

# **2025-26 Student Code of Conduct**

**Revised July 2025**

**Annotated to show changes compared to the July 2023 edition**

## Track changes

- Track changes indicate revisions from the previous version
- Deletions appear in a red strike-through text: ~~deleted text~~
- Additions appear in a blue, bold, underlined text: **new text**
- Revision bars appear in the right margin
- **Yellow highlighting** shows where to make a choice or fill in information

Text Changes	Notes	Page
<p><u>Not later than the first day of the 2025-2026 school year, the Texas Education Agency (TEA) 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. A school district shall provide to each student and the parent of or person standing in parental relation to the student the prepared report.</u></p>	<p>This is a requirement of <b>HB 6.</b></p>	<p>5</p>
<p><b>Campus Behavior Coordinator</b></p>		
<p>As required by law, a <u>single</u> person at each campus must be designated to serve as the campus behavior coordinator (CBC). The designated person may be the principal, or any other campus administrator selected by the principal. <u>Additional staff members may assist the CBC in the performance of the CBC’s duties, provided that the CBC personally verifies that all aspects of Chapter 37, Subchapter A are appropriately implemented.</u> The CBC is primarily responsible for maintaining student discipline. <u>The CBC shall monitor disciplinary referrals and report the following behavior to the campus’s threat assessment and safe and supportive school team:</u></p> <ul style="list-style-type: none"> <li>• <u>Conduct that contains the elements of the offense of terroristic threat under Penal Code 22.07;</u></li> <li>• <u>Conduct that contains the elements of the offense of unlawfully carrying weapons under Penal Code 46.02;</u></li> <li>• <u>Conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125; and</u></li> <li>• <u>Any concerning student behaviors or behavioral trends that may pose a serious risk of violence to the student or others.</u></li> </ul> <p>The district shall post on its website and in the Student Handbook, for each campus, the email address and telephone number of the person serving as CBC. Contact information may be found at <b>[insert URL] and at [insert URL to digital copy of Student Handbook].</b></p>	<p>Chapter 37 establishes the position of campus behavior coordinator (CBC) to serve at each campus within a school district and be responsible for maintaining student discipline and completing designated duties as assigned by law. If you choose to list the persons serving as a CBC in the Code of Conduct, adjust the text to the left.</p> <p><b>Education Code 26.015</b> requires districts to post on their website, for each campus, the email address and dedicated phone number of the CBC.</p> <p>Additional requirements related to the CBC have been added to comply with <b>HB 6.</b></p> <p>Throughout the <i>Model</i>, we have noted when a particular action or decision associated with student discipline is the statutory responsibility of the CBC. Additionally, the <i>Model</i> uses yellow shading to reflect when the district must choose whether the CBC or another administrator will perform duties regarding disciplinary issues. Unless the district designates</p>	<p>6</p>

	otherwise, statute provides that a duty imposed on a principal or other campus administrator in <a href="#">Chapter 37</a> must be performed by the CBC.	
<b>Security Personnel</b>		
The board utilizes [police officers, school resource officers (SROs), school marshals, <i>and/or</i> security personnel] to ensure the security and protection of students, staff, and property. In accordance with law, the board has coordinated with the CBC and other district employees to ensure appropriate law enforcement duties are assigned to these persons. Provisions addressing the various types of security personnel can be found in the CKE policy series.	<a href="#">Education Code 37.081</a> requires the district to include the duties of peace officers, school resource officers (SROs), and security personnel in its district improvement plan, Code of Conduct, and any other documents that outline the duties of such personnel.	7
<b>Participating in Graduation Activities</b>		
Students eligible to give the opening and closing remarks at graduation shall be notified by the campus principal. Notwithstanding any other eligibility requirements, in order to be considered eligible, a student shall not have engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.  The valedictorian and salutatorian may also have speaking roles at graduation. No student shall be eligible to have such a speaking role if he or she engaged in any misconduct that resulted in an out-of-school suspension, removal to a DAEP, or expulsion during the semester immediately preceding graduation.	Restrictions the district imposes on students who would otherwise be eligible for speaking roles at graduation but who have engaged in certain types of misconduct should be addressed in your Code of Conduct. Coordinate this provision with FNA(LOCAL) if your district has adopted this policy, and EIC(LOCAL) if this topic is addressed in that policy.  Restrictions for students who give opening and closing remarks can differ from those with other speaking roles.	9
<b>Mistreatment of Others</b>		
• <a href="#">Engage in any behavior that violates the Student Code of Conduct and is motivated by antisemitism.</a> <a href="#">[see Glossary]</a>	<b>SB 326</b> requires a district to use the definition of antisemitism provided by <a href="#">Government Code section 448.001</a> , including the examples referenced, when determining whether behavior that violates the Code of Conduct was motivated by antisemitism.	11
<b>Possession of Prohibited Items</b>		

<p><u>A short barrel firearm;</u></p>	<p><b>SB 1596</b> firearms are now specifically listed as a prohibited weapon here.</p>	<p>12</p>
<p><b>A firearm silencer or suppressor;</b></p>	<p>If the district imposes disciplinary consequences for smaller knives (blades less than five and one-half inches), including pocketknives, this text should be included here.</p>	<p>12</p>
<p><b>A pocketknife or any other small knife;</b></p>		<p>12</p>
<p><b>Possession of <del>Telecommunications</del> <u>Personal Communication</u> or <del>Other Electronic</del> <b>Devices</b></b></p>		<p>13</p>
<p><b>Use a <del>telecommunications</del> <u>personal communications</u> device, including a cell phone, or other electronic device on school property during the school day and shall store the device in accordance with the method of storage established by the district. in violation of district and campus rules [see <u>Glossary</u></b></p>	<p>adjust the suggested language to reflect district practice. <b>HB 1481</b> prohibits the use of personal communication devices while on school property during the school day.</p>	<p>13</p>
<p><u>The district may authorize the use of a personal communication device for the following reasons:</u></p> <ul style="list-style-type: none"> <li>• <u>To implement an individualized education program (IEP) or for a plan created under <b>Section 504, Rehabilitation Act of 1973 (29 U.S.C Section 794)</b> or a similar program or plan;</u></li> <li>• <u>With documented need based on a directive from a qualified physician; or</u></li> <li>• <u>To comply with a health or safety requirement imposed by law or as part of the district's safety protocols.</u></li> </ul> <p><u>Inappropriate use of a personal communication device during the school day will result in disciplinary action in accordance with this Code of Conduct.</u></p>	<p>If the district confiscates and disposes of unauthorized personal communication devices, a provision must be included at FNCE(LOCAL).</p> <p><b>HB 1481</b> indicates that the district must establish disciplinary measures to be imposed for violations of the prohibition on use of a personal communication device.</p>	
<p><b>Misuse of Technology Resources and the Internet</b></p>		
<p><u>Utilize artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct.</u></p>	<p>A reference to the inappropriate use of artificial intelligence has been added.</p>	<p>14</p>
<p><b>Miscellaneous Offenses</b></p>		
<p>Engage in academic dishonesty, which includes cheating or copying the work of another student, <u>unauthorized use of artificial intelligence</u>, plagiarism, and unauthorized communication between students during an examination.</p>	<p>The provision addressing cheating has been broadened to reference academic dishonesty and provide examples to align with policy EIA(LOCAL).</p>	<p>16</p>

<p><b><u>First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette</u></b></p>		16
<p>An appropriate administrator may place a student in a disciplinary alternative education program for the first-time offense of possession or use of a nicotine delivery product or e-cigarette, as defined by <a href="#">Section 161.081, Health and Safety Code</a>.</p> <p>If a student who possesses or uses an e-cigarette is not placed in a disciplinary alternative education program for the first-time offense under <a href="#">Education Code 37.008</a>, the student shall be placed in in-school suspension for a period of at least 10 school days.</p>	<p>This is a new requirement from <b>HB 6</b>.</p>	
<p><b>Students with Disabilities</b></p>		
<p>In accordance with the <a href="#">Education Code</a>, a student who receives special education services may not be disciplined <a href="#">in a manner that results in a change to the student's educational placement</a> for conduct meeting the definition of bullying, cyberbullying, harassment, or making hit lists [see <b>Glossary</b>] until an Admission, Review, and Dismissal (ARD) committee meeting has been held to review the conduct</p>	<p>Please note, however, that <a href="#">Education Code 37.001</a> addresses the discipline of a student receiving special education services for bullying,</p>	16
<p><b>Techniques</b></p>		
<p>Corporal punishment, unless the student's parent or guardian has provided a signed statement prohibiting its use.</p>	<p>Coordinate with FO(LOCAL). Districts that permit the use of corporal punishment must honor a signed statement from a parent prohibiting the use of corporal punishment with his or her child</p>	16
<ul style="list-style-type: none"> <li>• In-school suspension, as specified in <a href="#">In-School Suspension</a>.</li> </ul>		16
<p><b><u>Parental Involvement</u></b></p>		
<p>The principal, campus behavior coordinator, or other appropriate administrator shall notify the parent of or person standing in parental relation to a student who has been placed in a disciplinary alternative education program (DAEP) or expelled of the parent's or person's right to request a behavioral agreement that specifies the responsibilities of the parent or person and student.</p> <p>The behavioral agreement must specify the responsibilities of the student and parent/guardian. If followed, the agreement may result in a reduced disciplinary placement period, as outlined in the agreement. Reduction in the disciplinary placement period does not entitle the student to different disciplinary placement. The decision to reduce, revoke, or amend the disciplinary placement period is at the</p>	<p>Choose which statement applies regarding the district's choice regarding adopting a policy for parental involvement in student disciplinary placements in accordance with HB 6.</p> <p>The commissioner will adopt a model behavioral agreement for school districts to use as a guideline.</p>	18

<p>sole discretion of the school administration. Compliance with the agreement is required for the reduction to remain valid.</p>		
<p><b>Formal <u>Teacher</u> Removal</b></p>		21-22
<p>A teacher may initiate a formal removal from class if:</p> <ol style="list-style-type: none"> <li>1. A student's behavior <del>has been documented by repeatedly interferes with the teacher as repeatedly interfering with</del> the teacher's ability to teach the class or with other students' ability to learn. <del>;</del><del>or</del></li> <li>2. <del>The</del> A student demonstrates behavior that is <del>so</del> unruly, disruptive, or abusive <del>that toward</del> the teacher, <del>another adult, or cannot teach, and the another</del> students in the classroom <del>cannot learn</del>.</li> <li>3. A student engages in conduct that constitutes bullying, as defined by <b>Education Code 37.0832</b>.</li> </ol> <p><u>A teacher, CBC, or other appropriate administrator must notify a parent or person standing in parental relation to the student of the formal removal. A teacher may remove a student from class based on a single incident of behavior.</u></p>	<p><b>HB 6</b> changes the standards for teacher removals and clarifies that teacher removals can result from a single incident of student behavior. <b>HB 6</b> requires that the removing teacher should have an opportunity to participate in the conference.</p>	
<p><b>Returning a Student to the Classroom</b></p>		
<p>A student who has been formally removed from class by a teacher for conduct against the teacher containing the elements of assault, aggravated assault, sexual assault, or aggravated sexual assault may not be returned to the teacher's class without the teacher's <u>written</u> consent.</p> <p>A student who has been formally removed by a teacher for any other conduct may <u>not</u> be returned to the teacher's class without the teacher's <u>written</u> consent unless the placement review committee determines that the teacher's class is the best or only alternative, <u>and not later than the third class day after the day the student was removed from class, a conference in which the teacher was provided an opportunity to participate has been held.</u> <u>The student may not be returned to the 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.</u></p>	<p><b>HB 6</b> provides that a model return to class plan will be adopted by the commissioner for use by a school district. A return to class plan must be created before or at the conference. A plan created before the conference must be discussed at the conference.</p>	
<p><b><u>Appeals of Formal Teacher Removals</u></b></p>		22
<p><u>A student may appeal the teacher's removal of the student from class to the school's placement review committee or the campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to this team.</u></p>	<p><b>HB 6</b> allows a district to choose whether or not they have a process for students to appeal to the school's placement review committee. Policy language will be included in Update 126</p>	

<p><b><u>In-School Suspension</u></b></p>		32
<p><u>An in-school suspension is not subject to any time limit.</u></p> <p><u>A school's principal or other appropriate administrator shall review the in-school suspension of a student at least once every 10 school days after the date of the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate.</u></p> <p><u>During in-school suspension, a student shall receive appropriate behavioral support services and comparable educational services as the student would receive in the classroom. If the student receives special education services, the student must continue to receive special education and related services specified in the student's individualized education program (IEP) and continue to have an opportunity to progress in the general curriculum.</u></p> <p><u>[See <b>First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette</b> for limitations to the general rule.]</u></p>	<p><b>HB 6 clarified provisions related to in-school suspension.</b></p>	
<p><b><u>Process</u></b></p>		23
<p><u>Before being suspended, a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.</u></p> <p><u>The CBC shall determine the number of days of a student's suspension.</u></p>		33
<p><u>In deciding whether to order in-school suspension, the CBC shall take into consideration:</u></p> <ol style="list-style-type: none"> <li><u>1. Self-defense [see <b>Glossary</b>];</u></li> <li><u>2. Intent or lack of intent at the time the student engaged in the conduct;</u></li> <li><u>3. The student's disciplinary history;</u></li> <li><u>4. A disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;</u></li> <li><u>5. A student's status in the conservatorship of the Department of Family and Protective Services (foster care); or</u></li> <li><u>6. A student's status as homeless.</u></li> </ol> <p><u>The appropriate administrator shall determine any restrictions on participation in school-sponsored or school-related extracurricular and cocurricular activities.</u></p>		
<p><b><u>Out-of-School Suspension</u></b></p>		
<p><b><u>Misconduct</u></b></p>		24



<p>Students may be suspended for behavior listed in the Code of Conduct as a general conduct violation, DAEP offense, or expellable offense.</p> <p>The district shall not use out-of-school suspension for students <del>in grade 2 or below</del> <u>below grade 3</u> unless the conduct meets the requirements established in law.</p> <p>A student below grade 3 or a student who is homeless shall 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 school property, the student engages in:</p> <ul style="list-style-type: none"> <li>• Conduct that contains the elements of a weapons offense, as provided in <a href="#">Penal Code sections 46.02 or 46.05</a>;</li> <li>• <del>Conduct that threatens the immediate health and safety of other students in the classroom contains the elements of assault, sexual assault, aggravated assault, or aggravated sexual assault, as provided by the Penal Code;</del> <u>or</u></li> <li>• <a href="#">Documented conduct that results in repeated or significant disruption to the classroom;</a> <u>or</u></li> <li>• Selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of marijuana, an alcoholic beverage, or a controlled substance or dangerous drug as defined by federal or state law.</li> </ul> <p>The district shall use a positive behavior program as a disciplinary alternative for students below grade 3 who commit general conduct violations instead of suspension or placement in a DAEP. The program shall meet the requirements of law.</p>	<p>Recommended adjustments have been made based on changes in <b>HB 6</b>.</p> <p>Districts may add to the list of offenses for which students may be suspended or removed to a DAEP, but all such offenses must be listed and defined in the Code of Conduct.</p> <p><a href="#">Education Code 37.005</a> prohibits a district from placing in out-of-school suspension a student who is homeless unless the student engages in certain conduct. Chapter 37 allows for the CBC to work with the homeless liaison to find an appropriate alternative for the student.</p>	
<p><b>Process</b></p>		24
<p>State law allows a student to <del>be suspended</del> <u>be assigned to out-of-school suspension</u> for no more than three school days per behavior violation, with no limit on the number of times a student may be suspended in a semester or school year.</p> <p>Before being suspended a student shall have an informal conference with the CBC or appropriate administrator, who shall inform the student of the alleged misconduct and give the student an opportunity to respond to the allegation before the administrator makes a decision.</p> <p>The CBC shall determine the number of days of a student's suspension, not to exceed three school days.</p>	<p><a href="#">Chapter 37</a> does not limit the number of times a student can be suspended in a semester or year. A district may be challenged, however, if it suspends a student so frequently that the suspension has the effect of depriving a student of the right to an education.</p>	
<p><b>Alternative Assignment</b></p>		25
<p><a href="#">A parent or person standing in parental relation to the student may submit a written request to the principal or other appropriate administrator to reassign a student placed in out-of-school suspension. The parent or person standing in parental relation to the student must provide information and documentation that they are unable to provide suitable supervision for the student</a></p>	<p><b>HB 6</b> provides for alternative placement with sufficient documentation and may only be used in extenuating circumstances and not used as a routine</p>	

<p><a href="#">during school hours during the period of the suspension. It is the sole discretion of the principal or other appropriate administrator to reassign the student placed in out-of-school suspension.</a></p>	<p>replacement for out-of-school suspension. The district shall maintain the information and documentation of each assignment to include the parent's or person's request and the reason for the parent's or person's unavailability.</p>	
<p><b>Disciplinary Alternative Education Program (DAEP) Placement</b></p>		26
<p>For purposes of DAEP, elementary classification shall be kindergarten-grade 5 and secondary classification shall be grades 6-12.</p>	<p>As required by <a href="#">19 Administrative Code 103.1201(h)(1)</a>, the district must separate elementary students from secondary students in the DAEP setting and must designate through policy the district's grade configuration for elementary and secondary. Choose one of the two options or adjust the grade levels as necessary.</p>	
<p>Summer programs provided by the district shall serve students assigned to a DAEP separately from those students who are not assigned to the program.</p>	<p>The Administrative Code also requires districts to designate through policy whether the district's summer programs will serve DAEP students with other students. Choose one option, depending on whether DAEP students attend summer programs with other students.</p>	
<p><b>Discretionary Placement: Misconduct That May Result in DAEP Placement</b></p>		26
<p>A student may be placed in a DAEP for behaviors prohibited in the General Conduct Violations section of this Code of Conduct</p>	<p>General Conduct Violations section as behaviors that may result in placement or create a list of behaviors that the district has decided warrant DAEP placement and delete the other option.</p>	
<p><b>Misconduct Identified in State Law</b></p>		26
<p>In accordance with state law, a student <b>may</b> be placed in a DAEP for any of the following offenses:</p>	<p>Language regarding death by suicide has been updated</p>	26

<ul style="list-style-type: none"> <li>Engaging in bullying that encourages a student to <a href="#">die by commit or attempt to commit</a> suicide.</li> </ul>	<p>as recommended by mental health professionals.</p>	
<p><b>Any criminal mischief, including a felony.</b></p>	<p>Criminal mischief generally constitutes a felony under <a href="#">Penal Code 28.03</a> if the property damage meets or exceeds \$2,500. The district must decide whether to make this an offense for which a student will be placed in a DAEP or expelled. If the felony is retained here, delete the text on <b>Discretionary Expulsion: Misconduct That May Result in Expulsion.</b></p>	<p>27</p>
<ul style="list-style-type: none"> <li><b>Assault (no bodily injury) with threat of imminent bodily injury.</b></li> <li><b>Assault by offensive or provocative physical contact.</b></li> </ul>	<p>A student is subject to mandatory DAEP placement for engaging in assault with bodily injury under <a href="#">Penal Code 22.01(a)(1)</a> on or within 300 feet of district property or while attending a school-related activity. If the district will place a student in a DAEP for assault that does not result in bodily injury, such as assault with threat of imminent bodily injury under <a href="#">Penal Code 22.01(a)(2)</a> or assault of an offensive or provocative nature under <a href="#">Penal Code 22.01(a)(3)</a>, the misconduct should be listed here.</p>	<p>27</p>
<ul style="list-style-type: none"> <li><a href="#">Engages in conduct that contains the elements of the offense of disruptive activities under <a href="#">Education Code 37.123</a>.</a></li> <li><a href="#">Engages in conduct that contains the elements of the offense of disruption of classes under <a href="#">Education Code 37.124</a>.</a></li> <li><a href="#">Possesses or uses an e-cigarette, as defined by <a href="#">Section 161.081, Health and Safety Code</a>, <a href="#">except that if a student who possesses or uses an e-cigarette is not</a></a></li> </ul>	<p>Revision pursuant to <b>HB 6</b>.</p>	<p>28</p>

<p>placed in a disciplinary alternative education program for the first-time offense under <a href="#">Education Code 37.008</a>, the student shall be placed in in-school suspension for a period of at least 10 school days. See <a href="#">First-Time Offense of Possession or Use of Nicotine Delivery Product or E-Cigarette</a> for additional information.</p>		
<p>In accordance with state law, a student <b>may</b> be placed in a DAEP if the superintendent or the superintendent’s designee has reasonable belief [see <b>Glossary</b>] that the student engaged in conduct punishable as a felony, <del>-other than aggravated robbery or those listed as offenses in Title 5 (see Glossary) of the Penal Code,</del> that occurs off school property and not at a school-sponsored or school-related event, if the student’s presence in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process. <a href="#">Aggravated robbery or felonies listed as offenses in Title 5</a> [see <b>Glossary</b>] of the Penal Code are punishable as mandatory <a href="#">expulsions</a>.</p>	<p>The Education Code requires a superintendent to consider information included in the notification from law enforcement of a student’s arrest in determining whether there is a reasonable belief that the student engaged in conduct constituting a felony offense.</p> <p>However, in accordance with <a href="#">Education Code 37.006(e)</a>, additional information requested by the superintendent or designee from law enforcement for the purpose of creating a threat assessment or safety plan for the student cannot be used to determine whether there is a reasonable belief that the student engaged in a felony offense for discipline purposes.</p> <p>Revisions to this section are the result of <b>HB 6</b>.</p>	27
<p><b>Mandatory Placement: Misconduct That Requires DAEP Placement</b></p>		27
<ul style="list-style-type: none"> <li>Engages in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school. [see <b>Glossary</b>]</li> </ul>	<p>If the district decides that it will always expel for conduct relating to false alarm, report, or terroristic threat, delete the text here in favor of the text in the section on <b>Expulsion</b>. This includes behaviors such as calling in a bomb threat or pulling a fire alarm without cause. A district may want to list bomb threats as an expellable offense and the pulling of a fire alarm as a DAEP placement. The district may also want to take age and grade level</p>	28

	into consideration when determining consequences.	
<ul style="list-style-type: none"> <li>• <a href="#">Except as provided by Education Code 37.007(a)(3), sells</a>, gives, or delivers to another person or possesses, uses, or is under the influence of a controlled substance or dangerous drug in an amount not constituting a felony offense. [School-related felony drug offenses are addressed in <b>Expulsion</b>.] [See <b>Glossary</b> for "under the influence," "controlled substance," and "dangerous drug."]</li> <li>• Sells, gives, or delivers to another person or possesses, uses, or is under the influence of marijuana or THC. A student with a valid prescription for low-THC cannabis as authorized by <a href="#">Chapter 487 of the Health and Safety Code</a> does not violate this provision.</li> <li>• Sells, gives, or delivers to another person an alcoholic beverage; commits a serious act or offense while under the influence of alcohol; or possesses, uses, or is under the influence of alcohol. Behaves in a manner that contains the elements of an offense relating to abusable volatile chemicals.</li> <li>• Behaves in a manner that contains the elements of an the offense relating to abusable volatile chemicals.</li> <li>• Sells, gives, or delivers to another person <b>or possesses or uses</b> an e-cigarette, <u>as defined by <a href="#">Section 161.081, Health and Safety Code</a></u>.</li> <li>• Behaves in a manner that contains the elements of the offense of public lewdness or indecent exposure. [see <b>Glossary</b>]</li> </ul>	<p>State law requires mandatory placement in a DAEP for selling, giving, delivering, possessing, using, or being under the influence of marijuana, THC, or e-cigarettes 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 school property.</p> <p>A district is prohibited from enacting, adopting, or enforcing a rule or regulation that prohibits the possession of low-THC cannabis as authorized by The Texas Compassionate Use Act, <a href="#">Chapter 487 of the Health and Safety Code</a>, which permits prescriptions for low-THC cannabis in limited circumstances. If a student has a prescription, any possession or use of low-THC cannabis should not be considered a violation of the adjacent text. Follow the district's policies and procedures for prescription medications. [See FFAC and FFAF.]</p> <p><b>HB 6</b> removes mandatory DAEP placement for possession or use of e-cigarettes. It also clarifies that a felony offense is also a mandatory expulsion.</p>	28
<ul style="list-style-type: none"> <li>• Commits a federal firearms violation and is younger than six years of age.</li> <li>• Engages in conduct that contains the elements of the offense of retaliation under <a href="#">Penal Code</a></li> </ul>	Text removed to match statutory language.	28

<p><a href="#">36.06</a> against any school employee or volunteer on or off school property. (<del>Committing retaliation in combination with another expellable offense is addressed in Expulsion.</del>)</p>		
<ul style="list-style-type: none"> <li>Engages in conduct that contains the elements of harassment under <a href="#">Penal Code 42.07</a> against any school employee or volunteer on or off of school property.</li> </ul>	This is a change from <b>HB 6</b> .	29
<ul style="list-style-type: none"> <li><del>Engages in conduct punishable as aggravated robbery or a felony listed under Title 5 [see Glossary]</del></li> </ul>	<b>HB 6</b> necessitated this revision.	
<p>The student receives deferred prosecution [see <a href="#">Glossary</a>], or a court or jury finds that the student has engaged in delinquent conduct [see <a href="#">Glossary</a>], or the superintendent or designee has a reasonable belief [see <a href="#">Glossary</a>] under <a href="#">Section 53.03, Family Code</a>, for conduct defined as any of the following offenses under the Penal Code:</p> <ol style="list-style-type: none"> <li>A felony offense under <a href="#">Title 5</a>;</li> <li>The offense of deadly conduct under <a href="#">Section 22.05</a>;</li> <li>The felony offense of aggravated robbery under <a href="#">Section 29.03</a>;</li> <li>The offense of disorderly conduct involving a firearm under <a href="#">Section 42.01(a)(7) or (8)</a>; or</li> <li>The offense of unlawfully carrying weapons under <a href="#">Section 46.02</a>, except for an offense punishable as a Class C misdemeanor under that section.</li> </ol> <p><del>7. A court or jury finds that the student has engaged in delinquent conduct (see <a href="#">Glossary</a>), or The superintendent or designee has a reasonable belief (see <a href="#">Glossary</a>) that the student engaged in the conduct.</del></p>	Revisions in <b>HB 6</b> necessitated revisions to this section, which has also been restructured for clarity.	29
<p><b>Appeals</b></p>		32
<p>Appeals shall begin at <b>[insert the appropriate level 1 with principal of designee]</b></p>	<a href="#">Education Code 37.009(a)</a> allows for students to appeal a decision by a CBC or other administrator to place a student in a DAEP	32
<p><b>Restrictions During Placement</b></p>		32
<p>State law prohibits a student placed in a DAEP for reasons specified in state law from attending or participating in school-sponsored or school-related extracurricular activities.</p>	State law prohibits students placed in a DAEP for reasons listed in <a href="#">Education Code 37.006</a> from attending or participating in school-sponsored or school-related extracurricular or cocurricular activities during the period of placement (option 1). The district can expand	32

	that prohibition to include placement in a DAEP for locally defined reasons (option 2). Choose the appropriate option.	
<b>Newly Enrolled Students</b>		
The district shall continue the DAEP placement of a student who enrolls in the district and was assigned to a DAEP in an open-enrollment charter school or another district including a district in another state.	The district may place a student enrolling from an open- enrollment charter school or another district in DAEP if the student was in the school's DAEP, and a copy of the placement order is provided to the district	34
<b>Certain Felonies</b>		
<p><del>Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 (see <b>Glossary</b>) of the Penal Code. The student must have:</del></p> <ul style="list-style-type: none"> <li><del>• Received deferred prosecution for conduct defined as aggravated robbery or a offense;</del></li> <li><del>• Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a offense;</del></li> <li><del>• Been charged with engaging in conduct defined as aggravated robbery or a offense;</del></li> <li><del>• Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a offense; or</del></li> <li><del>• Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a offense.</del></li> </ul> <p><del>The district may expel the student and order placement under these circumstances regardless of:</del></p> <ol style="list-style-type: none"> <li><del>1. The date on which the student's conduct occurred,</del></li> <li><del>2. The location at which the conduct occurred,</del></li> <li><del>3. Whether the conduct occurred while the student was enrolled in the district, or</del></li> </ol> <p><del>Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.</del></p>	Relocated text to after Mandatory Expulsion: Misconduct That Requires Expulsion for clarity.	
<b>Hearing and Required Findings</b>		
The student must first have a hearing before the board or its designee, who must determine that in addition to the		

<p>circumstances above that allow for the expulsion, the student's presence in the regular classroom:</p> <ol style="list-style-type: none"> <li>1. Threatens the safety of other students or teachers,</li> <li>2. Will be detrimental to the educational process, or</li> <li>3. Is not in the best interest of the district's students.</li> </ol> <p>Any decision of the board or the board's designee under this section is final and may not be appealed.</p>		
<p><b>Length of Placement</b></p>		
<p>The student is subject to the placement until:</p> <ol style="list-style-type: none"> <li>1. The student graduates from high school,</li> <li>2. The charges are dismissed or reduced to a misdemeanor offense, or</li> </ol> <p>The student completes the term of the placement or is assigned to another program.</p>		
<p><b>Placement Review</b></p>		
<p>A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus.</p>		
<p><b>Newly Enrolled Students</b></p>		
<p>A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.</p>		
<p><b>Conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.</b></p>		
<p>Engaging in conduct that contains the elements of one of the following offenses against another student:</p> <ul style="list-style-type: none"> <li>• Aggravated assault.</li> <li>• Sexual assault.</li> <li>• Aggravated sexual assault.</li> <li>• Murder.</li> <li>• Capital murder.</li> <li>• Criminal attempt to commit murder or capital murder.</li> <li>• Aggravated robbery.</li> <li>• Breach of computer security. [</li> </ul>		
<p>Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.</p>		
<p>Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, unless the conduct is punishable as a felony. A student with</p>		



a valid prescription for low-THC cannabis as authorized by Chapter 487 of the Health and Safety Code does not violate this provision. [See Glossary for "under the influence."]

- Selling, giving, or delivering to another person, or possessing, using, or being under the influence of alcohol; or committing a serious act or offense while under the influence of alcohol.
- Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.

Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) against an employee or a volunteer.

**A student may be expelled for possession of a firearm, as defined by federal law, while within 300 feet of school property, as measured from any point on the school's real property boundary line.**

**A student may be expelled for engaging in the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:**

- Aggravated assault, sexual assault, or aggravated sexual assault.
  - Arson. (See Glossary.)
  - Murder, capital murder, or criminal attempt to commit murder or capital murder.
- Indecency with a child.**
- Aggravated kidnapping.
  - Manslaughter.
  - Criminally negligent homicide.
  - Aggravated robbery.

The deleted text are infractions that are now mandatory expulsions pursuant to HB 6.

Assault against an employee is now a mandatory expulsion pursuant to HB 6.

Continuous sexual abuse of a young child or disabled individual.

Felony controlled substance or dangerous drug offenses, not including THC.

- Unlawfully carrying on or about the student's person a handgun or a location-restricted knife, as these terms are defined by state law. (See Glossary.)
- Possessing, manufacturing, transporting, repairing, or selling a prohibited weapon, as defined by state law. (See Glossary.)
- Possession of a firearm, as defined by federal law. (See Glossary.)

A student **may** be expelled for:

- Engaging in bullying that encourages a student to ~~commit or attempt to commit~~ die by suicide.
- Inciting violence against a student through group bullying.
- Releasing or threatening to release intimate visual material of a minor or of a student who is 18 years of age or older without the student's consent.

Language regarding death by suicide has been updated as recommended by mental health professionals.

Assault against a school employee or volunteer is now a mandatory expulsion pursuant to **HB 6**.

Mandatory Expulsion: Misconduct That Requires Expulsion

Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under

SB 1569 removes short barrel firearms from the

Education Code 37.125.	definition of prohibited weapon.	
Under the Penal Code		
<p>Engages in conduct that contains the elements of the offense of exhibiting, using, or threatening to exhibit or use a firearm under Education Code 37.125.</p> <ul style="list-style-type: none"> <li>• Behaving in a manner that contains elements of the following offenses under the Penal Code:</li> <li>• Aggravated assault, sexual assault, or aggravated sexual assault.</li> <li>• Arson. [see Glossary]</li> <li>• Murder, capital murder, or criminal attempt to commit murder or capital murder.</li> <li>• Indecency with a child.</li> <li>• Kidnapping or aggravated kidnapping.</li> <li>• Burglary, robbery or aggravated robbery.</li> </ul>	SB 1569 removes short barrel firearms from the definition of prohibited weapon.	
<p>Engaging in conduct that contains elements of assault against a school employee or volunteer.</p> <ul style="list-style-type: none"> <li>• Engaging in retaliation against a school employee or volunteer combined with one of the above-listed mandatory expulsion offenses.</li> </ul>	<p>Revisions pursuant to HB 6.</p> <p>HB 6 removed the mandatory expulsion requirement for retaliation against a school employee or volunteer because regardless of the motivation it is a mandatory expulsion.</p>	
Virtual Expulsion Program		
<p>In some circumstances, a student may be placed in a virtual expulsion program.</p> <ul style="list-style-type: none"> <li>• The school must ensure students in the program have the necessary technology and internet and must provide it if needed.</li> <li>• The virtual program must, as much as possible, meet the same requirements as an in-person disciplinary alternative education program (DAEP).</li> <li>• The student's placement must be reviewed every 45 school days.</li> <li>• If an in-person spot becomes available, the school should plan the student's return to in-person learning.</li> <li>• If continued virtual placement is appropriate, the school must document the decision.</li> </ul> <p>HB 6 adds a virtual expulsion program if the juvenile justice alternative education program (JJAEP) rejects or releases the student early, or the school district is in a county without a JJAEP and doesn't contract with one in another county.</p>		

<p><b>Consideration of Virtual Education as Alternative to Expulsion</b></p>		
<p>Before a school district may expel a student, the district must consider the appropriateness and feasibility of, as an alternative to expulsion, enrolling the student in a full-time hybrid program, full-time virtual program, full-time hybrid campus, or full-time virtual campus. This requirement does not apply to a student expelled under Education Code 37.0081 or 37.007(a), (d), or(e).</p>		
<p>The board of trustees delegates to the [insert the appropriate title or position for the district] authority to conduct hearings and expel students.</p>		
<p><b>Board Review of Expulsion</b></p>		
<p>After the due process hearing, the expelled student may request that the board review the expulsion decisions. The student or parent must submit a written request to the superintendent within seven days after receipt of the written decision. The superintendent must provide the student or parent written notice of the date, time, and place of the meeting at which the board will review the decision.</p> <p>The board shall review the record of the expulsion hearing in a closed meeting unless the parent requests in writing that the matter be held in an open meeting. The board may also hear a statement from the student or parent and from the board's designee.</p> <p>The board shall consider and base its decision on evidence reflected in the record and any statements made by the parties at the review. The board shall make and communicate its decision orally at the conclusion of the presentation. Consequences shall not be deferred pending the outcome of the hearing.</p>		
<p><b>Newly Enrolled Students</b></p>		
<p>The district shall continue the expulsion of any newly enrolled student expelled from another district or an open-enrollment charter school until the period of the expulsion is completed.</p>		
<p>The district shall place a newly enrolled student expelled from another district or an open-enrollment charter school directly into a DAEP until the period of the expulsion is completed.</p>		
<p><b>Certain Felonies</b></p>		
<p>Regardless of whether DAEP placement or expulsion is required or permitted by one of the reasons in the DAEP Placement or Expulsion sections, in accordance with Education Code 37.0081, a student may be expelled and placed in either DAEP or JJAEP if the board or CBC makes certain findings and the following circumstances exist in relation to aggravated robbery or a felony offense under Title 5 [see Glossary] of the Penal Code. The student must have:</p> <ul style="list-style-type: none"> <li>• Received deferred prosecution for conduct defined as aggravated robbery or a Title 5 felony offense;</li> <li>• Been found by a court or jury to have engaged in delinquent conduct for conduct defined as aggravated robbery or a Title 5</li> </ul>		

<p>felony offense;</p> <ul style="list-style-type: none"> <li>• Been charged with engaging in conduct defined as aggravated robbery or a Title 5 felony offense;</li> <li>• Been referred to a juvenile court for allegedly engaging in delinquent conduct for conduct defined as aggravated robbery or a Title 5 felony offense; or</li> <li>• Received probation or deferred adjudication or have been arrested for, charged with, or convicted of aggravated robbery or a Title 5 felony offense.</li> </ul> <p>The district may expel the student and order placement under these circumstances regardless of:</p> <ol style="list-style-type: none"> <li>1. The date on which the student's conduct occurred;</li> <li>2. The location at which the conduct occurred;</li> <li>3. Whether the conduct occurred while the student was enrolled in the district; or</li> <li>4. Whether the student has successfully completed any court disposition requirements imposed in connection with the conduct.</li> </ol>		
<p><b>Hearing and Required Findings</b></p>		
<p>The student must first have a hearing before the board or its designee, who must determine that in addition to the circumstances above that allow for the expulsion, the student's presence in the regular classroom:</p> <ol style="list-style-type: none"> <li>1. Threatens the safety of other students or teachers;</li> <li>2. Will be detrimental to the educational process; or</li> <li>3. Is not in the best interest of the district's students.</li> </ol> <p>Any decision of the board or the board's designee under this section is final and may not be appealed.</p>		
<p><b>Length of Placement</b></p>		
<p>The student is subject to the placement until:</p> <ol style="list-style-type: none"> <li>1. The student graduates from high school;</li> <li>2. The charges are dismissed or reduced to a misdemeanor offense; or</li> <li>3. The student completes the term of the placement or is assigned to another program</li> </ol>		
<p><b>Placement Review</b></p>		
<p>A student placed in a DAEP or JJAEP under this section is entitled to a review of his or her status, including academic status, by the CBC or board's designee at intervals not to exceed 120 days. In the case of a high school student, the student's progress toward graduation and the student's graduation plan shall also be reviewed. At the review, the student or the student's parent shall have the opportunity to present arguments for the student's return to the regular classroom or campus</p>		

Newly Enrolled Students		
A student who enrolls in the district before completing a placement under this section from another school district must complete the term of the placement.		
Glossary		
Antisemitism is defined by Government Code section 448.001 as a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.		
Personal Communication Devices means a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital or digital communication		
3. <b>Telecommunications</b> Personal communication devices		
c. <del>A short barrel firearm.</del>		
• Aiding a person to <b>commits</b> die by suicide under <a href="#">Section 22.08</a> ; and		58