

## **BILL ANALYSIS**

C.S.H.B. 6  
By: Leach  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

According to data published by the National Center for Education Statistics in 2022, public schools have seen increased incidents of student misconduct, disruptive behavior outside of the classroom, and acts of disrespect towards teachers and staff since the start of the Covid-19 pandemic. C.S.H.B. 6 seeks to address these issues affecting Texas classrooms by revising disciplinary processes and procedures to ensure appropriate measures are taken with respect to classroom disruption, serious and dangerous behavior both in and out of school, and student misconduct and to provide increased flexibility and mechanisms to further support safe classrooms, Texas schoolchildren, and Texas educators.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 6 of this bill.

### **ANALYSIS**

C.S.H.B. 6 amends the Education Code to revise the process by which, and the conduct for which, a student may be disciplined by a public school district, including suspension, removal, expulsion, threat assessment, and placement of the student in certain alternative settings. The bill also sets out provisions relating to the exclusion of a student from an open-enrollment charter school on the basis of student discipline. Furthermore, the bill authorizes a district to file a civil action to temporarily place certain students in an alternative educational setting.

#### **Exclusion of Student from Charter School**

C.S.H.B. 6 revises the requirement for each charter school to prohibit discrimination in its admission policy on the basis of sex, national origin, ethnicity, religion, disability, academic, artistic, or athletic ability, or the district the child would otherwise attend, except under certain circumstances, as follows:

- includes discipline history among the characteristics of which a charter school must prohibit such discrimination in its admission policy; and
- replaces the authorization for a charter school to provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems with an authorization for the charter school to provide for the exclusion of a student who is currently, as follows:
  - placed in a disciplinary alternative education program or a juvenile justice alternative education program; or

- subject to an order of expulsion from a public school district or charter school.

The bill authorizes a charter granted to a charter school to provide for the exclusion of a student from a charter school campus that includes a child-care facility based on the student's conviction for a criminal offense that would preclude the student from being admitted to a district campus that includes a child-care facility.

## **Suspension**

C.S.H.B. 6 clarifies that the conduct for which a principal or other appropriate administrator may suspend a student is conduct identified in the district's student code of conduct as conduct for which a student may be subject to an in-school or out-of-school suspension. The bill specifies that the existing prohibition against a suspension exceeding three school days applies to an out-of-school suspension. The bill prohibits an in-school suspension from exceeding 10 school days.

C.S.H.B. 6 revises the conduct on school property or while attending a school-sponsored or school-related activity on or off of school property for which a student enrolled in a grade level below grade three may be placed in out-of-school suspension by doing the following:

- including among that conduct the following:
  - conduct that threatens the immediate health and safety of other students in the classroom; or
  - conduct that results in repeated or significant disruption to the classroom, as determined by the campus administrator in agreement with the classroom teacher; and
- removing conduct that contains the elements of a violent offense of assault, sexual assault, aggravated assault, or aggravated sexual assault from the conduct eligible for such a suspension.

## **Removal of a Student From Class**

C.S.H.B. 6 requires a teacher, after removal of a student from the classroom by the teacher, to do the following on the student's return to the classroom:

- employ appropriate classroom management techniques that can reasonably be expected to improve the student's behavior; and
- document the student's behavior the teacher determines either:
  - repeatedly interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or
  - is so unruly, disruptive, or abusive it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.

C.S.H.B. 6 revises statutory provisions relating to the removal of a student from class and the placement of that student in a disciplinary alternative education program by doing the following:

- removing the requirement to remove and place a student in such a program if the student possesses, uses, sells, gives, or delivers to another person an e-cigarette on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property; and
- expanding the offenses for which a student who receives deferred prosecution for conduct constituting the offense must be removed and placed in such a program if the conduct occurs off campus and while the student is not in attendance at a school-sponsored or school-related activity to include the following offenses:
  - deadly conduct;
  - disorderly conduct in which the actor discharges a firearm in a public place other than a public road or a sport shooting range;
  - disorderly conduct in which the actor displays a firearm or other deadly weapon in a public place in a manner calculated to alarm; and

- unlawfully carrying weapons, except for such an offense punishable as a Class C misdemeanor.

The bill also includes those offenses among the offenses committed by a student off campus and while the student is not in attendance at a school-sponsored or school-related activity that trigger the requirement to remove and place the student in a disciplinary alternative education program if a court or jury finds that the student has engaged in delinquent conduct constituting those offenses or if the superintendent or their designee has a reasonable belief that the student has engaged in conduct constituting those offenses.

### **Virtual Disciplinary Alternative Education Program**

C.S.H.B. 6 authorizes the board of trustees of a district, or the board's designee, to place a student who has been expelled for a serious offense in a virtual disciplinary alternative education program established by the district and to provide virtual instruction and instructional materials for remote learning to the student. The bill requires a student placed in a virtual disciplinary alternative education program to be counted toward the district's average daily attendance for purposes of receipt of state funds under the foundation school program. The bill requires the commissioner of education to adopt rules as necessary to implement these provisions, including rules providing for a method of taking attendance for students placed in such a program.

### **Expulsion for Serious Offenses**

C.S.H.B. 6 makes a student eligible for mandatory expulsion for a serious offense regardless of where the student engages in the conduct constituting the serious offense by removing the provision restricting eligibility for mandatory expulsion to such conduct occurring on school property or while attending a school-sponsored or school-related activity on or off of school property. The bill authorizes a district to place a student expelled for a serious offense in a virtual or in-person disciplinary alternative education program or a juvenile justice alternative education program.

C.S.H.B. 6 clarifies that a student who is expelled and elected to be placed in an alternative setting for certain conduct, following the requisite determination by the district's board or the board's designee that the student's presence in a regular classroom is generally detrimental or dangerous to others, must be placed in either a virtual or in-person disciplinary alternative education program or, as applicable, a juvenile justice alternative education program.

C.S.H.B. 6 authorizes a district's board of trustees or the board's designee, following the requisite conference and hearing, to order the placement of a student expelled for a serious offense in a virtual or in-person disciplinary alternative education program or a juvenile justice alternative education program. The bill authorizes a juvenile court in a county that operates a juvenile justice alternative education program to order a student expelled for a serious offense to attend a district's virtual disciplinary alternative education program if the following conditions apply:

- the district has established such a virtual program; and
- the county's juvenile justice alternative education program has no available positions for the grade level in which the student is enrolled.

### **Threat Assessments for Certain Students**

C.S.H.B. 6 requires the team conducting a threat assessment of a student in a special education program to include at least one of the following professionals who has specific knowledge of the student's disability and the disability's manifestations:

- a special education teacher assigned to the student;
- a licensed behavior analyst;
- a licensed clinical or licensed master social worker; or
- a licensed specialist in school psychology.

## **Suit for Temporary Alternative Placement for Certain Students**

C.S.H.B. 6 authorizes a district, if the district conducts a threat assessment of an enrolled student and determines that the student's continued placement in the student's current educational setting is substantially likely to result in physical harm to the student or another person, to file a civil action for injunctive relief in a district court to authorize the district to immediately remove the student from the student's current educational setting and place the student in an alternative educational setting. The bill requires the district requesting such injunctive relief to show that the district has made reasonable efforts to maintain the student's current educational setting and minimize the likelihood of physical harm to the student or another person and, despite those efforts, maintaining the student's current educational setting is substantially likely to result in physical harm to the student or another person.

C.S.H.B. 6 requires a district court, not later than the fifth calendar day after the date a district files such a civil action, to determine whether the district has provided sufficient evidence to satisfy the requirements for requesting the injunctive relief and, if so, authorizes the court to order the district to remove the student from their current educational setting and place the student in an alternative educational setting for a maximum period of 60 instructional days. The bill requires the district court, in making that determination, to consider the following:

- the results of the threat assessment conducted with respect to the student;
- for a student with a disability, any recommendations or findings made by the student's admission, review, and dismissal (ARD) committee or the student's team established under Section 504 of the federal Rehabilitation Act of 1973, as applicable; and
- any other relevant information.

For these purposes, the bill defines "student with a disability" as a student who is covered by the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973.

C.S.H.B. 6 authorizes a district, on the expiration of the order issued for the temporary removal and placement of a student in an alternative educational setting, to file another civil action to extend the period of the student's placement in such a setting if the district determines, pursuant to an additional threat assessment, that the student's return to the student's previous educational setting is substantially likely to result in physical harm to the student or another person. The bill requires a district to ensure that a student with a disability who is placed in an alternative educational setting for these purposes continues to receive all required educational services, including services under the student's individualized education program or the student's plan created under Section 504 of the federal Rehabilitation Act of 1973, as applicable. The bill exempts a district that filed a civil action for injunctive relief and the removal of a student from statutory requirements relating to a conference following the removal of a student from class with applicable administrators, the student's parent or guardian, the teacher who removed the student, and the student with respect to that removal.

## **Repealed Provisions; Applicability**

C.S.H.B. 6 repeals the requirement for the applicable disciplinary methods adopted under a district's student code of conduct to provide that a student enrolled in a special education program may not be disciplined for conduct relating to bullying, harassment, and making hit lists until an ARD committee meeting has been held to review the conduct.

C.S.H.B. 6 repeals Sections 37.001(b-1) and 37.007(i), Education Code.

C.S.H.B. 6 applies beginning with the 2025-2026 school year.

## **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 6 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions absent from the introduced that do the following:

- revise the requirement for each charter school to prohibit discrimination in its admission policy on the basis of certain characteristics, or the district the child would otherwise attend, except under certain circumstances, by doing the following:
  - expanding those characteristics to include discipline history; and
  - replacing the authorization for a charter school to provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems with an authorization for the charter school to provide for the exclusion of a student who is currently placed in certain alternative education programs or subject to an order of expulsion from a district or charter school;
- authorize a charter granted to a charter school to provide for the exclusion of a student from a charter school campus that includes a child-care facility based on the student's conviction for a criminal offense that would preclude the student from being admitted to a district campus that includes a child-care facility;
- require the team conducting a threat assessment of a student in a special education program to include at least one of the specified professionals who has specific knowledge of the student's disability and the disability's manifestations; and
- requires a teacher, after removal of a student from the classroom by the teacher, to employ certain classroom management techniques and document the student's behavior, as specified, on the student's return to the classroom.

Whereas the introduced established that an in-school suspension is not subject to any time limit, the substitute prohibits an in-school suspension from exceeding 10 school days. While both the substitute and the introduced revise the conduct on school property or while attending a school-sponsored or school related activity on or off of school property for which a student enrolled in a grade level below grade three may be placed in out-of-school suspension by including conduct that results in repeated or significant disruption to the classroom, the substitute includes a specification absent from the introduced that such conduct is determined by the campus administrator in agreement with the classroom teacher.