



School Discipline and Students with Disabilities

The Texas Council for Developmental Disabilities (TCDD) is established by state and federal law and helps people with developmental disabilities achieve their potential for independence, productivity, and integration into their communities.

Many disability advocates have significant concerns with HB 6 and its implications for students with disabilities. These apprehensions center primarily on the removal of key legal protections for students and their families, including eliminating mandatory Admission, Review, and Dismissal (ARD) meetings before disciplinary actions. Advocates highlight the increased risk of students facing discipline for behaviors directly linked to their disabilities, particularly due to expanded suspension criteria for younger students.

Areas of Concern

Loss of Legal Protections

HB 6 eliminates the requirement for ARD committee meetings before disciplining students with disabilities for behaviors interpreted as bullying or harassment, removing a key safeguard that ensures students' actions are understood in the context of their disability.

Increased Risk of Misinterpreting Disability-Related Behaviors

HB 6 broadens out-of-school suspension criteria to include "repeated or significant disruption," a vague standard that could lead to students with disabilities being disciplined for disability-related behaviors, like involuntary movements or vocalizations — without proper support or intervention.

Limited Access to IEP Services in Virtual Disciplinary Settings

HB 6 allows students who have been expelled, including those with disabilities, to be placed in virtual Disciplinary Alternative Education Programs (DAEPs) but lacks clear requirements to ensure delivery of Individualized Education Program (IEP) services, raising concerns about adequate support in virtual settings.

Policy Recommendations

- 1 Restore ARD Meeting Requirements Prior to Discipline**
- 2 Add Safeguards to Suspension Policies for Young Students**
- 3 Require ARD Review Before Virtual DAEP Placement**

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Loss of Legal Protections

A primary concern with the passage of HB 6 is the loss of critical legal protections for students with disabilities. The committee substitute repeals Section 37.001(b-1) of the Education Code, which currently requires schools to hold an Admission, Review, and Dismissal (ARD) committee meeting before disciplining a student with a disability for bullying, harassment, or making a terroristic threat. This safeguard ensures schools determine whether the behavior is a manifestation of the student's disability and consider appropriate supports before taking disciplinary action. Many disabilities, such as autism or intellectual and developmental disabilities, impact social communication, awareness, and understanding of norms, often leading to behaviors that can be misinterpreted as misconduct. Repealing this provision opens the door to exclusionary discipline without context or individualized planning, increasing the risk of students being punished for disability-related behaviors rather than receiving the services and interventions they need to succeed.

Policy Recommendation: Reinstate the requirement for an ARD committee meeting before disciplining students with disabilities for behaviors such as bullying or harassment. This safeguard ensures schools consider whether the behavior is linked to the student's disability and allows for more appropriate, individualized interventions.

Increased Risk of Misinterpreting Disability-Related Behaviors

Young children with disabilities in grade three and younger often exhibit behaviors such as impulsivity, difficulty with self-regulation, or sensory-related actions that are closely linked to their disability. These behaviors can be easily misinterpreted as intentional misconduct rather than recognized as manifestations of a disability. An ARD committee meeting provides an essential opportunity to review the behavior in context, determine if it is disability-related, and identify appropriate supports. Without this step, students may be subjected to exclusionary discipline without first considering less restrictive, more effective interventions.

Policy Recommendation: Amend HB 6 to include a provision that requires an ARD meeting before suspending students with disabilities in grades below three. The meeting should explore less restrictive interventions and document that those interventions were attempted before resorting to out-of-school suspension.

Limited Access to IEP Services in Virtual Disciplinary Settings

Students with disabilities often require in-person services — such as occupational therapy, physical therapy, behavioral interventions, and specialized instructional supports — that may not be deliverable in a virtual setting. An ARD committee should review and determine whether a student's Individualized Education Program (IEP) can be effectively implemented in a virtual Disciplinary Alternative Education Program (DAEP) before any placement decision is made. Without this review, districts risk placing students in environments that cannot meet their educational or therapeutic needs, ultimately denying them access to a Free Appropriate Public Education (FAPE). An ARD committee evaluation ensures that the placement is individualized, appropriate, and compliant with federal and state special education requirements.

Policy Recommendation: Require the ARD committee to determine if a student's IEP can be effectively implemented before placement in a virtual DAEP. If not, the district must provide an alternative placement that meets the student's needs.