

Back to School, New Rules

Navigating School Discipline in 2026

Texas PreK-12 Information



March 2026



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Overview

This guide offers a high-level overview of how Texas school discipline laws and policies have expanded following the passage of House Bill 6 in 2025. It also explains practical steps parents and guardians can take if their child is facing school discipline.

This guide is for educational purposes only and does not constitute legal advice. If you have questions or need additional support, please contact us at info@texasappleseed.org or consult with an education attorney or advocacy organization.

For more detailed information, visit our full FAQ guide on the Education Justice project page at www.texasappleseed.org.

Key Terms to Know

- ISS = in-school suspension
- OSS = out-of-school suspension
- DAEP = disciplinary alternative education program
- JJAEP = juvenile justice alternative education program



Key Changes to Know: HB 6

House Bill 6 (HB 6) significantly broadened Texas school discipline laws in 2025. Here is what you need to know.

Easier to Remove Students

- Teachers can remove students from class based on a single incident of “interfering,” “unruly,” “abusive” or “disruptive” behavior
- Principals can now place students in a DAEP for a single incident that “seriously” interferes with teaching or learning

New DAEP Offenses

- Off-campus conduct, even on weekends and during holidays (applies to expulsion too)
- Vaping (second offense)
- “Disruptive activities” and “disruption of class”
- “Harassment” or “retaliation” against school staff or volunteers

Loosening Restrictions on Exclusionary Discipline

- ISS no longer has a time limit; subject to a 10-day review
- Students in preK to 2nd grades and homeless students can now be placed in OSS for “significant disruption”
- Districts can create virtual expulsion programs

New Student Rights

- Parents submit requests for reassignment from OSS to ISS for preK-2nd graders due to significant hardship (if school allows it)
- School districts can allow “behavior agreements” with parents and students to reduce DAEP/expulsion time
- Students must have “return to class plans” after teacher removals

NOTE: Many terms here are vague. Words like “interfering,” “disruptive” and “disruption” are not clearly defined, and can be subject to interpretation by individual teachers and administrators. Always ask for specific documentation and explanations. For more information, visit our full FAQ on the Education Justice project page at www.texasappleseed.org/education-justice.

When You Learn Your Child is Being Disciplined

This general roadmap is a series of best practices to help parents or guardians advocate for their child. For more information regarding the specific kind of school disciplinary action your child is facing, please consult the rest of the guide.

1. Ask Key Questions and Follow Up with Email

The school will typically call you to let you know what happened. Stay calm and gather information. During the call, write down the name and email address of the person contacting you and the date and time you were notified. Ask the school the following questions:

1. What type of discipline is being imposed?
 - a. In-school suspension (ISS)
 - b. Out-of-school suspension (OSS)
 - c. Disciplinary alternative education program (DAEP)
 - d. Emergency placement
 - e. Expulsion



2. What is my child being accused of doing? When did this incident occur? Were there any witnesses?
3. Is there any camera footage? Is there an incident report being prepared? If so, may I receive a copy of both?
4. When will the disciplinary hearing be and how can I provide my account?

Afterwards, email the principal or the school administrator who contacted you to both document that the call occurred and to request copies of the following in writing:

- What your child has been accused by the school of doing,
- The proposed disciplinary action against your child,
- Any and all evidence (video/audio recordings, witness statements, statements by your child, and incident reports), and
- Your child's complete disciplinary history.

2. Talk to Your Child

The goal is to find out what happened to your child and whether there are mitigating factors in your child's situation. Schools have to consider the following mitigating factors when deciding discipline, including: (1) whether the student acted in self-defense; (2) the intent or lack thereof at the time the student engaged in the alleged conduct; (3) the student's disciplinary history; (4) whether the student has a disability that substantially impairs their capacity to understand what they did was wrong; and (5) whether the student is in foster care or homeless.



Ask your child the following:

- When did this happen? Where were you when this happened? Who else was there?
- What did you do or say? Why did you do or say this? What were you thinking at the time?
- Was there a teacher or school staff there? What did they do or say?
- Were there other people there? Did they see what happened?
- Did someone else do something to you?

If your child has a disability: HB 6 did NOT remove disability protections. Students with disabilities who receive special education services have additional protections under Texas Education Code section 37.004 (see Disability Rights Texas' discipline guide, at www.disabilityrightstx.org, for more information).

3. Prepare for Disciplinary Hearing

The disciplinary hearing is where the school will formally decide what disciplinary action, if any, to impose on your child. The school must notify you of the hearing and you should ask to see all the evidence prior to the hearing and advocate on behalf of your child at the hearing. Before the hearing, take the time to connect what your child said to the mitigating factors discussed earlier, and organize your arguments accordingly.

NOTE: For ISS and OSS, at a minimum, your child has the right to know what they are being accused of doing (being provided “notice”) and an opportunity to tell their side of their story to school administration. You are only entitled to be notified after your child has been placed in ISS or OSS. Tex. Edu. Code 37.0012(d). Any other process depends on what school district you are in; please consult your district’s Student Code of Conduct.

4. Advocate at the Hearing

At the disciplinary hearing, you can contest whether your child even did what they were being accused of. Then, you can argue the mitigating factors and how they should be taken into account.

5. Wait For Decision and Know Your Right to Appeal

The school will typically decide within 24 to 48 hours of the hearing and notify you by phone or email. If they call, follow up with an email confirming you received the decision. In some cases, if you disagree with the outcome of the hearing, you can appeal the decision. Email the school immediately and ask for:

- Your right to appeal
- The specific process for appealing
- The timeline for appealing

You can also find your child's appeal rights on your district's website (student code of conduct, board policies on discipline, and grievance procedures).

Important: Appeal deadlines are typically very strict, so act quickly.

The following pages will talk about the different types of disciplinary action your child can receive and additional information you may need to know as your child's advocate.



Teacher Removals

A teacher can remove your child from the classroom if your child:

- Repeatedly interferes with the teacher’s ability to communicate effectively with students in the class or with the ability of fellow classmates to learn;
- Engages in unruly, disruptive, or abusive behavior
- Bullies another classmate

NOTE: Under HB 6, teacher removals can be based on a single incident and no longer require documentation before removal. Also, what counts as “interfering,” “unruly,” or “disruptive” is subject to each teacher’s interpretation and can vary across classrooms.

The school principal will place your child into another appropriate classroom, ISS, or a DAEP. During this time, your child cannot return to their teacher’s classroom without the teacher’s written consent, unless a placement review committee overrides that decision and a return to class plan has been prepared, as discussed below.

Additional Right(s)	What This Means for Your Child
Mandatory conference within 3 days of removal	The school must schedule a meeting with you, your child, the principal, and your child’s teacher who removed them within three days.
Notice and opportunity to be heard	Your child has the right to know the reasons why they were removed from the classroom and also has the right to respond to those reasons.

Continued on next page.

Additional Right(s)	What This Means for Your Child
*Creating a “return to class plan”	<p>The school must create a “return to class plan” at the above-mentioned conference for your child that includes clear specific behavioral expectations and any support services the school can provide.</p>
*Right of appeal	<p>You have the right to appeal your child’s removal from the classroom to the school’s placement review committee or the campus threat assessment team.</p> <p>However, even if you are able to successfully appeal the removal, your child must have a “return to class” plan in order to be allowed back in the classroom.</p>

** NEW or UPDATED under HB 6*

Your Goals for Your Child

- Get immediate answers and documentation in your meetings with school administrators.
- Ensure the “Return to Class Plan” includes actual support services like counseling or mentorship.
- Prevent your child from falling behind in that specific subject while they are removed from the regular classroom.

Additional Questions to Ask & Next Steps

- Ask what specific behavior the school has alleged your child engaged in and get documentation.
 - “Has the teacher provided any documentation that led to this removal, and will I receive a copy?”
 - “Were there any warnings or interventions attempted before removal?”
 - For students with disabilities: “When will a manifestation determination review be conducted?”
- Ask about the plan for the conference:
 - “When will the conference be held and who is the non-teaching staff member (either a counselor or administrator) responsible for drafting the Return to Class Plan?”
 - “Will the Return to Class Plan be drafted before or during the conference? If it is before the conference, can I receive a draft so I can review the proposed supports?”



In-School Suspension (ISS)

In-school suspension (ISS) removes your child from their regular classroom and places them in a designated, supervised area within the school campus. The student is typically isolated from the general student population. Under HB 6, ISS now has no time limit, meaning your child can be in ISS for weeks or months on end. However, the school still has additional responsibilities for your child as discussed below.

Additional Right(s)	What This Means for Your Child
Right to Coursework	School must provide a way for your child to receive all classwork; at least one option must not require the use of the Internet.
*“Comparable educational services”	Right to receive classwork, instructional time, and materials roughly the same as what they would have gotten in their regular classroom, not just busy work.
*Appropriate “behavioral support services”	Right to access supports like counseling or behavior intervention strategies that can address the root causes of behavior issues, not just punishment.

Continued on next page.

Additional Right(s)

What This Means for Your Child

*Mandatory
10-day review

School must formally review your child's ISS placement and their educational progress every **10 school days**. In this review, the school evaluates

- Your child's educational progress;
- How your child is meeting the behavioral goals set by the school;
- Whether continuing ISS is still appropriate given the circumstances and whether your child is ready to return to the classroom.

** NEW or UPDATED under HB 6*

Your Goals for Your Child

- Get immediate answers and documentation in your meetings with school administrators.
- Monitor your child's educational progress and make sure they don't fall behind.

Additional Questions to Ask & Next Steps

- Ensure the new educational requirements under HB 6 are being met:
 1. What specific goals or behaviors must my child meet to end their ISS placement?
 2. What educational services (direct instruction vs. independent work) will be provided to my child? How can we make sure my child does not fall behind?
 3. What behavioral support services will be provided to my child, like counseling?
 4. When is the first 10-day review scheduled, and how can I participate in the process?

- Before the 10-day review meeting, contact the administrator via email and formally request to participate in the review meeting.
 - Ask who is participating in the review meeting.
 - Bring documentation to show that ISS is no longer necessary (examples include completed ISS school work, notes on your child’s improved behavior at home or in ISS, and insights from conversations with your child about their progress and readiness to return).

NOTE: Whether a student or a parent can appeal the suspension varies by school district. Please consult your school district’s Student Code of Conduct and ask the administration about grievance policies.

Out-of-School Suspension (OSS)

Out-of-school suspension requires your child to remain at home during the days they are in OSS. They are not allowed on school grounds and cannot participate in school-related activities during this period. Although HB 6 maintained a cap on the length of OSS, the law has now made it easier to place young students and students experiencing homelessness in OSS.

Additional Right(s)	What This Means for Your Child
3-Day Maximum Cap	Placement in OSS for no more than three school days for a single disciplinary incident.
Right to Coursework	School must provide a way for your child to receive all classwork; at least one option must not require the use of the Internet

Continued on next page.

Additional Right(s)

What This Means for Your Child

*Protections for Young Students and Homeless Students

Generally, students in preK through 2nd grade and students experiencing homelessness cannot be placed in OSS unless they bring a weapon or bring drugs, or engage in conduct that “threatens immediate health and safety” of others.

**NOTE: HB 6 now allows students in 2nd grade and below and students experiencing homelessness to be placed in OSS if their behavior causes “repeated or significant disruption.”

*Optional request for Reassignment to ISS

For students in 2nd grade and below, if you cannot provide supervision at home, you can submit a written request to reassign your child from OSS to ISS. This is at the school’s sole discretion.

** NEW or UPDATED under HB 6*

Your Goals for Your Child

- Ensure your child does not fall behind by securing access to all classwork.
- Understand the specific behavior that led to your child’s OSS.
- Ensure your child remains safe and supervised if you are unable to be home during the day.

Additional Questions to Ask & Next Steps

- If your child is in the 2nd grade or below, clarify the necessity of the suspension and ask for documentation of the underlying behavior and how the school believes it meets one of the exceptions to the suspension ban.
 - “What did my child do that specifically ‘threatened the immediate health and safety’ of others? How was this an immediate threat?”
 - “The law requires that the school documents when my child engages in ‘repeated or significant disruption.’ Can you provide those documents that justify this OSS?”
 - “Is this behavior developmentally appropriate for a child of this age? Have you considered whether this is normal childhood behavior?”
 - “How will my child receive their assignments and instructional materials while at home?”
- If you are requesting a reassignment from OSS to ISS (for students in 2nd grade or below):
 - Submit a written request to the school to reassign your child from OSS to ISS and explain the extenuating circumstances that prevent you from supervising your child during regular school hours (such as inflexible work schedules, lack of available child care, presence of other children or family members in the home who require your attention, medical issues, etc). Include documentation.
 - Be aware that the school is not required to approve your request.
 - Be aware that if your child is reassigned to ISS, that placement is not subject to the 3-day OSS time limit, and can last longer (see ISS section earlier).

- If your child is experiencing homelessness:
 - Contact your district’s McKinney-Vento Liaison to ensure the school has identified appropriate alternatives to OSS.
 - Verify that the incident meets one of the narrow legal exceptions required to suspend a homeless student described in the chart on the prior page.

NOTE: Whether a student or a parent can appeal the school’s decision varies by school district. Please consult your district’s Student Code of Conduct and ask the administration about grievance policies.

Disciplinary Alternative Education Program (DAEP)

A DAEP is a separate educational setting (often a different building altogether) for students to be removed from their regular classroom for more serious offenses. Placements can be mandatory (required by law) or discretionary (at the school’s choice).

Additional Right(s)	What This Means for Your Child
Placement limits	Placement limits vary by offense and district policy. Always check your district’s Student Code of Conduct for specific timeframes and under what circumstances your child can return to the classroom.
*Vaping Discretion	For a first-time vaping possession or use offense, schools can choose 10+ days of ISS instead of DAEP. A second offense or any distribution offense requires mandatory DAEP.

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Additional Right(s) : What This Means for Your Child

Manifestation determination review

If your child has a disability, the school must determine if the behavior was a manifestation of that disability before a DAEP placement longer than 10 days.

*Behavior agreements

Some districts allow "Behavior Agreements." Check your district's Student Code of Conduct if they allow this. If you and your child meet specific responsibilities, the placement length may be reduced.

*NEW or UPDATED under HB 6

Your Goals for Your Child

- Understand what your child allegedly did that resulted in their removal to a DAEP.
- Understand your child's intent and ensure your school proves that your child had intended to engage in that specific behavior. For charges like "harassment," ensure the school proves your child *intended* to cause alarm or distress, rather than just venting or criticizing.
- Reduce the length of your child's placement by advocating for a behavior agreement to get your child back to their home campus sooner.



Additional Questions to Ask & Next Steps

- “Is this a mandatory or discretionary placement?
If discretionary, what alternative punishments were considered?”
- “How did my child’s conduct justify their removal from the classroom to a DAEP?”
- “Does the district have a Behavior Agreement policy that would allow for reduced stay? How can we begin the process?”

NOTE: For a full list of DAEP offenses, please consult your district’s Student Code of Conduct. In addition, recent changes to Texas law have expanded the reasons a student may be sent to DAEP:

- **Vaping:** Mandatory DAEP for a second possession/use offense or for selling/distributing vapes.
- **Retaliation/Harassment:** Mandatory DAEP for retaliation or harassment against school staff, even if it happens over the summer or on social media.
- **Disruptive Activities:** Discretionary DAEP for conduct that can include blocking hallways, seizing control of a building, or intentionally noisily disrupting a class.

For more information on how to advocate around these new changes, please check our FAQ online.

NOTE: Whether a student or a parent can appeal the school’s decision varies by school district. Please consult your district’s Student Code of Conduct and ask the administration about grievance policies.



Expulsions

Expulsion is the most serious disciplinary consequence. An expelled student is removed from their regular school campus and can be placed in a DAEP, a juvenile justice alternative education program (JJAEP), or a Virtual Expulsion Program. The student cannot return to any school in their district until their expulsion ends.

Additional Right(s)	What This Means for Your Child
Expulsion hearing with due process	Before your child may be expelled, you and your child must be invited to a hearing where your child has the right to be represented by you or an attorney and have the opportunity to tell their side of the story.
School must make good faith effort for hearing	School must make a good faith effort to inform you of the time and place of the hearing. If they do, the hearing can proceed even if you don't attend.
Right to appeal	You have the right to appeal to the school board. If you don't agree with the school board's decision, you can appeal to the local district court.
*Behavior Agreements	Some districts allow "Behavior Agreements." Check your district's Student Code of Conduct if they allow this. If you and your child meet specific responsibilities, the placement length may be reduced.

Continued on next page.

Additional Right(s)

What This Means for Your Child

Manifestation determination review

If your child has a disability, the school must determine if the behavior was a manifestation of that disability before an expulsion longer than 10 days.

Age Protections

Students younger than 10 years old cannot be expelled; instead they must be sent to a DAEP.

*(For Virtual Expulsions)
Access to Computer Equipment and Internet Access

Your child must have suitable computer equipment and Internet access for their virtual expulsion program. If you do not have these resources available, the school district must provide them.

*(For Virtual Expulsions)
45-Day Review

If your child is in a Virtual Expulsion Program, the school must review their placement every 45 school days to see if it is still appropriate or if an in-person spot at a JJAEP is available.

** NEW or UPDATED under HB 6*



Questions & Next Steps

- Ask these initial questions to school administration.
 - “Is this a mandatory or discretionary expulsion? What specific felony or conduct is being alleged?”
 - “Can we receive a copy of all substantiating documentation (witness statements, video, or law enforcement reports) at least 48 hours before the hearing?”
 - If we are in a virtual program, “when is the first 45-day review scheduled to see if an in-person JJAEP spot has opened up?”
- Consult the general step-by-step guide—five steps under the section titled “When You Learn Your Child is Being Disciplined” starting on page 3—to prepare for the hearing.

If you disagree with the school’s decision, you can appeal the decision. Please refer to page 6.

NOTES: _____



For more information or to request additional copies:

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