

ARDB Policy on Implementation of Act 565 of 2025

(Teacher and Student Protection Act of 2025)

Effective Date:

I. Purpose

To provide a safe and supportive learning environment for all students and staff by establishing protocols for the removal and reassignment of students who engage in violent or abusive behavior, as required by Arkansas Code § 6-18-511 (as amended by Act 565 of 2025, the Teacher and Student Protection Act of 2025). Nothing in this policy shall be construed to supersede or limit the rights and protections granted to students and parents by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.

II. Definitions

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 that provides a similar structure to the following without limitation:
 - a. A classroom; or
 - b. In-school suspension.
3. *Individuals with Disabilities Education Act (IDEA)* is the federal law governing the education of students with disabilities as defined in the law, 20 U.S.C. § 1400 et seq.
4. *Manifestation Determination Review (MDR)* is a review of student information required to be conducted pursuant to the Individuals with Disabilities Education Act (IDEA), before changing the placement of a student with a disability because of a violation of the student code of conduct, to determine whether the behavior of a student with a disability was a manifestation of their disability.
5. *Parent* means:
 - a. A biological or adoptive parent of a child;
 - b. A foster parent;
 - c. A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);
 - d. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
 - e. A surrogate parent who has been appointed in accordance with IDEA.

6. *Violent or Abusive Behavior* includes, but is not limited to:
 - a. Using threatening language;
 - b. Throwing an item that risks or causes harm to another individual, Injury to another individual, or 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.

III. Authority to Remove

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.

IV. Administrative Action Following Removal

Each time a student is removed from class for behaviors outlined in Section III, the principal or designee must:

1. Place the student in an appropriate interim learning environment based on the student's individual needs. The appropriate interim learning environment must allow the student to continue to access the general education curriculum and services listed in the student's individualized education program (IEP), or it will be considered a change of placement pursuant to IDEA.
2. Not return the student to the same class until a conference is held to determine the cause(s) of the behavior(s) and possible solutions. The following individuals must be present at the conference:
 - a. Principal or principal's designee;
 - b. Teacher;
 - c. School counselor;
 - d. Parent(s);
 - e. Student, if appropriate; and
 - f. Relevant members of the student's IEP team.

The failure of the parent(s) to attend the conference required shall not prevent the conference from being held or prevent implementation of actions decided at the conference.

Attendees at the conference shall consider whether a Functional Behavioral Assessment (FBA) should be conducted and whether a Behavior Intervention Plan (BIP) should be developed or revised to address the behavior.

If it is determined during the conference that the student was removed from the teacher's class because of violent behavior as defined by this policy, the individuals conducting the conference shall determine if a behavioral threat assessment is necessary for the student. If the student was removed from class due to violent or abusive behavior against a teacher or another student and it is determined at the conference that the student may leave the appropriate interim learning environment and return to the placement from which he or she was removed, the student shall not be placed in a class with the teacher or student against whom the violent or abusive behavior was directed.

V. Mandatory Manifestation Determination Review

If the parent(s) or relevant members of the student's IEP team determine that the student requires a change of placement because of the student's behaviors, then a manifestation determination review (MDR) must be conducted. The MDR takes the place of the conference required under Section IV of this policy.

The MDR shall include the attendees listed in Section IV who must determine whether the behavior was a manifestation of the student's disability because:

(i) The conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or

(ii) The conduct in question was the direct result of the LEA's failure to implement the IEP.

The MDR shall include a review of all relevant information in the student's file, including the student's IEP, teacher observations, and other relevant information provided by the parent(s), not just the student's eligibility category.

If it is determined that the behavior was a manifestation of the student's disability:

1. The student must return to his or her previous placement, although this may be a different class to comply with Act 565 or address safety concerns.

- a. If the student was removed from class due to violent or abusive behavior against a teacher or another student, the student shall not be placed in a class with the teacher or student against whom the violent or abusive behavior was directed.
2. A Functional Behavioral Assessment (FBA) must be conducted.
3. A Behavior Intervention Plan (BIP) must be developed or revised to address the behavior.

If the behavior was not a manifestation of the student's disability:

1. The student may be subject to disciplinary action, including placement in an appropriate interim learning environment or a change of placement.
2. Educational services must still be provided in accordance with IDEA and state law.

If the student was removed from the teacher's class because of violent behavior as defined by this policy, the MDR team shall determine if a behavioral threat assessment is necessary for the student.

VI. Records and Documentation

All removals pursuant to this policy must be:

1. Documented in the student's discipline record.
2. Reviewed by the Special Education Coordinator.
3. Reported to the superintendent if three (3) or more removals occur within the school year.