

BILL ANALYSIS

Senate Research Center

H.B. 6
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Education K-16
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. 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 school children, and Texas educators.

H.B. 6 amends current law relating to discipline in public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 9 (Section 37.0083, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.111, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that each charter under Subchapter D (Open-Enrollment Charter School) include certain provisions, including a prohibition on discrimination in admission policy on the basis of certain characteristics, although the charter is authorized to provide for the exclusion of a student who has engaged in conduct outlined in Section 37.006 (Removal for Certain Conduct) related to placement in a disciplinary alternative education program or a juvenile justice alternative education program, has engaged in conduct outlined in Section 37.007 (Expulsion for Serious Offenses) related to expulsion, or has been convicted of a criminal offense or has a juvenile court adjudication, rather than the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline program under Subchapter A (Alternative Settings for Behavior Management), Chapter 37 (Discipline; Law and Order). Makes a nonsubstantive change.

(a-1) Authorizes a charter granted under this subchapter, notwithstanding Subsection (a)(5) (relating to authorizing the charter to exclude students who have engaged in certain conduct), to provide for the exclusion of a student from an open-enrollment 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 school district campus that includes a child-care facility.

SECTION 2. Amends Section 29.041(3), Education Code, to redefine "supplemental special education services."

SECTION 3. Amends Section 37.001(b-1), Education Code, as follows:

(b-1) Requires that the methods adopted under Subsection (a)(8) (relating to requiring that the student code of conduct provide certain methods for classroom management) provide that a student who is enrolled in a special education program under Subchapter A (Special Education Program), Chapter 29 (Educational Programs), is prohibited from being disciplined in a manner that results in a change in the student's educational placement for conduct prohibited in accordance with Subsection (a)(7) (relating to requiring that the student code of conduct prohibit bullying, harassment, and making hitlists and ensure that district employees enforce those prohibitions) until an admission, review, and dismissal committee meeting has been held to review the conduct.

SECTION 4. Amends Section 37.002, Education Code, by adding Subsection (b-2), as follows:

(b-2) Requires the teacher, after removal of a student from the classroom under Section 37.002 (Removal by Teacher), on the student's return to the classroom to:

(1) employ appropriate classroom management techniques that can reasonably be expected to improve the student's behavior; and

(2) 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.

SECTION 5. Amends Section 37.005, Education Code, by amending Subsections (a), (b), (c), and (d) and adding Subsection (c-2), as follows:

(a) Authorizes the principal or other appropriate administrator to suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 (Student Code of Conduct) as conduct for which a student may be subject to an in-school or out-of-school suspension, rather than be suspended.

(b) Prohibits an out-of-school suspension under Section 37.005 (Suspension), rather than a suspension under this section, from exceeding three school days. Prohibits an in-school suspension under this section from exceeding 10 school days.

(c) Prohibits a student who is enrolled in a grade level below grade three from being 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 certain conduct, including 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, rather than conduct that contains elements of a violent offense under certain sections of the Penal Code. Makes a nonsubstantive change.

(c-2) Authorizes the campus administrator or district designee, on receiving a written request from the student's parent or person standing in parental relation to the student, to at the administrator's or designee's sole discretion reassign a student placed in out-of-school suspension under Subsection (c) to an in-school suspension for a period, notwithstanding Subsection (b), not to exceed 15 school days if the student's parent or person standing in parental relation to the student demonstrates through supporting information and documentation that the parent or person is unable to provide suitable supervision for the student during school hours during the period of the suspension. Provides that the alternative placement provided by this section is authorized to be used only in extenuating circumstances and is prohibited from being used as a routine replacement for out-of-school suspension. Requires the school district to maintain documentation of each reassignment under this subsection, including the parent's or person's request, the reason for the parent's or person's unavailability, and the supporting information and documentation.

(d) Makes a nonsubstantive change to this subsection.

SECTION 6. Amends Section 37.006, Education Code, by amending Subsections (a) and (c) and adding Subsection (a-1), as follows:

(a) Creates exceptions under Sections 37.007(a) and 37.007(a)(3). Deletes existing text requiring that a student be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 (Disciplinary Alternative Education Programs) if the student possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081 (Definitions), Health and Safety Code.

(a-1) Requires a student, subject to the requirements of Section 37.009(a), to be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 for a period of not less than 30 days if the student engages in conduct that contains the elements of the offense of assault under Section 22.01 (Assault), Penal Code, or terroristic threat under Section 22.07(a)(2) (relating to providing that a person commits an offense if he threatens to commit any offense with intent to place any person in fear of imminent bodily injury), Penal Code, against an employee of the school district.

(c) Requires a student, in addition to Subsections (a) and (b) (relating to requiring a student to be removed and placed in a disciplinary alternative education program if the student engages in conduct on or off campus that contains the elements of the offense of retaliation), to be removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

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

(A) makes nonsubstantive changes to this paragraph;

(B) the offense of deadly conduct under Section 22.05 (Deadly Conduct);

(C) creates this paragraph from existing text and makes a nonsubstantive change;

(D) the offense of disorderly conduct involving a firearm under Section 42.01(a)(7) (relating to providing that a person commits an offense if they intentionally or knowingly discharge a firearm in a public place other than a sport shooting range) or (8) (relating to providing that a person commits an offense if they intentionally or knowingly display a firearm or other deadly weapon in a public place in a manner calculated to alarm); or

(E) the offense of unlawfully carrying weapons under Section 46.02 (Unlawful Carrying Weapons), except for an offense punishable as a Class C misdemeanor under that section;

(2) a court or jury finds that the student has engaged in delinquent conduct under Section 54.03 (Adjudication Hearing), Family Code, for conduct defined as an offense listed in Subdivision (1), rather than a felony offense in Title 5 (Offenses Against the Person), Penal Code, or the felony offense of aggravated robbery under Section 29.03 (Robbery), Penal Code; or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as an offense listed in Subdivision (1), rather than a felony offense in Title 5, Penal Code, or the felony offense of aggravated robbery under Section 29.03, Penal Code.

SECTION 7. Amends Section 37.007, Education Code, by amending Subsections (a), (b), and (d) and adding Subsection (f-1), as follows:

(a) Deletes existing text requiring a student to be expelled from a school if the student engages in certain conduct on school property or while attending a school-sponsored or school-related activity on or off of school property.

(b) Authorizes a student to be expelled if the student:

(1) makes no changes to this subdivision;

(2) while 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, except as provided by Subsection (a)(3) (relating to requiring a student to be expelled from a school if the student engages in certain conduct), sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of certain substances;

(3) subject to Subsection (d) (relating to authorizing a student to be expelled if the student that contains the elements of any offense listed in certain provisions of Subsection (b) against certain persons), while within 300 feet of school property, as measured from any point on the school's real property boundary line, possesses a firearm, as defined by 18 U.S.C. Section 921, rather than engages in conduct specified by Subsection (a) (relating to requiring a student to be expelled if the student engages in certain conduct) or possesses a firearm, as defined by 18 U.S.C. Section 921; or

(4) redesignates existing Subdivision (5) as Subdivision (4) and makes no further changes.

Deletes text of existing Subdivision (4) authorizing a student to be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) (relating to requiring a student to be expelled if the student engages in conduct that contains the elements of the offense of certain assaults) or (C) (relating to requiring a student to be expelled if the student engages in conduct that contains the elements of certain offenses related to murder) or the offense of aggravated robbery under Section 29.03 (Aggravated Robbery), Penal Code, against another student, without regard to whether the conduct occurs on or off the school property or while attending a school-sponsored or school-related activity on or off of school property.

Makes nonsubstantive changes to this subsection.

(d) Deletes existing text requiring a student to be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a). Makes a nonsubstantive change.

(f-1) Authorizes a school district to place a student expelled under Section 37.007 (Expulsion for Serious Offenses) in a virtual or in-person disciplinary alternative education program or a juvenile justice alternative education program.

SECTION 8. Amends Section 37.0081(a-1), Education Code, to require an expelled student placed in an alternative setting to be placed in certain programs, including a virtual or in-person disciplinary alternative education program.

SECTION 9. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.0083, as follows:

Sec. 37.0083. VIRTUAL DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM.

(a) Authorizes the board of trustees of a school district, or the board's designee, to place a student who has been expelled under Section 37.007 in a virtual disciplinary alternative

education program established by the district and provide virtual instruction and instructional materials for remote learning to the student.

(a-1) Requires a school district, if the board of trustees of the school district, the board's designee, or a juvenile court places a student in a virtual disciplinary alternative education program under this section, to ensure that the student has suitable home computer equipment and Internet access and provide the computer equipment and Internet access if necessary.

(b) 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.

(c) Requires the commissioner of education (commissioner) to adopt rules as necessary to implement this section, including rules providing for a method of taking attendance for students placed in a virtual disciplinary alternative education program and rules requiring school districts to provide basic professional development training for teachers providing instruction in a virtual disciplinary alternative education program.

SECTION 10. Amends Section 37.009, Education Code, by amending Subsections (a-1) and (a-2) and adding Subsection (f-1), as follows:

(a-1)-(a-2) Makes conforming changes to these subsections.

(f-1) Authorizes the board of trustees of a school district or the board's designee to order the placement of a student expelled under Section 37.007 in an alternative education program as provided by Subsection (f-1) of that section.

SECTION 11. Amends Section 37.010, Education Code, by adding Subsection (c-1), as follows:

(c-1) Provides that this subsection applies to a juvenile court in a county that operates a program under Section 37.011 (Juvenile Justice Alternative Education Program). Authorizes a court, notwithstanding certain provisions of Section 37.010 (Court Involvement), to order a student expelled under Section 37.007 to attend a school district's virtual disciplinary alternative education program, if the district has established a virtual disciplinary alternative education program under Section 37.0083 and the county's juvenile justice alternative education program under Section 37.011 has no available positions for the grade level in which the student is enrolled.

SECTION 12. Amends Subchapter A, Chapter 37, Education Code, by adding Section 37.024, as follows:

Sec. 37.024. ANNUAL REPORT REGARDING EXPULSIONS, SUSPENSIONS, AND REMOVALS TO DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS. Requires each school district and open-enrollment charter school, not later than September 1, to prepare and submit to the Texas Education Agency (TEA) an annual report regarding each expulsion, suspension, or removal of a student to a disciplinary alternative education program that occurred during the preceding school year, disaggregated by the type of removal, the student's race, the student's gender, and the student's grade.

SECTION 13. Amends Section 37.055, Education Code, by amending Subsections (a) and (b) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires a representative of the school district, a student, and the student's parent, on admitting the student to a school-community guidance center, placing a student in a disciplinary alternative education program, or expelling a student, to develop an agreement that specifies the responsibilities of the parent and the student.

(a-1) Requires the school district to provide to the student's parent written notice of the meeting at which the agreement described by Subsection (a) will be developed and encourage the student's parent to attend the meeting. Requires the district to ensure the student's parent is authorized to attend the meeting in person or by telephone or video conference.

(a-2) Provides that, if the student and the student's parent participate in the development and completion of the agreement described by Subsection (a), the school district is required to review and authorized to reduce the length of any discipline to be imposed on the student.

(b) Authorizes the superintendent of the school district to obtain a court order from a district, county, or justice court in whose jurisdiction all or any part of the school district is located requiring a parent to fully, reasonably, and timely participate in the development of an agreement under Section 37.085 (Arrests Prohibited for Certain Class C Misdemeanors), rather than comply with an agreement made under this section, and to comply with the agreement if the parent receives notice of a meeting to develop the agreement under Subsection (a-1) and fails to attend the meeting on two separate occasions. Authorizes a parent who violates a court order issued under this subsection to be punished for contempt of court or by other appropriate judicial remedy.

SECTION 14. Amends Section 37.115, Education Code, by adding Subsection (d-1), as follows:

(d-1) Requires a threat assessment team (team) and safe and supportive school conducting the threat assessment under Subsection (f) (relating to requiring each team to conduct a threat assessment that includes certain information), notwithstanding Subsection (d) (relating to requiring the superintendent to ensure that the members appointed to the team have certain expertise), if a student in a special education program under Subchapter A, Chapter 29, is the subject of the threat assessment, to include at least one of certain professionals who has specific knowledge of the student's disability and the disability's manifestations.

SECTION 15. Amends Subchapter D, Chapter 37, Education Code, by adding Section 37.1151, as follows:

Sec. 37.1151. SUIT FOR TEMPORARY ALTERNATIVE PLACEMENT FOR CERTAIN STUDENTS. (a) Defines "student with a disability."

(b) Authorizes a school district, if, pursuant to a threat assessment conducted with respect to a student under Section 37.115 (Threat Assessment and Safe and Supportive School Program and Team), the school district in which the student is enrolled 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.

(c) Requires the school district requesting injunctive relief under this section to show that:

(1) 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;

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

(3) the district provided notice to the student's parent or person standing in parental relation to the student of the results of the threat assessment

conducted with respect to the student under Section 37.115 and the filing of a civil action under Subsection (b).

(d) Provides that the district court, not later than the fifth calendar day after the date a school district files a civil action under Subsection (b), is required to determine whether the district has provided sufficient evidence to satisfy the requirements of Subsection (c), and, if so, is authorized to order the district to remove the student from the student's current educational setting and place the student in an alternative educational setting for a period not to exceed 60 instructional days.

(e) Requires the district court, in making the determination under Subsection (d), to consider certain factors.

(f) Requires the school district, before the expiration of an order issued under Subsection (d) for a student enrolled in the school district's special education program under Subchapter A, Chapter 29, to request from the student's parent or person standing in parental relation to the student consent for a qualified professional to conduct a functional behavioral assessment of the student.

(g) Requires the school district, before the expiration of an order issued under Subsection (d) for a student enrolled in the school district's special education program under Subchapter A, Chapter 29, to seek consent from the student's parent or person standing in parental relation to conduct a functional behavioral assessment of the student by a licensed specialist in school psychology, a licensed behavior analyst, or a behavior specialist.

(h) Authorizes the school district, on the expiration of an order issued under Subsection (d), to file another civil action under Subsection (b) to extend the period of the student's placement in an alternative educational setting if the district determines, pursuant to an additional threat assessment conducted with respect to the student under Section 37.115, 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.

(i) Requires a school district to ensure that a student with a disability who is placed in an alternative educational setting under this section 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, Rehabilitation Act of 1973 (29 U.S.C. Section 794), as applicable.

(j) Provides that a school district that has filed a civil action under Subsection (b) for the removal of a student is not subject to the requirements of Section 37.009(a) (relating to requiring the campus behavior coordinator to schedule a conference among certain persons) with respect to that removal.

SECTION 16. Repealer: Section 37.007(i) (relating to authorizing a student who engages in certain conduct to be expelled from the school if the conduct occurs at certain places), Education Code.

SECTION 17. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 18. Effective date: upon passage or September 1, 2025.