

By: Leach

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to discipline in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 37.005(a), (b), (c), and (d), Education Code, are amended to read as follows:

(a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be subject to an in-school or out-of-school suspension [~~suspended~~].

(b) An out-of-school [A] suspension under this section may not exceed three school days. An in-school suspension under this section is not subject to any time limit.

(c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in:

(1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code;

(2) conduct that threatens the immediate health and safety of other students in the classroom;

(3) conduct that results in repeated or significant disruption to the classroom [~~contains the elements of a violent~~

1 ~~offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code];~~
2 or

3 (4) [~~(3)~~] selling, giving, or delivering to another
4 person or possessing, using, or being under the influence of any
5 amount of:

6 (A) marihuana or a controlled substance, as
7 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
8 Section 801 et seq.;

9 (B) a dangerous drug, as defined by Chapter 483,
10 Health and Safety Code; or

11 (C) an alcoholic beverage, as defined by Section
12 1.04, Alcoholic Beverage Code.

13 (d) A school district or open-enrollment charter school may
14 not place a student who is homeless in out-of-school suspension
15 unless the student engages in conduct described by Subsections
16 (c)(1)-(4) [~~(c)(1)-(3)~~] while on school property or while attending
17 a school-sponsored or school-related activity on or off of school
18 property. The campus behavior coordinator may coordinate with the
19 school district's homeless education liaison to identify
20 appropriate alternatives to out-of-school suspension for a student
21 who is homeless. In this subsection, "student who is homeless" has
22 the meaning assigned to the term "homeless children and youths"
23 under 42 U.S.C. Section 11434a.

24 SECTION 2. Sections 37.006(a) and (c), Education Code, are
25 amended to read as follows:

26 (a) Subject to the requirements of Section 37.009(a), a
27 student shall be removed from class and placed in a disciplinary

1 alternative education program as provided by Section 37.008 if the
2 student:

3 (1) engages in conduct involving a public school that
4 contains the elements of the offense of false alarm or report under
5 Section 42.06, Penal Code, or terroristic threat under Section
6 22.07, Penal Code; or

7 (2) commits the following on or within 300 feet of
8 school property, as measured from any point on the school's real
9 property boundary line, or while attending a school-sponsored or
10 school-related activity on or off of school property:

11 (A) except as provided by Section 37.007(a),
12 engages in conduct punishable as a felony;

13 (B) engages in conduct that contains the elements
14 of the offense of assault under Section 22.01(a)(1), Penal Code;

15 (C) except as provided by Section 37.007(a)(3),
16 sells, gives, or delivers to another person or possesses or uses or
17 is under the influence of:

18 (i) a controlled substance, as defined by
19 Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et
20 seq., excluding marihuana, as defined by Section 481.002, Health
21 and Safety Code, or tetrahydrocannabinol, as defined by rule
22 adopted under Section 481.003 of that code; or

23 (ii) a dangerous drug, as defined by
24 Chapter 483, Health and Safety Code;

25 (C-1) possesses, uses, or is under the influence
26 of, or sells, gives, or delivers to another person marihuana, as
27 defined by Section 481.002, Health and Safety Code, or

1 tetrahydrocannabinol, as defined by rule adopted under Section
2 481.003 of that code;

3 ~~[(C-2) possesses, uses, sells, gives, or~~
4 ~~delivers to another person an e-cigarette, as defined by Section~~
5 ~~161.081, Health and Safety Code,]~~

6 (D) sells, gives, or delivers to another person
7 an alcoholic beverage, as defined by Section 1.04, Alcoholic
8 Beverage Code, commits a serious act or offense while under the
9 influence of alcohol, or possesses, uses, or is under the influence
10 of an alcoholic beverage;

11 (E) engages in conduct that contains the elements
12 of an offense relating to an abusable volatile chemical under
13 Sections 485.031 through 485.034, Health and Safety Code;

14 (F) engages in conduct that contains the elements
15 of the offense of public lewdness under Section 21.07, Penal Code,
16 or indecent exposure under Section 21.08, Penal Code; or

17 (G) engages in conduct that contains the elements
18 of the offense of harassment under Section 42.07(a)(1), (2), (3),
19 or (7), Penal Code, against an employee of the school district.

20 (c) In addition to Subsections (a) and (b), a student shall
21 be removed from class and placed in a disciplinary alternative
22 education program under Section 37.008 based on conduct occurring
23 off campus and while the student is not in attendance at a
24 school-sponsored or school-related activity if:

25 (1) the student receives deferred prosecution under
26 Section 53.03, Family Code, for conduct defined as any of the
27 following offenses under the Penal Code:

- 1 (A) a felony offense under [~~in~~] Title 5 [~~, Penal~~
- 2 ~~Code~~]; [~~or~~]
- 3 (B) the offense of deadly conduct under Section
- 4 22.05;
- 5 (C) the felony offense of aggravated robbery
- 6 under Section 29.03 [~~, Penal Code~~];
- 7 (D) the offense of disorderly conduct involving a
- 8 firearm under Section 42.01(a)(7) or (8); or
- 9 (E) the offense of unlawfully carrying weapons
- 10 under Section 46.02, except for an offense punishable as a Class C
- 11 misdemeanor under that section;

12 (2) a court or jury finds that the student has engaged

13 in delinquent conduct under Section 54.03, Family Code, for conduct

14 defined as an offense listed in Subdivision (1) [~~+~~

- 15 [~~(A) a felony offense in Title 5, Penal Code, or~~
- 16 [~~(B) the felony offense of aggravated robbery~~
- 17 ~~under Section 29.03, Penal Code]; or~~

18 (3) the superintendent or the superintendent's

19 designee has a reasonable belief that the student has engaged in a

20 conduct defined as an offense listed in Subdivision (1) [~~+~~

- 21 [~~(A) a felony offense in Title 5, Penal Code, or~~
- 22 [~~(B) the felony offense of aggravated robbery~~
- 23 ~~under Section 29.03, Penal Code].~~

24 SECTION 3. Section 37.007, Education Code, is amended by

25 amending Subsections (a), (b), and (d) and adding Subsection (f-1)

26 to read as follows:

27 (a) Except as provided by Subsection (k) and subject to the

1 requirements of Section 37.009(a), a student shall be expelled from
2 a school if the student[~~, on school property or while attending a~~
3 ~~school-sponsored or school-related activity on or off of school~~
4 ~~property~~]:

5 (1) engages in conduct that contains the elements of
6 the offense of unlawfully carrying weapons under Section 46.02,
7 Penal Code, or elements of an offense relating to prohibited
8 weapons under Section 46.05, Penal Code;

9 (2) engages in conduct that contains the elements of
10 the offense of:

11 (A) aggravated assault under Section 22.02,
12 Penal Code, sexual assault under Section 22.011, Penal Code, or
13 aggravated sexual assault under Section 22.021, Penal Code;

14 (B) arson under Section 28.02, Penal Code;

15 (C) murder under Section 19.02, Penal Code,
16 capital murder under Section 19.03, Penal Code, or criminal
17 attempt, under Section 15.01, Penal Code, to commit murder or
18 capital murder;

19 (D) indecency with a child under Section 21.11,
20 Penal Code;

21 (E) aggravated kidnapping under Section 20.04,
22 Penal Code;

23 (F) aggravated robbery under Section 29.03,
24 Penal Code;

25 (G) manslaughter under Section 19.04, Penal
26 Code;

27 (H) criminally negligent homicide under Section

1 19.05, Penal Code; or

2 (I) continuous sexual abuse of young child or
3 disabled individual under Section 21.02, Penal Code; or

4 (3) engages in conduct specified by Section
5 37.006(a)(2)(C), if the conduct is punishable as a felony.

6 (b) A student may be expelled if the student:

7 (1) engages in conduct involving a public school that
8 contains the elements of the offense of false alarm or report under
9 Section 42.06, Penal Code, or terroristic threat under Section
10 22.07, Penal Code;

11 (2) while on or within 300 feet of school property, as
12 measured from any point on the school's real property boundary
13 line, or while attending a school-sponsored or school-related
14 activity on or off of school property:

15 (A) except as provided by Subsection (a)(3),
16 sells, gives, or delivers to another person or possesses, uses, or
17 is under the influence of any amount of:

18 (i) marihuana or a controlled substance, as
19 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
20 Section 801 et seq.;

21 (ii) a dangerous drug, as defined by
22 Chapter 483, Health and Safety Code; or

23 (iii) an alcoholic beverage, as defined by
24 Section 1.04, Alcoholic Beverage Code;

25 (B) engages in conduct that contains the elements
26 of an offense relating to an abusable volatile chemical under
27 Sections 485.031 through 485.034, Health and Safety Code;

1 (C) engages in conduct that contains the elements
2 of an offense under Section 22.01(a)(1), Penal Code, against a
3 school district employee or a volunteer as defined by Section
4 22.053; or

5 (D) engages in conduct that contains the elements
6 of the offense of deadly conduct under Section 22.05, Penal Code;

7 (3) subject to Subsection (d), while within 300 feet
8 of school property, as measured from any point on the school's real
9 property boundary line, ~~+~~

10 [~~(A) engages in conduct specified by Subsection~~
11 ~~(a); or~~

12 [~~(B)] possesses a firearm, as defined by 18
13 U.S.C. Section 921;~~

14 [~~(4) engages in conduct that contains the elements of~~
15 ~~any offense listed in Subsection (a)(2)(A) or (C) or the offense of~~
16 ~~aggravated robbery under Section 29.03, Penal Code, against another~~
17 ~~student, without regard to whether the conduct occurs on or off of~~
18 ~~school property or while attending a school-sponsored or~~
19 ~~school-related activity on or off of school property,] or~~

20 (4) [~~(5)] engages in conduct that contains the
21 elements of the offense of breach of computer security under
22 Section 33.02, Penal Code, if:~~

23 (A) the conduct involves accessing a computer,
24 computer network, or computer system owned by or operated on behalf
25 of a school district; and

26 (B) the student knowingly:

27 (i) alters, damages, or deletes school

1 district property or information; or

2 (ii) commits a breach of any other
3 computer, computer network, or computer system.

4 (d) A student [~~shall be expelled if the student engages in~~
5 ~~conduct that contains the elements of any offense listed in~~
6 ~~Subsection (a), and~~] may be expelled if the student engages in
7 conduct that contains the elements of any offense listed in
8 Subsection (b)(2)(C)[~~7~~] against any employee or volunteer in
9 retaliation for or as a result of the person's employment or
10 association with a school district, without regard to whether the
11 conduct occurs on or off of school property or while attending a
12 school-sponsored or school-related activity on or off of school
13 property.

14 (f-1) A school district may place a student expelled under
15 this section in:

16 (1) a virtual or in-person disciplinary alternative
17 education program; or

18 (2) a juvenile justice alternative education program.

19 SECTION 4. Section [37.0081](#)(a-1), Education Code, is amended
20 to read as follows:

21 (a-1) The student must be placed in:

22 (1) a juvenile justice alternative education program,
23 if the school district is located in a county that operates a
24 juvenile justice alternative education program or the school
25 district contracts with the juvenile board of another county for
26 the provision of a juvenile justice alternative education program;
27 or

1 (2) a virtual or in-person disciplinary alternative
2 education program.

3 SECTION 5. Subchapter A, Chapter 37, Education Code, is
4 amended by adding Section 37.0083 to read as follows:

5 Sec. 37.0083. VIRTUAL DISCIPLINARY ALTERNATIVE EDUCATION
6 PROGRAM. (a) The board of trustees of a school district, or the
7 board's designee, may place a student who has been expelled under
8 Section 37.007 in a virtual disciplinary alternative education
9 program established by the district and provide virtual instruction
10 and instructional materials for remote learning to the student.

11 (b) A student placed in a virtual disciplinary alternative
12 education program shall be counted toward the district's average
13 daily attendance for purposes of receipt of state funds under the
14 Foundation School Program.

15 (c) The commissioner shall adopt rules as necessary to
16 implement this section, including rules providing for a method of
17 taking attendance for students placed in a virtual disciplinary
18 alternative education program.

19 SECTION 6. Section 37.009, Education Code, is amended by
20 amending Subsections (a-1) and (a-2) and adding Subsection (f-1) to
21 read as follows:

22 (a-1) If a disciplinary alternative education program is at
23 capacity at the time a campus behavior coordinator is deciding
24 placement under Subsection (a) for a student who engaged in conduct
25 described under Section 37.006(a)(2)(C-1), [~~(C-2)~~] (D), or (E),
26 the student shall be:

27 (1) placed in in-school suspension; and

1 (2) if a position becomes available in the program
2 before the expiration of the period of the placement, transferred
3 to the program for the remainder of the period.

4 (a-2) If a disciplinary alternative education program is at
5 capacity at the time a campus behavior coordinator is deciding
6 placement under Subsection (a) for a student who engaged in conduct
7 described under Section 37.007 that constitutes violent conduct, as
8 defined by commissioner rule, a student who has been placed in the
9 program for conduct described under Section 37.006(a)(2)(C-1),
10 [~~(C-2)~~] (D), or (E):

11 (1) may be removed from the program and placed in
12 in-school suspension to make a position in the program available
13 for the student who engaged in violent conduct; and

14 (2) if removed from the program under Subdivision (1)
15 and a position in the program becomes available before the
16 expiration of the period of the placement, shall be returned to the
17 program for the remainder of the period.

18 (f-1) The board or the board's designee may order the
19 placement of a student expelled under Section 37.007 in an
20 alternative education program as provided by Subsection (f-1) of
21 that section.

22 SECTION 7. Section 37.010, Education Code, is amended by
23 adding Subsection (c-1) to read as follows:

24 (c-1) This subsection applies to a juvenile court in a
25 county that operates a program under Section 37.011.
26 Notwithstanding Subsections (a) and (c), a court may order a
27 student expelled under Section 37.007 to attend a school district's

1 virtual disciplinary alternative education program, if:

2 (1) the district has established a virtual
3 disciplinary alternative education program under Section 37.0083;
4 and

5 (2) the county's juvenile justice alternative
6 education program under Section 37.011 has no available positions
7 for the grade level in which the student is enrolled.

8 SECTION 8. Subchapter D, Chapter 37, Education Code, is
9 amended by adding Section 37.1151 to read as follows:

10 Sec. 37.1151. SUIT FOR TEMPORARY ALTERNATIVE PLACEMENT FOR
11 CERTAIN STUDENTS. (a) In this section, "student with a disability"
12 means a student who is covered by:

13 (1) the Individuals with Disabilities Education Act
14 (20 U.S.C. Section 1400 et seq.); or

15 (2) Section 504, Rehabilitation Act of 1973 (29 U.S.C.
16 Section 794).

17 (b) If, pursuant to a threat assessment conducted with
18 respect to a student under Section 37.115, the school district in
19 which the student is enrolled determines that the student's
20 continued placement in the student's current educational setting is
21 substantially likely to result in physical harm to the student or
22 another person, the district may file a civil action for injunctive
23 relief in a district court to authorize the district to immediately
24 remove the student from the student's current educational setting
25 and place the student in an alternative educational setting.

26 (c) The school district requesting injunctive relief under
27 this section must show that:

1 (1) the district has made reasonable efforts to
2 maintain the student's current educational setting and minimize the
3 likelihood of physical harm to the student or another person; and

4 (2) despite the district's efforts under Subdivision
5 (1), maintaining the student's current educational setting is
6 substantially likely to result in physical harm to the student or
7 another person.

8 (d) Not later than the fifth calendar day after the date a
9 school district files a civil action under Subsection (b), the
10 district court shall determine whether the district has provided
11 sufficient evidence to satisfy the requirements of Subsection (c),
12 and, if so, may order the district to remove the student from the
13 student's current educational setting and place the student in an
14 alternative educational setting for a period not to exceed 60
15 instructional days.

16 (e) In making the determination under Subsection (d), the
17 district court shall consider:

18 (1) the results of the threat assessment conducted
19 with respect to the student under Section 37.115;

20 (2) for a student with a disability, any
21 recommendations or findings made by the student's admission,
22 review, and dismissal committee or the student's team established
23 under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section
24 794), as applicable; and

25 (3) any other relevant information.

26 (f) On the expiration of an order issued under Subsection
27 (d), the school district may file another civil action under

1 Subsection (b) to extend the period of the student's placement in an
2 alternative educational setting if the district determines,
3 pursuant to an additional threat assessment conducted with respect
4 to the student under Section 37.115, that the student's return to
5 the student's previous educational setting is substantially likely
6 to result in physical harm to the student or another person.

7 (g) A school district must ensure that a student with a
8 disability who is placed in an alternative educational setting
9 under this section continues to receive all required educational
10 services, including services under the student's individualized
11 education program or the student's plan created under Section 504,
12 Rehabilitation Act of 1973 (29 U.S.C. Section 794), as applicable.

13 (h) A school district that has filed a civil action under
14 Subsection (b) for the removal of a student is not subject to the
15 requirements of Section 37.009(a) with respect to that removal.

16 SECTION 9. Sections 37.001(b-1) and 37.007(i), Education
17 Code, are repealed.

18 SECTION 10. This Act applies beginning with the 2025-2026
19 school year.

20 SECTION 11. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2025.