

1-1 By: Perry, Creighton, Sparks S.B. No. 1871
1-2 (In the Senate - Filed March 4, 2025; March 17, 2025, read
1-3 first time and referred to Committee on Education K-16;
1-4 April 7, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 7, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Creighton	X			
1-10	Campbell	X			
1-11	Bettencourt	X			
1-12	Hagenbuch	X			
1-13	Hinojosa of Nueces	X			
1-14	King	X			
1-15	Menéndez	X			
1-16	Middleton	X			
1-17	Parker	X			
1-18	Paxton	X			
1-19	West			X	

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1871 By: Bettencourt

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to discipline management and access to telehealth mental
1-24 health services in public schools.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 12A.004(a), Education Code, is amended
1-27 to read as follows:

1-28 (a) A local innovation plan may not provide for the
1-29 exemption of a district designated as a district of innovation from
1-30 the following provisions of this title:

1-31 (1) a state or federal requirement applicable to an
1-32 open-enrollment charter school operating under Subchapter D,
1-33 Chapter 12;

1-34 (2) Subchapters A, C, D, and E, Chapter 11, except that
1-35 a district may be exempt from Sections 11.1511(b)(5) and (14) and
1-36 Section 11.162;

1-37 (3) state curriculum and graduation requirements
1-38 adopted under Chapter 28;

1-39 (4) Chapter 37; and

1-40 (5) ~~(4)~~ academic and financial accountability and
1-41 sanctions under Chapters 39 and 39A.

1-42 SECTION 2. Subchapter B, Chapter 22, Education Code, is
1-43 amended by adding Section 22.05121 to read as follows:

1-44 Sec. 22.05121. IMMUNITY FROM DISCIPLINARY PROCEEDINGS FOR
1-45 ACTIONS RELATED TO DISCIPLINE AND LAW AND ORDER. (a) In this
1-46 section, "disciplinary proceeding" means:

1-47 (1) an action brought by the school district employing
1-48 a professional employee of a school district to discharge or
1-49 suspend the employee or terminate or not renew the employee's term
1-50 contract; or

1-51 (2) an action or proceeding brought by the State Board
1-52 for Educator Certification.

1-53 (b) A professional employee of a school district may not be
1-54 subject to disciplinary proceedings for:

1-55 (1) the reporting of a violation of Chapter 37 to
1-56 another professional employee of a school district, the agency, or
1-57 a law enforcement agency; or

1-58 (2) an action taken in good faith to remove a student
1-59 from class under Section 37.002.

1-60 (c) The immunity provided by Subsection (b) is in addition

to any other immunity provided by law. This section may not be construed to interfere with any other immunity provided by law.

SECTION 3. Section 37.0012, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (b-1) to read as follows:

(a) A single person at each campus must be designated to serve as the campus behavior coordinator. The person designated may be the principal of the campus or any other campus administrator selected by the principal.

(a-1) Additional school staff members may assist the campus behavior coordinator in the performance of the campus behavior coordinator's duties, provided that the campus behavior coordinator personally verifies that all aspects of this subchapter are appropriately implemented.

(b-1) The campus behavior coordinator shall:

(1) monitor disciplinary referrals;
(2) report to the campus's threat assessment and safe and supportive school team established under Section 37.115 any student who engages in conduct that contains the elements of:

(A) the offense of terroristic threat under Section 22.07, Penal Code;

(B) the offense of unlawfully carrying weapons under Section 46.02, Penal Code;

(C) an offense relating to prohibited weapons under Section 46.05, Penal Code; or

(D) the offense of exhibiting, using, or threatening to exhibit or use a firearm under Section 37.125 of this code; and

(3) report to the campus's threat assessment and safe and supportive school team established under Section 37.115 any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.

SECTION 4. Section 37.002, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-2), (b-3), (c-1), (c-2), (f), and (g) to read as follows:

(b) A teacher may remove from class a student who:

(1) repeatedly interferes ~~[who has been documented by the teacher to repeatedly interfere]~~ 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]~~

(2) demonstrates ~~[whose]~~ behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or

(3) engages in conduct that constitutes bullying, as defined by Section 37.0832 ~~[determines is so unruly, disruptive, or abusive that 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]~~.

(b-2) A teacher, campus behavior coordinator, or other appropriate administrator shall notify a parent or person standing in parental relation to a student of the removal of a student under this section.

(b-3) Subject to Sections 28.0022(a)(2) and (d), a teacher may remove a student from class under Subsection (b) of this section based on a single incident of behavior described by Subsection (b)(1), (2), or (3).

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available and, not later than the third class day after the day on which the student was removed from class, a conference in which the teacher has been provided an opportunity to participate has been held in accordance with Section 37.009(a). The principal may not return the student to that teacher's class unless the teacher provides written consent for the student's

return or a return to class plan has been prepared for that student. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(c-1) A return to class plan required under Subsection (c) must be created before or at the conference described by that subsection. A plan created before the conference must be discussed at the conference.

(c-2) The commissioner shall adopt a model return to class plan for use by a school district in creating a return to class plan for a student under Subsection (c).

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's written consent unless the committee established under Section 37.003 determines that such placement is the best or only alternative available and a conference in which the teacher has been provided an opportunity to participate has been held in accordance with Section 37.009(a). If the teacher removed the student from class because the student has engaged in the elements of any offense listed in [Section 37.006(a)(2)(B) or] Section 37.007(a)(2)(A) or (a)(4) [(b)(2)(C)] against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not be coerced to consent.

(f) A student may appeal the student's removal from class under this section to:

(1) the school's placement review committee established under Section 37.003; or

(2) the campus's threat assessment and safe and supportive school team established under Section 37.115, in accordance with a district policy providing for such an appeal to be made to the team.

(g) Section 37.004 applies to the removal or placement under this section of a student with a disability who receives special education services.

SECTION 5. Section 37.005, Education Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsection (b-1) 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.

(b-1) A school's placement review committee shall review the in-school suspension of a student under this section at least once every fifteen school days after the date the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate. If the placement review committee determines that continued in-school suspension is appropriate, the committee shall document the determination.

(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

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

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

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

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

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

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

SECTION 6. Sections 37.006(a), (b), (c), and (d), Education Code, are amended to read as follows:

(a) Subject to the requirements of Section 37.009(a), a student shall be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:

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

(2) commits the following 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:

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

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

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

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

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

(C-1) possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marihuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code;

(C-2) possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code;

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

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

(F) engages in conduct that contains the elements of the offense of public lewdness under Section 21.07, Penal Code,

or indecent exposure under Section 21.08, Penal Code; or

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

(b) ~~A [Except as provided by Section 37.007(d), a]~~ student shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct on or off of school property against any school employee or volunteer as defined by Section 22.053 that contains the elements of the offense of:

(1) retaliation under Section 36.06, Penal Code; or
(2) harassment under Section 42.07, Penal Code ~~against any school employee~~.

(c) In addition to Subsections (a) and (b), a student shall 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, Family Code, for conduct defined as any of the following offenses under the Penal Code:

(A) a felony offense under ~~in~~ Title 5 ~~[, Penal Code]; [or]~~

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

(C) the felony offense of aggravated robbery under Section 29.03 ~~[, Penal Code]; or~~

(D) the offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8);

(2) a court or jury finds that the student has engaged in delinquent conduct under Section 54.03, Family Code, for conduct defined as an offense listed in Subdivision (1) ~~[+]~~

~~[(A) a felony offense in Title 5, Penal Code; or~~

~~[(B) the felony offense of aggravated robbery under Section 29.03, 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) ~~[+]~~

~~[(A) a felony offense in Title 5, Penal Code; or~~

~~[(B) the felony offense of aggravated robbery under Section 29.03, Penal Code].~~

(d) In addition to Subsections (a), (b), and (c), a student may be removed from class and placed in a disciplinary alternative education program under Section 37.008:

(1) if the student:

(A) engages in conduct that contains the elements of the offense of disruptive activities under Section 37.123; or

(B) engages in conduct that contains the elements of the offense of disruption of classes under Section 37.124, unless Subsection (d) of that section applies to the student; or

(2) based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(A) ~~[(1)]~~ the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than aggravated robbery under Section 29.03, Penal Code, or those offenses defined in Title 5, Penal Code; and

(B) ~~[(2)]~~ the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

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

(a) Except as provided by Subsection (k) and subject to the requirements of Section 37.009(a), a student shall be expelled from a school if the student, ~~[on school property or while attending a school-sponsored or school-related activity]~~ on or off of school property:

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

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

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

(B) arson under Section 28.02, Penal Code;

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

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

(E) kidnapping under Section 20.03, Penal Code, or aggravated kidnapping under Section 20.04, Penal Code;

(F) burglary under Section 30.02, Penal Code, or aggravated robbery under Section 29.02, Penal Code;

(G) manslaughter under Section 19.04, Penal Code;

(H) criminally negligent homicide under Section 19.05, Penal Code; or

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

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

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

(5) engages in conduct that constitutes the offense of exhibiting, using, or threatening to exhibit or use a firearm under Section 37.125 of this code.

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

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

(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:

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

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

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

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

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

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

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

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

~~[(A) engages in conduct specified by Subsection~~

~~(a), or~~

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

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

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

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

(B) the student knowingly:

(i) alters, damages, or deletes school district property or information; or

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

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

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

(2) a juvenile justice alternative education program.

SECTION 8. Section 37.0081(a-1), Education Code, is amended to read as follows:

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

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

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

SECTION 9. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.0083 to read as follows:

Sec. 37.0083. VIRTUAL DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM. (a) The board of trustees of a school district, or the board's designee, may 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.

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

(c) A school district may not require a teacher who provides virtual instruction to students in a virtual disciplinary alternative education program to provide virtual instruction and in-class instruction for a course during the same class period.

(d) A teacher may not provide instruction for a virtual disciplinary alternative education program course unless the teacher has completed a professional development course on virtual instruction.

(e) The commissioner shall 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.

SECTION 10. Section 37.009, Education Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) The board or the board's designee may 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. Section 37.010, Education Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) This subsection applies to a juvenile court in a

county that operates a program under Section 37.011. Notwithstanding Subsections (a) and (c), a court may order a student expelled under Section 37.007 to attend a school district's virtual disciplinary alternative education program, if:

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

(2) 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. Sections 37.011(b), (h), and (k), Education Code, are amended to read as follows:

(b) If a student admitted into the public schools of a school district under Section 25.001(b) is expelled from school for conduct for which expulsion is required under Section 37.007(a)[, (d)], or (e), or for conduct that contains the elements of the offense of terroristic threat as described by Section 22.07(c-1), (d), or (e), Penal Code, the juvenile court, the juvenile board, or the juvenile board's designee, as appropriate, shall:

(1) if the student is placed on probation under Section 54.04, Family Code, order the student to attend the juvenile justice alternative education program in the county in which the student resides from the date of disposition as a condition of probation, unless the child is placed in a post-adjudication treatment facility;

(2) if the student is placed on deferred prosecution under Section 53.03, Family Code, by the court, prosecutor, or probation department, require the student to immediately attend the juvenile justice alternative education program in the county in which the student resides for a period not to exceed six months as a condition of the deferred prosecution;

(3) in determining the conditions of the deferred prosecution or court-ordered probation, consider the length of the school district's expulsion order for the student; and

(4) provide timely educational services to the student in the juvenile justice alternative education program in the county in which the student resides, regardless of the student's age or whether the juvenile court has jurisdiction over the student.

(h) Academically, the mission of juvenile justice alternative education programs shall be to enable students to perform at grade level. For purposes of accountability under Chapters 39 and 39A, a student enrolled in a juvenile justice alternative education program is reported as if the student were enrolled at the student's assigned campus in the student's regularly assigned education program, including a special education program. Annually the Texas Juvenile Justice Department, with the agreement of the commissioner, shall develop and implement a system of accountability consistent with Chapters 39 and 39A, where appropriate, to assure that students make progress toward grade level while attending a juvenile justice alternative education program. The department shall adopt rules for the distribution of funds appropriated under this section to juvenile boards in counties required to establish juvenile justice alternative education programs. Except as determined by the commissioner, a student served by a juvenile justice alternative education program on the basis of an expulsion required under Section 37.007(a)[, (d)] or (e) is not eligible for Foundation School Program funding under Chapter 31 or 48 if the juvenile justice alternative education program receives funding from the department under this subchapter.

(k) Each school district in a county with a population greater than 125,000 and the county juvenile board shall annually enter into a joint memorandum of understanding that:

(1) outlines the responsibilities of the juvenile board concerning the establishment and operation of a juvenile justice alternative education program under this section;

(2) defines the amount and conditions on payments from the school district to the juvenile board for students of the school district served in the juvenile justice alternative education

program whose placement was not made on the basis of an expulsion required under Section 37.007(a)[~~7-(d)~~] or (e);

(3) establishes that a student may be placed in the juvenile justice alternative education program if the student engages in serious misbehavior, as defined by Section 37.007(c);

(4) identifies and requires a timely placement and specifies a term of placement for expelled students for whom the school district has received a notice under Section 52.041(d), Family Code;

(5) establishes services for the transitioning of expelled students to the school district prior to the completion of the student's placement in the juvenile justice alternative education program;

(6) establishes a plan that provides transportation services for students placed in the juvenile justice alternative education program;

(7) establishes the circumstances and conditions under which a juvenile may be allowed to remain in the juvenile justice alternative education program setting once the juvenile is no longer under juvenile court jurisdiction; and

(8) establishes a plan to address special education services required by law.

SECTION 13. Section 37.015(a), Education Code, is amended to read as follows:

(a) The principal of a public or private primary or secondary school, or a person designated by the principal under Subsection (d), shall notify any school district police department and the police department of the municipality in which the school is located or, if the school is not in a municipality, the sheriff of the county in which the school is located if the principal has reasonable grounds to believe that any of the following activities occur in school, on school property, or at a school-sponsored or school-related activity on or off school property, whether or not the activity is investigated by school security officers:

(1) conduct that may constitute an offense listed under Section 508.149, Government Code;

(2) deadly conduct under Section 22.05, Penal Code;

(3) a terroristic threat under Section 22.07, Penal Code;

(4) the use, sale, or possession of a controlled substance, drug paraphernalia, or marihuana under Chapter 481, Health and Safety Code;

(5) the possession of any of the weapons or devices listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal Code;

(6) conduct that may constitute a criminal offense under Section 71.02, Penal Code; or

(7) conduct that may constitute a criminal offense for which a student may be expelled under Section 37.007(a)[~~7-(d)~~] or (e).

SECTION 14. Section 37.019, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The principal or principal's designee may order the emergency placement or expulsion of a student under this section based on a single incident of behavior by the student.

SECTION 15. Subchapter A, Chapter 37, Education Code, is amended by adding Section 37.028 to read as follows:

Sec. 37.028. PENALTIES FOR IMPOSITION OF DISCIPLINARY MEASURES PROHIBITED. (a) The agency may not withhold any state funding or impose a penalty on a school district based on the number of students in the district that have been removed from a classroom, placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program or a juvenile justice alternative education program, or expelled.

(b) This section may not be construed to limit the agency from taking any action to enforce requirements under federal law related to a determination of significant disproportionality based on the race and ethnicity of students with disabilities.

SECTION 16. Section 37.115(d), Education Code, is amended

to read as follows:

(d) The superintendent of the district shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a school district, provided that:

(1) each district campus is assigned a team; and
 (2) in serving a particular campus, the team includes the person designated to serve as the campus behavior coordinator under Section 37.0012 for that campus.

SECTION 17. Subchapter F, Chapter 38, Education Code, is amended by adding Section 38.2545 to read as follows:

Sec. 38.2545. TEXAS CHILD HEALTH ACCESS THROUGH TELEMEDICINE. (a) In this section:

(1) "Consortium" means the Texas Child Mental Health Care Consortium established under Chapter 113, Health and Safety Code.

(2) "Program" means the Texas Child Health Access through Telemedicine program operated by the consortium.

(b) If the consortium makes available mental health services to a school district through the program, the district shall offer to each student enrolled in the district access to those mental health services.

(c) A school district may not provide a mental health service to a student who is younger than 18 years of age unless the district obtains written consent from the parent or legal guardian of the student as required by Section 113.0152, Health and Safety Code.

(d) A school district may not:

(1) require a student to participate in any service provided under Subsection (b); or

(2) allow a student who is younger than 18 years of age to participate in any component of the program that involves mental health education or screening unless the district obtains signed written consent from the student's parent or legal guardian.

(e) Before the beginning of each school year, the agency shall determine at which school districts the program is available and verify that each of those school districts is in compliance with Subsection (b).

(f) The Texas Child Health Access through Telemedicine program is not considered a "school official with a legitimate educational interest" for purposes of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). A school district may not share records relating to a student with the program unless the district obtains written consent from the student, or the parent or legal guardian of the student, if the student is younger than 18 years of age.

(g) The program shall maintain, provide to each school district at which the program is available, and post on the consortium's website:

(1) a list of health providers to which the program refers participants; and

(2) the process used by the program in vetting providers described by Subdivision (1).

SECTION 18. Section 113.0251, Health and Safety Code, is amended to read as follows:

Sec. 113.0251. BIENNIAL REPORT. Not later than December 1 of each even-numbered year, the consortium shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over behavioral health issues and post on its Internet website a written report that outlines:

(1) the activities and objectives of the consortium;

(2) the health-related institutions of higher education listed in Section 113.0052(1) that receive funding by the executive committee;

(3) during the preceding two years, the percentage of participants in the Texas Child Health Access through Telemedicine program operated by the consortium:

(A) who were prescribed a psychotropic drug;

(B) who were transported to an emergency room or psychiatric hospital for mental health services or observation;

(C) who were referred to a health provider for further mental health services;

(D) who completed the requisite number of appointments offered to the participant by the program; and

(E) for whom the participant's parent or legal guardian consented to the participant's participation in research;

(4) during the preceding two years, the percentage of potential participants for whom a parent or legal guardian declined to give informed consent to participate in the program; and

(5) ~~[(3)]~~ any legislative recommendations based on the activities and objectives described by Subdivision (1).

SECTION 19. Sections [37.007](#)(d) and (i), Education Code, are repealed.

SECTION 20. (a) Not later than the first day of the 2025-2026 school year, the Texas Education Agency shall prepare and provide to each school district a report identifying each law relating to school discipline that was amended or added by the 89th Legislature, Regular Session, 2025.

(b) A school district shall provide to each student and the parent of or person standing in parental relation to the student the report prepared under Subsection (a) of this section.

SECTION 21. Section [12A.004](#)(a), Education Code, as amended by this Act, applies to a local innovation plan adopted or renewed before, on, or after the effective date of this Act.

SECTION 22. Section 22.05121, Education Code, as added by this Act, applies to a disciplinary proceeding for conduct that occurs before, on, or after the effective date of this Act, except that a disciplinary proceeding finally resolved before the effective date of this Act is unaffected by this Act.

SECTION 23. Notwithstanding Sections 38.2545(d)(2) and (f), Education Code, as added by this Act, a school district must comply with the requirements of those provisions and update consent forms and documents as necessary for compliance as soon as practicable after the effective date of this Act but not later than December 1, 2025.

SECTION 24. This Act applies beginning with the 2025-2026 school year.

SECTION 25. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section [39](#), Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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