

House Bill 6 Executive Summary-June 2025

HB6 is important legislation aimed at improving student behavior at school and provides targeted changes to Chapter 37 of the Texas Education Code to provide increased flexibility and mechanisms to further support safe classrooms, Texas schoolchildren and Texas Educators. Key provisions of HB6 are outlined below.

In-School Suspension

In 2024, the Texas Education Agency (“Agency”) announced an interpretation of Chapter 37 limiting the use of ISS to three days. This interpretation was not announced through the rulemaking process but was instead enforced through the Agency’s Public Education Information Management System (“PEIMS”), resulting in an error. This interpretation breaks with longstanding use of this disciplinary technique – a technique that keeps students in schools.

HB 6 clarifies that there is no time limit on the use of in-school suspensions. However, 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 the suspension begins to evaluate the educational progress of the student and to determine if continued in-school suspension is appropriate. HB6 also ensures that the student continues to receive behavioral support services and comparable educational services as the student would receive in the classroom.

Repeated Disruption of the Classroom

Student misconduct in the classroom is one of the most-cited reasons for teachers leaving the profession. In many instances, students engage in repeated misbehavior that significantly, and for a prolonged period, makes it difficult or impossible for the teachers to fully and consistently engage the students. Current law prohibits suspension for certain grade levels and types of students, unless they commit a weapon, violent or drug/alcohol offense. Having not engaged in a single significant act that rises to this type punishable offense under Chapter 37, other repeated misconduct can go without appropriate consequence – continuing significant classroom disruption.

HB 6 allows for suspension of students of any age who routinely engage in repeated or significant disruption of the classroom or threatens the immediate health and safety of other students in the classroom. However, the appropriate administrator, at their sole discretion, may reassign a student placed in out-of-school suspension to an in-school suspension if the student’s parent demonstrates through supporting information and documentation that the parent or person is unable to provide suitable supervision for the student during school hours during the period of the suspension.

Mandatory Removal for Possession, Use, Sale, or Delivery of E-Cigarette

In 2023, the legislature mandated placement in a Disciplinary Alternative Education Placement (“DAEP”) when a student uses or possesses an e-cigarette at school. This mandate limits local control

and lessens the schools district's ability to consider mitigating circumstances and apply consequences tailored to the specific offense and all the related circumstances. This results in overcrowded DAEP facilities; facilities ideally reserved for more serious offenses.

HB 6 removes the requirement that students who possess or uses an e-cigarette be mandatorily removed to DAEP, and allows for permissive placement in the DAEP at district discretion. If a student is not placed in DAEP for possession or use of an e-cigarette for the first offense, the student must be placed in ISS for at least 10 days. The sale or delivery of an e-cigarette remains a mandatory DAEP offense.

Removal for Serious Offenses

Under current law, schools must place a student in the DAEP if a student received deferred prosecution for, is convicted of, or if the district has a reasonable belief that student has committed Title 5 felonies occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity. It is not currently mandated that students that engage in serious offenses, albeit categorized as misdemeanors, be removed to DAEP.

HB 6 mandates removal to DAEP when the campus administrator has a reasonable belief that the student engaged in the following significant misdemeanors occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity:

- offense of deadly conduct (recklessly engages in conduct that places another in imminent danger of serious bodily injury);
- disorderly conduct involving a firearm; and
- offense of unlawful carrying of a weapon.

Removal for Serious Misconduct Wherever it Occurs

Chapter 37 currently mandates expulsion for serious offenses: Unlawful carrying of weapons, aggravated assault, sexual assault, arson, murder, indecency with a child, aggravated kidnapping, robbery, manslaughter, negligent homicide, or continuous sexual abuse of a young child. However, despite the severity of these offenses, to be subject to mandatory expulsion for these offenses, the offense must occur on school property or while attending a school-sponsored or school-related activity.

HB 6 allows for mandatory expulsions for these serious offenses whether or not those offenses occur on school grounds, while attending a school-sponsored event, or at a school-related activity.

Virtual Disciplinary Option for Limited Circumstances

Depending on the location of a school district within Texas, when a student is expelled from school, the student is sent to either a Juvenile Justice Alternative Education Program ("JJAEP") or is expelled from school altogether ("expulsion to the street"). In some instances, a JJAEP facility may be full or otherwise unable to accept/serve students. When JJAEP is full or when expulsion will result in school expulsion to the street, there are few options for an education for the student.

HB 6 provides for assignment of an expelled student – at the District’s sole discretion – to a virtual disciplinary education setting if: (1) the district is located in a county that does not operate a JJAEP; or (2) in counties with a JJAEP and the JJAEP rejects admission of the student or returns the student to school before the end of the discipline assignment. The district must ensure access to computer equipment and internet access and the virtual setting must attempt to meet the requirements of DAEP, to the extent practicable. Any teacher assigned to provide the instruction must receive professional development on the provision of virtual instruction. The district must review the placement every 45 days. The district may count the student towards the district’s average daily attendance calculation.

Chapter 37 District of Innovation Eliminated

HB6 eliminates exemption from all Chapter 37 provisions for District of Innovation plans. Schools will need to comply with all provisions of Chapter 37.

ARD Committee Meeting before Discipline for Bullying, Harassment, and Making Hit List

Chapter 37 uniquely mandates that before a student with a disability is disciplined in any fashion for bullying, harassment, and making hit lists, a school district must convene an ARD Committee meeting to review the conduct (an ARD Committee meeting in Texas requires five (5) school days’ notice before the meeting can be held). This provision exceeds the requirements under federal law, and prevents even the timely implementation of low impact discipline, such as in-school suspensions, detentions, or other disciplinary techniques that do not result in removal from the campus.

HB6 removes this additional state law restriction and aligns Chapter 37 with federal law. Chapter 37 is now clear that discipline may occur for these offenses, except that that discipline resulting in a change in placement will trigger an ARD Committee meeting to review the discipline before it can be imposed.

Teacher Removal

HB6 provides that a teacher may remove from class a student who: (1) repeatedly interferes with the teacher’s ability to communicate effectively with the students in the class or with the ability of the student’s classmates to learn; (2) demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or (3) engages in conduct that constitutes bullying.

The student may not be returned to the class without the teacher’s consent, or until a return to class plan has been prepared for that student. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan.

Penalties for Imposition of Disciplinary Measures Prohibited

HB6 prevents the Texas Education Agency from imposing penalties on school districts for the failure to follow Chapter 37.

Policy for Parental Involvement in Student Discipline

HB6 adds that a school district may develop a policy that would allow parents of students placed in DAEP to develop, in conjunction with the district, a behavioral agreement that outlines parent responsibilities in conjunction with student behavior at school. If the parents comply with the terms

of the behavior agreement developed with the district, the district may reduce the disciplinary assignment of the student.

Behavior Coordinator

HB6 provides that a single person at each campus must be designated as the behavior coordinator, and that school staff members may assist the campus behavior coordinator in the performance of the campus behavior coordinator's duties, provided that the campus behavior coordinator personally verifies that all aspects of this subchapter are appropriately implemented. The coordinator must monitor discipline referrals and must report to the threat assessment team the following offenses: (1) terroristic threat, (2) unlawful carrying of weapons, (3) offense regarding prohibited weapons, or (4) exhibiting, using, or threatening to exhibit or use a firearm.

Mental Health Access through Telemedicine

Subject to available funds through the Texas Child Mental Health Care Consortium, HB6 provides that a Texas school district may offer students enrolled in the district access to mental health services through telemedicine.

Immunity from Disciplinary Proceedings

HB6 provides that a professional employee of a school district may not be subject to disciplinary proceedings for: (1) reporting a violation of Chapter 37 by another employee or (2) an action taken in good faith to remove a student from class.

Supplemental Special Education Services

HB6 allows already available supplemental special education service funds available to be utilized for crisis prevention and intervention training for the student's parent or person standing in parental relation to the student.

Student Code of Conduct – Nicotine, E-cigarette, and Parent Involvement

HB6 provides that schools must include in their Student Code of Conduct that the district may place the student in DAEP for the first-time possession of a nicotine delivery product or e-cigarette. The SCOC must also include a statement regarding whether the board has adopted a policy for parental involvement in school disciplinary placements under Section 37.0014.

A Single Behavior Incident May Result in Emergency Removal

HB6 provides that the principal or principal's designee may order the emergency placement or expulsion of a student under this section based on a single incident of behavior by the student.