a) The General Assembly finds that:

26 (1) Eighty percent (80%) of those surveyed in an American
27 Psychological Association Task Force on Violence Against Educators and School
28 Personnel survey reported being victims of threats or violent acts at least
29 one (1) time at their schools, with fifty-six percent (56%) of teachers
30 surveyed reporting being victimized by students; and

31 (2) Nearly one million three hundred thousand (1,300,000) acts
32 of student-on-teacher violence were reported in a National Education
33 Association study.

34 (b) It is the intent of the General Assembly to:

35 (1) Provide a safe environment for teachers and students to work
36 and learn in the State of Arkansas;



1 (2) Ensure that teachers and students do not suffer from
2 repeated violent behavior from students; and

3 (3) Ensure proper measures are in place to prevent repeated acts
4 of violence in schools.

5
6 SECTION 2. Arkansas Code § 6-18-511 is amended to read as follows:

7 6-18-511. Removal by teacher.

8 (a) Consistent with state and federal law, a teacher may remove a
9 student from class and send him or her to the principal's or principal's
10 designee's office in order to maintain effective discipline in the classroom.

11 (b) A teacher may remove from class a student:

12 (1) Who has been documented by the teacher as repeatedly
13 interfering with the teacher's ability to teach the students in the class or
14 with the ability of the student's classmates to learn; or

15 (2) Whose behavior the teacher determines is so unruly,
16 disruptive, violent, or abusive that it seriously interferes with the
17 teacher's ability to teach the students in the class or with the ability of
18 the student's classmates to learn.

19 (c) ~~If~~ Except as provided under subsection (e) of this section, if a
20 teacher removes a student from class in accordance with subsection (b) of
21 this section, the principal or his or her designee may:

22 (1) Place the student into another *appropriate ~~classroom~~*
23 learning environment or into in-school suspension so long as the placement is
24 consistent with the public school district's written student discipline
25 policy;

26 (2) Return the student to the class; or

27 (3) Take other appropriate action consistent with the public
28 school district's discipline policy, state law, and federal law.

29 (d)(1) If a teacher removes a student from class two (2) or more times
30 during any nine-week grading period or its equivalent as determined by the
31 Division of Elementary and Secondary Education, the principal or the
32 principal's designee ~~may~~ shall not return the student to the teacher's class
33 unless a conference is held for the purpose of determining the causes of the
34 problem and possible solutions, with the following individuals present:

35 (A) The principal or the principal's designee;

36 (B) The teacher;

- 1 (C) The school counselor;
2 (D) The parents, guardians, or persons in loco parentis;
3 and
4 (E) The student, if appropriate.

5 (2) The failure of the parents, guardians, or persons in loco
6 parentis to attend the conference ~~provided for in this subsection~~ required
7 under subdivision (d)(1) of this section shall not prevent the conference
8 from being held ~~nor~~ or prevent any action from being taken as a result of
9 that conference.

10 (e) Except as provided in subsection (f) of this section, a student
11 who is removed from a class under subsection (b) of this section due to
12 violent or abusive behavior against a teacher or another student shall:

13 (1)(A) Be placed in an alternative learning environment as
14 defined in § 6-48-101 for the duration of the review and conference as
15 required by subsection (d) of this section.

16 (B) While the student is in an alternative learning
17 environment as required by subdivision (e)(1)(A) of this section, the student
18 shall be subject to the relevant written student discipline policies
19 prescribed by his or her public school district; and

20 (2) Not be placed in a class with the teacher or student against
21 whom the violent or abusive behavior was directed if it is determined that
22 the student may leave the alternative learning environment and return to the
23 placement from which he or she was removed.

24 (f)(1)(A) If the violent or abusive behavior for which a student is
25 removed from class under this section is determined to be a manifestation of
26 the student's disability following a manifestation determination review of
27 the student's violent or abusive behavior under subdivision (f)(2) of this
28 section, then the student shall be placed in an appropriate interim
29 alternative educational program within the public school district.

30 (B) While the student is in an appropriate interim
31 alternative educational program as required by subdivision (f)(1)(A) of this
32 section, the student shall be subject to the relevant written student
33 discipline policies prescribed by his or her public school district.

34 (2) If the public school district, parents, legal guardians, or
35 persons standing in loco parentis to the student, and relevant members of the
36 student's individualized education program under § 6-41-217 determine that

1 the student requires a change of placement, then the public school district,
2 parents, legal guardians, or persons standing in loco parentis to the
3 student, and relevant members of the student's individualized education
4 program shall conduct a manifestation determination review, which shall
5 include all relevant information in the student's file, including the
6 student's individualized education program under § 6-41-217, teacher
7 observations, and other relevant information provided by the parent or legal
8 guardian of the student to determine if the violent or abusive behavior was:

9 (A)(i) Caused by, or had a direct and substantial
10 relationship to, the student's disability.

11 (ii) If it is determined that the student's violent
12 or abusive behavior is a manifestation of the student's disability under this
13 subdivision (f)(2), the student's individualized education program team
14 shall:

15 (a) Both:

16 (1) Conduct a functional behavioral
17 assessment; and

18 (2) Implement a behavioral intervention
19 plan or modify an existing behavioral intervention plan; and

20 (b)(1) Return the student to the original
21 services specified in his or her individualized education program from which
22 he or she was initially removed, unless it is agreed that a change of
23 placement should be part of the modification of the student's behavioral
24 intervention plan.

25 (2) However, the student shall not:

26 (A) Be placed in a class with the
27 teacher against whom the violent or abusive behavior was directed without the
28 consent of the teacher; or

29 (B) Return to the placement from
30 which he or she was initially removed without implementing the changes
31 recommended under subdivision (f)(2)(A)(ii)(a) of this section for at least
32 ten (10) days.

33 (3) If the violent or abusive behavior
34 was directed towards another student, then the student shall not be placed in
35 a class with the student against whom the violent or abusive behavior was
36 directed for the remainder of the school year; or

1 (B)(i) The direct result of the public school district's
2 failure to implement the student's individualized education program.

3 (ii) If it is determined that the student's violent
4 or abusive behavior was a direct result of the public school district's
5 failure to implement the student's individualized education program, then the
6 public school district shall:

7 (a) Immediately implement the student's
8 individualized education program; and

9 (b)(1) Determine the impact and fitness of the
10 student returning to the placement from which he or she was initially
11 removed.

12 (2) However, the student shall not
13 return to the placement from which he or she was initially removed without
14 implementing the student's individualized education program under subdivision
15 (f)(2)(B)(ii)(a) of this section for at least ten (10) days.

16 (g) If a student is removed from a classroom under this section due to
17 violent or abusive behavior three (3) or more times during one (1) school
18 year, the student shall be:

19 (1) Placed in an alternative learning environment for the
20 remainder of the school year; or

21 (2) Expelled, as appropriate.

22 (h) As used in this section, "violent or abusive behavior" includes
23 without limitation:

24 (1) Using threatening or abusive language;

25 (2) Throwing an item that risks or causes:

26 (A) Harm to another individual;

27 (B) Injury to another individual; or

28 (C) Damage to property;

29 (3) Physically abusing a teacher or another student; or

30 (4) Any other similar action that presents a physical danger or
31 a threat of physical danger to a teacher or another student.

32
33 SECTION 3. Arkansas Code § 6-48-104(a)(1)(C), concerning funding for
34 students educated in an alternative learning environment program for fewer
35 than twenty (20) days, is amended to read as follows:

36 (C) If a student is educated in the alternative learning

1 *environment for fewer than twenty (20) days, the division may provide funding*
2 *to a school district based on the actual number of days the student is*
3 *educated in the alternative learning environment if the student:*

4 *(i) Leaves the school district to transfer to*
5 *another alternative learning environment; ~~or~~*

6 *(ii) Is placed in a residential treatment program;*

7 *or*

8 *(iii) Is placed in the alternative learning*
9 *environment program under § 6-18-511(e).*

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/s/R. Scott Richardson