

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1793

By: Representative Duke

By: Senator Dees

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE USE OF
POSITIVE BEHAVIORAL SUPPORTS IN PUBLIC
SCHOOL DISTRICTS.

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

SECTION 1. Arkansas Code § 6-18-2401 is amended to read as follows:

6-18-2401. Legislative findings.

The General Assembly finds that:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Each school district shall:

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

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

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

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

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

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

~~(B) Occurs at the:~~

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

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

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

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

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

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

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

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

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

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

(24) "Punishment" means an action that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~of a student;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Training on the use of an array of positive behavior interventions, if the school district utilizes positive behavior interventions, behavioral intervention procedures, strategies, and supports to increase appropriate student behavior and decrease inappropriate or dangerous student behavior;

SECTION 9. The introductory language to Arkansas Code § 6-18-2409(2), concerning training provided to school personnel regarding positive behavioral support, is amended to read as follows:

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