

Summary of Changes to the 2025-2026 Student Code of Conduct

Presented to the Board of Trustees
Gregory-Portland ISD

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Per Education Code 37.001, the board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district.

89th Legislative Session

Several changes in law have made significant impacts on the 2025-26 Code of Conduct.

- **House Bill (HB) 6** makes substantial changes to Chapter 37, including clarifying the length of suspensions, removing mandatory DAEP placements for possession of an e-cigarette, and allowing districts to create virtual expulsion programs, among other things.
- **House Bill (HB) 1481** mandates that school districts and open-enrollment charter schools adopt a written policy prohibiting students from using personal communication devices on school property during the school day. The policy must outline disciplinary measures for violations and may include provisions for device confiscation. Exceptions are provided for students with medical needs or those requiring the devices for IEPs or Section 504 plans.
- **Senate Bill (SB) 326** amends the Education Code to address antisemitism in public schools and higher education institutions. It requires these institutions to use the definition of antisemitism found in Government Code section 448.001 when determining whether a student's conduct that violated the code of conduct was motivated by antisemitism.
- **Senate Bill (SB) 569** expands virtual and hybrid education in public schools, establishing new rules for full-time virtual and hybrid campuses. It mandates that school districts consider virtual/hybrid education as an alternative to expulsion before expelling a student. The bill also outlines requirements for academic and operational planning for these programs, ensures accountability for virtual instruction providers, and provides funding through the Foundation School Program.

Note: This is not an inclusive list of all Legislative bills passed. This is not a comprehensive list of changes for each Legislative bill listed above.

Additional HB 6 Requirement

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.

Possession of Electronic Devices

- **2024–2025 Code:**
 - Students prohibited from using devices 'in violation of district and campus rules'.
- **2025–2026 Code:**
 - New HB 1481-compliant policy: Students prohibited from using personal communication devices during school day unless exempt (e.g., medical reasons, language needs); must store per district method.

DAEP Placement - E-Cigarettes (Nicotine Only)

- **2024–2025 Code:**
 - Mandatory DAEP placement for e-cigarette use and possession.
- **2025–2026 Code:**
 - HB 6 removed mandatory DAEP placement for e-cigarettes. "First-Time Offenses" must receive 10 days of ISS if not placed in DAEP. The law is silent on repeated offenses, other than the DAEP placement is still discretionary.

Note: This rule change only applies to personal use and possession of nicotine devices or "e-cigarettes." Selling, giving, and distributing is still a mandatory DAEP placement.

Antisemitism

- **2024–2025 Code:**
 - No reference to antisemitism.
- **2025–2026 Code:**
 - New clause: Misconduct motivated by antisemitism will be addressed using statutory definition (SB 326).

Campus Behavior Coordinator (CBC) Responsibilities

- **2024–2025 Code:**
 - Required to maintain discipline; limited procedural detail. Through the District of Innovation (DOI) plan, GPISD opted out of assigning a single person as CBC.
- **2025–2026 Code:**
 - Expanded role of CBC per HB 6; must report specific threat behaviors and verify Chapter 37 compliance personally. The DOI plan can no longer opt out the assignment of a single person as CBC.

Artificial Intelligence (AI)

Utilizing artificial intelligence in a way that would constitute academic dishonesty or as a means of engaging in any other prohibited conduct has been added to “Misuse of Technology Resources.”

Parent Involvement (in disciplinary placements)

- HB 6 gives Districts the choice regarding adopting a policy for parental involvement in student disciplinary placements (DAEP and expulsions specifically).
- The commissioner is charged with adopting a model behavioral agreement for school districts to use as a guideline (which has not happened yet). TASB will not have the policy prepared until October.
- It is the recommendation of administration that the district does not adopt this policy for the 2025-26 school year as school will likely begin before the commissioner creates the model behavioral agreement and TASB creates the applicable policy. Additionally, the day-to-day operations of the campus administration is changing substantially. A possible adoption of this policy can be considered at a later date.

Formal Teacher Removal

- HB 6 further expanded a teacher's right to have a disruptive student permanently removed from their classroom.
- HB 6 removes the documentation requirement for disruptive behavior.
- HB 6 states that removals can be based on a single incident.
- HB 6 also defines the parent/student appeal process for the removal.
- HB 6 requires a "return to class plan" for a student returned to a class without written consent from the teacher. TEA has been directed to create a model plan.

In-School Suspension (ISS)

In recent years, TEA has interpreted the 3-day limit to a suspension for a single incident defined in TEC 37.005 to also apply to ISS.

HB 6 has lifted that restriction for ISS. There is no limit to the number of days that a student may be assigned to ISS. There is a requirement that the principal review the suspension on every 10th day. Federal requirements for special education students still apply.

Note: The 3-day limit to Out-of-School Suspension was not changed.

Out-of-School Suspensions (OSS) for Students Below Grade 3

Previously, TEC 37.005 prohibited OSS for students below grade 3. HB 6 modifies this prohibition.

Students below Grade 3 can be assigned OSS for the following offenses:

- Conduct that contains the elements of a weapons offense, as provided in [Penal Code sections 46.02 or 46.05](#);
- Conduct that threatens the immediate health and safety of other students in the classroom;
- Documented conduct that results in repeated or significant disruption to the classroom; or
- 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.

Alternative Assignment

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 (OSS). 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 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.

HB 6 provides for alternative placement with sufficient documentation and may only be used in extenuating circumstances and not used as a routine replacement for out-of-school suspension.

Discretionary Disciplinary Alternative Education Program (DAEP) Placements

HB 6 has defined several additional offenses as a discretionary DAEP placement. They include:

- Engages in conduct that contains the elements of the offense of disruptive activities under Education Code 37.123.
- Engages in conduct that contains the elements of the offense of disruption of classes under Education Code 37.124.
- Possesses or uses an e-cigarette, as defined by Section 161.081, Health and Safety Code, except that 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 Education Code 37.008, the student shall be placed in in-school suspension for a period of at least 10 school days.

Note: These are added offenses. There are also offenses that already existed. Additionally, some discretionary offenses are now mandatory DAEP placements.

Mandatory Disciplinary Alternative Education Program (DAEP) Placements

HB 6 has defined several additional offenses as a mandatory DAEP placement. They include:

- Engages in conduct that contains the elements of harassment under [Penal Code 42.07](#) against any school employee or volunteer on or off of school property.
- The student receives deferred prosecution [see Glossary], or a court or jury finds that the student has engaged in delinquent conduct [see Glossary], or the superintendent or designee has a reasonable belief [see Glossary] under Section 53.03, Family Code, for conduct defined as any of the following offenses under the Penal Code:
 - A felony offense under Title 5;
 - The offense of deadly conduct under Section 22.05;
 - The felony offense of aggravated robbery under Section 29.03;
 - The offense of disorderly conduct involving a firearm under Section 42.01(a)(7) or (8); or
 - The offense of unlawfully carrying weapons under Section 46.02, except for an offense punishable as a Class C misdemeanor under that section.

Note: These are added offenses. There are also offenses that already existed.

Discretionary Expulsions

HB 6 has the following offense as a discretionary Expulsion placement:

- 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.

Note: This is just the added offense. There are several that already existed. Also, several discretionary Expulsion have been made mandatory. If the discretionary Expulsion is not assigned, the student must be assigned to DAEP.

Mandatory Expulsions

HB 6 has defined several additional offenses as a mandatory Expulsion. They include:

- Kidnapping or aggravated kidnapping.
- Burglary, robbery or aggravated robbery.
- Engaging in conduct that contains elements of assault against a school employee or volunteer.

Note: These are added offenses. There are also offenses that already existed. Students under the age of 10 years will be placed in DAEP instead of expulsion.

Virtual Expulsion Program

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. In some circumstances, a student may be placed in a virtual expulsion program.

- The school must ensure students in the program have the necessary technology and internet and must provide it if needed.
- The virtual program must, as much as possible, meet the same requirements as an in-person disciplinary alternative education program (DAEP).
- The student's placement must be reviewed every 45 school days.
- If an in-person spot becomes available, the school should plan the student's return to in-person learning.
- If continued virtual placement is appropriate, the school must document the decision.

Glossary Additions

- **2024–2025 Code:**
 - Standard definitions provided.
- **2025–2026 Code:**
 - New definitions added for terms like 'antisemitism', 'personal communication device', and terms tied to new legal requirements.