

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

A Bill

HOUSE BILL 1793

5 By: Representative Duke
6 By: Senator Dees
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE USE OF
10 POSITIVE BEHAVIORAL SUPPORTS IN PUBLIC SCHOOL
11 DISTRICTS; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO AMEND THE LAW CONCERNING THE USE OF
16 POSITIVE BEHAVIORAL SUPPORTS IN PUBLIC
17 SCHOOL DISTRICTS.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-18-2401 is amended to read as follows:
22 6-18-2401. Legislative findings.

23 The General Assembly finds that:

24 (1) It is the responsibility of each school district in Arkansas
25 to ensure the safety of all students and school personnel;

26 (2) It is the responsibility of each school district in Arkansas
27 to ensure that every student in Arkansas is safe and protected from being
28 unnecessarily or inappropriately restrained;

29 (3) Safe, effective, evidence-based strategies should be the
30 basis for protocols in public schools and educational settings to support
31 every student who displays challenging behavior in a public school or
32 educational setting;

33 (4) Providing school personnel with training that is focused on
34 evidence-based ~~positive behavioral support~~ behavioral intervention, de-
35 escalation techniques, and physical restraint prevention can reduce the
36 incidence of injury, trauma, and death;



1 ~~(5) The effective implementation of school wide positive~~
 2 ~~behavioral support is linked to greater academic achievement, significantly~~
 3 ~~fewer disciplinary problems, increased instruction time, and the perception~~
 4 ~~of a safer teaching environment by school personnel;~~

5 ~~(6) Positive behavioral support involves school wide approaches~~
 6 ~~that result in:~~

7 ~~(A) Positive classroom and school climates;~~

8 ~~(B) Prosocial student and school personnel interactions;~~

9 ~~(C) Teaching a student academic, social, emotional,~~
 10 ~~behavioral engagement, and achievement skills; and~~

11 ~~(D) Reinforcing the academic, social, emotional,~~
 12 ~~behavioral engagement, and achievement skills of a student;~~

13 ~~(7) The use of effective positive behavioral support in public~~
 14 ~~schools and educational settings can prevent an emergency situation that~~
 15 ~~requires the use of physical restraint on a student; and~~

16 ~~(8)~~(5) Every effort should be made to:

17 (A) Prevent the need for secluding a student or using a
 18 physical restraint on a student;

19 (B) Ensure that behavioral intervention is consistent with
 20 the right of a student to be free from abuse and treated with dignity;

21 (C) Avoid the use of physical restraint on a student to
 22 the greatest extent possible without endangering the safety of other students
 23 and school personnel;

24 (D) Avoid the use of a physical restraint on a student
 25 except in a situation where the behavior of the student poses an imminent
 26 danger of serious physical harm to the student or others;

27 (E) Discontinue the use of a physical restraint on a
 28 student as soon as the imminent danger of serious physical harm to the
 29 student or others dissipates; and

30 (F) Refrain from using chemical restraint or mechanical
 31 restraint in a public school or educational setting; and

32 (6) It is the responsibility of each school district to
 33 determine how to effectively discipline enrolled students based on evidence-
 34 based behavioral intervention strategies and the needs of its student
 35 population and members of school personnel.

36

1 SECTION 2. Arkansas Code § 6-18-2402(c), concerning requirements of
 2 school districts as they relate to student restraints in public schools and
 3 educational settings, is amended to read as follows:

4 (c) Each school district shall:

5 (1) Adopt policies and procedures that are consistent with the
 6 provisions of this subchapter and appropriate based on the needs of the
 7 school district's student population and members of school personnel;

8 (2) Review the Department of Education Special Education and
 9 Related Services Guidelines, § 20.00 Time-Out Seclusion Room; and

10 (3) Provide its school personnel with the training, tools, and
 11 support needed to ensure the safety of all students and school personnel.

12
 13 SECTION 3. Arkansas Code § 6-18-2403(22), concerning the definition of
 14 "positive behavioral support" as it relates to the use of physical restraints
 15 on students in public schools and educational settings, is repealed.

16 ~~(22) "Positive behavioral support" means the application of~~
 17 ~~behavior analysis that:~~

18 ~~(A) Is used to achieve socially important behavior change;~~

19 ~~(B) Occurs at the:~~

20 ~~(i) Prevention level for all students in a school;~~

21 ~~(ii) Strategic intervention level for a student who~~
 22 ~~is not responding, from a social-emotional and behavioral perspective, to the~~
 23 ~~prevention level; and~~

24 ~~(iii) Intensive service or crisis management level~~
 25 ~~for a student who needs multifaceted or comprehensive behavioral or mental~~
 26 ~~health services; and~~

27 ~~(C) Involves a planned and collaborative school-wide~~
 28 ~~approach that is implemented with a goal:~~

29 ~~(i) Of establishing a positive and supportive school~~
 30 ~~environment that:~~

31 ~~(a) Teaches and reinforces prosocial behavior~~
 32 ~~in a student;~~

33 ~~(b) Holds a student positively accountable for~~
 34 ~~meeting an established behavioral expectation; and~~

35 ~~(c) Maintains a level of consistency~~
 36 ~~throughout the implementation process; and~~

1 ~~(ii) That is accomplished by using positive~~
 2 ~~behavioral programs, strategies, or approaches;~~

3
 4 SECTION 4. Arkansas Code § 6-18-2403(24), concerning the definition of
 5 "punishment" as it relates to the use of physical restraints on students in
 6 public schools and educational settings, is amended to read as follows:

7 (24) "Punishment" means an action that:

8 (A) May follow an inappropriate behavior of a student; and

9 (B) Is taken with the goal of decreasing, stopping, or
 10 eliminating the future reoccurrence of the inappropriate behavior of the
 11 student; ~~and~~

12 ~~(C) Is not taken with the goal of replacing the~~
 13 ~~inappropriate behavior of the student with future appropriate behavior by the~~
 14 ~~student;~~

15
 16 SECTION 5. Arkansas Code § 6-18-2404 is amended to read as follows:
 17 6-18-2404. Prevention Multi-tiered system of supports.

18 ~~(a) School districts shall implement positive behavioral supports that~~
 19 ~~shall be used at the:~~

20 ~~(1) Prevention level for each student in a school;~~

21 ~~(2) Strategic intervention level for a student who is not~~
 22 ~~responding, from a social, emotional, or behavioral perspective, to the~~
 23 ~~prevention level; and~~

24 ~~(3) Intensive service or crisis management level for a student~~
 25 ~~who needs multifaceted or comprehensive behavioral or mental health services.~~

26 ~~(b) Positive behavioral support implemented by a school district shall~~
 27 ~~include:~~

28 ~~(1) The teaching and reinforcing of interpersonal, social,~~
 29 ~~problem solving, conflict resolution, and coping skills to a student;~~

30 ~~(2) Holding a student positively accountable for meeting an~~
 31 ~~established behavioral expectation;~~

32 ~~(3) Maintaining a high level of consistency through the~~
 33 ~~implementation process; and~~

34 ~~(4) The following interrelated activities:~~

35 ~~(A) Providing a school wide approach to the discipline and~~
 36 ~~safety of each student rather than an approach to only the behavior problem~~

1 ~~of a student;~~

2 ~~(B) Focusing on preventing the development and occurrence~~
 3 ~~of problem behavior;~~

4 ~~(C) Regularly reviewing behavior data to adapt the~~
 5 ~~procedures of a school to meet the needs of every student; and~~

6 ~~(D) Providing a multitiered approach to academic and~~
 7 ~~behavioral services and support to meet the academic and behavioral~~
 8 ~~achievement needs of each student.~~

9 ~~(e) A positive behavioral support system and conflict resolution or~~
 10 ~~de-escalation approach implemented by a school district shall be based on the~~
 11 ~~following principles:~~

12 ~~(1) A school should promote the right of a student to be treated~~
 13 ~~with dignity;~~

14 ~~(2) A student should receive necessary academic, social,~~
 15 ~~emotional, and behavioral support that is provided in a safe and least-~~
 16 ~~restrictive environment possible;~~

17 ~~(3) Positive and appropriate academic, social, emotional, or~~
 18 ~~behavioral intervention, as well as mental health support, should be provided~~
 19 ~~routinely to each student who needs the intervention or support;~~

20 ~~(4) School personnel should be trained to provide routinely~~
 21 ~~positive and appropriate academic, social, emotional, or behavioral~~
 22 ~~intervention, as well as mental health support, to each student who needs the~~
 23 ~~intervention or support;~~

24 ~~(5) Behavioral intervention should emphasize prevention and~~
 25 ~~should be a part of a school's system of positive behavioral support;~~

26 ~~(6) A school should have the school personnel necessary to~~
 27 ~~effectively provide positive support to a student;~~

28 ~~(7) A school should appropriately train its school personnel to~~
 29 ~~be able to address the needs of each student;~~

30 ~~(8) All relevant school personnel, as determined by each public~~
 31 ~~school district, should receive training in:~~

32 ~~(A) The use of positive behavioral support for student~~
 33 ~~behavior and in preventive techniques for teaching and motivating prosocial~~
 34 ~~student behavior; and~~

35 ~~(B) Conflict de-escalation and resolution techniques, and~~
 36 ~~these techniques should be employed by all school personnel to prevent,~~

1 ~~defuse, evaluate, and debrief a crisis and conflict situation; and~~

2 ~~(9) Each student who exhibits an ongoing behavior that~~
 3 ~~interferes with his or her learning or the learning of others, and who is~~
 4 ~~nonresponsive to effectively implemented classroom or administrative~~
 5 ~~intervention, should receive additional intensive behavioral intervention~~
 6 ~~that is based on a functional behavior assessment and data based problem~~
 7 ~~solving.~~

8 ~~(d)(1) A~~ (a) Each public school shall establish a problem solving and
 9 intervention team within its multi-tiered system of supports behavioral
 10 interventions for each student who exhibits social, emotional, or behavioral
 11 difficulty that may escalate, if not addressed, to potentially dangerous
 12 behavior.

13 ~~(2)(b) A problem solving and intervention team~~ multi-tiered
 14 system of supports shall include ~~a team member~~ members who ~~is an~~ are academic
 15 and behavioral assessment and intervention ~~professional~~ professionals.

16 ~~(3)(c) A problem solving and intervention team~~ Professionals
 17 included in a multi-tiered system of supports shall:

18 ~~(A)(1)~~ Work with the teachers of a student to complete:

19 ~~(i)(A)~~ A functional behavior assessment of the
 20 student; and

21 ~~(ii)(B)~~ An assessment of any problematic situations
 22 involving the student; and

23 ~~(B)(2)~~ Consider the need for a behavior intervention plan
 24 with the goal of preventing or resolving the social, emotional, or behavioral
 25 difficulty of the student and developing a response that will de-escalate and
 26 stabilize a potential emergency situation that approaches the danger level.

27 ~~(4)(d)~~ If a student is suspected of having a disability that
 28 relates to behavioral concerns, the school shall follow school district,
 29 state, and federal special education procedures.

30
 31 SECTION 6. Arkansas Code § 6-18-2407(3)(C)(iii), concerning the
 32 purpose of a debriefing meeting that occurs after an incident involving the
 33 physical restraint of a student, is amended to read as follows:

34 (iii) Evaluate the school district's ~~positive~~
 35 ~~behavioral support system~~ behavioral intervention procedures and prevention
 36 techniques in order to minimize future use of physical restraint.

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2 SECTION 7. Arkansas Code § 6-18-2407(3)(D)(iii), concerning the
3 requirements of members of school personnel during a debriefing meeting that
4 is conducted after an incident involving the physical restraint of a student,
5 is amended to read as follows:

6 (iii) Discuss whether ~~positive behavioral support~~
7 was behavioral intervention procedures adopted by the school district were
8 appropriately implemented;
9

10 SECTION 8. Arkansas Code § 6-18-2408(a)(1), concerning optional
11 training conducted by a school district for members of school personnel, is
12 amended to read as follows:

13 (1) Training on the use of an array of positive behavior
14 interventions, if the school district utilizes positive behavior
15 interventions, behavioral intervention procedures, strategies, and supports
16 to increase appropriate student behavior and decrease inappropriate or
17 dangerous student behavior;
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19 SECTION 9. The introductory language to Arkansas Code § 6-18-2409(2),
20 concerning training provided to school personnel regarding positive
21 behavioral support, is amended to read as follows:

22 (2) Provide evidence-based skills training relating to ~~positive~~
23 ~~support,~~ conflict prevention, de-escalation, and crisis response techniques,
24 including without limitation:
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