

## CURRENT LAW SETS IMPORTANT LIMITS ON SUSPENSIONS FOR PRE-K-2<sup>ND</sup> GRADERS, WITH EXCEPTIONS FOR SERIOUS SITUATIONS

Since 2017, Texas has prohibited schools from placing students under third grade in out-of-school suspension.<sup>1</sup> This rule, however, doesn't apply in serious circumstances—if the student brings drugs, alcohol, or a gun to campus, or if the student assaults someone at school.<sup>2</sup>

Recognizing that suspensions for young children are both ineffective and harmful, lawmakers encouraged schools to seek positive alternatives to exclusionary discipline in response to all other behaviors.<sup>3</sup> A broad spectrum of organizations across Texas signed on to support this policy, including Texas Public Policy Foundation, Disability Rights Texas, Texas PTA, and more.<sup>4</sup>

### THE EXISTING EXCEPTIONS ALREADY COVER SERIOUS SITUATIONS IN THE CLASSROOM



Under current law,<sup>5</sup> **the exception for assault already allows schools to suspend students who bite, hit, barrage with objects or otherwise cause or threaten to cause someone else “physical pain, illness, or any impairment of physical condition.”**<sup>6</sup>

### HB 6 AND SB 1871 WOULD EVISCERATE REASONABLE LIMITS ON SUSPENSIONS, ALLOWING THEM FOR MERE DISRUPTIONS



Just four legislative sessions later, HB 6 and SB 1871 seek to once again broaden the ability for schools to place their youngest students in out-of-school suspension. Specifically, they would allow schools to suspend students for conduct that “results in repeated or significant disruption to the classroom.”<sup>7</sup>

**The “repeated or significant disruption” exception effectively destroys the state’s prohibition on out-of-school suspensions because young children *are* frequently disruptive by nature**—a consequence of their age and development. Worse, the bills fail to define “repeated or significant disruption,” opening the door for inconsistent application.

### OUT OF SCHOOL SUSPENSION IS INEFFECTIVE AND HARMFUL FOR YOUNG CHILDREN

Child development research supports Texas’ current approach, which keeps the prohibition’s exceptions narrow and focused on true safety concerns.

<sup>1</sup> Sydney Greene, *Texas Schools Suspended Tens of Thousands of Students in Second Grade or Younger, Report Says*, THE TEX. TRIB. (March 26, 2018), [www.texastribune.org/2018/03/26/texas-youngest-public-school-students-still-risk-suspensions-report-sa/](http://www.texastribune.org/2018/03/26/texas-youngest-public-school-students-still-risk-suspensions-report-sa/).

<sup>2</sup> Tex. Educ. Code § 37.005(c).

<sup>3</sup> H.B. 674, 2017 Leg., 85th Sess. (Tx. 2017).

<sup>4</sup> Witness List, Senate Committee Report, S.B. 370, 2017 Leg., 85th Sess. (Tx. 2017).

<sup>5</sup> Tex. Educ. Code § 37.005(c)(2).

<sup>6</sup> Tex. Penal Code § 1.07(a)(8).

<sup>7</sup> H.B. 6, 2025 Leg., 89th Sess. (Tx. 2025); S.B. 1871, 2025 Leg., 89th Sess. (Tx. 2025).

- Excluding children from classrooms can lead to disengagement from school, missed academic opportunities, and the development of a “problem kid” reputation.<sup>8</sup>
- **Furthermore, exclusionary practices like suspensions appear to *increase*, rather than decrease, aggressive behavior among elementary-aged students.**<sup>9</sup>
- Finally, out-of-school suspensions do nothing to address the underlying causes of problematic behavior but may instead return a child to the very environment that created such behavior.<sup>10</sup>

## RECOMMENDATION

- ✔ **Amend HB 6 and SB 1871 by removing the broad “repeated or significant disruption” exception to the preK-2<sup>nd</sup> grade suspension ban.**

### ALTERNATIVELY,

- ✔ **Amend the “repeated or significant disruption” exception with the language below:**

(3) conduct that results in **repeated or significant disruption to the classroom by assaulting a teacher or another student**, ~~as determined by the campus administrator in agreement with the classroom teacher [contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code];~~

<sup>8</sup> *Suspended Childhood*, TEX. APPLESEED, report.texasappleseed.org/suspended-childhood-updated/.

<sup>9</sup> Wade C. Jacobsen, *Punishment and Inequality at an Early Age: Exclusionary Discipline in Elementary School*, 97 J. Soc. Forces 973, 973 (2019).

<sup>10</sup> Jeffrey H. Lamont, *Out-of-School Suspension and Expulsion*, 131 Pediatrics e1000, e1002 (2013).



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