

AN ACT

relating to discipline management and access to telehealth mental health services in public schools.

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

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

(a) Each charter granted under this subchapter must:

(1) describe the educational program to be offered, which must include the required curriculum as provided by Section 28.002;

(2) provide that continuation of the charter is contingent on the status of the charter as determined under Section 12.1141 or 12.115 or under Chapter 39A;

(3) specify the academic, operational, and financial performance expectations by which a school operating under the charter will be evaluated, which must include applicable elements of the performance frameworks adopted under Section 12.1181;

(4) specify:

(A) any basis, in addition to a basis specified by this subchapter or Chapter 39A, on which the charter may be revoked, renewal of the charter may be denied, or the charter may be allowed to expire; and

(B) the standards for evaluation of a school

1 operating under the charter for purposes of charter renewal, denial  
2 of renewal, expiration, revocation, or other intervention in  
3 accordance with Section 12.1141 or 12.115 or Chapter 39A, as  
4 applicable;

5 (5) prohibit discrimination in admission policy on the  
6 basis of sex, national origin, ethnicity, religion, disability,  
7 academic, artistic, or athletic ability, or the district the child  
8 would otherwise attend in accordance with this code, although the  
9 charter may:

10 (A) provide for the exclusion of a student who:

11 (i) has engaged in conduct outlined in  
12 Section 37.006 related to placement in a disciplinary alternative  
13 education program or a juvenile justice alternative education  
14 program;

15 (ii) has engaged in conduct outlined in  
16 Section 37.007 related to expulsion; or

17 (iii) has been convicted of a criminal  
18 offense or has a juvenile court adjudication [~~has a documented~~  
19 ~~history of a criminal offense, a juvenile court adjudication, or~~  
20 ~~discipline problems under Subchapter A, Chapter 37]; and~~

21 (B) provide for an admission policy that requires  
22 a student to demonstrate artistic ability if the school specializes  
23 in performing arts;

24 (6) specify the grade levels to be offered;

25 (7) describe the governing structure of the program,  
26 including:

27 (A) the officer positions designated;

1                   (B) the manner in which officers are selected and  
2 removed from office;

3                   (C) the manner in which members of the governing  
4 body of the school are selected and removed from office;

5                   (D) the manner in which vacancies on that  
6 governing body are filled;

7                   (E) the term for which members of that governing  
8 body serve; and

9                   (F) whether the terms are to be staggered;

10                  (8) specify the powers or duties of the governing body  
11 of the school that the governing body may delegate to an officer;

12                  (9) specify the manner in which the school will  
13 distribute to parents information related to the qualifications of  
14 each professional employee of the program, including any  
15 professional or educational degree held by each employee, a  
16 statement of any certification under Subchapter B, Chapter 21, held  
17 by each employee, and any relevant experience of each employee;

18                  (10) describe the process by which the person  
19 providing the program will adopt an annual budget;

20                  (11) describe the manner in which an annual audit of  
21 the financial and programmatic operations of the program is to be  
22 conducted, including the manner in which the person providing the  
23 program will provide information necessary for the school district  
24 in which the program is located to participate, as required by this  
25 code or by commissioner rule, in the Public Education Information  
26 Management System (PEIMS);

27                  (12) describe the facilities to be used;

1           (13) describe the geographical area served by the  
2 program;

3           (14) specify any type of enrollment criteria to be  
4 used;

5           (15) provide information, as determined by the  
6 commissioner, relating to any management company that will provide  
7 management services to a school operating under the charter; and

8           (16) specify that the governing body of an  
9 open-enrollment charter school accepts and may not delegate  
10 ultimate responsibility for the school, including the school's  
11 academic performance and financial and operational viability, and  
12 is responsible for overseeing any management company providing  
13 management services for the school and for holding the management  
14 company accountable for the school's performance.

15           (a-1) Notwithstanding Subsection (a)(5), a charter granted  
16 under this subchapter may provide for the exclusion of a student  
17 from an open-enrollment charter school campus that includes a  
18 child-care facility based on the student's conviction for a  
19 criminal offense that would preclude the student from being  
20 admitted to a school district campus that includes a child-care  
21 facility.

22           SECTION 2. Section 12A.004(a), Education Code, is amended  
23 to read as follows:

24           (a) A local innovation plan may not provide for the  
25 exemption of a district designated as a district of innovation from  
26 the following provisions of this title:

27           (1) a state or federal requirement applicable to an

1 open-enrollment charter school operating under Subchapter D,  
2 Chapter 12;

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

6 (3) state curriculum and graduation requirements  
7 adopted under Chapter 28;

8 (4) Chapter 37; and

9 (5) [~~4~~] academic and financial accountability and  
10 sanctions under Chapters 39 and 39A.

11 SECTION 3. Subchapter B, Chapter 22, Education Code, is  
12 amended by adding Section 22.05121 to read as follows:

13 Sec. 22.05121. IMMUNITY FROM DISCIPLINARY PROCEEDINGS FOR  
14 ACTIONS RELATED TO DISCIPLINE AND LAW AND ORDER. (a) In this  
15 section, "disciplinary proceeding" means:

16 (1) an action brought by the school district employing  
17 a professional employee of a school district to discharge or  
18 suspend the employee or terminate or not renew the employee's term  
19 contract; or

20 (2) an action or proceeding brought by the State Board  
21 for Educator Certification.

22 (b) A professional employee of a school district may not be  
23 subject to disciplinary proceedings for:

24 (1) the reporting of a violation of Chapter 37 to  
25 another professional employee of a school district, the agency, or  
26 a law enforcement agency; or

27 (2) an action taken in good faith to remove a student

1 from class under Section 37.002.

2 (c) The immunity provided by Subsection (b) is in addition  
3 to any other immunity provided by law. This section may not be  
4 construed to interfere with any other immunity provided by law.

5 SECTION 4. Section 29.041(3), Education Code, is amended to  
6 read as follows:

7 (3) "Supplemental special education services" means  
8 an additive service that provides an educational benefit to a  
9 student receiving special education services under Subchapter A,  
10 including:

11 (A) occupational therapy, physical therapy, and  
12 speech therapy; ~~and~~

13 (B) private tutoring and other supplemental  
14 private instruction or programs; and

15 (C) crisis prevention and intervention training  
16 for the student's parent or person standing in parental relation to  
17 the student.

18 SECTION 5. Sections 37.001(a) and (b-1), Education Code,  
19 are amended to read as follows:

20 (a) The board of trustees of an independent school district  
21 shall, with the advice of its district-level committee established  
22 under Subchapter F, Chapter 11, adopt a student code of conduct for  
23 the district. The student code of conduct must be posted and  
24 prominently displayed at each school campus or made available for  
25 review at the office of the campus principal. In addition to  
26 establishing standards for student conduct, the student code of  
27 conduct must:

1           (1) specify the circumstances, in accordance with this  
2 subchapter, under which a student may be removed from a classroom,  
3 campus, disciplinary alternative education program, or vehicle  
4 owned or operated by the district;

5           (2) specify conditions that authorize or require a  
6 principal or other appropriate administrator to transfer a student  
7 to a disciplinary alternative education program, which must  
8 expressly provide that an appropriate administrator may place a  
9 student in a disciplinary alternative education program for the  
10 first-time offense of possession or use of a nicotine delivery  
11 product or e-cigarette, as defined by Section 161.081, Health and  
12 Safety Code;

13           (3) outline conditions under which a student may be  
14 suspended as provided by Section 37.005 or expelled as provided by  
15 Section 37.007;

16           (4) specify that consideration will be given, as a  
17 factor in each decision concerning suspension, removal to a  
18 disciplinary alternative education program, expulsion, or  
19 placement in a juvenile justice alternative education program,  
20 regardless of whether the decision concerns a mandatory or  
21 discretionary action, to:

22                   (A) self-defense;

23                   (B) intent or lack of intent at the time the  
24 student engaged in the conduct;

25                   (C) a student's disciplinary history;

26                   (D) a disability that substantially impairs the  
27 student's capacity to appreciate the wrongfulness of the student's

1 conduct;

2 (E) a student's status in the conservatorship of  
3 the Department of Family and Protective Services; or

4 (F) a student's status as a student who is  
5 homeless;

6 (5) provide guidelines for setting the length of a  
7 term of:

8 (A) a removal under Section 37.006; and

9 (B) an expulsion under Section 37.007;

10 (6) address the notification of a student's parent or  
11 guardian of a violation of the student code of conduct committed by  
12 the student that results in suspension, removal to a disciplinary  
13 alternative education program, or expulsion;

14 (7) prohibit bullying, harassment, and making hit  
15 lists and ensure that district employees enforce those  
16 prohibitions;

17 (8) provide, as appropriate for students at each grade  
18 level, methods, including options, for:

19 (A) managing students in the classroom, on school  
20 grounds, and on a vehicle owned or operated by the district;

21 (B) disciplining students; and

22 (C) preventing and intervening in student  
23 discipline problems, including bullying, harassment, and making  
24 hit lists; ~~and~~

25 (9) include an explanation of the provisions regarding  
26 refusal of entry to or ejection from district property under  
27 Section 37.105, including the appeal process established under

1 Section 37.105(h); and

2 (10) include a statement regarding whether the board  
3 has adopted a policy for parental involvement in school  
4 disciplinary placements under Section 37.0014 and, if so, the  
5 provisions of the policy.

6 (b-1) The methods adopted under Subsection (a)(8) must  
7 provide that a student who is enrolled in a special education  
8 program under Subchapter A, Chapter 29, may not be disciplined in a  
9 manner that results in a change in the student's educational  
10 placement for conduct prohibited in accordance with Subsection  
11 (a)(7) until an admission, review, and dismissal committee meeting  
12 has been held to review the conduct.

13 SECTION 6. Section 37.0012, Education Code, is amended by  
14 amending Subsection (a) and adding Subsections (a-1) and (b-1) to  
15 read as follows:

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

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

25 (b-1) The campus behavior coordinator shall:

26 (1) monitor disciplinary referrals;

27 (2) report to the campus's threat assessment and safe

1 and supportive school team established under Section 37.115 any  
2 student who engages in conduct that contains the elements of:

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

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

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

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

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

16 SECTION 7. Subchapter A, Chapter 37, Education Code, is  
17 amended by adding Section 37.0014 to read as follows:

18 Sec. 37.0014. POLICY FOR PARENTAL INVOLVEMENT IN SCHOOL  
19 DISCIPLINARY PLACEMENTS. (a) The board of trustees of a school  
20 district may adopt a policy for parental involvement in school  
21 disciplinary placements.

22 (b) A policy adopted under this section must provide for:

23 (1) the principal, campus behavior coordinator, or  
24 other appropriate administrator to notify the parent of or person  
25 standing in parental relation to a student who has been placed in a  
26 disciplinary alternative education program or expelled of the  
27 parent's or person's right to request a behavioral agreement that

1 specifies the responsibilities of the parent or person and student  
2 to be developed; and

3 (2) if a behavioral agreement described by Subdivision  
4 (1) is developed and the student and the student's parent or person  
5 standing in parental relation comply with the terms of the  
6 agreement, subject to Subsection (c), a reduction in the period of  
7 the disciplinary placement imposed on the student.

8 (c) A reduction in the period of a disciplinary placement  
9 under Subsection (b)(2) does not entitle the student for whom the  
10 period of placement was reduced to a different disciplinary  
11 placement. The reduction in the period of a disciplinary placement  
12 is at the sole discretion of the principal, campus behavior  
13 coordinator, or other appropriate administrator and may be revoked  
14 or amended at any time if the student or the student's parent or  
15 person standing in parental relation does not comply with the terms  
16 of the behavioral agreement developed under Subsection (b)(1).

17 (d) A behavioral agreement developed under Subsection  
18 (b)(1) must include in writing the specific reduction in the period  
19 of the student's disciplinary placement with which the student will  
20 be credited if the student and the student's parent or person  
21 standing in parental relation comply with the terms of the  
22 behavioral agreement.

23 (e) The commissioner shall adopt a model behavioral  
24 agreement for use by school districts in developing a behavioral  
25 agreement under Subsection (b)(1).

26 SECTION 8. Section 37.002, Education Code, is amended by  
27 amending Subsections (b), (c), and (d) and adding Subsections

1 (b-2), (b-3), (c-1), (c-2), (f), (f-1), and (g) to read as follows:

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

3 (1) repeatedly interferes [~~who has been documented by~~  
4 ~~the teacher to repeatedly interfere~~] with the teacher's ability to  
5 communicate effectively with the students in the class or with the  
6 ability of the student's classmates to learn; [~~or~~]

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

10 (3) engages in conduct that constitutes bullying, as  
11 defined by Section 37.0832 [~~determines is so unruly, disruptive, or~~  
12 ~~abusive that it seriously interferes with the teacher's ability to~~  
13 ~~communicate effectively with the students in the class or with the~~  
14 ~~ability of the student's classmates to learn~~].

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

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

23 (c) If a teacher removes a student from class under  
24 Subsection (b), the principal may place the student into another  
25 appropriate classroom, into in-school suspension, or into a  
26 disciplinary alternative education program as provided by Section  
27 37.008. The principal may not return the student to that teacher's

1 class without the teacher's written consent unless the committee  
2 established under Section 37.003 determines that such placement is  
3 the best or only alternative available and, not later than the third  
4 class day after the day on which the student was removed from class,  
5 a conference in which the teacher has been provided an opportunity  
6 to participate has been held in accordance with Section 37.009(a).  
7 The principal may not return the student to that teacher's class  
8 unless the teacher provides written consent for the student's  
9 return or a return to class plan has been prepared for that student.  
10 The principal may only designate an employee of the school whose  
11 primary duties do not include classroom instruction to create a  
12 return to class plan. The terms of the removal may prohibit the  
13 student from attending or participating in school-sponsored or  
14 school-related activity.

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

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

22 (d) A teacher shall remove from class and send to the  
23 principal for placement in a disciplinary alternative education  
24 program or for expulsion, as appropriate, a student who engages in  
25 conduct described under Section 37.006 or 37.007. The student may  
26 not be returned to that teacher's class without the teacher's  
27 written consent unless the committee established under Section

1 37.003 determines that such placement is the best or only  
2 alternative available and a conference in which the teacher has  
3 been provided an opportunity to participate has been held in  
4 accordance with Section 37.009(a). If the teacher removed the  
5 student from class because the student has engaged in the elements  
6 of any offense listed in [~~Section 37.006(a)(2)(B) or~~] Section  
7 37.007(a)(2)(A) or (a)(4) [~~(b)(2)(C)~~] against the teacher, the  
8 student may not be returned to the teacher's class without the  
9 teacher's written consent. The teacher may not be coerced to  
10 consent.

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

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

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

19 (f-1) The principal, campus behavior coordinator, or other  
20 appropriate administrator shall, at the conference required under  
21 Section 37.009(a), notify a student who has been removed from class  
22 under this section and the parent of or person standing in parental  
23 relation to the student of the student's right to appeal under  
24 Subsection (f).

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

1 SECTION 9. Section 37.005, Education Code, is amended by  
2 amending Subsections (a), (b), (c), and (d) and adding Subsections  
3 (b-1), (b-2), and (c-2) to read as follows:

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

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

12 (b-1) A school's principal or other appropriate  
13 administrator shall review the in-school suspension of a student  
14 under this section at least once every 10 school days after the date  
15 the suspension begins to evaluate the educational progress of the  
16 student and to determine if continued in-school suspension is  
17 appropriate. If the principal or other appropriate administrator  
18 determines that continued in-school suspension is appropriate, the  
19 principal or other appropriate administrator shall document the  
20 determination.

21 (b-2) A school shall provide a student subject to an  
22 in-school suspension under this section with appropriate  
23 behavioral support services and comparable educational services as  
24 the student would receive in the classroom. If the student receives  
25 special education services under Subchapter A, Chapter 29, the  
26 student must:

27 (1) continue to receive special education and related

1 services specified in the student's individualized education  
2 program; and

3 (2) continue to have an opportunity to progress in the  
4 general curriculum.

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

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

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

14 (3) documented conduct that results in repeated or  
15 significant disruption to the classroom [~~contains the elements of a~~  
16 ~~violent offense under Section 22.01, 22.011, 22.02, or 22.021,~~  
17 ~~Penal Code~~]; or

18 (4) (3) selling, giving, or delivering to another  
19 person or possessing, using, or being under the influence of any  
20 amount of:

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

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

26 (C) an alcoholic beverage, as defined by Section  
27 1.04, Alcoholic Beverage Code.

1        (c-2) On receiving a written request from the student's  
2 parent or person standing in parental relation to the student, the  
3 principal or other appropriate administrator may at the principal's  
4 or other appropriate administrator's sole discretion reassign a  
5 student placed in out-of-school suspension under Subsection (c) to  
6 an in-school suspension if the student's parent or person standing  
7 in parental relation to the student demonstrates through supporting  
8 information and documentation that the parent or person is unable  
9 to provide suitable supervision for the student during school hours  
10 during the period of the suspension. The alternative placement  
11 provided by this section may be used only in extenuating  
12 circumstances and may not be used as a routine replacement for  
13 out-of-school suspension. The school district shall maintain  
14 documentation of each reassignment under this subsection,  
15 including the parent's or person's request, the reason for the  
16 parent's or person's unavailability, and the supporting information  
17 and documentation.

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

1 under 42 U.S.C. Section 11434a.

2 SECTION 10. Section 37.006, Education Code, is amended by  
3 amending Subsections (a), (b), (c), and (d) and adding Subsection  
4 (d-1) to read as follows:

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

9 (1) engages in conduct involving a public school that  
10 contains the elements of the offense of false alarm or report under  
11 Section 42.06, Penal Code, or terroristic threat under Section  
12 22.07, Penal Code; or

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

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

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

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

24 (i) a controlled substance, as defined by  
25 Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et  
26 seq., excluding marihuana, as defined by Section 481.002, Health  
27 and Safety Code, or tetrahydrocannabinol, as defined by rule

1 adopted under Section 481.003 of that code; or

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

4 (C-1) possesses, uses, or is under the influence  
5 of, or sells, gives, or delivers to another person marihuana, as  
6 defined by Section 481.002, Health and Safety Code, or  
7 tetrahydrocannabinol, as defined by rule adopted under Section  
8 481.003 of that code;

9 (C-2) [~~possesses, uses,~~] sells, gives, or  
10 delivers to another person an e-cigarette, as defined by Section  
11 161.081, Health and Safety Code;

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

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

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

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

26 (b) A [~~Except as provided by Section 37.007(d), a~~] student  
27 shall be removed from class and placed in a disciplinary

1 alternative education program under Section 37.008 if the student  
2 engages in conduct on or off of school property against any school  
3 employee or volunteer as defined by Section 22.053 that contains  
4 the elements of the offense of:

- 5 (1) retaliation under Section 36.06, Penal Code; or
- 6 (2) harassment under Section 42.07, Penal Code~~[~~  
7 ~~against any school employee]~~.

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

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

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

18 (B) the offense of deadly conduct under Section  
19 22.05;

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

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

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

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

1 in delinquent conduct under Section 54.03, Family Code, for conduct  
2 defined as an offense listed in Subdivision (1) [÷

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

6 (3) the superintendent or the superintendent's  
7 designee has a reasonable belief that the student has engaged in a  
8 conduct defined as an offense listed in Subdivision (1) [÷

9 ~~[(A) a felony offense in Title 5, Penal Code, or~~  
10 ~~[(B) the felony offense of aggravated robbery~~  
11 ~~under Section 29.03, Penal Code].~~

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

15 (1) if the student:

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

18 (B) subject to Subsection (d-1), engages in  
19 conduct that contains the elements of the offense of disruption of  
20 classes under Section 37.124, unless Subsection (d) of that section  
21 applies to the student; or

22 (C) possesses or uses an e-cigarette, as defined  
23 by Section 161.081, Health and Safety Code, except that if a  
24 student who possesses or uses an e-cigarette is not placed in a  
25 disciplinary alternative education program for the first-time  
26 offense under Section 37.008, the student shall be placed in  
27 in-school suspension for a period of at least 10 school days; or

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

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

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

12           (d-1) A student may be removed from class under Subsection  
13 (d)(1)(B) for conduct described by Section 37.124(c)(1)(A) only if  
14 the conduct is intentional and repeated.

15           SECTION 11. Sections 37.007(a) and (b), Education Code, are  
16 amended to read as follows:

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

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

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

- 1 (A) aggravated assault under Section 22.02,  
2 Penal Code, sexual assault under Section 22.011, Penal Code, or  
3 aggravated sexual assault under Section 22.021, Penal Code;
- 4 (B) arson under Section 28.02, Penal Code;
- 5 (C) murder under Section 19.02, Penal Code,  
6 capital murder under Section 19.03, Penal Code, or criminal  
7 attempt, under Section 15.01, Penal Code, to commit murder or  
8 capital murder;
- 9 (D) indecency with a child under Section 21.11,  
10 Penal Code;
- 11 (E) kidnapping under Section 20.03, Penal Code,  
12 or aggravated kidnapping under Section 20.04, Penal Code;
- 13 (F) burglary under Section 30.02, Penal Code,  
14 robbery under Section 29.02, Penal Code, or aggravated robbery  
15 under Section 29.03, Penal Code;
- 16 (G) manslaughter under Section 19.04, Penal  
17 Code;
- 18 (H) criminally negligent homicide under Section  
19 19.05, Penal Code; or
- 20 (I) continuous sexual abuse of young child or  
21 disabled individual under Section 21.02, Penal Code; ~~or~~
- 22 (3) engages in conduct specified by Section  
23 37.006(a)(2)(C), if the conduct is punishable as a felony;
- 24 (4) engages in conduct that contains the elements of  
25 the offense of assault under Section 22.01(a)(1), Penal Code,  
26 against a school district employee or volunteer as defined by  
27 Section 22.053 of this code; or

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

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

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

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

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

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

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

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

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

26           (C) ~~[engages in conduct that contains the~~  
27 ~~elements of an offense under Section 22.01(a)(1), Penal Code,~~

1 ~~against a school district employee or a volunteer as defined by~~  
2 ~~Section 22.053; or~~

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

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

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

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

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

19 (4) ~~[(5)]~~ engages in conduct that contains the  
20 elements of the offense of breach of computer security under  
21 Section 33.02, Penal Code, if:

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

25 (B) the student knowingly:

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

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

3 SECTION 12. Subchapter A, Chapter 37, Education Code, is  
4 amended by adding Section 37.0083 to read as follows:

5 Sec. 37.0083. VIRTUAL EXPULSION PROGRAM. (a) The  
6 principal or other appropriate administrator may place a student  
7 who has been expelled under Section 37.007 or 37.0081 in a virtual  
8 expulsion program established by the district and provide virtual  
9 instruction and instructional materials for remote learning to the  
10 student only if:

11 (1) the school district is located in a county that  
12 operates a juvenile justice alternative education program or the  
13 school district contracts with the juvenile board of another county  
14 for the provision of a juvenile justice alternative education  
15 program, and the juvenile justice alternative education program  
16 rejects admission of the student or returns the student before the  
17 expiration of the discipline assignment; or

18 (2) the school district is not located in a county that  
19 operates a juvenile justice alternative education program and does  
20 not contract with the juvenile board of another county for the  
21 provision of a juvenile justice alternative education program.

22 (a-1) If the principal or other appropriate administrator  
23 places a student in a virtual expulsion program under this section,  
24 the school district shall ensure that the student has suitable  
25 computer equipment and Internet access and provide the computer  
26 equipment and Internet access if necessary.

27 (b) A school district must ensure that, to the extent

1 practicable in a virtual setting, the district's virtual expulsion  
2 program complies with the requirements for a disciplinary  
3 alternative education program under Section 37.008.

4 (c) The principal or other appropriate administrator shall  
5 review the placement of a student in a virtual expulsion program  
6 under this section at least once every 45 school days after the date  
7 the placement begins to determine if continued placement in the  
8 program is appropriate. The review must consider whether a  
9 position for the grade level in which the student is enrolled has  
10 become available in an in-person setting under Subsection (a)(1).  
11 If the principal or other appropriate administrator determines that  
12 such a position has become available, the school district shall  
13 plan for the student's transition to an in-person setting as soon as  
14 practicable. If the principal or other appropriate administrator  
15 determines that continued placement is appropriate, the principal  
16 or other appropriate administrator shall document the  
17 determination.

18 (d) A student placed in a virtual expulsion program shall be  
19 counted toward the district's average daily attendance for purposes  
20 of receipt of state funds under the Foundation School Program if the  
21 district can confirm the student's daily attendance in the virtual  
22 expulsion program.

23 (e) A school district may not require a teacher who provides  
24 virtual instruction to students in a virtual expulsion program to  
25 provide virtual instruction and in-class instruction for a course  
26 during the same class period.

27 (f) A teacher may not provide instruction for a virtual

1 expulsion program course unless the teacher has completed a  
2 professional development course on virtual instruction.

3 (g) The commissioner shall adopt rules as necessary to  
4 implement this section, including rules providing for a method of  
5 taking attendance for students placed in a virtual expulsion  
6 program and rules requiring school districts to provide basic  
7 professional development training for teachers providing  
8 instruction in a virtual expulsion program.

9 SECTION 13. Section 37.009, Education Code, is amended by  
10 adding Subsection (f-1) to read as follows:

11 (f-1) The board or the board's designee may order the  
12 placement of a student expelled under Section 37.007 in an  
13 alternative education program as provided by Section 37.0083.

14 SECTION 14. Sections 37.011(b), (h), and (k), Education  
15 Code, are amended to read as follows:

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

23 (1) if the student is placed on probation under  
24 Section 54.04, Family Code, order the student to attend the  
25 juvenile justice alternative education program in the county in  
26 which the student resides from the date of disposition as a  
27 condition of probation, unless the child is placed in a

1 post-adjudication treatment facility;

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

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

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

15 (h) Academically, the mission of juvenile justice  
16 alternative education programs shall be to enable students to  
17 perform at grade level. For purposes of accountability under  
18 Chapters 39 and 39A, a student enrolled in a juvenile justice  
19 alternative education program is reported as if the student were  
20 enrolled at the student's assigned campus in the student's  
21 regularly assigned education program, including a special  
22 education program. Annually the Texas Juvenile Justice  
23 Department, with the agreement of the commissioner, shall develop  
24 and implement a system of accountability consistent with Chapters  
25 39 and 39A, where appropriate, to assure that students make  
26 progress toward grade level while attending a juvenile justice  
27 alternative education program. The department shall adopt rules

1 for the distribution of funds appropriated under this section to  
2 juvenile boards in counties required to establish juvenile justice  
3 alternative education programs. Except as determined by the  
4 commissioner, a student served by a juvenile justice alternative  
5 education program on the basis of an expulsion required under  
6 Section 37.007(a) [~~7-(d)~~] or (e) is not eligible for Foundation  
7 School Program funding under Chapter 31 or 48 if the juvenile  
8 justice alternative education program receives funding from the  
9 department under this subchapter.

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

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

16 (2) defines the amount and conditions on payments from  
17 the school district to the juvenile board for students of the school  
18 district served in the juvenile justice alternative education  
19 program whose placement was not made on the basis of an expulsion  
20 required under Section 37.007(a) [~~7-(d)~~] or (e);

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

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

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

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

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

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

14           SECTION 15. Section [37.015\(a\)](#), Education Code, is amended  
15 to read as follows:

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

26           (1) conduct that may constitute an offense listed  
27 under Section [508.149](#), Government Code;

- 1           (2) deadly conduct under Section 22.05, Penal Code;
- 2           (3) a terroristic threat under Section 22.07, Penal  
3 Code;
- 4           (4) the use, sale, or possession of a controlled  
5 substance, drug paraphernalia, or marihuana under Chapter 481,  
6 Health and Safety Code;
- 7           (5) the possession of any of the weapons or devices  
8 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal  
9 Code;
- 10          (6) conduct that may constitute a criminal offense  
11 under Section 71.02, Penal Code; or
- 12          (7) conduct that may constitute a criminal offense for  
13 which a student may be expelled under Section 37.007(a) [~~7(d)~~] or  
14 (e).

15          SECTION 16. Section 37.019, Education Code, is amended by  
16 adding Subsection (b-1) to read as follows:

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

20          SECTION 17. Subchapter A, Chapter 37, Education Code, is  
21 amended by adding Section 37.028 to read as follows:

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

1 alternative education program, or expelled.

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

6 SECTION 18. Section 37.115, Education Code, is amended by  
7 amending Subsection (d) and adding Subsection (d-1) to read as  
8 follows:

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

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

20 (d-1) Notwithstanding Subsection (d), if a student in a  
21 special education program under Subchapter A, Chapter 29, is the  
22 subject of a threat assessment under Subsection (f), the team  
23 conducting the assessment must include a person who has knowledge  
24 of student disabilities and how student disabilities manifest and  
25 may include:

- 26 (1) an educational diagnostician;  
27 (2) a behavior specialist;

1           (3) a special education teacher assigned to the  
2 student;

3           (4) a licensed behavior analyst;

4           (5) a licensed clinical or licensed master social  
5 worker; or

6           (6) a licensed specialist in school psychology.

7           SECTION 19. Subchapter F, Chapter 38, Education Code, is  
8 amended by adding Section 38.2545 to read as follows:

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

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

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

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

20           (c) A school district may not:

21           (1) refer to the program a student who is younger than  
22 18 years of age unless the district obtains consent from the parent  
23 or legal guardian of the student;

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

26           (3) allow a student who is younger than 18 years of age  
27 to participate in any component of the program that involves mental

1 health education or screening unless the program has obtained  
2 signed written consent from the student's parent or legal guardian.

3 (d) The program must obtain written consent from the parent  
4 or legal guardian of a student as required by Section 113.0152,  
5 Health and Safety Code, before providing to the student a mental  
6 health service under this section.

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

15 (f) The program shall maintain, provide to each school  
16 district at which the program is available, and post quarterly on  
17 the consortium's Internet website:

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

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

22 SECTION 20. Section 113.0251, Health and Safety Code, is  
23 amended to read as follows:

24 Sec. 113.0251. BIENNIAL REPORT. Not later than December 1  
25 of each even-numbered year, the consortium shall prepare and submit  
26 to the governor, the lieutenant governor, the speaker of the house  
27 of representatives, and the standing committee of each house of the

1 legislature with primary jurisdiction over behavioral health  
2 issues and post on its Internet website a written report that  
3 outlines:

4 (1) the activities and objectives of the consortium;  
5 (2) the health-related institutions of higher  
6 education listed in Section 113.0052(1) that receive funding by the  
7 executive committee;

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

11 (A) who were prescribed a psychotropic drug by  
12 the consortium;

13 (B) who were referred to a health provider for  
14 further mental health services;

15 (C) who completed program treatment goals; and

16 (D) who were provided information on consortium  
17 research programs on the participant's discharge from the program;

18 (4) during the preceding two years, the percentage of  
19 potential participants:

20 (A) for whom a parent or legal guardian declined  
21 to give informed consent to participate in the program; and

22 (B) who were referred to but not enrolled in the  
23 program because the potential participant needed more emergent  
24 care; and

25 (5) [~~3~~] any legislative recommendations based on  
26 the activities and objectives described by Subdivision (1).

27 SECTION 21. Sections 37.007(d) and (i), Education Code, are

1 repealed.

2 SECTION 22. (a) Not later than the first day of the  
3 2025-2026 school year, the Texas Education Agency shall prepare and  
4 provide to each school district a report identifying each law  
5 relating to school discipline that was amended or added by the 89th  
6 Legislature, Regular Session, 2025.

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

10 SECTION 23. Section 12A.004(a), Education Code, as amended  
11 by this Act, applies to a local innovation plan adopted or renewed  
12 before, on, or after the effective date of this Act.

13 SECTION 24. Section 22.05121, Education Code, as added by  
14 this Act, applies to a disciplinary proceeding for conduct that  
15 occurs before, on, or after the effective date of this Act, except  
16 that a disciplinary proceeding finally resolved before the  
17 effective date of this Act is unaffected by this Act.

18 SECTION 25. Notwithstanding Sections 38.2545(c)(2), (d),  
19 and (e), Education Code, as added by this Act, a school district  
20 must comply with the requirements of those provisions and update  
21 consent forms and documents as necessary for compliance as soon as  
22 practicable after the effective date of this Act but not later than  
23 December 1, 2025.

24 SECTION 26. This Act applies beginning with the 2025-2026  
25 school year.

26 SECTION 27. This Act takes effect immediately if it  
27 receives a vote of two-thirds of all the members elected to each

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1 house, as provided by Section 39, Article III, Texas Constitution.  
2 If this Act does not receive the vote necessary for immediate  
3 effect, this Act takes effect September 1, 2025.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 6 was passed by the House on April 16, 2025, by the following vote: Yeas 124, Nays 20, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 6 on May 28, 2025, by the following vote: Yeas 114, Nays 19, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 6 was passed by the Senate, with amendments, on May 22, 2025, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor