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et al.

H.B. No. 6

A BILL TO BE ENTITLED

AN ACT

relating to discipline 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 operating under the charter for purposes of charter renewal, denial

1 of renewal, expiration, revocation, or other intervention in  
2 accordance with Section 12.1141 or 12.115 or Chapter 39A, as  
3 applicable;

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

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

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

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

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

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

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

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

26 (A) the officer positions designated;

27 (B) the manner in which officers are selected and

1 removed from office;

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

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

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

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

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

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

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

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

26 (12) describe the facilities to be used;

27 (13) describe the geographical area served by the

1 program;

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

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

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

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

21 SECTION 2. Section 29.041(3), Education Code, is amended to  
22 read as follows:

23 (3) "Supplemental special education services" means  
24 an additive service that provides an educational benefit to a  
25 student receiving special education services under Subchapter A,  
26 including:

27 (A) occupational therapy, physical therapy, and

1 speech therapy; ~~and~~

2 (B) private tutoring and other supplemental  
3 private instruction or programs; and

4 (C) crisis prevention and intervention training  
5 for the student's parent or person standing in parental relation to  
6 the student.

7 SECTION 3. Section 37.001(b-1), Education Code, is amended  
8 to read as follows:

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

16 SECTION 4. Section 37.002, Education Code, is amended by  
17 adding Subsection (b-2) to read as follows:

18 (b-2) After removal of a student from the classroom under  
19 this section, on the student's return to the classroom the teacher  
20 shall:

21 (1) employ appropriate classroom management  
22 techniques that can reasonably be expected to improve the student's  
23 behavior; and

24 (2) document the student's behavior the teacher  
25 determines either:

26 (A) repeatedly interferes with the teacher's  
27 ability to communicate effectively with the students in the class

1 or with the ability of the student's classmates to learn; or  
2 (B) is so unruly, disruptive, or abusive it  
3 seriously interferes with the teacher's ability to communicate  
4 effectively with the students in the class or with the ability of  
5 the student's classmates to learn.

6 SECTION 5. Section 37.005, Education Code, is amended by  
7 amending Subsections (a), (b), (c), and (d) and adding Subsection  
8 (c-2) to read as follows:

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

14 (b) An out-of-school [A] suspension under this section may  
15 not exceed three school days. An in-school suspension under this  
16 section may not exceed 10 school days.

17 (c) A student who is enrolled in a grade level below grade  
18 three may not be placed in out-of-school suspension unless while on  
19 school property or while attending a school-sponsored or  
20 school-related activity on or off of school property, the student  
21 engages in:

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

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

26 (3) conduct that results in repeated or significant  
27 disruption to the classroom, as determined by the campus

1 administrator in agreement with the classroom teacher [~~contains the~~  
2 ~~elements of a violent offense under Section 22.01, 22.011, 22.02,~~  
3 ~~or 22.021, Penal Code~~]; or

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

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

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

12 (C) an alcoholic beverage, as defined by Section  
13 1.04, Alcoholic Beverage Code.

14 (c-2) On receiving a written request from the student's  
15 parent or person standing in parental relation to the student, the  
16 campus administrator or district designee may at the  
17 administrator's or designee's sole discretion reassign a student  
18 placed in out-of-school suspension under Subsection (c) to an  
19 in-school suspension for a period, notwithstanding Subsection (b),  
20 not to exceed 15 school days if the student's parent or person  
21 standing in parental relation to the student demonstrates through  
22 supporting information and documentation that the parent or person  
23 is unable to provide suitable supervision for the student during  
24 school hours during the period of the suspension. The alternative  
25 placement provided by this section may be used only in extenuating  
26 circumstances and may not be used as a routine replacement for  
27 out-of-school suspension. The school district shall maintain

1 documentation of each reassignment under this subsection,  
2 including the parent's or person's request, the reason for the  
3 parent's or person's unavailability, and the supporting information  
4 and documentation.

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

16 SECTION 6. Section 37.006, Education Code, is amended by  
17 amending Subsections (a) and (c) and adding Subsection (a-1) to  
18 read as follows:

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

23 (1) engages in conduct involving a public school that  
24 contains the elements of the offense of false alarm or report under  
25 Section 42.06, Penal Code, or terroristic threat under Section  
26 22.07, Penal Code; or

27 (2) commits the following on or within 300 feet of



1 school property, as measured from any point on the school's real  
2 property boundary line, or while attending a school-sponsored or  
3 school-related activity on or off of school property:

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

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

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

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

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

18 (C-1) possesses, uses, or is under the influence  
19 of, or sells, gives, or delivers to another person marihuana, as  
20 defined by Section 481.002, Health and Safety Code, or  
21 tetrahydrocannabinol, as defined by rule adopted under Section  
22 481.003 of that code;

23 [~~(C-2) possesses, uses, sells, gives, or~~  
24 ~~delivers to another person an e-cigarette, as defined by Section~~  
25 ~~161.081, Health and Safety Code,~~]

26 (D) sells, gives, or delivers to another person  
27 an alcoholic beverage, as defined by Section 1.04, Alcoholic

1 Beverage Code, commits a serious act or offense while under the  
2 influence of alcohol, or possesses, uses, or is under the influence  
3 of an alcoholic beverage;

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

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

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

13 (a-1) Subject to the requirements of Section 37.009(a), a  
14 student shall be removed from class and placed in a disciplinary  
15 alternative education program as provided by Section 37.008 for a  
16 period of not less than 30 days if the student engages in conduct  
17 that contains the elements of the offense of assault under Section  
18 22.01, Penal Code, or terroristic threat under Section 22.07(a)(2),  
19 Penal Code, against an employee of the school district.

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

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

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

3 (B) the offense of deadly conduct under Section  
4 22.05;

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

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

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

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

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

18 (3) the superintendent or the superintendent's  
19 designee has a reasonable belief that the student has engaged in a  
20 conduct defined as an offense listed in Subdivision (1) [~~+~~

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

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

27 (a) Except as provided by Subsection (k) and subject to the

1 requirements of Section 37.009(a), a student shall be expelled from  
2 a school if the student[~~, on school property or while attending a~~  
3 ~~school-sponsored or school-related activity on or off of school~~  
4 ~~property~~]:

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

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

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

14 (B) arson under Section 28.02, Penal Code;

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

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

21 (E) aggravated kidnapping under Section 20.04,  
22 Penal Code;

23 (F) aggravated robbery under Section 29.03,  
24 Penal Code;

25 (G) manslaughter under Section 19.04, Penal  
26 Code;

27 (H) criminally negligent homicide under Section

1 19.05, Penal Code; or

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

4 (3) engages in conduct specified by Section  
5 37.006(a)(2)(C), if the conduct is punishable as a felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (B) the student knowingly:

27 (i) alters, damages, or deletes school

1 district property or information; or

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

4 (d) A student [~~shall be expelled if the student engages in~~  
5 ~~conduct that contains the elements of any offense listed in~~  
6 ~~Subsection (a), and~~] may be expelled if the student engages in  
7 conduct that contains the elements of any offense listed in  
8 Subsection (b)(2)(C)[~~7~~] against any employee or volunteer in  
9 retaliation for or as a result of the person's employment or  
10 association with a school district, without regard to whether the  
11 conduct occurs on or off of school property or while attending a  
12 school-sponsored or school-related activity on or off of school  
13 property.

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

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

18 (2) a juvenile justice alternative education program.

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

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

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

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

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

5           Sec. 37.0083. VIRTUAL DISCIPLINARY ALTERNATIVE EDUCATION  
6 PROGRAM. (a) The board of trustees of a school district, or the  
7 board's designee, may place a student who has been expelled under  
8 Section 37.007 in a virtual disciplinary alternative education  
9 program established by the district and provide virtual instruction  
10 and instructional materials for remote learning to the student.

11           (a-1) If the board of trustees of a school district, the  
12 board's designee, or a juvenile court places a student in a virtual  
13 disciplinary alternative education program under this section, the  
14 school district shall ensure that the student has suitable home  
15 computer equipment and Internet access and provide the computer  
16 equipment and Internet access if necessary.

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

21           (c) The commissioner shall adopt rules as necessary to  
22 implement this section, including rules providing for a method of  
23 taking attendance for students placed in a virtual disciplinary  
24 alternative education program and rules requiring school districts  
25 to provide basic professional development training for teachers  
26 providing instruction in a virtual disciplinary alternative  
27 education program.



1 SECTION 10. Section 37.009, Education Code, is amended by  
2 amending Subsections (a-1) and (a-2) and adding Subsection (f-1) to  
3 read as follows:

4 (a-1) If a disciplinary alternative education program is at  
5 capacity at the time a campus behavior coordinator is deciding  
6 placement under Subsection (a) for a student who engaged in conduct  
7 described under Section 37.006(a)(2)(C-1), [~~C-2~~] (D), or (E),  
8 the student shall be:

9 (1) placed in in-school suspension; and

10 (2) if a position becomes available in the program  
11 before the expiration of the period of the placement, transferred  
12 to the program for the remainder of the period.

13 (a-2) If a disciplinary alternative education program is at  
14 capacity at the time a campus behavior coordinator is deciding  
15 placement under Subsection (a) for a student who engaged in conduct  
16 described under Section 37.007 that constitutes violent conduct, as  
17 defined by commissioner rule, a student who has been placed in the  
18 program for conduct described under Section 37.006(a)(2)(C-1),  
19 [~~C-2~~] (D), or (E):

20 (1) may be removed from the program and placed in  
21 in-school suspension to make a position in the program available  
22 for the student who engaged in violent conduct; and

23 (2) if removed from the program under Subdivision (1)  
24 and a position in the program becomes available before the  
25 expiration of the period of the placement, shall be returned to the  
26 program for the remainder of the period.

27 (f-1) The board or the board's designee may order the

1 placement of a student expelled under Section 37.007 in an  
2 alternative education program as provided by Subsection (f-1) of  
3 that section.

4 SECTION 11. Section 37.010, Education Code, is amended by  
5 adding Subsection (c-1) to read as follows:

6 (c-1) This subsection applies to a juvenile court in a  
7 county that operates a program under Section 37.011.  
8 Notwithstanding Subsections (a) and (c), a court may order a  
9 student expelled under Section 37.007 to attend a school district's  
10 virtual disciplinary alternative education program, if:

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

14 (2) the county's juvenile justice alternative  
15 education program under Section 37.011 has no available positions  
16 for the grade level in which the student is enrolled.

17 SECTION 12. Subchapter A, Chapter 37, Education Code, is  
18 amended by adding Section 37.024 to read as follows:

19 Sec. 37.024. ANNUAL REPORT REGARDING EXPULSIONS,  
20 SUSPENSIONS, AND REMOVALS TO DISCIPLINARY ALTERNATIVE EDUCATION  
21 PROGRAMS. Not later than September 1, each school district and  
22 open-enrollment charter school shall prepare and submit to the  
23 agency an annual report regarding each expulsion, suspension, or  
24 removal of a student to a disciplinary alternative education  
25 program that occurred during the preceding school year,  
26 disaggregated by:

27 (1) the type of removal;

- 1           (2) the student's race;
- 2           (3) the student's gender; and
- 3           (4) the student's grade.

4           SECTION 13. Section 37.055, Education Code, is amended by  
5 amending Subsections (a) and (b) and adding Subsections (a-1) and  
6 (a-2) to read as follows:

7           (a) On admitting a student to a school-community guidance  
8 center, placing a student in a disciplinary alternative education  
9 program, or expelling a student, a representative of the school  
10 district, the student, and the student's parent shall develop an  
11 agreement that specifies the responsibilities of the parent and the  
12 student. The agreement must include:

13           (1) a statement of the student's behavioral and  
14 learning objectives;

15           (2) a requirement that the parent attend specified  
16 meetings and conferences for teacher review of the student's  
17 progress; and

18           (3) the parent's acknowledgement that the parent  
19 understands and accepts the responsibilities imposed by the  
20 agreement regarding attendance at meetings and conferences and  
21 assistance in meeting other objectives, defined by the district, to  
22 aid student remediation.

23           (a-1) The school district shall provide to the student's  
24 parent written notice of the meeting at which the agreement  
25 described by Subsection (a) will be developed and encourage the  
26 student's parent to attend the meeting. The district shall ensure  
27 the student's parent may attend the meeting in person or by

1 telephone or video conference.

2 (a-2) If the student and the student's parent participate in  
3 the development and completion of the agreement described by  
4 Subsection (a), the school district shall review and may reduce the  
5 length of any discipline to be imposed on the student.

6 (b) The superintendent of the school district may obtain a  
7 court order from a district, county, or justice court in whose  
8 jurisdiction all or any part of the school district is located  
9 requiring a parent to fully, reasonably, and timely participate in  
10 the development of [~~comply with~~] an agreement [~~made~~] under this  
11 section and to comply with the agreement if the parent receives  
12 notice of a meeting to develop the agreement under Subsection (a-1)  
13 and fails to attend the meeting on two separate occasions. A parent  
14 who violates a court order issued under this subsection may be  
15 punished for contempt of court or by other appropriate judicial  
16 remedy.

17 SECTION 14. Section 37.115, Education Code, is amended by  
18 adding Subsection (d-1) to read as follows:

19 (d-1) Notwithstanding Subsection (d), if a student in a  
20 special education program under Subchapter A, Chapter 29, is the  
21 subject of a threat assessment under Subsection (f), the team  
22 conducting the assessment must include at least one of the  
23 following professionals who has specific knowledge of the student's  
24 disability and the disability's manifestations:

25 (1) a special education teacher assigned to the  
26 student;

27 (2) a licensed behavior analyst;

1           (3) a licensed clinical or licensed master social  
2 worker; or

3           (4) a licensed specialist in school psychology.

4           SECTION 15. Subchapter D, Chapter 37, Education Code, is  
5 amended by adding Section 37.1151 to read as follows:

6           Sec. 37.1151. SUIT FOR TEMPORARY ALTERNATIVE PLACEMENT FOR  
7 CERTAIN STUDENTS. (a) In this section, "student with a disability"  
8 means a student who is covered by:

9           (1) the Individuals with Disabilities Education Act  
10 (20 U.S.C. Section 1400 et seq.); or

11           (2) Section 504, Rehabilitation Act of 1973 (29 U.S.C.  
12 Section 794).

13           (b) If, pursuant to a threat assessment conducted with  
14 respect to a student under Section 37.115, the school district in  
15 which the student is enrolled determines that the student's  
16 continued placement in the student's current educational setting is  
17 substantially likely to result in physical harm to the student or  
18 another person, the district may file a civil action for injunctive  
19 relief in a district court to authorize the district to immediately  
20 remove the student from the student's current educational setting  
21 and place the student in an alternative educational setting.

22           (c) The school district requesting injunctive relief under  
23 this section must show that:

24           (1) the district has made reasonable efforts to  
25 maintain the student's current educational setting and minimize the  
26 likelihood of physical harm to the student or another person;

27           (2) despite the district's efforts under Subdivision

1 (1), maintaining the student's current educational setting is  
2 substantially likely to result in physical harm to the student or  
3 another person; and

4 (3) the district provided notice to the student's  
5 parent or person standing in parental relation to the student of:

6 (A) the results of the threat assessment  
7 conducted with respect to the student under Section 37.115; and

8 (B) the filing of a civil action under Subsection  
9 (b).

10 (d) Not later than the fifth calendar day after the date a  
11 school district files a civil action under Subsection (b), the  
12 district court shall determine whether the district has provided  
13 sufficient evidence to satisfy the requirements of Subsection (c),  
14 and, if so, may order the district to remove the student from the  
15 student's current educational setting and place the student in an  
16 alternative educational setting for a period not to exceed 60  
17 instructional days.

18 (e) In making the determination under Subsection (d), the  
19 district court shall consider:

20 (1) the results of the threat assessment conducted  
21 with respect to the student under Section 37.115;

22 (2) for a student with a disability, any  
23 recommendations or findings made by the student's admission,  
24 review, and dismissal committee or the student's team established  
25 under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section  
26 794), as applicable; and

27 (3) any other relevant information.

1       (f) Before the expiration of an order issued under  
2 Subsection (d) for a student enrolled in the school district's  
3 special education program under Subchapter A, Chapter 29, the  
4 school district shall request from the student's parent or person  
5 standing in parental relation to the student consent for a  
6 qualified professional to conduct a functional behavioral  
7 assessment of the student.

8       (g) Before the expiration of an order issued under  
9 Subsection (d) for a student enrolled in the school district's  
10 special education program under Subchapter A, Chapter 29, the  
11 school district shall seek consent from the student's parent or  
12 person standing in parental relation to conduct a functional  
13 behavioral assessment of the student by a licensed specialist in  
14 school psychology, a licensed behavior analyst, or a behavior  
15 specialist.

16       (h) On the expiration of an order issued under Subsection  
17 (d), the school district may file another civil action under  
18 Subsection (b) to extend the period of the student's placement in an  
19 alternative educational setting if the district determines,  
20 pursuant to an additional threat assessment conducted with respect  
21 to the student under Section 37.115, that the student's return to  
22 the student's previous educational setting is substantially likely  
23 to result in physical harm to the student or another person.

24       (i) A school district must ensure that a student with a  
25 disability who is placed in an alternative educational setting  
26 under this section continues to receive all required educational  
27 services, including services under the student's individualized

1 education program or the student's plan created under Section 504,  
2 Rehabilitation Act of 1973 (29 U.S.C. Section 794), as applicable.

3 (j) A school district that has filed a civil action under  
4 Subsection (b) for the removal of a student is not subject to the  
5 requirements of Section 37.009(a) with respect to that removal.

6 SECTION 16. Section 37.007(i), Education Code, is repealed.

7 SECTION 17. This Act applies beginning with the 2025-2026  
8 school year.

9 SECTION 18. This Act takes effect immediately if it  
10 receives a vote of two-thirds of all the members elected to each  
11 house, as provided by Section 39, Article III, Texas Constitution.  
12 If this Act does not receive the vote necessary for immediate  
13 effect, this Act takes effect September 1, 2025.