

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas As Engrossed: H1/15/25 H2/3/25 H2/18/25 H2/26/25 H3/31/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1062

By: Representative R. Scott Richardson

By: Senator Dees

For An Act To Be Entitled

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

Subtitle

TO CREATE THE TEACHER AND STUDENT PROTECTION ACT OF 2025.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) The General Assembly finds that:

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

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

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

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



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

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

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

6-18-511. Removal by teacher.

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

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

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

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

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

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

(2) Return the student to the class; or

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

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

~~(A)(i)~~ The principal or the principal's designee

~~(B)(ii)~~ The teacher;

~~(C)(iii)~~ The school counselor;

~~(D)(iv)~~ The parents, guardians, or persons standing in loco parentis; and

~~(E)(v)~~ The student, if appropriate.

(B) However, a teacher is not required to remove a student from class each time the student is unruly or disruptive during the teacher's class.

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

(3) If a student with a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2025, or Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, as it existed on January 1, 2025, is removed under this subsection (d), then the conference required under subdivision (d)(1) of this section shall serve as a manifestation determination review as required under subsection (f) of this section.

(4) If it is determined during a conference held under this subsection (d) that the student was removed from the teacher's class because of violent behavior, the individuals conducting the conference shall determine if a behavioral threat assessment is necessary for the student.

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

(1)(A) Be placed in an appropriate interim learning environment for the duration of the review and conference as required by subsection (d) of this section.

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

(2) Not be placed in a class with the teacher or student against whom the violent or abusive behavior was directed if it is determined that

the student may leave the appropriate interim learning environment and return to the placement from which he or she was removed.

(f)(1)(A) If the violent or abusive behavior for which a student is removed from class under this section is determined to be a manifestation of the student's disability following a manifestation determination review of the student's violent or abusive behavior under subdivision (f)(2) of this section, then the student shall be temporarily placed in an appropriate interim learning environment within the public school district for no more than ten (10) days while the members of the manifestation determination review team determine the appropriate course of action under this subsection (f).

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

(2) If the public school district, teacher against whom the violent or abusive behavior was directed, parents, legal guardians, or persons standing in loco parentis to the student, and relevant members of the student's individualized education program under § 6-41-217 determine that the student requires a change of placement, then the public school district, teacher against whom the violent or abusive behavior was directed, parents, legal guardians, or persons standing in loco parentis to the student, and relevant members of the student's individualized education program shall conduct a manifestation determination review, which shall include all relevant information in the student's file, including the student's individualized education program under § 6-41-217, teacher observations, and other relevant information provided by the parent or legal guardian of the student.

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

(1) Placed in an appropriate interim learning environment for the remainder of the school year; or

(2) Disciplined according to the requirements of the written student discipline policy of the public school district in which the student is enrolled.

(h) As used in this section:

(1) "Appropriate interim learning environment" means an appropriate learning environment that is used for a period of time not to exceed ten (10) days;

(2) "Appropriate learning environment" means a setting within a public school or public school district that provides a similar structure to the following without limitation:

(A) A classroom; or;

(B) In-school suspension; and

(3) "Violent or abusive behavior" means without limitation:

(A) Using threatening language;

(B) Throwing an item that risks or causes:

(i) Harm to another individual;

(ii) Injury to another individual; or

(iii) Damage to property;

(C) Physically abusing a teacher or another student; or

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

(i) This section does not apply to:

(1) An educational facility of the Division of Youth Services;

(2) An educational facility that contracts with the division; or

(3) The Arkansas Correctional School District.

/s/R. Scott Richardson