

By: Olcott

H.B. No. 5553

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 26.015, Education Code, is amended to read as follows:

Sec. 26.015. POSTING OF INFORMATION REGARDING ADMINISTRATOR RESPONSIBLE FOR STUDENT DISCIPLINE. A school district shall post on the district's Internet website, for each district campus, the e-mail address and dedicated telephone number of a person clearly identified as[+]

~~[(1) the campus behavior coordinator designated under Section 37.0012; or~~

~~[(2) if the district has been designated as a district of innovation under Chapter 12A and is exempt from the requirement to designate a campus behavior coordinator under Section 37.0012 under the district's local innovation plan,~~] a campus administrator designated as being responsible for student discipline.

SECTION 2. Section 37.0013(a), Education Code, is amended to read as follows:

(a) Each school district and open-enrollment charter school may develop and implement a program, in consultation with [~~campus behavior coordinators employed by the district or school and~~] representatives of a regional education service center, that provides a disciplinary alternative for a student enrolled in a

1 grade level below grade three who engages in conduct described by
2 Section 37.005(a) and is not subject to Section 37.005(c). The
3 program must:

- 4 (1) be age-appropriate and research-based;
- 5 (2) provide models for positive behavior;
- 6 (3) promote a positive school environment;
- 7 (4) provide alternative disciplinary courses of
8 action that do not rely on the use of in-school suspension,
9 out-of-school suspension, or placement in a disciplinary
10 alternative education program to manage student behavior; and
- 11 (5) provide behavior management strategies,
12 including:

- 13 (A) positive behavioral intervention and
14 support;
- 15 (B) trauma-informed practices;
- 16 (C) social and emotional learning;
- 17 (D) a referral for services, as necessary; and
- 18 (E) restorative practices.

19 SECTION 3. Sections 37.002(a), (c), (d), and (e), Education
20 Code, are amended to read as follows:

21 (a) A teacher may send a student to an administrator's ~~[the~~
22 ~~campus behavior coordinator's]~~ office to maintain effective
23 discipline in the classroom. ~~[The campus behavior coordinator~~
24 ~~shall respond by employing appropriate discipline management~~
25 ~~techniques consistent with the student code of conduct adopted~~
26 ~~under Section 37.001 that can reasonably be expected to improve the~~
27 ~~student's behavior before returning the student to the classroom.~~

~~If the student's behavior does not improve, the campus behavior coordinator shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the campus behavior coordinator in the student code of conduct.]~~

(c) If a teacher removes a student from class under Subsection (b), the principal may place the student into another appropriate classroom, into in-school suspension, or into a disciplinary alternative education program as provided by Section 37.008. The principal may not return the student to that teacher's class without the teacher's consent ~~[unless the committee established under Section 37.003 determines that such placement is the best or only alternative available]~~. The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activity.

(d) A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program or for expulsion, as appropriate, a student who engages in conduct described under Section 37.006 or 37.007. The student may not be returned to that teacher's class without the teacher's consent ~~[unless the committee established under Section 37.003 determines that such placement is the best or only alternative available]~~. If the teacher removed the student from class because the student has engaged in the elements of any offense listed in Section 37.006(a)(2)(B) or Section 37.007(a)(2)(A) or (b)(2)(C) against the teacher, the student may not be returned to the teacher's class without the teacher's consent. The teacher may not

1 be coerced to consent.

2 (e) A student who is sent to the [~~campus behavior~~
3 ~~coordinator's or other~~] administrator's office under Subsection (a)
4 or removed from class under Subsection (b) is not considered to have
5 been removed from the classroom for the purposes of reporting data
6 through the Public Education Information Management System (PEIMS)
7 or other similar reports required by state or federal law.

8 SECTION 4. Section 37.005(d), Education Code, is amended to
9 read as follows:

10 (d) A school district or open-enrollment charter school may
11 not place a student who is homeless in out-of-school suspension
12 unless the student engages in conduct described by Subsections
13 (c)(1)-(3) while on school property or while attending a
14 school-sponsored or school-related activity on or off of school
15 property. The principal or other appropriate administrator [~~campus~~
16 ~~behavior coordinator~~] may coordinate with the school district's
17 homeless education liaison to identify appropriate alternatives to
18 out-of-school suspension for a student who is homeless. In this
19 subsection, "student who is homeless" has the meaning assigned to
20 the term "homeless children and youths" under 42 U.S.C. Section
21 11434a.

22 SECTION 5. Section 37.006(a), Education Code, is amended to
23 read as follows:

24 (a) Subject to the requirements of Section 37.009(a), a
25 student shall be removed from class and placed in a disciplinary
26 alternative education program as provided by Section 37.008 if the
27 student:

1 (1) engages in conduct involving a public school that
2 contains the elements of the offense of false alarm or report under
3 Section 42.06, Penal Code, or terroristic threat under Section
4 22.07, Penal Code; or

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

9 (A) engages in conduct punishable as a felony;

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

12 (C) sells, gives, or delivers to another person
13 or possesses or uses or is under the influence of:

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

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

21 (C-1) possesses, uses, or is under the influence
22 of, or sells, gives, or delivers to another person marihuana, as
23 defined by Section 481.002, Health and Safety Code, or
24 tetrahydrocannabinol, as defined by rule adopted under Section
25 481.003 of that code;

26 (C-2) possesses, uses, sells, gives, or delivers
27 to another person an e-cigarette, as defined by Section 161.081,

Health and Safety Code;

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

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

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

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

(H) engages in verbal or physical aggression against an employee of the school district.

SECTION 6. Sections 37.009(a), (a-1), and (a-2), Education Code, are amended to read as follows:

(a) ~~[Not later than the third class day after the day on which a student is removed from class by the teacher under Section 37.002(b) or (d) or by the school principal or other appropriate administrator under Section 37.001(a)(2) or 37.006, the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and~~

1 ~~the student. At the conference, the student is entitled to written~~
2 ~~or oral notice of the reasons for the removal, an explanation of the~~
3 ~~basis for the removal, and an opportunity to respond to the reasons~~
4 ~~for the removal. The student may not be returned to the regular~~
5 ~~classroom pending the conference. Following the conference, and~~
6 ~~whether or not each requested person is in attendance after valid~~
7 ~~attempts to require the person's attendance, the campus behavior~~
8 ~~coordinator, after consideration of the factors under Section~~
9 ~~37.001(a)(4), shall order the placement of the student for a period~~
10 ~~consistent with the student code of conduct.] Before ordering the~~
11 suspension, expulsion, removal to a disciplinary alternative
12 education program, or placement in a juvenile justice alternative
13 education program of a student, the school principal or other
14 appropriate administrator [~~behavior coordinator~~] must consider
15 whether the student acted in self-defense, the intent or lack of
16 intent at the time the student engaged in the conduct, the student's
17 disciplinary history, and whether the student has a disability that
18 substantially impairs the student's capacity to appreciate the
19 wrongfulness of the student's conduct, regardless of whether the
20 decision of the principal or other administrator [~~behavior~~
21 ~~coordinator~~] concerns a mandatory or discretionary action. If
22 school district policy allows a student to appeal to the board of
23 trustees or the board's designee a decision of the school principal
24 [~~campus behavior coordinator~~] or other appropriate administrator,
25 other than an expulsion under Section 37.007, the decision of the
26 board or the board's designee is final and may not be appealed. If
27 the period of the placement is inconsistent with the guidelines

1 included in the student code of conduct under Section 37.001(a)(5),
2 the order must give notice of the inconsistency. The period of the
3 placement may not exceed one year unless, after a review, the
4 district determines that the student is a threat to the safety of
5 other students or to district employees.

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

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

13 (2) if a position becomes available in the program
14 before the expiration of the period of the placement, transferred
15 to the program for the remainder of the period.

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

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

27 (2) if removed from the program under Subdivision (1)

1 and a position in the program becomes available before the
2 expiration of the period of the placement, shall be returned to the
3 program for the remainder of the period.

4 SECTION 7. Section 37.010(f), Education Code, is amended to
5 read as follows:

6 (f) If a student is expelled under Section 37.007, ~~[on the~~
7 ~~recommendation of the committee established under Section 37.003 or~~
8 ~~on its own initiative,~~] a district may readmit the student while the
9 student is completing any court disposition requirements the court
10 imposes. After the student has successfully completed any court
11 disposition requirements the court imposes, including conditions
12 of a deferred prosecution ordered by the court, or such conditions
13 required by the prosecutor or probation department, if the student
14 meets the requirements for admission into the public schools
15 established by this title, a district may not refuse to admit the
16 student, but the district may place the student in the disciplinary
17 alternative education program. Notwithstanding Section 37.002(d),
18 the student may not be returned to the classroom of the teacher
19 under whose supervision the offense occurred without that teacher's
20 consent. The teacher may not be coerced to consent.

21 SECTION 8. Section 37.023(c), Education Code, is amended to
22 read as follows:

23 (c) Not later than five instructional days after the date of
24 a student's release from an alternative education program, the
25 campus administrator shall coordinate the student's transition to a
26 regular classroom. The coordination may ~~[must]~~ include assistance
27 and recommendations from any appropriate school district personnel

1 [÷
2 ~~[(1) school counselors,~~
3 ~~[(2) school district peace officers,~~
4 ~~[(3) school resource officers,~~
5 ~~[(4) licensed clinical social workers,~~
6 ~~[(5) campus behavior coordinators,~~
7 ~~[(6) classroom teachers who are or may be responsible~~
8 ~~for implementing the student's personalized transition plan~~
9 ~~developed under Subsection (d); and~~
10 ~~[(7) any other appropriate school district~~
11 ~~personnel].~~

12 SECTION 9. The following provisions of the Education Code
13 are repealed:

- 14 (1) Section 37.0012;
15 (2) Section 37.003; and
16 (3) Section 37.005(b).

17 SECTION 10. This Act applies beginning with the 2025-2026
18 school year.

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