

WHEN MONDAY COMES:  
EXCLUSIONARY DISCIPLINE FOR AFRICAN AMERICANS, HISPANICS,  
STUDENTS WITH DISABILITIES, AND STUDENTS FROM LOWER  
SOCIOECONOMIC BACKGROUNDS IN THE STATE OF TEXAS

by  
Cheryl A. Dandridge

A dissertation submitted to the Educational Leadership and Policy Studies,  
College of Education  
in partial fulfillment of the requirements for the degree of

Doctor of Education

in Professional Leadership – Special Populations

Chair of Committee: Dr. Shawn Kent

Committee Member: Dr. Jacqueline Hawkins

Committee Member: Dr. Janeen Antonelli

Committee Member: Dr. Garey Lewis

University of Houston  
May 2020

Copyright 2020, Cheryl A. Dandridge

## Acknowledgement

GOD, you are worthy of all the praise! How GREAT Thou Are! Your grace and mercy endure forever! From poverty, 1591 Highland Avenue, “The Highland Homes” till now, is my unfolding story, here I am Lord send me! There is no greater Love, I love you LORD!

The unwavering love of my children is the wind beneath my wings. My daughter, Ashley Marie, I want to thank you for loving me through this, standing in the gap, your technical support, and taking on the responsibility of making sure the family was doing well, checking on me every day, you never ceased praying for this moment. I love you. James DeLano, my son, I want to thank you for loving me through this, keeping me in good spirits, speaking to me with encouragement, having those deep conversations, and for being a great father to my grandchildren and bridging the gap in my absence, your technical support, and understanding my moments of isolation, you never stop cheering me on, I love you!

To my prayer warriors, my sisters, Loretta and Lynn thank you for always willing to lift me up in prayer, and Patricia. To Chaplin Shirley Garret, my spiritual mom, thank you for being the head of my prayer line, and your unwavering love. To the Great 8, my lovely friends, who understood and saved me a seat at the table anyway! I thank my little brother, Dr. Avery Danage for mentoring me and my big brother, Chaplin Danage, the family patriarch and the first one in the family to go to college, your prayers have been answered!

To every committee member, thank you for believing in me and the work! Dr. Hawkins thank you for being there for me from the beginning! Dr. Kent, thank you for

taking me under your wings, your patience, your caring spirit, your support,  
professionalism, and your vision for this project! You made it happen, thank you from the  
bottom of my heart!

Hallelujah!

## Abstract

**Background/Problem Statement:** National data shows the use of exclusionary discipline causes disproportionality and overrepresentation in school discipline. Research shows that African Americans, Hispanics, and students with disabilities have been placed in Discipline Alternative Education Programs (DAEPs) at higher rates than other student subgroups. **Purpose/Research:** The study examined the rates and trends of placement into DAEPs over a 5-year period for African American and Hispanic students, students with disabilities, and students from low socioeconomic backgrounds in the state of Texas and in Region 4. Specifically, the study addressed the following research questions, (1) What is the rate of placement into a DAEP for subgroups of students based on race/ethnicity, special education eligibility, and socioeconomic status in Texas and Region 4 from 2013 to 2018?; (2) What is the rate of referrals for discretionary versus mandatory placements into a DAEP for these same subgroups of students in Texas and Region 4?; and (3) What is the rate of placement into a DAEP, both mandatory and discretionary, by race/ethnicity within Region 4's five largest (ISDs) from 2017–2018?. **Methods:** This study was quantitative and relied on a descriptive research design to analyze variables of interest. Data was retrieved electronically from Texas Education Agency (TEA) and examined discipline practices across race/ethnicity, disability, and/or social economic status. These analyses were conducted using historical data in Texas, Region 4, and within Region 4's five largest (ISDs). The sample period was from 2013 to 2018 and the population of students included all students placed into a DAEP setting in the public-school system in Texas, Region 4, and within Region 4's five largest (ISDs), for a period of one year, 2017–2018. **Results:** Overall DAEP percentages show that

African Americans, students with disabilities, and students from low-SES backgrounds were over-represented as students assigned to DAEP. African American students had higher percentages of discretionary referrals and lower percentages of mandatory referrals in comparison to overall TX and Region 4 data and compared to other subgroups. In Region 4's largest ISDs, district data suggested that African American students were overrepresented and White students were underrepresented in DAEP placements. **Conclusion:** Results provide evidence of disproportionate representation of specific subgroups of students based on race/ethnicity, disability status, and SES, within the sample of students referred for DAEP. The results point towards a need to explore the rationale regarding student referrals to DAEP, including discretionary placements for African American students. These results point to a critical need to understand the negative impact DAEP placements can have on important student outcomes such as achievement, graduation, state testing scores, and the social phenomenon of the school to prison pipeline. Additional research on exclusionary discipline beyond TX is warranted to better understand this complex issue.

## Table of Contents

Chapter	Page
I. Introduction .....	1
Problem Statement .....	1
National Context .....	3
Every Student Succeeds Act .....	3
Individuals with Disabilities Education Act. ....	3
Gun-Free Schools Act of 1994. ....	5
National Standards/Council. ....	5
State Context .....	6
State Education Standards.....	6
State Laws.....	6
State Guidelines .....	7
Sec. 37.001. Student Code Of Conduct. ....	7
Purpose of Study .....	7
Research Questions.....	9
Significance and Impact of the Study .....	9
Definitions of Terms .....	11
II. Review of Literature.....	14
Exploring School Discipline and Its Goals .....	14
Examining the History of School Discipline Data.....	15
Exclusionary Discipline Defined .....	17
Emergence of National Efforts on School and Safety .....	18
Gun-Free Schools Act of 1994. ....	20
Zero Tolerance Policy.....	20
Evolution of DAEPs .....	22
DAEP characteristics and school climate. ....	22
DAEP curriculum and instruction.....	24
DAEP student placement rates.....	25
DAEP placement for violation of student code of conduct. ....	26
DAEP placement for discretionary infractions. ....	29
DAEP placement for mandatory infractions.....	31
DAEP reporting, evaluation, and success. ....	33
Discipline gap. ....	35
Achievement gap. ....	37
Recidivism gap.....	39
Episodology of School Discipline .....	39
Perception of criminalization.....	39
Racial disparities.....	40
Special education identification and overrepresentation. ....	42
Juvenile justice involvement.....	44
School-to-Prison Pipeline. ....	46
Poverty.....	47
Eliminating Disparities in School Discipline.....	49
Economic and social impact. ....	49

	Effective measures of school discipline.....	50
	Equity and equality in school discipline moving forward. ....	51
	Epilogue .....	53
III.	Methodology .....	55
	Introduction.....	55
	Research Questions.....	56
	Research Design and Approach .....	56
	Sampling and Population .....	57
	Collection of Data.....	57
	Procedures and Analysis.....	59
	Descriptive Analysis. ....	60
	Summary .....	61
IV.	Results.....	62
	Summary of Key Findings .....	62
	Summary of RQ1. ....	62
	Summary of RQ2. ....	63
	Summary of RQ3 .....	63
	Demographics of Texas .....	63
	Demographics of Region 4 .....	64
	RQ1: DAEP Placement Rates.....	65
	Race/Ethnicity.....	65
	Socio-Economic Status. ....	67
	RQ2: Mandatory and Discretionary DAEP Placements .....	68
	Texas. ....	68
	Region 4.....	68
	Race/Ethnicity.....	69
	Students with Disabilities. ....	72
	Socio-Economic Status. ....	74
	RQ3: DAEP Placements by Race/Ethnicity by District .....	77
	Demographics of largest 5 ISDs in Region 4.....	78
	DAEP placement by race/ethnicity.....	78
V.	Discussion .....	82
	Interpretation of the Results RQ1:.....	82
	Interpretation of the Results RQ2:.....	87
	Interpretation of the Results RQ3: .....	89
	Implication of Findings.....	91
	Achievement GAP. ....	92
	Drop-Out Rate.....	92
	Limitations .....	93
	Conclusions and Recommendations .....	93
VI.	Action Plan .....	96
	Introduction.....	96
	Materials .....	96
	Content.....	96
	Format.....	97
	Staff development. ....	97

School board meetings.....	99
Community informational workshops. ....	99
National and state conferences.....	99
State representative meetings.....	100
Policy briefs. ....	100
Delivery.....	100
Audience. ....	100
Informational design. ....	100
Workshop design. ....	100
Assessment and Evaluation Tool.....	101
Formative. ....	101
Summative. ....	101
Potential Barriers .....	102
Conclusion .....	103
References.....	104
Appendix A Supplemental Figures.....	126

List of Tables

Table	Page
1. Violations of Local Code of Conduct for 2011 – 2012 .....	28
2. STAAR Reading and Mathematics Passing Rates for DAEP Students and Students Statewide by Ethnic Group—2016–2017 .....	38
3. STAAR End-of-Course English I and II and Algebra I Passing Rates for DAEP Students and Students Statewide by Ethnic Group—2016–2017.....	38
4. DAEP Assignments for All Students and for Economically Disadvantaged Students by Grades 6 to 12—Texas, 2015–2017.....	48
5. Texas—DAEP Student Group and DAEP Counts 2011–2012.....	58
6. Region 4—DAEP Student Group and DAEP Counts 2011–2012.....	58
7. Texas—DAEP Student Group by Placement Reason Types 2011–2012.....	59
8. Region 4—DAEP Student Group by Placement Reason Types 2011–2012.....	59
9. Percent of Student Population in TEXAS.....	64
10. Percent of Student Population in Region 4.....	64
11. Largest ISD Student Enrollment Region 4 .....	78
12. Texas – Incidents/Occurrences - Are Schools Safe 2017-2018?.....	86
13. 5 Step Analysis Tool.....	98
14. Program Evaluation Form.....	101
15. Solutions & Strategies to Barriers.....	102

## List of Figures

Figures	Page
1. Students receiving suspension and expulsion by race and ethnicity for the 2011–2012 school year nationally. From U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection .....	16
2. Regional subcommittee survey findings—1970 and 1973. Source: Bayh, 1975 .....	19
3. Discretionary school code of conduct actions and other discretionary actions for.....	30
4. Special education by disability status received discretionary actions during .....	31
5. Probability of School Discipline Involvement in 9 <sup>th</sup> Grade by Race for .....	32
6. Probability of Disciplinary Action by Disability Discretionary and Mandatory.....	32
7. Suspension Rates over Time by Race/Ethnicity: K-12. Source: Losen et al., 2016 ...	37
8. U.S. School Related Arrest for Students with Disabilities – Served Under .....	43
9. School-Related Arrests for Students with Disabilities Served Under Section 504 and IDEA.....	44
10. Discretionary placements into Juvenile Justice Alternative Education Programs.....	45
11. Mandatory placements into Juvenile Justice Alternative Education Programs .....	46
12. States that Enacted Education Policy Related to School Discipline 2017—2018.....	52
13. DAEP Placement by Race/Ethnicity — Texas .....	65
14. DAEP Placement by Race/Ethnicity — Region 4 .....	65
15. DAEP Placement by Disability Status — Texas .....	66
16. DAEP Placement by Disability Status — Region 4 .....	66
17. Percent of DAEP Placement by Socio-Economic Status — Texas .....	67
18. Percent of DAEP Placement by Socio-Economic Status — Region 4 .....	67
19. TEXAS – 5 Year Trend Mandatory/Discretionary DAEP Placement.....	68
20. Region 4 – 5 Year Trend Mandatory/Discretionary DAEP Placement .....	69
21. Texas – 5 Year Trend Mandatory DAEP Placement by Race/Ethnicity .....	70
22. Texas – 5 Year Trend Discretionary DAEP Placement by Race/Ethnicity .....	70
23. Region 4 – 5 Year Trend Mandatory DAEP Placement by Race/Ethnicity .....	71
24. Region 4 – 5 Year Trend Discretionary DAEP Placement by Race/Ethnicity .....	72
25. Texas – 5 Year Trend Mandatory DAEP Placement by Students with Disabilities..	72
26. Texas – 5 Year Trend Discretionary DAEP Placement by Students with Disabilities.....	73
27. Region 4 – 5 Year Trend Mandatory DAEP Placement by Disability Status. ....	74
28. Region 4 – 5 Year Trend Discretionary DAEP Placement by Disability Status .....	74
29. Texas – 5 Year Trend Mandatory DAEP Placement Rate by Socio-Economic Status .....	75
30. Texas – 5 Year Trend Discretionary DAEP Placement by Socio-Economic Status .	76
31. Region 4 – 5 Year Trend Mandatory DAEP Placement by Socio-Economic Status.	76
32. Region 4 – 5 Year Trend Discretionary DAEP Placement by Socio-Economic	

Status .....	77
33. Largest ISDs – Region 4 DAEP Placement by Race/Ethnicity 2017-2018.....	80
34. Largest ISDs – Region 4 DAEP Placement for African American Students 2017–2018.....	80
35. 5 Largest ISDs – Region 4 DAEP Placement for Hispanic Students 2017–2018 .....	81
36. Largest ISDs – Region 4 DAEP Placement for White Students 2017–2018.....	81

## **Chapter I**

### **Introduction**

National data shows the use of exclusionary discipline causes disproportionality and overrepresentation in school discipline (Civil Rights Data Collection, 2012). Students with disabilities miss class and become disengaged after repeated suspensions and expulsions (Blad, 2015). According to the U.S. Department of Education's Office for Civil Rights, in 2011–2012, 13% of all students with disabilities received out-of-school suspensions, compared with 6% of students not in special education. Among black students with disabilities, data show that 27% of boys and 19% of girls received suspensions (Blad, 2015).

Research shows that discipline policies, practices and procedures are the major contributing factors to disproportionality and overrepresentation of African Americans and other minority students being placed in discipline alternative education programs (DAEPs). Researchers and advocacy groups believe these programs are linked to zero tolerance policies that place directly in the to the school-to-prison pipeline (Children's Defense Fund, 1975; Cortez & Cortez, 2009; Cregor & Hewitt, 2011; Morris & Perry, 2016; Reyes, 2001; Reyes, 2006; Skiba et al., 2011; Smith, 2015; Tajalli & Garba, 2014; Texas Appleseed, 2016; Wald & Losen, 2003a; Waller & Waller, 2014).

### **Problem Statement**

African Americans, Hispanics, and students with disabilities are often placed into DAEPs at greater rates than other ethnic/racial groups and other students without disabilities (Reyes, 2006; Tajalli & Garba, 2014). This negative effect implies that discipline practices are not consistent and may contribute to the adverse effects on

academic achievement for African Americans and other minority students with or without disabilities (Losen, 2011; Losen & Skiba, 2010; Reyes, 2006; Tajalli & Garba, 2014; Waller & Waller, 2014). The negative effects of exclusionary discipline place these students at a disadvantage via the loss of opportunities to an equitable education designed to loosen the grip of poverty and are more likely than those who are not relegated to exclusionary discipline to engage in criminal behaviors that result in incarceration (Skiba & Williams, 2014; Smith, 2015). Federal and state laws were created to control crime and violence in schools, but they also escalated the use of exclusionary discipline causing an imbalance for certain ethnic groups placed into a DAEP setting. Discipline reform called for using alternative discipline methods as opposed to exclusionary discipline as a first response to discipline issues (Rethink Discipline, 2015, Reyes, 2006; Tajalli & Garba, 2014). Race, ethnicity, and disability are seen as bias that are the major contributing factors that lead to inequality in school discipline and academic achievement (Cregor & Hewitt, 2011; Fenning & Rose, 2007; Losen, 2011; Losen & Skiba, 2010; Skiba & Knesting, 2001; Tajalli & Garba, 2014).

Student enrollment into DAEPs increased with the implementation of zero tolerance policies that were executed across the nation as crime prevention efforts. Police officers, security guards, and cameras assisted administrators who are struggling to put an end to student misbehavior. Classroom disruptions, talking back, fighting, and horseplay are no longer tolerated and became reasons for discretionary referrals and a placement to DAEP in many of these cases (Kleiner, Porch, & Ferris, 2002; Reyes, 2001; Skiba & Knesting, 2001; Tajalli & Garba, 2014). Discretionary placements are a result of noncompliance to the student code of conduct (Cortez & Cortez, 2009; Reyes, 2001;

Texas Education Agency, 2007). However, some offenses provide a choice of in-school suspension or other local disciplinary techniques, out-of-school suspension up to 3 days, or DAEP (Texas Association of School Boards, 2019). Racial and ethnic disproportionality in exclusionary discipline is one of the most documented of educational inequities. Along with it follows a series of negative outcomes for minorities and those with disabilities (Villalobos & Bohannon, 2017).

### **National Context**

**Every Student Succeeds Act.** The Every Student Succeeds Act establishes a firm foundation that *all* children can receive a high-quality education and has a focus on closing the achievement gap for those children struggling to meet challenging state academic standards (Every Student Succeeds Act of 2015, No. 114-95 § 114 Stat. 1112 (2015-2016)). Public schools are mandated to provide a quality education, regardless of one's socioeconomic status, that is aligned to the state's standards. Public schools are required to improve the achievement of disadvantaged students, including minorities, those with disabilities, those in poverty, and those with limited English language skills (Every Student Succeeds Act of 2015, No. 114-95 § 114 Stat. 1177 (2015-2016)). The act also calls for states to support local education agencies (LEAs) in reducing the overuse of exclusionary discipline practices and the use of adversarial behavioral interventions that compromise student health and safety (Every Student Succeeds Act of 2015, No. 114-95 § 114 Stat. 1111 (2015-2016)).

**Individuals with Disabilities Education Act.** Discipline is necessary and school rules apply to all students; however, for those with disabilities, the rules must be applied in conjunction with special education laws and procedures. Before a district can respond

to a discipline infraction of a special education student, they must first determine if the infraction was part of the student's disability. This is called "manifestation determination". The Individuals with Disabilities Education Act (IDEA, 2004) requires the admission, review and dismissal committee (ARD) to do an analysis and determine if the child's behavior was brought on by their disability (Walsh, Kemerer, & Maniotis, 2014).

As a result, if the discipline infraction requires a suspension or expulsion, the student's program placement cannot be changed unless the district and parents agree. If the student is facing a consequence of more than 10 consecutive days out-of-school, then the 10-day rule would apply. If there is no agreement, then the stay-put rule applies. Students are to remain in their current education placement until an agreed upon new Individualized Education Program (IEP) is signed. The stay-put rule is a protection under IDEA that keeps students with disabilities from losing services. Otherwise, a student with a disability who has been suspended from school for less than 10 days is not protected under the law, and IDEA services would be lost (Walsh et al., 2014).

IDEA requires the IEP team to develop a behavior plan for students whose behavior impedes his or her learning or the learning of others. IDEA also requires the IEP team to do a functional behavioral assessment and implement a behavior plan (Walsh et al., 2014). For major discipline issues such as weapons and drugs, IDEA makes an exception to the 10-day rule; however, students with disabilities may be placed in a DAEP for only 45 days or less. The program must allow students to continue to progress in the general curriculum to receive services. All modifications must address the problem behavior to prevent the behavior from recurring.

**Gun-Free Schools Act of 1994.** This act requires all states receiving federal funding as part of the national crime prevention efforts to have in place a state law that requires expulsion for up to one year for a weapon on school grounds. This law mostly focused on punitive and judicial forms of school discipline (Reyes, 2006) to combat crime. The Gun-Free Schools Act of 1994 gives superintendents of school districts the right to modify an expulsion as long as it is in writing and on a case-by-case basis (Texas Association of School Boards, 2019). According to the Texas Association of School Boards (2019), the act does not apply to a firearm that is lawfully stored inside a locked vehicle on school property or to firearms used in activities approved and authorized by the district when the district has adopted appropriate safeguards to ensure safety. (U.S. Department of Education, 2010).

**National Standards/Council.** Under the Obama Administration, the U.S. Department of Education (ED) and the U.S. Department of Justice launched *Rethink Discipline* at the White House in July of 2015, sparking a national dialogue around punitive school discipline policies and practices that exclude students from classroom instruction and targeted supports (U.S. Department of Education, 2016). Since 1968, ED has conducted the Civil Rights Data Collection to collect data on key education and civil rights issues in our nation's public schools. The Center for Civil Rights Remedies provides ongoing empirical research and analysis along with annual reporting at the federal, state and district levels, and it facilitates the use of data for those preparing for, or engaged in, meaningful actions to replace harsh and ineffective disciplinary policies and practices with approaches that are effective for children, schools, and their communities (Losen & Skiba, 2010).

## State Context

The Texas Education Code (TEC, 2005), in Section 37.008, mandates that the academic needs of students who are at risk for dropping out due to disruptive behaviors receive a placement notice to attend a DAEP. The statute addresses the topic of parents' rights to a notification of assignment, reason for disciplinary assignment, and other rights related to the education of the student. Research confirms that DAEPs serve as alternatives to suspensions or expulsions among students who are highly disruptive to the education for themselves and of other students (Cortez & Cortez, 2009; Levin, 2006).

**State Education Standards.** The Texas Legislature passed House Bill 5 (HB 5) in 2013, with considerable changes made to the state's curriculum and graduation requirements, assessment program, and accountability system. Students in Grades 3 to 8 assigned to DAEPs are eligible for testing in reading and mathematics using the primary source, the State of Texas Assessments of Academic Readiness (STAAR) and the STAAR Modified that are statewide assessment tools. DAEP students are still required to meet the standards of Texas Essential Knowledge and Skills (TEKS) exams.

**State Laws.** In 1995, the 74th Texas Legislature required school districts to establish DAEPs to serve students who commit specific disciplinary or criminal offenses (see the Texas Education Code [TEC], Chapter 37). The statute specifies that the goals and objectives of a DAEP's academic mission are to enable students to perform at grade level. Each DAEP must provide for the educational and behavioral needs of students, focusing on English language arts, mathematics, science, history, and self-discipline. A student removed to a DAEP must be afforded an opportunity to complete coursework before the beginning of the next school year (TEC, Section 37.008). Since the 2005–2006

school year, teachers in DAEPs must have met all certification requirements established under TEC Chapter 21, Subchapter B. DAEP assignments may be mandatory or discretionary (Cortez & Cortez, 2009; Comprehensive Biennial Report, 2017, p. 81). TEC Chapter 37 specifies offenses that result in a mandatory assignment to a DAEP. School administrators may assign students to DAEPs for violations of local student codes of conduct (discretionary offenses). For some student behavior, the type of disciplinary action applicable depends on the circumstances involved (Comprehensive Biennial Report, 2017, p. 81).

### **State Guidelines**

**Sec. 37.001. Student Code Of Conduct.** The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. The code of conduct must also prohibit bullying, harassment, and making hit lists, and it must ensure that district employees enforce those prohibitions. The code of conduct will provide, as appropriate for students at each grade level, methods and options for (a) managing students in the classroom and on school grounds; (b) disciplining students; and (c) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists (Comprehensive Biennial Report, 2017, p. 81).

### **Purpose of Study**

The purpose of the study is to identify the rate of placement and trends among racial/ethnic groups, special education enrollments, and economically disadvantaged

students assigned to DAEPs in the state of Texas over a five-year period since the inception of discipline reform. Further, the aim is to examine more specifically the rates of placement and trends across urban, suburban, rural, and charter schools. Research show that African Americans, Hispanics, students with disabilities, and those that are economically disadvantaged receive higher rates of exclusionary discipline than other groups (Reyes, 2001; Smith, 2015). Research also shows that disproportionality and overrepresentation exist due to racial disparity (Reyes, 2001; Skiba & Rausch, 2006; Tajalli & Garba, 2014). The Children's Defense Fund (1975) noted that younger children are exposed to risk factors such as poverty, limited access to health and mental health services, family composition, underperforming schools, unsupportive cultural environments, child welfare, and juvenile justice systems are likely to enter the school-to-prison-pipeline (Children's Defense Fund, 2009).

This study will examine the impact of disciplinary disparities and the need for individualized changes to DAEPs. African Americans suffer the impact of the negative effects of criminalization in education from punitive consequences more than any other race (Children's Defense Fund, 2007; Reyes, 2001; Skiba, 2000; Tajalli & Garba, 2014), which leads to high risk of dropping out of high school and eventual incarceration (Heitzeg, 2009). While in-school suspension and out-of-school suspension discipline procedures are considered formal consequences to inappropriate school behavior, the overuse of such discipline procedures results in lost learning time. This overuse places African Americans and minorities students even further behind. Studies show that the more time students miss from learning, the more vulnerable they become to dropping out-of-school and other adverse reactions (Lee, Cornell, Gregory, & Fan, 2011).

## **Research Questions**

1. What was the rate of placement into a discipline alternative education program (DAEP) for subgroups of students based on race/ethnicity, special education eligibility, and socioeconomic status in the state of Texas and in Region 4 from 2013 to 2018?
2. What was the rate of referrals for discretionary versus mandatory placements into DAEP for subgroups of students based on race/ethnicity, special education eligibility, and socioeconomic status in the state of Texas and Region 4 from 2013 to 2018?
3. What was the rate of placement into DAEP, and in discretionary and mandatory DAEP placements, for subgroups of students based on race/ethnicity in Region 4's five largest Independent School Districts (ISDs) in 2017-2018?

## **Significance and Impact of the Study**

In Texas, approximately 1.4% (72,349) of the more than 5.3 million students in Texas public schools in 2016–2017 received DAEP assignments. The school year also showed that disparities were evident between the demographic makeup of students assigned to DAEPs and that of the student population as a whole. In each of Grades 1–2, African American and economically disadvantaged students accounted for larger percentages of students assigned to DAEPs than of the total student population (Comprehensive Biennial Report on Texas Public Schools, 2018, p. 92). Of the 62,640 students in Grades 7–2 assigned to DAEPs in the 2016–2017 school year, 2,790 of those students dropped out. The dropout rate for students in Grades 7–12 assigned to DAEPs was 4.5% more than three times the rate for students statewide (1.4%). Among students

assigned to DAEPs, as well as students statewide, African American and Hispanic students had higher dropout rates than White students (Comprehensive Biennial Report on Texas Public Schools, 2018 p. 95).

As a result of this research, the intent is to provide recommendations for strategies and methods to enhancing school climate, implementing effective professional leadership development, and making recommendations for specific program redesign of DAEPs.

1. **Enhancing School Climate** refers to the excellence and character of school life. That include students', parents' and school personnel's norms, beliefs, relationships, teaching, learning, and discipline policies and practices, in addition to the organizational and structural features of the DAEP school environment.
2. **Implementing Professional Leadership Development** refers to the overall performance of administrators, teachers, and school staff within the DAEP school community and their ability to create a culture of intentional trusting relationships and purpose-driven decisions that are derived from cultural competencies and differences that support expectations of students behaviorally and academically for a successful return to their home campus.
3. **Making Recommendations for Specific Program Redesign** refers to specific program successfulness of DAEPs that meets the needs of participants to improve student behavior and increase academic achievement through legislative initiatives.

Inequality in school discipline practices results in increased risk of failure, high dropout rates, lower academic achievement, incarceration, social and emotional stigma, and a life trajectory toward poverty for African Americans, Hispanics, and students with

disabilities (Cregor & Hewitt, 2011; Morris & Perry, 2016; Reyes, 2001; Skiba et al., 2011; Smith, 2015; Tajalli & Garba 2014; Villalobos & Bohannan, 2017; Wald & Losen, 2003; Waller & Waller, 2014).

### **Definitions of Terms**

The following are the definitions of terms to be used in this context of research study:

**Achievement Gap:** Disproportionate academic achievement among racial/ethnic groups of students that causes forfeiture of economic opportunities and resources to escape the clutches of poverty.

**African American:** Includes students having origins in any of the Black racial groups of Africa (TEA, 2018).

**Discipline Alternative Education Program (DAEP):** An alternative education program to serve students who commit specific disciplinary or criminal offenses (TEC, Chapter 37). Designed to support a specific group of students, including those who have violated local or state-mandated rules of conduct or have been determined to be disruptive to the education of other students in their assigned schools (TEA, 2007).

**Discipline Gap:** Disproportionate disciplinary responses to one race/ethnic group compared with those responses to other ethnic groups. Having lasting educational, social, and emotional effects.

**Discretionary Placement:** A consequence for an infraction at the discretion of the school administrator.

**Disproportionality:** The overrepresentation or underrepresentation of a particular population or demographic group.

**Economically Disadvantaged:** Eligibility for the National School Lunch and Child Nutrition Program, which provides free and reduced-price meals to students from low-income families, is used as an indicator of student economic status (Texas Education Agency, 2018).

**Episodology of School Discipline:** Episodology a word coined by Cheryl Dandridge (2019) refers to a series of continuous cycles throughout the life of a social phenomenon within a system that connects to other systems.

**Equity:** Fair and impartial treatment in discipline decision making.

**Equality:** Equality is ensuring individuals or groups of individuals are not treated differently (more or less favorably) on the basis of their specific protected characteristic, including race, gender, disability, religion or belief, sexual orientation, and age (University of Edinburgh, 2016).

**Exclusionary Discipline:** A consequence for a disciplinary action to be removed from one's regular classroom or home campus and placed in a DAEP temporarily or permanently. Exclusionary discipline describes any type of school disciplinary action that removes or excludes a student from his or her usual educational setting. Two of the most common exclusionary discipline practices include suspension and expulsion.

**Hispanic/Latino:** Includes students of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race (Texas Education Agency, 2018).

**Inequality:** The uneven distribution of opportunities for an equitable education or educational resources as a result of policies or practices and other external factors.

**Inequity:** Unfair, avoidable differences arising from poor governance of student

discipline policies and practices or cultural exclusion.

**Mandatory Placement:** DAEP referrals mandated by law for specific infractions committed by students (TEC, Chapter 37).

**Recidivism Gap:** Refers to the rate of placement among race/ethnic groups at which a behavior relapse occurs, placing a person into the same condition or mode of behavior that would return them to DAEP for the same or similar infractions.

**White:** Includes students having origins in any of the original peoples of Europe, the Middle East, or North Africa (TEA, 2018).

## Chapter II

### Review of Literature

#### Exploring School Discipline and Its Goals

*School discipline* refers to a system of rules and strategies applied in the common school to manage student behavior, maintain social order, and use techniques and practices to encourage self-discipline for one to achieve equal educational opportunities (Moles, 1989; Ohio Board of Education, 1883). The system includes rules of appropriate conduct, consequences for broken rules, and enforcement of fitting behavior for all social environments to prepare pupils to become productive citizens. The main goals of school discipline are (1) to create and maintain a safe and orderly environment conducive to learning; (2) to teach and develop self-discipline as seen in socially and morally responsible behavior; and (3) to encourage fairness by administering discipline in a firm and fair manner without discrimination based on race, color, or national origin (Bear, 2010; Moles, 1989; U.S. Department of Justice, 2015; U.S. Department of Education, 2014).

Unfitting student behaviors in American schools have traditionally been addressed using punitive methods since the inception of both public and private education. Hence, the most common forms of school discipline in early school days were corporal punishment, detention, suspension, and expulsion (Allman & Slate, 2011; Gershoff & Font, 2016). Corporal punishment means the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline (Bridgner, 1957; TEC, 2013). It was the responsibility of the teacher to ensure that students were motivated to conform to academic learning, fitting classroom

behavior, and respect for those in authority. Teachers had the sole legal right whenever deemed necessary to resort to corporal punishment (Bridgner, 1957; Ohio Board of Education, 1883).

Racial disparities in school discipline have existed for decades; however, because of federal and state laws in addition to court decisions and advocacy groups' efforts, school discipline reform is on the horizon. Researchers have found that positive discipline approaches lead to equity in school discipline and academic achievement (Gregory, Skiba, & Mediratta 2017; McIntosh, Ellwood, McCall, & Girvan, 2018. According to the Children's Defense Fund (1975), the single most important solution to discipline problems is effective schooling. Children who are able to read are learning, and those who feel respected are unlikely to become major discipline problems. Children who are bored, who are unable to add, subtract, or read, or who have special problems or needs that go unrecognized and unmet will predictably cause difficulty in schools or will drop out (Children's Defense Fund, 1975, p. 93).

### **Examining the History of School Discipline Data**

Since 1968, ED has conducted the Civil Rights Data Collection to collect data on key education and civil rights issues in our nation's public schools. However, in 1975, the Children's Defense Fund's study of school suspensions exposed a national problem regarding the excessive use of school suspensions, with Black students being suspended from school at higher rates than any other racial group. Although Black children accounted for 27.1% of student enrollment, of those districts surveyed, suspension data showed that 42.3% were racially identified suspensions (The Children's Defense Fund, 1975). Studies show disproportionality in school discipline as being related to many

societal dilemmas, including race and socioeconomic status, cultural biases, classroom management, and policies and practices, pointing directly toward the adoption of zero tolerance policies (Gregory & Weinstein, 2008; Texas Appleseed, 2008; Skiba et al., 2006; Skiba, 2011).

In 2012, the ED Office of Civil Rights released its discipline data showing African Americans representing 16% of the total student population nationally; however, African Americans accounted for 32% of in-school suspensions, 33% of single out-of-school suspensions, 42% of multiple out-of-school suspensions, and 34% of expulsions nationally. Thus, data indicated that African Americans were suspended at a rate three times greater than other ethnic groups (Figure 1).

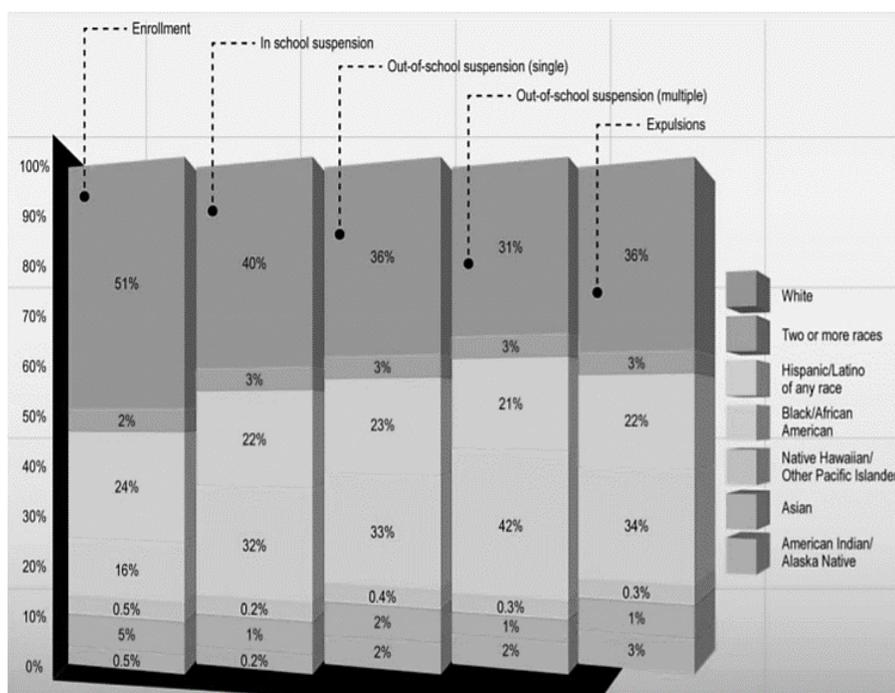


Figure 1. Students receiving suspension and expulsion by race and ethnicity for the 2011–2012 school year nationally. From U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection.

Students with disabilities are twice as likely to receive out-of-school suspension as are those without disabilities. Data for the 2011–2012 school year showed that students with disabilities were suspended at a rate of 13% at the same time those students without

disabilities were suspended at a rate of 6% additionally, the data also revealed that nationally 46% of all African American students with disabilities and 27% of Hispanic students with disabilities received out-of-school suspension (U.S. Department of Education Office of Civil Rights Data Collection, 2012).

The 2013–14 Civil Rights Data Collection showed a decrease in out-of-school suspensions of nearly 20%; however, 2.8 million students still received out-of-school suspensions, and African American students were 3.8 times more likely to receive one or more out-of-school suspensions than other ethnic groups. Scholars continue to support restorative justice programs and positive behavior intervention supports that positively impact disciplinary rates and school climate (Skiba et al., 2011). However, there is still a need for continued research to identify and address negative discipline patterns, documented by data trends, of greater retribution and penalties for African Americans, Hispanics, and students enrolled in special education placed in DAEPs and its impact on academic achievement (Children’s Defense Fund, 1975; U.S. Department of Education Office of Civil Rights Data Collection, 2012; Cregor & Hewitt, 2011; Morris & Perry, 2016; Reyes, 2001; Reyes, 2006; Skiba et al., 2006; Skiba et al., 2011; Smith, 2015; Tajalli & Garba, 2014; Wald & Losen, 2003; Waller & Waller, 2014).

### **Exclusionary Discipline Defined**

Disciplinary action that removes a student from a regular classroom setting or home campus, temporarily or permanently excluding the student from his or her learning environment, constitutes exclusionary discipline (Fenning & Rose, 2007; Noltemeyer & McLoughlin, 2010; Darensbourg, Perez, & Blake, 2010; Simson, 2014). *Exclusionary discipline* can also be defined as any form of discipline that puts children out-of-school,

whether it is called "suspension," "expulsion," "alternative placement," "voluntary withdrawal," "blocking," "barring," "temporary dismissal," or "a cooling-off period" (Children Defense Fund, 1975). Common methods of exclusionary discipline are called "in-school suspensions," "out-of-school suspensions," "placement into a DAEP," or "expulsion." Texas Legislature House Bill 674 passed in 2017, prohibiting most out-of-school suspensions for children in pre-K through second grade.

Simons (2014), is urging districts to utilize alternatives to punitive practices such as inclusion versus exclusion (Simson, 2014). U.S. public school children lost nearly 18 million days of instruction in just one school year because of exclusionary discipline (Losen, Keith, Morrison, and Belway, 2015). Texas Appleseed (2019), reported that Texas schools could be losing Average Daily Attendance funding for as many as 1,207,119 school days lost due to out-of-school suspensions and that 87% of the violations were for discretionary violations of the student code of conduct.

### **Emergence of National Efforts on School and Safety**

In April of 1975, a federal report, *Our Nation's Schools — A Report Card: "A" in School Violence and Vandalism* (Bayh, 1975), was released, summarizing the findings of a 4-year congressionally mandated study on violence and vandalism in schools (Brock, Kriger, & Miró, 2017). During the course of an investigation by the Senate Subcommittee to Investigate Juvenile Delinquency, serious concerns developed over increasing volumes of violence and vandalism in the nation's public school systems. The subcommittee sent 757 questionnaires to superintendents of public school districts with student enrollment of 10,000 or more for grades K–2. From 59% to 72% responded from each of four regions surveyed. The scope of the questionnaire was designed to gather information on

violence, vandalism, and school dropouts. It became apparent during the investigation that the nation was facing a crisis after conducting 55 days of hearings and testimonies from 419 witnesses on various topics, such as the extent and causes of drug abuse. The report stated that juvenile problems are intimately connected with the nature and quality of the school experience the extent that our schools are being subjected to an increasing trend of student violence and vandalism, thereby contributing to juvenile delinquency (Bayh, 1975).

Northeast Region Subcommittee	Northcentral Region Subcommittee	South Region Subcommittee	West Region Subcommittee
Sent 138 questionnaires were sent to school systems in the northeastern region and 59.4% were returned completed.	Sent 172 questionnaires to school districts in every State in this region and received 68% of these in return.	Sent 261 questionnaires to school districts in the southern region. One hundred eighty-seven or 71.6 % were returned completed.	Sent 130 questionnaires school districts in this region and 69.8% of them responded.
<ul style="list-style-type: none"> <li>o Homicide increased by 20.1 %</li> <li>o Rapes and attempted rapes increased by 37.9 %</li> <li>o Robbery increased by 39.3 %</li> <li>o Student assaults on students decreased by 2.2 %</li> <li>o Burglary and larceny decreased by 2.9 %</li> <li>o Weapons increased by 20.6 %</li> <li>o Drugs and alcohol increased by 14.8%</li> <li>o Dropouts increased by 8.0 %</li> <li>o Vandalism decreased by 12.0 %</li> <li>o Expulsions decreased by 9.7 %</li> </ul>	<ul style="list-style-type: none"> <li>o Homicide did not show an upward trend</li> <li>o Robbery did not show an upward trend</li> <li>o Assaults on teachers in schools increased by 52.4 %</li> <li>o Assaults on students in schools increased by 20.5 %</li> <li>o Number of weapons found in schools increased by 6.7 %</li> <li>o Rapes and attempted rapes in schools increased by 60 percent</li> <li>o Major acts of vandalism increased by 19.5 %</li> <li>o Drug and alcohol offenses in schools increased by 97.4 percent</li> <li>o Burglaries of school buildings increased by 2.1 %</li> </ul>	<ul style="list-style-type: none"> <li>o Homicide increased by 25.4 %</li> <li>o Rape and attempted rape increased by 28.4 %</li> <li>o Robbery increased by 51.7 %</li> <li>o Student assault on student increased by 276.9 %</li> <li>o Student assault on school personnel increased by 316.4 percent</li> <li>o Burglary and larceny increased by 28.1 %.</li> </ul>	<ul style="list-style-type: none"> <li>o Assaults on students increased 77.4 %</li> <li>o Assaults on teachers increased 6.4 %</li> <li>o Major acts of vandalism increased by 15.7 %</li> <li>o Bobberies increased by 98.3 %</li> <li>o Burglaries increased by 2.7 %</li> <li>o Rapes and attempted rapes increased by 52.3 %</li> <li>o Homicides increased by 26.6 %</li> <li>o Drug offenses in schools increased by 18.1 %</li> </ul>

Figure 2. *Regional subcommittee survey findings—1970 and 1973. Source: Bayh, 1975.*

The subcommittees in all regions reported alarming increases in school violence and vandalism, which indicated that problems had taken a turn for the worst and students and faculty were no longer safe (Bayh, 1975). Federal legislation, known as the Safe Schools Act, proposed financial assistance to local education agencies in order to reduce and prevent school crimes. This act established grants for schools under Title I of the Elementary and Secondary Education Act of 1965 (ESEA) and would assist schools in the development and implementation of locally approved school security plans to reduce

school crime. In 1974, the Safe School Study Act was signed into law (Bayh, 1975).

**Gun-Free Schools Act of 1994.** The Gun-Free Schools Act (GFSA) of 1994 is clear on the expectations and requirements of a state's responsibility in keeping schools safe and free of drugs and violence. The act mandates not less than 1 year of expulsion for a student who is determined to have brought a firearm to school or to have possessed a firearm at school. States must have in place a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency. The act gives authority to the state's chief administering officer of a LEA an option to modify such expulsion requirements on a case-by-case basis provided the request is in writing. The act is to be followed in conjunction with the Individuals with Disabilities Education Act, section 202(c) of the Controlled Substances Act, section 1(b) of the Hate Crime Statistics Act of 1990, and in accordance with the Family Educational Rights and Privacy Act of 1974 (U.S. Department of Education, 2010).

Students and school personnel can be free from violent and disruptive acts, including sexual harassment and abuse and victimization associated with prejudice and intolerance on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others the GFSA requires states to have in place policies and procedures to combat violence and promote school safety in order to receive federal funding (U.S. Department of Education, 2010).

**Zero Tolerance Policy.** Districtwide policies were developed in accordance with

laws and regulations concerning the safety of the nation's schools at the federal and state level. The driving force of zero tolerance policies is the district's student code of conduct that mandates predetermined punishment for violations. Serious student offenses that are in accordance with GFSA are those concerned with acts of violence, firearms, weapons other than firearms, alcohol, drugs, and tobacco and are meant to keep schools safe the GFSA does not mandate the consequences for violations in the act other than for firearms or weapons. Some districts have extended the act to include all offenses in the student code of conduct on a graduated system, with the severity of consequences based on the seriousness or frequency of the offense. At the discretion of the administrator with policy written stating consideration prior to expulsion even if the offense has a mandatory consequence (American Psychological Association, 2008; Cregor & Hewitt, 2011; Reyes, 2006; Skiba and Knesting, 2000).

Although these policies have alternatives and preventive methods as opposed to exclusions written in the law as an option, data show that African Americans, Hispanics, students in special education, and those who are economically disadvantaged are not benefiting from such discretion. Racial and ethnic minorities, especially Black males, are more likely to be removed from the classroom or school as a behavior sanction. Many of these consequences are the result of reports from teachers that list student misconduct as the primary offense (Rudd, 2014). Years of evidence-based research show negative discipline data trends for specific ethnic groups and those participating in certain federally funded educational programs as being represented at higher rates of disciplinary measures than those in the general population of students (Advancement Project et. al., 2011; Children Defense Fund, 1975; Skiba et. al., 2006; Skiba et. al., 2011).

## **Evolution of DAEPs**

In 1995, the evolution of DAEPs escalated due to violence in schools across the nation and the national war on drugs. ED continued to place a priority on the promotion of safe and drug-free public schools (TEA, Policy Research, 2007). The expectation was to have qualified teachers and strong programs that were highly structured to get students back on track who had been removed for disciplinary purposes from their regular instructional setting (TEA, Policy Research, 2007; Walsh et al., 2014). The 74th Texas Legislature required school districts to establish DAEPs to serve students who had committed specific disciplinary or criminal offenses (TEC, Chapter 37). Students are given an opportunity to continue their education in their current school district in an alternative education environment where they are able to gain behavioral techniques fitting for other social and learning environments to increase academic achievement (TEA, Comprehensive Biannual Report 2018).

**DAEP characteristics and school climate.** A diversity of DAEPs have been implemented throughout Texas and across the nation. Due to the highly structured nature of such programs, some use metal detectors, students may have to wear uniforms, students may be searched upon entrance, and students may be escorted from one area of campus to the next to ensure safety. Districts may also enter into cooperative arrangements and have an option for an on-site or off-site program. The Texas statute allows for districts to adopt minimum standards of operations, that include standards relating to teacher-to-student ratios, student health and safety, reporting abuse, neglect, or exploitation of students, training for teachers in behavior management and safety procedures, and planning for students' return to a regular campus (TEC, Chapter 37).

One of the main stipulations of the statute is that the program is offered only for disciplinary reasons (discretionary or mandatory) and must include a behavioral management component (self-discipline). Violations of the student code of conduct and serious or persistent misbehavior while participating in a DEAP allow administrators the option to use exclusionary disciplinary measures. In many districts, acts able to prompt *exclusionary discipline* are defined as documented incidents of breaking the rules of code of conduct. During the DAEP appointment behavior management approaches can include boot camp systems as well as point systems that reward positive behavior (Comprehensive Biennial Report on Texas Public Schools, 2018). An expulsion from a DAEP for serious or persistent misbehavior is considered conduct indicating a need for supervision and is an offense defined in Title 3 of the Family Code (Fabelo et al., 2011).

According to Bear (2017), too often schools fail to understand that maintaining safety, including the correction of misbehavior, is a prerequisite for developing self-discipline. Schools and other institutions that are effective in establishing and maintaining order and safety are not necessarily effective in developing self-discipline or in preventing future behavior problems. This is most evident when adult supervision, systematic rewards, clear rules and expectations, and consequences for misbehavior are the primary techniques used to manage behavior. When those external techniques are later removed, individuals are expected to function independently (Bear, 2017).

Although the code mandates a behavioral management component as part of the program, it does not provide specific details on how this component should be carried out or how it will be evaluated. Studies specific to Texas focused on discipline alternative education and the specific needs of students assigned to DAEPs and determined the

necessary prerequisites for a successful program are program structures, procedures, and activities that focus on changing behavior and improving academic outcomes (TEA, Policy Research Report, 2007).

**DAEP curriculum and instruction.** The academic mission of a DAEP is to enable students to perform at grade level, focusing on English language arts, mathematics, science, history, and self-discipline (TEC 37.006). As of school year 2005-2006, teachers employed at DAEPs must meet all certification requirements as established under TEC Chapter 21; Subchapter B (TEA, Policy Research Report, 2007). Programs may provide direct teacher-oriented classroom instruction or a combination of direct instruction with self-paced, computer-assisted programs. This opportunity may include providing instruction through all methods available, including correspondence courses, distance learning, or summer school. Students assigned to a DAEP must be afforded the opportunity to complete coursework before the beginning of their next school year free of charge, and all special education services must be available to students receiving services. Sadly, DAEPs do not offer all the many electives or vocational classes, foreign languages, or advanced courses offered in regular schools, and this failure could hinder eligibility for graduation requirements (TEA, Policy Research Report, 2007).

Walden and Losen (2003) reported that the quality of services offered at some alternative schools is troubling, suggesting that many do not provide the curriculum that students need to graduate and gain acceptance into higher education, nor do they offer the supports that vulnerable students may need to get back on track academically. The vast differences in quality that exist among alternative programs need to be more fully studied

as do the methods used by school systems to place students into these alternative programs. In particular, the racial disproportionality with the population sent to these alternative schools is a source of great concern (Walden & Losen, 2003).

However, according to the Commissioner's Rule Concerning School Safety and Discipline, Subchapter CC, DAEPs are charged with the assessment of academic growth of all students by being responsible for administering a pre- and post-assessment for each student. Also, state assessment results for reading and mathematics must be released for the appropriate grade level and academic reports provided to each student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills tests in reading and mathematics, within ten days of the student completing the post-assessment (Chapter 103, Health and Safety Subchapter CC, Commissioner's Rules Concerning School Safety and Discipline 103.1205, 2018, 43 Tex. Reg 94).

**DAEP student placement rates.** Approximately 1.4 % (75,150) of the more than 5.2 million students in Texas public schools in 2014-2015 received DAEP assignments. Compared to the previous year 2013-2014, the percentage of students assigned to DAEPs had decreased by 1%. The total number of DAEP assignments, including multiple assignments for students, also decreased by 4.0%. The rate of students assigned to DAEPs in 2016-17 increased remarkably at Grade 6 and continued rising to a maximum of 4.0% of all students in Grade 9, then the rate steadily declined through the high school grades. Overall, DAEP assignments in Texas for school years 2014-15 and 2016-17 exposed disparities (Comprehensive Biennial Report on Texas Public Schools, 2016 & 2018).

Of students in Grades 1 through 12 who were assigned to DAEPs, 24.3% were

ninth graders, and males made up 70.5 % of students assigned to DAEPs in 2016-17, though they constituted only 51.3% of the total student population. Some 16.3% of students assigned to DAEPs were receiving special education services despite only 9.8% of students statewide receiving special education services. The overrepresentation of students receiving special education services in the DAEP population may be related to the overrepresentation of male students in the DAEP population, as males were also overrepresented in the special education population statewide (Comprehensive Biennial Report on Texas Public Schools, 2016 & 2018).

Approximately 1.4% of the 72,349 of the more than 5.3 million students in Texas public schools in 2016-17 received DAEP assignments. The same percentage of students were assigned to DAEPs in the previous year 2015-2016 (Comprehensive Biennial Report on Texas Public Schools, 2018). However, the 2010 Comprehensive Biennial Report, showed 2.0% (92,719) of the more than 4.7 million students in Texas public schools in 2008-09 received DAEP assignments (Comprehensive Biennial Report, 2010).

**DAEP placement for violation of student code of conduct.** According to Chapter 37.001 of TEC, the board of trustees for an independent school district in Texas must adopt a student code of conduct along with the advice of its district-level committee, established under Subchapter F, Chapter 11 (TEC 37.001). School districts' codes of conduct are often lengthy, reflecting their complexity. Many districts require signatures of the student and parent or guardian at the beginning of each school year, attesting to their reading, discussion, and understanding of the code and the consequences outlined. Typically, the code's violations are organized into five levels.

Level I violations are the least serious, addressing behavior such as tardiness,

leaving class early, or violating the dress code. Violations become more serious as they amount to criminal behavior, scaling up to Level IV or V violations. The level of the offense determines how broad the range of sanctions available to school administrators. For example, if a student's misbehavior constitutes a Level I violation, a teacher or other school employee may choose from among many sanctions that neither require referral to the principal's office or designee; a type of alternative may include lunch/after-school detention, Saturday school, or extra schoolwork (Fabelo et al., 2011; Reyes, 2001). Basically, the higher the level of the violation, the fewer options a school administrator has for disciplining a student.

The factor determining which disciplinary consequences are used among districts, or even from one school to another, is not so much the substantive content of the codes of conduct, the variation in the rules they establish, or even the range of consequences associated with different violation levels. Instead, the determining factor is how teachers and administrators interpret and apply these codes of conduct (Fabelo et al., 2011). For example, a Level III violation may allow an administrator the option to suspend or place the student into DAEP. In 2011-12, half (50.4%) of disciplinary incidents resulting in DAEP assignments were violations of local codes of conduct. This represented a decrease (64.7%) from the previous year. Controlled substance violations accounted for 22.8% of incidents, a 10% increase, and fighting accounted for 6.6%, a slight decrease from the previous year.

Table 1

*Violations of Local Code of Conduct for 2011 – 2012*

Discipline Reasons	Disciplinary Incidents	
	Number	Percentage
Violated Local Code Of Conduct	57,314	50.40
Controlled Substance/Drugs	25,944	22.80
Fighting/Mutual Combat	7,531	6.60
Assault Non-District Employee	4,745	4.20
Other	4,059	3.60
Alcohol Violation	2,649	2.30
Serious/Persistent Misconduct	1,463	1.30
Assault-District Employee	1,230	1.10
Conduct Punishable As A Felony	1,182	1.00
Terroristic Threat	1,080	0.90
Title 5 Felony - Off Campus	1,018	0.90
Non-Illegal Knife	783	0.70
Criminal Mischief	631	0.60
Total	113,688	100.00

Each school district's code of conduct must (a) state the considerations and factors given to a decision to suspend, remove to DAEP, expulsion, or placement in a Juvenile Justice Alternative Education Program in cases of self-defense, intent or lack of intent at the time of conduct engagement, disciplinary history of the student, or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's behavior; (b) list and distinguish guidelines that set the length and term for removal under TEC Section 37.006 to a DAEP or expulsion under TEC Section 37.007; and (c) disclose the notification process for the student's parent or guardian when a violation of the student code of conduct results in a suspension, removal to a DAEP, or expulsion. The DAEP code of conduct will provide, as appropriate for students at each grade level, methods and options for (a) managing students in the classroom and on school grounds; (b) disciplining students; and (c) preventing and intervening in student

discipline problems, including bullying, harassment, and making hit lists (Comprehensive Biennial Report on Texas Public Schools, 2018).

**DAEP placement for discretionary infractions.** The driving force behind discretionary placements is the student code of conduct (in-school suspension, out-of-school suspension, or expulsion to DAEP). The word *discretionary* means that the consequence for the behavioral violation is at the discretion of the individual who has the discretionary power, usually the principal or assistant principal. Alternatively, discretionary placements entitle administrators to decide whether a rule-breaking behavior warrants alternative education, subjecting more students to a potential for DAEP placement (Booker & Mitchell, 2011, Cortez & Cortez, 2009; Reyes, 2006; Tajalli & Garba 2014). According to Katsiyannis and Williams (1998), the documentation of entrance and exit patterns for alternative education programs is important as it reduces “placements based on administrative convenience or isolation of ‘undesirables,’ denial of education services, and engagement in haphazard practices that lack planning and adequately trained personnel” (p. 282).

The *Breaking Schools' Rules Report* (Fabelo et al., 2011) showed data from 2000 through 2003 that of all 928,940 students from seventh to twelfth grades, discretionary school code of conduct actions accounted for 92.4% of the disciplinary actions for violations for which state laws mandate expulsion. The remainder of disciplinary actions labeled “other discretionary actions,” representing 4.9% of the total, were violations outlined by state law as those for which school officials are permitted to use their discretion in deciding penalties. The great majority of African American male students had at least one discretionary violation (83%), whereas 74% of Hispanic male students

and 59% of White male students did. The same pattern was found, though at lower levels of involvement, for females—70% of African American females had at least one discretionary violation, whereas 58% of Hispanic females and 37% of White females did (Fabelo et al., 2011).

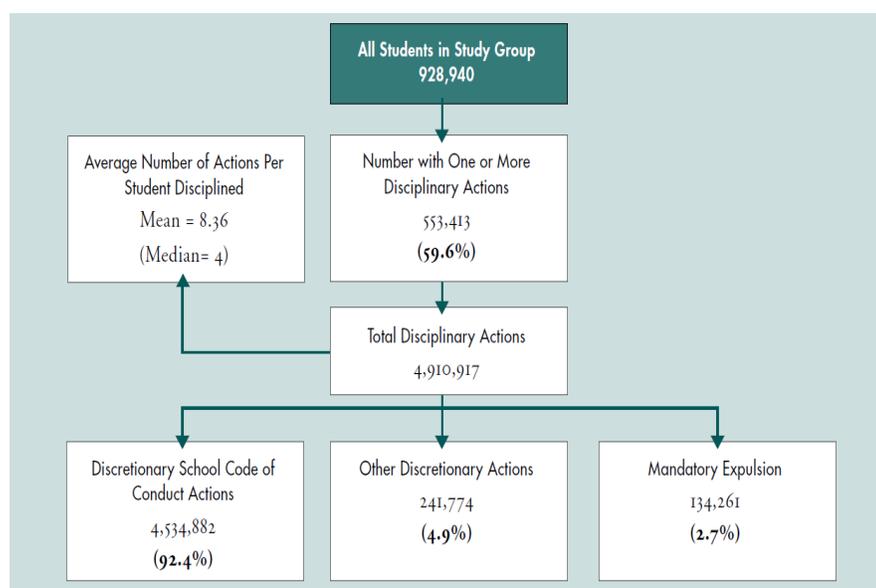


Figure 3. Discretionary school code of conduct actions and other discretionary actions for 9th graders during their 7th through 12th grade school years. Source: Fabelo et al., 2011.

African American students and those with educational disabilities were disproportionately more likely to be removed from the classroom for disciplinary reasons. The *Breaking School Rules Report* (2011) show that 13.2%, or 122,250 with disabilities, had a discretionary action. Of these, 70.8% (86,523) had a learning disability, 9.9% (12,218) were labeled as having an emotional disturbance, 17.7% (21,583) were physically disabled, and 1.6% (1,926) had another disability (Figure 4). African Americans, specifically males, were especially likely to be involved in the school disciplinary system. Conclusively, these findings are consistent with previous research highlighting the disproportionate impact of school discipline policies for minorities (Fabelo et al., 2011). Whereas, White, Hispanic, and African American students

experienced discretionary actions at significantly different rates. A multivariate analyses seeking probability of discipline involvement in 9<sup>th</sup> grade by race (Figure 5), which enabled researchers to control for 83 different variables in isolating the effect of race alone on disciplinary actions, found that African American students had a 31 percent higher likelihood of a school discretionary action, compared to otherwise identical White and Hispanic students (Fabelo et al., 2011).

**DAEP placement for mandatory infractions.** Placement into a DAEP was initially considered mandatory for conduct punishable under Zero Tolerance policies (Booker & Mitchell, 2011). Mandatory offences are compulsory and are those infractions that already have a consequence attached, if violated. Such violations include more severe criminal-like behaviors such as felonies or misdemeanors and require students to be removed from school. These infractions are usually associated with adult criminal-like behaviors and students can receive juvenile detention sentencing, jail time and probation for these acts. Mandatory infractions give no discretion or flexibility for an administrator decision (Cortez & Cortez 2009; Reyes, 2006; Tajalli & Garba; 2014).

Chance of →	DISCRETIONARY disciplinary action in 9 <sup>th</sup> grade	MANDATORY disciplinary action in 9 <sup>th</sup> grade
<b>For students who are...</b>		
White	Reference Group	Reference Group
African American	31.1% higher	23.3% lower
Hispanic	Equal chance	16.4% higher

Figure 4. *Special education by disability status received discretionary actions during the study.* Source: Fabelo et al., 2011.

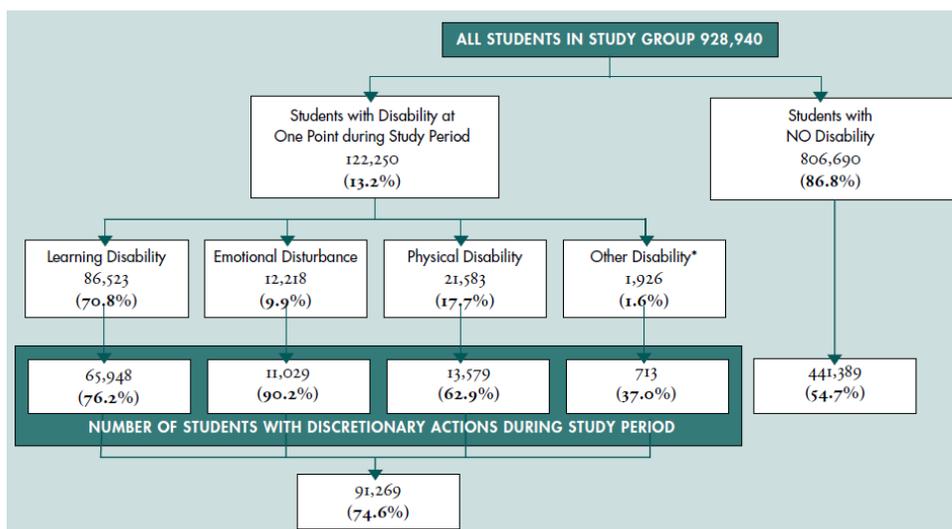


Figure 5. Probability of School Discipline Involvement in 9<sup>th</sup> Grade by Race for Discretionary or Mandatory disciplinary Action. Source: Fabelo et al., 2011.

However, in the *Breaking Schools' Rules Report* of 2011, about 5 percent of violations were for rule violations outside the code of conduct, rules that are defined in state law but still allow school officials broad discretion as well (Fabelo et al., 2011). African American students accounted for 7.2% of mandatory violations, Hispanic students accounted for 7.9%, and White students accounted for 5.3%, while those with disabilities accounted for higher percentages of mandatory violations (Fabelo et al., 2011).

Chance of	DISCRETIONARY disciplinary action in the school year	MANDATORY disciplinary action in the school year
For students who have...		
No Disability	Reference Group	Reference Group
Emotional Disturbance	23.9% higher	13.4% higher
Learning Disability	2.5% higher	8.1% higher
Physical Disability	8.9% lower	Equal chance
Mental Retardation	50.0% lower	41.9% lower
Autism	63.8% lower	71.3% lower

Figure 6. Probability of Disciplinary Action by Disability Discretionary and Mandatory. Source: Fabelo et al., 2011.

According to Cortez and Cortez (2009), Texas public school students were being criminalized, ostracized, and stigmatized for “offenses” that were formerly managed by a simple time-out or even a visit to the principal’s office. Although many strategies are available for educators to use in managing students’ behaviors, those with challenging behaviors sometimes present frequent disciplinary problems the most familiar disciplinary methods are punitive (Thompson & Webber, 2010).

Lohmann (2016) conducted a roundtable discussion on the effects of substance abuse related to school suspension and reported that drugs coupled with school can result in major consequences. Students found in possession of drugs or using drugs can receive temporary removal from school and school activities or expulsion, permanently removing them from school without services. Regrettably, educational statistics specific to drugs and school suspensions are hard to monitor, partly because there is a lack of specificity and transparency in drug reporting among schools nationwide. In an article, Farrell (2018) reported data from the National Institutes of Health’s Monitoring the Future Study (MTF), which conducts an annual survey tracking substance use among youth in Grades 8, 10 and 12. Of the nearly 45,000 youth surveyed, a dramatic increase in American teens’ use of vaping devices in just a single year was found—with 37.3 percent of 12th graders reporting “any vaping” in the past 12 months in 2018 compared with just 27.8 % in 2017 (Farrell, 2018).

**DAEP reporting, evaluation, and success.** There has been little monitoring and oversight of DAEPs, and the quality of the programming and instruction varies among districts, with some students in DAEPs poorly served by under-resourced programs. The Legislative Budget Board has expressed the following concerns about DAEPs (1) failure

to staff the DAEP with certified teachers, (2) failure to provide a learning environment equivalent to mainstream campuses, (3) inadequate training for DAEP instructors and staff, (4) lack of instructional alignment between DAEP and mainstream campuses, (5) insufficient communication between a student's home campus and DAEP, and (6) absence of transitional programming upon a student's return to his or her home campus (Fabelo et al. 2011).

Booker and Mitchell (2011) reported that although recidivism is important when we consider the effectiveness of interventions at alternative education programs, little to no information is available regarding the recidivism rates of students placed in DAEPs (Booker & Mitchell, 2011). According to Cortez and Cortez (2009), there is no easy way to really know how students in DAEPs are doing, because Texas still fails to collect all of the data needed. Furthermore, for the data it does collect, data are often masked in the data set, making external analysis extraordinarily difficult. Currently, reports of student enrollment into DAEPs are not separated by single or multiple assignments. This could account for high rates of placements as well as identify recidivism rates. According to the National Institute of Justice (2014), recidivism is one of the most fundamental concepts in criminal justice. It refers to a person's relapse into criminal behavior or offensive behavior. Recidivism rates are used to measure the frequency of repeated occurrences of behavior incidences and program performance (King & Elderbroom, 2014).

Juvenile justice agencies are judged successful or not based on recidivism rates that denote the extent to which youths commit crimes after receiving juvenile justice services (Harris, Lockwood, & Mengers 2009). DAEP should follow this same criterion for the measurement of success of the programs and evaluation of student growth. In a

survey of DAEPs conducted in Pennsylvania, only 8% of students returned to alternative school during the same academic year; nonetheless, 37% continued their assignment through the following academic year (Hosley, 2003).

Validation of discipline data has been integrated into a data integrity component of the TEA performance-based monitoring system. TEA annually evaluates all school districts on two indicators specific to DAEPs the rate of assignment of students with disabilities and assignments of students under age 6. Districts identified under these indicators are subject to interventions and sanctions (TEA, Policy Research Report No. 17, 2007). However, true analysis of DAEPs would require isolation of DAEP data and recidivism rates, since DAEPs are a necessary entity, part of the public school system. In 2017, House Bill 674 was passed by the Texas Legislature and prohibited most out-of-school suspensions for children in pre-K through second grade (Texas Appleseed, 2019). Data on discipline, gender, ethnicity, economic status, and dropout status are reported to the Public Education Information Management System (PEIMS). However, DAEP data collection methods should be sufficient to support a comprehensive evaluation of the program (Cortez & Cortez, 2009).

**Discipline gap.** *Discipline gap* refers to the tendency for students who are African American, Hispanic, and disabled to be disproportionately represented in suspensions and exclusionary discipline in proportion to their student enrollment and as compared with other ethnic groups (Gregory & Mosely, 2004, McIntosh, et. al., 2018). This growing phenomenon has been on an upward trend since the 1970's (Children Defense Fund, 1975, Skiba & Skiba, 2010). More specifically, according to Losen, Keith, Morrison, and Belway (2015), the *discipline gap* is defined as a disproportionate disciplinary response

to one race compared with others. Specifically, Black males are shown to have higher out-of-school suspension and expulsion rates than other racial and ethnic subgroups (Losen et. al., 2016). School districts tend to rely on teacher selected or campus principal led professional development, workshops, or district led workshops to train teachers on classroom management techniques related to discipline and how to decrease teacher office referrals on both home campuses and DAEPs. If we ignore the discipline gap, we will be unable to close the achievement gap (Losen et. al., 2016).

Of the 64,995 students in Grades 7-12 assigned to DAEPs in the 2014-15 school year, 2,912 students dropped out; the annual Grade 7-12 dropout rate for students assigned to DAEPs was 4.5%, three times the rate for students statewide (1.5%). Among students assigned to DAEPs, as well as students statewide, African American and Hispanic students had higher dropout rates than White students (Comprehensive Biennial Report on Texas Public Schools, 2016).

Of the 62,640 students in Grades 7–12 assigned to DAEPs in the 2016-2017 school year, 2,790 students dropped out. The annual Grade 7–12 dropout rate for students assigned to DAEPs was 4.5%, more than three times the rate for students statewide (1.4%) (Comprehensive Biennial Report on Texas Public Schools, 2018). Among students assigned to DAEPs, as well as students statewide, African American and Hispanic students had higher dropout rates than White students (Comprehensive Biennial Report on Texas Public Schools, 2018).

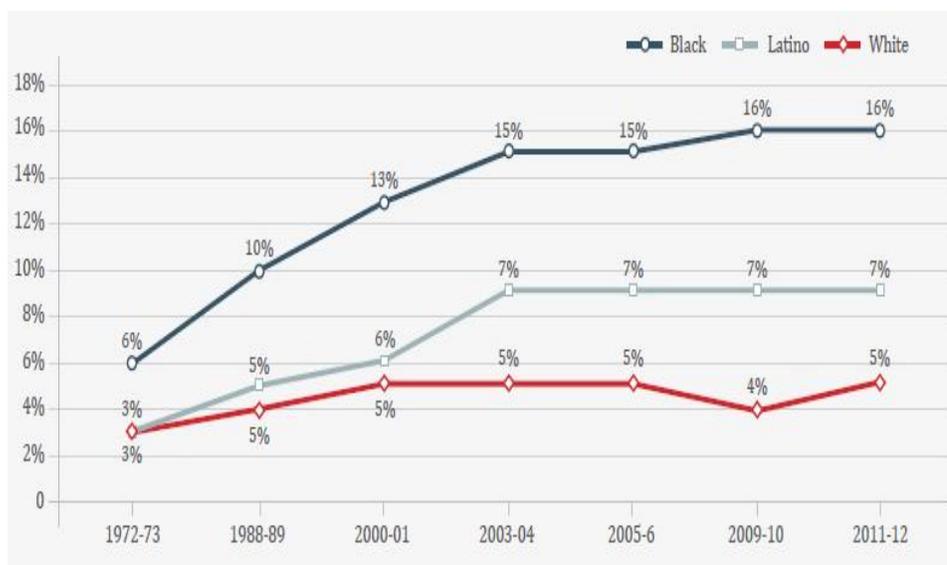


Figure 7. Suspension Rates over Time by Race/Ethnicity: K-12. Source: Losen et al., 2016.

**Achievement gap.** An in-depth analysis revealed that Texas students placed in DAEP scored in both mathematics and reading state assessments significantly below the state averages (Cortez and Cortez, 2009). In 2017, passing rates on the STAAR reading and mathematics tests in Grades 3-8 were lower for students assigned to DAEPs than students statewide (Comprehensive Biennial Report on Texas Public Schools, 2018). The overall passing rate for students assigned to DAEPs was 29 percentage points lower than the overall rate for students statewide on the reading test (46% vs. 75%) and 33 percentage points lower on the mathematics test (45% vs. 78%). Among students assigned to DAEPs, as well as students statewide, STAAR passing rates in reading and mathematics were higher for White students than African American and Hispanic students (Comprehensive Biennial Report on Texas Public Schools, 2018).

Passing rates on the 2017 STAAR end-of-course tests for English I, English II, and Algebra I were lower for students assigned to DAEPs than students statewide (Table 10). The overall passing rate for students assigned to DAEPs was 35 percentage points lower than the overall rate for students statewide on the English I test (29% vs. 64%), 31

percentage points lower on the English II test (35% vs. 66%), and 34 percentage points lower on the Algebra I test (50% vs. 84%). Among students assigned to DAEPs, as well as students statewide, passing rates on the STAAR end-of-course tests for English I, English II, and Algebra I were higher for White students than African American and Hispanic students (Comprehensive Biennial Report on Texas Public Schools, 2018).

Table 2

*STAAR Reading and Mathematics Passing Rates for DAEP Students and Students Statewide by Ethnic Group—2016–2017*

Student Group	Reading				Mathematics			
	2016		2017		2016		2017	
	DAEP	State	DAEP	State	DAEP	State	DAEP	State
African American	43	68	40	65	35	64	38	66
Hispanic	44	72	43	70	39	74	44	75
White	61	88	59	85	55	86	58	86
Econ. Disadvantage	44	69	42	67	38	70	43	72
Special Education	27	44	18	35	23	48	22	43

Table 3

*STAAR End-of-Course English I and II and Algebra I Passing Rates for DAEP Students and Students Statewide by Ethnic Group—2016–2017*

Student Group	English I				English II				Algebra I			
	2016		2017		2016		2017		2016		2017	
	DAEP	State	DAEP	State	DAEP	State	DAEP	State	DAEP	State	DAEP	State
African American	25	58	23	52	31	60	27	54	40	73	45	75
Hispanic	26	60	27	57	34	63	32	60	43	79	48	82
White	46	82	44	79	55	86	50	81	59	91	61	91
Econ. Disadvantage	26	57	26	53	33	60	30	56	43	77	47	80
Special Education	8	24	7	17	12	26	8	18	21	49	22	46

A study was conducted using a multivariate analysis to focus on identifying the relationship between race and ethnicity, suspension, and academics with multi-level mixed logistic and linear regression models. The models had three-level nested structures

in which level 1 was observations, level 2 was individual students, and level 3 was schools. The results suggest that 12% of public school students receive out-of-school suspension in any given year. Controlling for school level fixed effects, a study showed that among the effects of exclusionary discipline on academic achievement were scores on reading achievement tests for Black students ( $b = -10.87; p < .001$ ) and Latino students ( $b = -12.95; p < .001$ ) that were significantly lower reading than the reading scores of other ethnic groups (Morris & Perry, 2016).

**Recidivism gap.** Little research has been conducted on the recidivism rates of students returning to DAEPs. Most recent research shows that there are several challenging factors that might warrant further research because of these findings. The findings show that White students are less likely to be removed from school for discretionary reasons and more likely to be removed for mandatory or more extreme types of behavior. Therefore, White students may not have a recurrence of DAEP placement and be identified with a lower recidivism rate. However, minority and older students are systematically involved in more disruptive behaviors, which may be repeated, thus contributing to a higher recidivism rate (Booker and Mitchell, 2011).

### **Episodology of School Discipline**

Episodology is a series of continuous cycles throughout the life of a social phenomenon within a system that connects to other systems (Dandridge, 2020).

**Perception of criminalization.** Increased incidence of crime and school violence prompted public and national concern. Public perceptions of how school officials were handling student discipline issues changed to fear and distrust. Efforts to stabilize school crime and violence through zero tolerance policies and practices generated more

devastating concerns. Research shows extreme measures and reliance on exclusionary practices to control school discipline began to resemble criminal sanctions. Lengthy codes of conduct, mandatory juvenile reporting, police officers, security guards, cameras, behavior citations, and metal detectors make schools look more like criminal justice facilities instead of learning environments.

Texas Appleseed relentlessly challenged the Texas legislature in eliminating two Class C misdemeanor offenses (1) disruption of class and (2) disruption of transportation during school. These efforts also prompted the legislature to prohibit police officers from writing tickets but instead require that a more formal complaint process be followed in order to charge students with Class C misdemeanor offenses while on campus. In 2015, the legislature also eliminated failure to attend school as a criminal offense. Legislators also required school police officers in districts with more than 30,000 students to undergo youth-focused training (Texas Appleseed, 2016). Research shows more minorities receiving harsher punishment for nonviolent offenses than other ethnic groups and being placed into discipline centers (Cortez & Cortez, 2009; Hirschfield & Celinska, 2011; Losen, 2011; Tajalli & Garba, 2014; Texas Appleseed, 2016; Reyes, 2006; Waller & Waller, 2014).

**Racial disparities.** Scholars continue to seek answers to understand and account for racial disparities in school discipline. According to a study conducted by Tefera, Siegel-Hawley, and Levy (2017), a factor contributing to racial disparities in school discipline is cultural mismatch between school personnel and student groups. Public school teachers in the United States are 85% White and 75% female (Tefera et. al., 2017). Furthermore, the research suggested that the vast majority of those teachers attended

segregated White schools as children, meaning that they lacked meaningful contact or relationships with other ethnic groups prior to teaching. This most likely reinforced racial anxiety and stereotyping in the classroom (Tefera et al., 2017). While our data show that African Americans and other racial or ethnic minorities are more commonly present in DAEPs, little to no data are available on the presence of minority administrators or teachers in these facilities, and culture representation in the classroom has positive effects on student achievement (Egalite, Kisida, & Winters, 2015).

However, the literature suggests several other reasons why racial disparities exist. African Americans and other racial/ethnic minorities from low-income households and those living in crime and poverty-stricken environments are more likely to engage in unfitting classroom behavior resulting in office referrals. Further, African Americans have been at risk of suspensions for minor misbehavior and suspension and expulsion for the same behavior as other students from other racial/ethnic groups (Gregory, Skiba, & Noguera, 2010; Skiba et al., 2011; Reyes, 2006). This notion furthers the need for targeted professional development to support teachers in their responsiveness to improving the academic and social needs of students (Gregory et al., 2016).

Climate, culture, and connectedness. School climate is a reflection of students and school personnel. A sustained positive school climate is associated with positive child and youth development, student learning and academic achievement, increased student graduation rates, and teacher retention rates (Thapa, Cohen, Guffey, & Higgins-D'Alessandro, 2013). Punitive patterns of school discipline, low expectations for academic achievement, budgeting issues, poor staff morale, high rates of disruptions, high pressure to meet academic standards, and high discipline rates contribute to a

negative school climate. A positive school climate is essential in that students and teachers need to feel a sense of belonging, connectedness, and safety. School climate, culture, and connectedness is not only important at a traditional campus, it is most important at DAEPs as a preventive measure to decrease recidivism rates.

**Special education identification and overrepresentation.** In a report on school discipline, the Hogg Foundation pointed out important factors that needed to be addressed more adequately by school districts to assess the impact of disciplinary practices, particularly for students in special education (Mitchell & Booker, 2011). Students already experiencing difficulties may be subjected to double or triple jeopardy in meeting academic expectations (Waller & Waller, 2014). Labeling students as "disabled" when they really are not leads to unwarranted services and supports. Misidentified students are likely to encounter limited access to a rigorous curriculum and broad access to diminished expectations (National Education Association, 2007). Disproportionality occurs in special education when students are overrepresented in classification, placement, and suspension. Factors such as interventions and referrals, instruction and assessment, differential access to the general curriculum, teacher expectations and misconceptions, cultural dissonance, and a sociodemographic profile different from that of the school district are directly linked to overrepresentation in special education (Voulgarides & Zwerger, n.d.).

TEC Chapter 37 requires each teacher in the program with a special education assignment to be appropriately certified or permitted for the assignment (TEA, Policy Research Report, 2007). The chapter does not specify the number of certified special education teachers required for the supervision and management of special education

students placed into DAEPs. In order to ensure that students are receiving proper services, placed in appropriate classes, and documented accurately in a collaborative and sufficient manner between campuses, parents must receive proper notifications in a timely manner.

In Texas, for the school year 2013–2014, 16.8% of students assigned to DAEPs were receiving special education services. School-related arrest results in mandatory placement in a DAEP. In the United States, students with disabilities who were arrested for school-related offenses accounted for 15,800 of students served by DAEPs (Figure 8). Of that amount, 1,115 (7.1%) were served solely under section 504 and 14,685 (92.9%) were served under IDEA. Of those served under IDEA, Hispanic students accounted for 3,397 (23%), African American students accounted for 5,147 (35%), White students accounted for 5,275 (35%), and 1,258 or (8%) were English Language Learners. The percentage of U.S. public schools reporting was 97.5% of the 95,507 schools (U.S. Department of Education Office of Civil Rights, 2014).

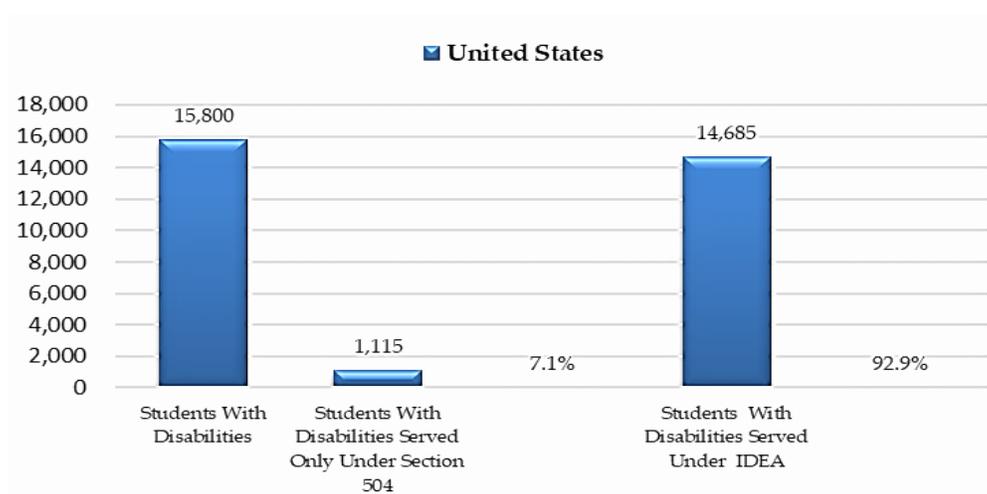


Figure 8. *U.S. School Related Arrest for Students with Disabilities – Served Under Section 504 and Served Under IDEA for School Year 2013 – 2014.* SOURCE: U.S. Department of Education Office of Civil Rights, Civil Rights Data Collection, 2013-14.

Of all the public school students with disabilities (both those served under IDEA and those served solely under Section 504) who were arrested for school-related offenses, Texas, having reported over a thousand or more students with disabilities undergoing school-related arrests, was among the top five states arresting the greatest number of students with disabilities (Figure 9) (California, Pennsylvania, Illinois, Texas, and Kansas).

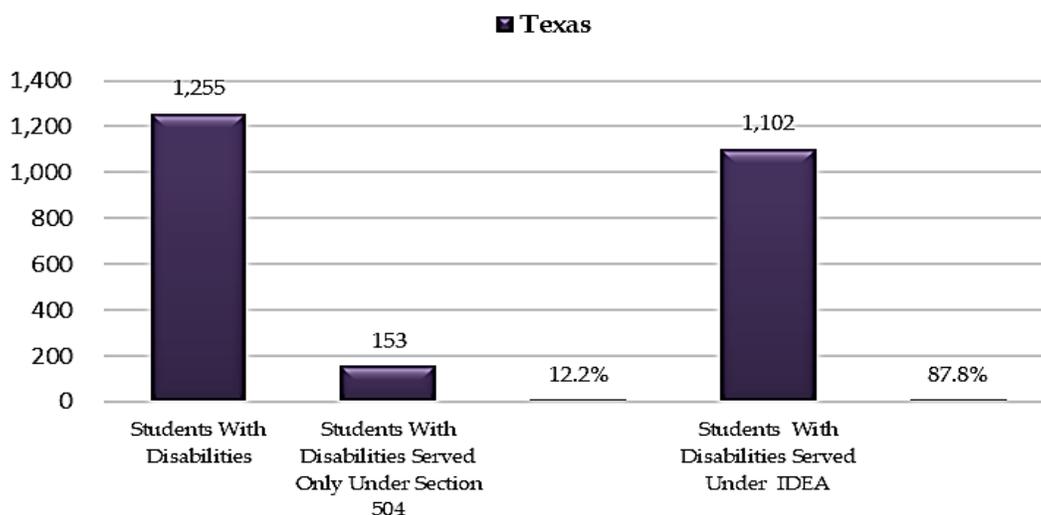


Figure 9. *School-Related Arrests for Students with Disabilities Served Under Section 504 and IDEA Texas, 2013–2014.* SOURCE: U.S. Department of Education Office of Civil Rights, Civil Rights Data Collection, 2013-14.

Texas reported 1,255 school-related arrests for students with disabilities; of those students, 153 (12.2%) were served solely under Section 504 and 1,102 were served under IDEA. As well, 576 (52%) were Hispanic, 273 (24.8%) were African Americans, 231 (21.0%) were White, and 95 (7.6%) were English Language Learners (U.S. Department of Education Office of Civil Rights, Civil Rights Data Collection, 2013-14).

**Juvenile justice involvement.** A Level V violation triggers automatic referral to an available Juvenile Justice Alternative Education Program (JJAEP) in accordance with TEC Chapter 37.711. All school districts are required to collect and report data about

school-based arrests and referrals to law enforcement. A single incident, such as an arrest in school, could result in a double punishment for the student (arrest and suspension/expulsion), which only reinforces the tendency for students to be disengaged academically. These students fall prey to missing classroom instruction, being transferred to an alternative education program, and dropping out-of-school (Villalobos & Bohannan, 2017). For the 2017-2018 school year, Texas reported a total 2,489 students as being placed in a JJAEP of that total, reflected in Figure 10 a total of 1,363 were discretionary placements of that amount African Americans accounted for 347, Hispanics 710, and White students accounted for 229. Figure 11 shows a total of 1,126 were mandatory placements of that amount African Americans accounted for 219, Hispanics 636, and White students accounted for 252.

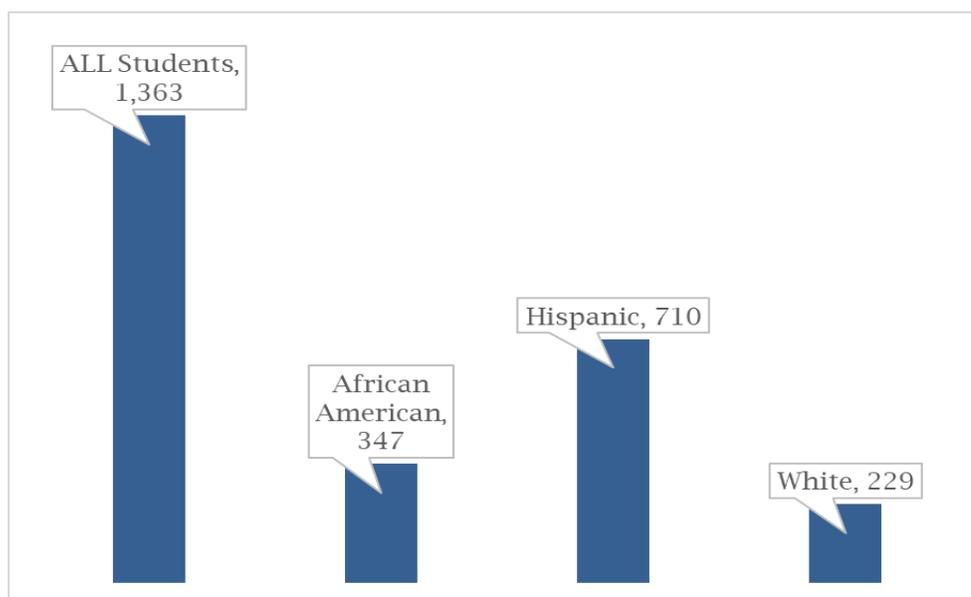


Figure 10. *Discretionary placements into Juvenile Justice Alternative Education Programs Texas, 2017–2018* SOURCE: Texas Education Agency, PEIMS Report 2017-2018.

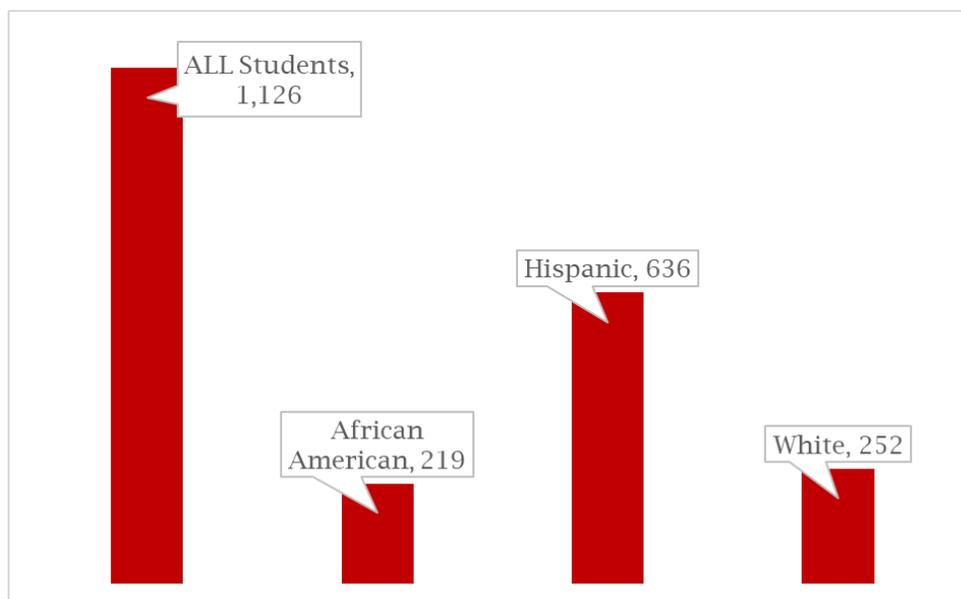


Figure 11. *Mandatory placements into Juvenile Justice Alternative Education Programs Texas, 2017–2018.* SOURCE: Texas Education Agency, PEIMS Report 2017-2018.

School district police officers issued ticket citations for Class C misdemeanors for such behaviors as classroom disruptions, transportation disruptions, sleeping in class, or informal carrying-on, totaling 41,304 tickets and complaints from 2011 to 2015. These are relatively low-level offenses that carry a high cost for students, resulting in fines up to \$500, court appearances, fees for hiring representation, suspensions or expulsions, loss of instructional time, and possible probation pushing them further behind and widening the discipline and achievement gaps (Texas Appleseed, 2016).

**School-to-Prison Pipeline.** Studies conclude that several factors contribute to the school-to-prison pipeline, including exclusionary discipline, poverty, race, gender, disability, behavior, and academics. The Advancement Project (2011) describes the school-to-prison pipeline as “a set of policies and practices that make the criminalization and incarceration of children and youth more likely than attainment of a high-quality education less likely” (p. 2). Scholars conclude that this phenomenon represents an educational environment that uses punitive discipline policies that push many at-risk

children out-of-school and into the prison system (Cregor & Hewitt, 2011; Lynn, 2010; Texas Appleseed, 2016; Wald & Losen, 2003; Tuzzolo & Hewitt, 2006).

**Poverty.** Ensuring that the most vulnerable have relief of economic difficulties and equality in education has been a concern for many. Advocacy groups and federal, state, and local agencies have developed systematic strategies and resources to improve outcomes. In 2017, 18% of U.S. children were living in poverty. In all, 3,346,000 African Americans accounted for 33% of all children in impoverished homes and 4,811,000 Hispanics/Latinos accounted for 46% (Annie E. Casey Foundation, 2019). In Texas, of children living in impoverished homes, African American children made up 26% and Hispanic/Latino children made up 29% (Annie E. Casey Foundation, 2019). The qualifying indicator in data systems to measure poverty describes this segment of the population “economically disadvantaged.” Data show that 3,155,117 (59%) children were economically disadvantaged in Texas school systems; however, economically disadvantaged students accounted for larger percentages of those assigned to DAEPs (Table 4) in grades 6 through 12 for school years 2015 through 2017 (Comprehensive Biannual Report, 2019).

According to Fergus (2019):

“poverty” disciplining belief is the assumption that poverty itself is a kind of “culture,” characterized by dysfunctional behaviors that prevent success in school. In effect, it pathologizes children who live (or whose parents live) in low-income communities. And while it doesn’t focus on race per se, it is often used as a proxy for race and to justify racial disparities in disciplinary referrals, achievement, and enrollment in gifted, AP [Advanced Placement], and honors courses, as well as to

justify harsh punishments for “disobedience” or “disorderly conduct” or “disrespect” (p. 31).

A physical fight to those in poverty could be justified as necessary to survive and, in some ways, they may see themselves as the lesser (Payne, 2005). Seemingly, those in poverty do not know the language of the predominant culture but are intelligent in survival and instinct as their first known silent language and, therefore, do not have the knowledge or experience to use conflict resolution methods of another’s cultural belief system. According to Payne (2005), arguing loudly with the teacher could be because of cultural distrust of authority, a system seen as dishonest and unfair to those in poverty.

Table 4

*DAEP Assignments for All Students and for Economically Disadvantaged Students by Grades 6 to 12—Texas, 2015–2017*

Grade	All Students 2015 - 2016	DAEP Number Percent	Econ. Disadvantage State Percent	All Students 2016 – 2017	DAEP Number Percent	Econ. Disadvantage State Percent
6	398,601	5,501 1.4	60.5 87.3	49,281	5,585 1.4	60.9 86.6
7	397,635	8,755 2.2	59.6 85.2	404,373	8,626 2.1	59.7 80.6
8	395,936	11,193 2.8	58.7 81.8	401,634	10,764 2.7	58.6 80.6
9	440,014	17,660 4.0	58.4 78.1	442,459	17,554 4.0	58.5 78.3
10	395,786	11,882 3.0	54.5 71.3	404,484	11,472 2.8	55.2 72.2
11	351,644	7,848 2.2	51.2 64.5	363,315	7,918 2.2	51.7 64.3
12	348,419	6,254 1.8	50.6 58.3	357,608	6,306 1.8	51.0 59.9

Studies show that students in poverty or those who are economically disadvantaged face a combination of negative academic, social, and racial barriers that include perceptions of those in poverty, teacher interpretation of cultural norms, negative school climate, and subjective discipline referrals that lead to higher rates of suspension

and expulsions (Children’s Defense Fund, 1975; Hanover Research 2015; Reyes, 2006; Skiba et. al., 2002). The cultural deficit model assumes poor performance and widespread underachievement is attributed to the student’s socioeconomic status and familial origin that leads to high rates of suspensions and expulsions (Salkind, 2008; Fergus, 2019). The term *cultural deficit thinking* refers to the notion that students, particularly low-income minority students, fail in school because such students and their families experience deficiencies that can obstruct the learning process (Valencia, 2012; Rueda & Stillman, 2012).

### **Eliminating Disparities in School Discipline**

Racial disparities in school discipline exist, and African Americans, Hispanics, those with disabilities, and the economically disadvantaged are hit the hardest. Texas Appleseed (2018) explains that Texas has been the leader in discipline reform, showing decreases in suspension rates from 2015 to 2016 and from 2017 to 2018; out-of-school suspensions rates overall decreased by 79% and DAEP rates overall decreased by 26%, while in-school suspension rates remained flat (Texas Appleseed, 2018). However, districts need to be intentional about developing policies and procedures to analyze and interpret disaggregated discipline data and implementing positive preventive interventions across all campuses. Positive school discipline approaches, antiviolence programs, and teacher cultural sensitivity training can improve school safety (Ttofi & Farrington, 2010).

**Economic and social impact.** A report released by the Center of Civil Rights Remedies estimates school suspensions cost the U.S. more than \$35 billion in economic costs, over \$11 billion in fiscal costs, and \$24 billion in additional social costs. Lowering

the suspension rate by 1% could lead to a savings of more than \$2 billion and a reduction by 50% could be a savings of approximately \$18 billion (Rumberger & Losen, 2016). Another report released by the VERA Institute of Justice included a thorough cost-benefit analysis indicating a hypothetical society's monetary costs of implementing several juvenile justice programs across the nation (VERA Institute, 2014). Researchers attempted to address the specific economic costs associated with dropping out-of-school as likely precipitated by disciplinary removal and how costs impact each racial group. An applied rigorous, quasi-experimental method using two longitudinal student databases with disaggregated racial/ethnic data found that nationally, suspensions increased the number of dropouts by more than 67,000, which cost taxpayers more than \$11 billion (Rumberger & Losen, 2016).

**Effective measures of school discipline.** The following guidelines recommend techniques for eliminating disparities in school discipline, but they are not tailored specifically for DAEPs. For a true analysis of DAEPs, the total number of students assigned to DAEP must be isolated from the student population as a whole. DAEP must be looked at as a whole.

- The U.S. Department of Education issued guidelines in response to policies that disproportionately increase school arrests, suspensions, and expulsions for African Americans, Hispanics, and those with disabilities, recommending that new approaches be implemented to reduce the out-of-school suspension time (U.S. Department of Education, 2014).
- Positive Behavioral Interventions and Supports (PBIS) released a guide for districts and school teams in 2015, providing resources in developing policies and procedures

to reduce racial and ethnic disproportionality in school discipline in conjunction with the PBIS 5-point multicomponent approach. The guide recommends using the school-wide PBIS as a foundation for culturally responsive behavior supports, using disaggregated discipline data and equity policies to address bias in discipline decisions (Green et al., 2015).

- *Truth in Labeling: Disproportionality in Special Education* provides resources and basic information about the nature and causes of disproportionality, a brief discussion related to policy, procedural, and practice issues, offers recommendations about how to address disproportionality, outline implications of disproportionality, and provides questions for local and state affiliates to consider (National Education Association of the United States, & National Association of School Psychologists, 2007).
- *School Discipline Data Indicators: A Guide for Districts and Schools* is designed to assist educators in the selection and analysis of data to determine existence of racial/ethnic disproportionality in school discipline. It provides a user-friendly guide on how to use the data for continuous improvement on school discipline outcomes (Nishioka, 2017).

**Equity and equality in school discipline moving forward.** Researchers believe that (1) eliminating the need to use exclusionary discipline as the first recourse in responding to discipline issues will decrease disparities (Losen, Hodson, Keith, Morrison, & Belway, 2015; McIntosh, et. al., 2018); (2) recognizing a contributing factor in disproportionality of school discipline among ethnic groups is racial prejudice is a first step (Okonofua & Eberhardt, 2015), and (3) improving equity in school discipline racial disparities must be targeted by implementing culturally responsive training programs to

decrease exclusionary discipline (Fleming & Rose, 2007; Gregory, et. al., 2017; Martin, Sharp-Grier, & Smith, 2016).

Gigantic steps toward equity and equality in school discipline and academic achievement can be achieved with continued collaboration and partnerships with advocacy groups and federal, state, and local agencies. States are implementing preventive programs, such as Restorative Practices, as well as making substantial changes to its discipline policies to combat these disparities. Texas House Bill 968 in 2011 changed the standard for discretionary expulsions. Previously the standard was “serious or persistent misbehavior” that violated the student code of conduct enforced during placement in a DAEP. Now expulsions during DAEP assignments can only occur if the student is documented as having engaged in serious misbehaviors and the misconduct exhibited and behavioral interventions used must be documented as having little to no impact (Texas Appleseed, 2016).

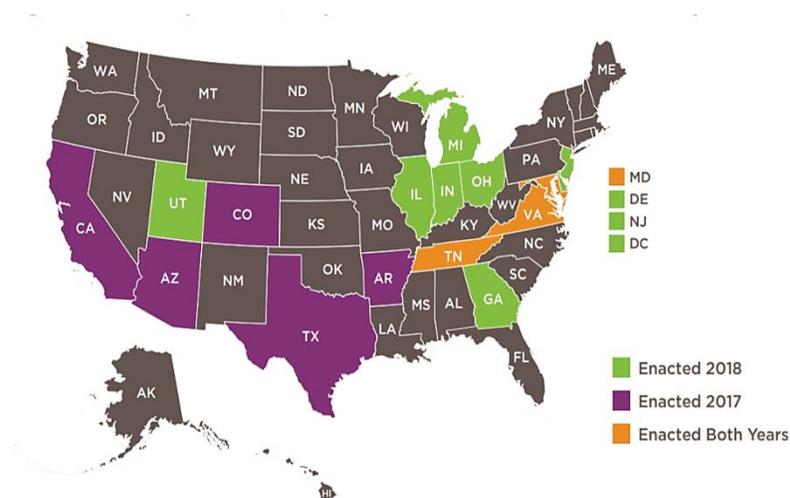


Figure 12. States that Enacted Education Policy Related to School Discipline 2017—2018. SOURCE: Education Commission of the State, 2019.

The Education Commission of the States (2019) reported legislative changes in 2017 and 2018 (Figure 12). Several states placed limitations on punitive discipline,

encouraging the use of alternative strategies and implementing planning and reporting requirements. Lawmakers proposed at least 35 bills related to suspension and expulsion and 26 bills related to alternative school discipline strategies. Fourteen of these were enacted. In 2018, Texas along with several other states, enacted bills broadly related to suspension, expulsion, or alternatives to discipline (Education Commission of the States, 2019).

### **Epilogue**

In conclusion, the main goals of school discipline are to create and maintain a safe and orderly environment conducive to learning; to teach and develop self-discipline as seen in social and morally responsible behavior; and to administer it in a firm and fair manner without discrimination based on race, color, or national origin (Bear, 2010; Moles, 1989; U.S. Department of Education, 2014; U.S. Department of Justice, 2015). The incidence of violence, vandalism, drugs, and weapons on school grounds and classroom disruptions, teacher assaults, bullying, and truancy have been a national concern for decades (Moles, 1989; National Institute of Education, 1978). Together, advocacy groups and federal, state, and local agencies are fighting to solve the epidemic of exclusionary discipline as the first response to student misbehavior through the use of alternative discipline methods and changes in policies and practices for creating and fostering positive school climates and maintaining safe and drug-free schools.

The goal of DAEPs is to provide students with an opportunity to continue their education and empower them with behavior management techniques while accepting the consequences of their behavior. Research still shows that African Americans, Hispanics, and students with disabilities are often placed into DAEPs at a greater rate than other

ethnic/racial groups causing disproportionality (Texas Appleseed, 2019; Bottiani, Bradshaw, & Mendelson, 2016; Tajalli & Garba, 2014; Waller & Waller, 2014).

This research is important to the field of education because American schools are neither immune to the ills of society nor are they unsusceptible to becoming a reflection of society (National Institute of Education, 1978). DAEPs are unique in their own way, having their own heartbeat, so to speak. Therefore, this organism needs to function in a manner for which it was created. Often times, the processes and the techniques used at a home campus are not conducive to goals and objectives of a DAEP environment. Therefore, a paradigm shift in the physiognomies of DAEPs is essential to improving the social behaviors and outcomes of those given an opportunity. That shift must include enhancing school climate at the DAEP level, providing professional leadership development tailored to the DAEP environment, and redesigning DAEP-specific programs through legislative initiatives. If these steps are taken, when Monday comes, all students can have an equal opportunity to achieve academic success.

## **Chapter III**

### **Methodology**

#### **Introduction**

The purpose of the study was to identify the rate of DAEP placement and placement trends in disciplinary placement referrals for discretionary or mandatory reasons among racial/ethnic groups, students identified for special education, and economically disadvantaged students. More specifically, the study examined assignments to DAEPs in Texas, in TEA Region 4 from 2013 to 2018, and within Region 4's 5 largest independent school districts identified by student enrollment from 2017 to 2018. It was concerned with rates of placement into DAEPs for African Americans, Hispanics, students with disabilities, and those who were economically disadvantaged, as research has shown these student groups traditionally are placed in DAEPs at higher rates than other subgroups of students (Cortez & Cortez, 2009; Reyes, 2006; Tajalli & Garba, 2014). The outcome of this study was to help define the impact of discipline disparities, as it relates to closing the discipline, recidivism, and achievement gaps. Further, this work was undertaken to identify the potential need for changes to the DAEP entity, in ways such as identifying strategies and methods to enhance school climate, implement effective professional development, and make recommendations for specific program redesign. It was isolated to student enrollment into a DAEP utilizing archived discipline data and will not include student enrollment data outside of DAEP in its calculation.

This chapter will identify five elements of the study (a) research questions, (b) the research design and approach, (c) sampling and the study population, (d) data collection, and (e) procedures and analyses.

## **Research Questions**

The following questions guided examination of a 5-year period of placement into DAEPs in Texas, in TEA Region 4, and within Region 4's 5 largest independent school identified by student enrollment from 2013 to 2018. There were three research questions and two overarching research questions broken down into more specific questions.

1. What was the rate of placement into a discipline alternative education program (DAEP) for subgroups of students based on race/ethnicity, special education eligibility, and socioeconomic status in the state of Texas and in Region 4 from 2013 to 2018?
2. What was the rate of referrals for discretionary versus mandatory placements into DAEP for subgroups of students based on race/ethnicity, special education eligibility, and socioeconomic status in the state of Texas and Region 4 from 2013 to 2018?
3. What was the rate of placement into DAEP, and in discretionary and mandatory DAEP placements, for subgroups of students based on race/ethnicity in Region 4's five largest Independent School Districts (ISDs) in 2017-2018?

## **Research Design and Approach**

This study was quantitative in nature and relied on a descriptive research design to analyze variables of interest. It focused on five-years of isolated archival data to identify DAEP enrollment in Texas, in TEA Region 4, for school years 2013 to 2018 and Region 4's five largest (ISDs) in 2017-2018. Gall, Gall, and Borg (2015, p. 211) specify descriptive research, "as the collection and analysis of quantitative data in order to develop a generalizable, statistical representation of a sample's behavior or personal

characteristics with respect to predetermined variables.”

Data were retrieved electronically from TEA and examined descriptive data regarding discipline practices across race/ethnicity, disability, and/or socioeconomic status. The educational phenomena, exclusionary discipline, can be quantified and measured objectively using a research descriptive design (Gall et al., 2015).

### **Sampling and Population**

Specifically, the DAEP population of students were sampled in this study. The sample period was from 2013 to 2018 and the population of students included all students placed into a DAEP setting in the public school system in Texas, Region 4, and Region 4’s five largest (ISDs) from 2017–2018. Data on DAEP enrollments are reported by each district to TEA annually.

### **Collection of Data**

PEIMS houses all data requested and received by TEA about public education, including data regarding student demographics and academic performance, personnel, financial records, and organizational information (Texas Education Agency, 2019). Data was requested electronically from TEA PEIMS retrieving report titled, *Counts of Students and Discipline Actions by Discipline Action Groupings* for each of the school years 2013 through 2018 for students enrolled into DAEP in Texas (Table 5) and regionally (Table 6).

Table 5

*Texas—DAEP Student Group and DAEP Counts 2011–2012*

STUDENT GROUP	DAEP STUDENTS
ALL STUDENTS	85,450
AMERICAN INDIAN OR ALASKA NAT	389
ASIAN	545
BLACK OR AFRICAN AMERICAN	20,267
HISPANIC/LATINO	44,734
NATIVE HAWAIIAN/OTHER PACIFIC	90
TWO OR MORE RACES	1,337
WHITE	18,088
SPECIAL ED.	15,300
ECON. DIS.	67,148

Table 6

*Region 4—DAEP Student Group and DAEP Counts 2011–2012*

STUDENT GROUP	DAEP STUDENTS
ALL STUDENTS	15,581
AMERICAN INDIAN OR ALASKA NAT	54
ASIAN	146
BLACK OR AFRICAN AMERICAN	5,472
HISPANIC/LATINO	7,206
NATIVE HAWAIIAN/OTHER PACIFIC	21
TWO OR MORE RACES	206
WHITE	2,476
SPECIAL ED.	2,450
ECON. DIS.	12,039

The researcher completed a Public Information Request for assistance from the TEA PEIMS coordinator for additional demographic categories special education and economically disadvantaged to be added to the TEA PEIMS generated report that displays the number of DAEP placements by race/ethnicity and gender. Because of the uniqueness of this study, these data files will show counts of special education and economically disadvantaged students placed into DAEP by reason types, discretionary and mandatory; data did not appear on TEA PEIMS reports and were only available by

special request. The requested reports provided data for all students placed into DAEP by race/ethnicity, special education status, and socioeconomic status in Texas, and Region 4.

Table 7

*Texas—DAEP Student Group by Placement Reason Types 2011–2012*

STUDENT GROUP	DAEP DISCRETIONARY	DAEP MANDATORY
ALL STUDENTS	50,177	46,168
AMERICAN INDIAN OR ALASKA NAT	178	177
ASIAN	232	439
BLACK OR AFRICAN AMERICAN	13,156	8,813
HISPANIC/LATINO	24,578	26,788
NATIVE HAWAIIAN/OTHER PACIFIC	45	59
TWO OR MORE RACES	1,213	935
WHITE	10,775	8,957
SPECIAL ED.	PIR REQUEST TO ADD SUBGROUP DATA	
ECON. DISADVANTAGE	PIR REQUEST TO ADD SUBGROUP DATA	

Table 8

*Region 4—DAEP Student Group by Placement Reason Types 2011–2012*

STUDENT GROUP	DAEP DISCRETIONARY	DAEP MANDATORY
ALL STUDENTS	10,524	7,855
AMERICAN INDIAN OR ALASKA NAT	27	39
ASIAN	61	94
BLACK OR AFRICAN AMERICAN	4,282	2,192
HISPANIC/LATINO	4,554	3,994
NATIVE HAWAIIAN/OTHER PACIFIC	16	11
TWO OR MORE RACES	140	115
WHITE	1,444	1,410
SPECIAL ED. REQUEST	PIR REQUEST TO ADD SUBGROUP DATA	
ECON. DISADVANTAGE	PIR REQUEST TO ADD SUBGROUP DATA	

**Procedures and Analysis**

This study was intended to examine data over a 5-year period (2013-18) and to simplify the collection of raw data the following procedures were followed. PEIMS reports requested electronically from TEA website will be copied directly into a MS Excel file and formatted for years 2013 to 2018. In order for the researcher may be consistent in the collection and processing of data, since only years 2017 and 2018 are

available in a comma-delimited file format, all 5 years of data will be requested in Webpage format. MS Excel spreadsheet is where the sample data sets will be housed. Individualized sheets were created for ease of analysis and for sorting by discipline sanctions, DAEP demographics, race/ethnicity, disability, or socioeconomic status, and creating tables and charts.

After all of the sample data were downloaded and organized into MS Excel spreadsheet data will be format using a statistics software package for further analysis and organization of data. The final data sets will include data representing Texas as a whole and data from TEA Region. Due to the use of archival data, the research calls for descriptive analysis to answer the research questions. Cause and effect are not a factor in this study because discipline sanctions and subsequent assignments to DAEPs from 2013 to 2018 are considered historical. In this study several analyses will be conducted to understand the rates of placement into DAEP for a 5-year period.

**Descriptive Analysis.** A descriptive statistics approach allowed a general profile of the data sample to emerge and permitted uncovering the rates of placement of interest in Texas, in Region 4, and Region 4's five largest ISDs in order to describe and understand the sample data set's phenomenon. In addition to the descriptive statistics related to DAEP rates described, the relationship between the demographic variables of interest and DAEP were analyzed. Specially, Research Question 1 examined DAEP placement rates in TX and Region 4 as related to race/ethnicity, special education status, and SES status. Additionally, Research Question 2 evaluated discretionary and mandatory DAEP placements across groups for race/ethnicity, special education status, and SES status. These analyses were performed at the state level and Region 4 level.

Research Question 3 examined DAEP placement rates in Region 4's five largest Independent School Districts (ISDs) as related to race/ethnicity and evaluated discretionary and mandatory DAEP placements across groups for race/ethnicity.

### **Summary**

This chapter represents the procedural methodology for this research study, including data collection and analysis. This study will identify the rate of placement and placement trends in disciplinary placement referrals for discretionary or mandatory reason types among racial/ethnic groups, students identified for special education, and economically disadvantaged students.

## Chapter IV

### Results

This chapter will detail the findings of this study. The purpose of the study was to identify the rate of placement and placement trends in disciplinary placement referrals for discretionary or mandatory reasons among racial/ethnic groups, students identified for special education, and economically disadvantaged students. More specifically, the study will examine assignments to DAEPs in the state of Texas, Region 4, and the five largest school districts in Region 4. As a reminder, the primary research questions were:

1. What was the rate of placement into a discipline alternative education program (DAEP) for subgroups of students based on race/ethnicity, special education eligibility, and socioeconomic status in the state of Texas and in Region 4 from 2013 to 2018?
2. What was the rate of referrals for discretionary versus mandatory placements into DAEP for subgroups of students based on race/ethnicity, special education eligibility, and socioeconomic status in the state of Texas and Region 4 from 2013 to 2018?
3. What was the rate of placement into DAEP, and in discretionary and mandatory DAEP placements, for subgroups of students based on race/ethnicity in Region 4's five largest Independent School Districts (ISDs) in 2017-2018?

### Summary of Key Findings

**Summary of RQ1.** The analyses revealed differences were present among African American, students with disabilities, and students from lower socio-economic status placed in DAEP in Texas and in Region 4 from 2013 to 2018. These differences

show overrepresentation for subgroups of students placed in DAEPs in Texas and in Region 4, as compared to what would be expected given their percentage in the student population.

**Summary of RQ2.** The analyses revealed that mandatory placements increased, and discretionary placement decreased for all subgroups from 2013 to 2018. Overall, differences were present for African American students that appear to be based on discretionary DAEPs placements more often than in comparison to state and R4 averages for discretionary placements in this study.

**Summary of RQ3.** The analyses of Region 4's largest ISDs revealed that African American students had higher DAEP placements in several of the ISDs than of all DAEP placements regionally in comparison to what would be expected given the student population in these districts and in Region 4 overall for the 2017 – 2018 SY.

### **Demographics of Texas**

In order to provide context to the findings of this study, it is important to highlight the demographics within the state of TX with regards to student race/ethnicity, students with a disability (SWD), and socioeconomic status (Table 9). Hispanics accounted for the largest percentage of total student enrollment in Texas public schools from 2013 to 2018 with a steady rate of 52%, followed by White students with an enrollment rate of 29% from 2013 to 2016, and a slight decline to 28% for years 2016 through 2018.

African Americans students had a steady enrollment of 13% across the five school years examined in this study. Statewide, special education students accounted for 9% of all students in TX, and those identified as economically disadvantaged accounted for between 59% and 60% of enrollment rate from 2013-14 to 2017-18 school years.

Table 9

*Percent of Student Population in TEXAS*

Student Population	2013-14	2014-15	2015-16	2016-17	2017-18
African American	13	13	13	13	13
Hispanic	52	52	52	52	52
White	29	29	29	28	28
Special Education	9	9	9	9	9
Economically Disadvantage	60	59	59	59	59

**Demographics of Region 4**

In order to provide context to the findings of this study, it is important to highlight the demographics within the Texas Education Agency Region 4 with regards to student race/ethnicity, SWD, and socioeconomic status (Table 10). Region 4 serves the largest proportion of students within TX's 20 Education Service Centers (ESC) with a rate 22.5% in the 2017-18 school year. As presented in Table 10, Hispanic students accounted for roughly one half (49% - 51%) of the student population in Region 4 over the five years. White students had a slight decrease in student enrollment across the 5-year period of this study, accounting for 21 to 23% of all students. African American student enrollment remained consistent at 19% for the 5-year period of this study. Regionally, special education students accounted for 8% of all students, and those identified as economically disadvantaged accounted for between 58 and 60% of enrollment rate from 2013-14 to 2017-18 school years.

Table 10

*Percent of Student Population in Region 4*

Student Group	2013-14	2014-15	2015-16	2016-17	2017-18
African American	19	19	19	19	19
Hispanic	49	50	50	50	51
White	23	23	22	22	21
Special Education	8	8	8	8	8
Economically Disadvantage	60	60	58	58	59

### RQ1: DAEP Placement Rates

**Race/Ethnicity.** Figure 13 illustrates the rate of DAEP placement by race/ethnicity in Texas African American students represented nearly one-quarter (24% - 25%) of all DAEP placements from 2013 to 2018. Hispanic students represented more than half (52% - 53%) of all DAEP placements from 2013 to 2018. White students represented (20% - 21%) of all DAEP placements from 2013 to 2018.

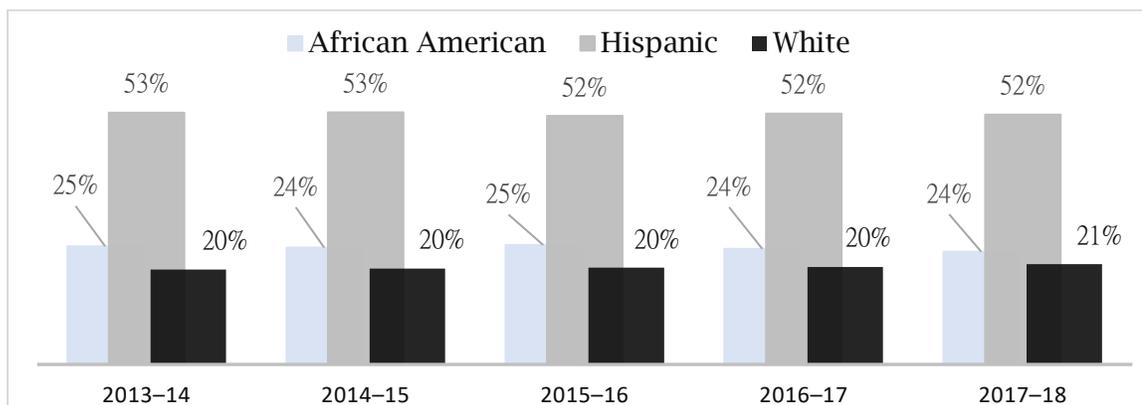


Figure 13. DAEP Placement by Race/Ethnicity — Texas.

Figure 14 illustrates Region 4 rates of DAEP placement by race/ethnicity. African American students represented between 33% and 36% of all DAEP placements from 2013 to 2018. Meanwhile, Hispanic students represented between 45% and 48% of all DAEP placements and White students represented 15% to 17% of all DAEP placements from 2013 to 2018.

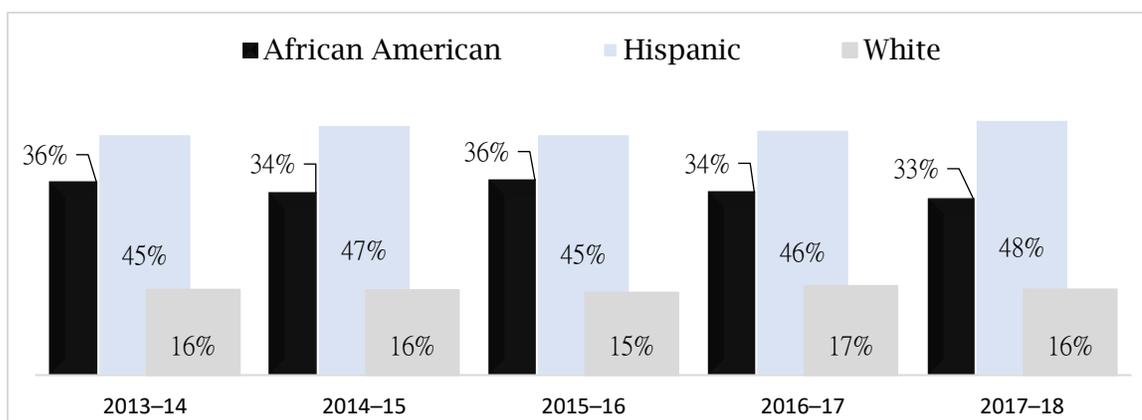


Figure 14. DAEP Placement by Race/Ethnicity — Region 4.

**Students with Disabilities.** Figure 15 provides data regarding DAEP placements for SWD within the state of Texas. Consistently, SWD represented 17% of all DAEP placements across this time period; students without disabilities represented 83% of DAEP placements.

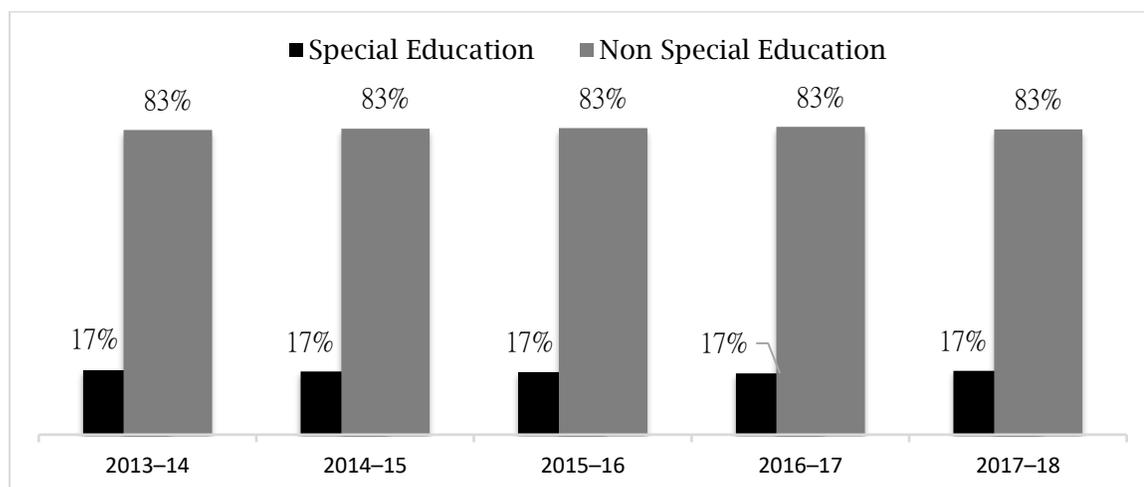


Figure 15. DAEP Placement by Disability Status — Texas.

Figure 16 provides data regarding DAEP placements for SWD within Region 4. Consistently, SWD represented between 14% and 15% of all DAEP placements across this time period; students without disabilities represented between 85% and 86% of DAEP placements.

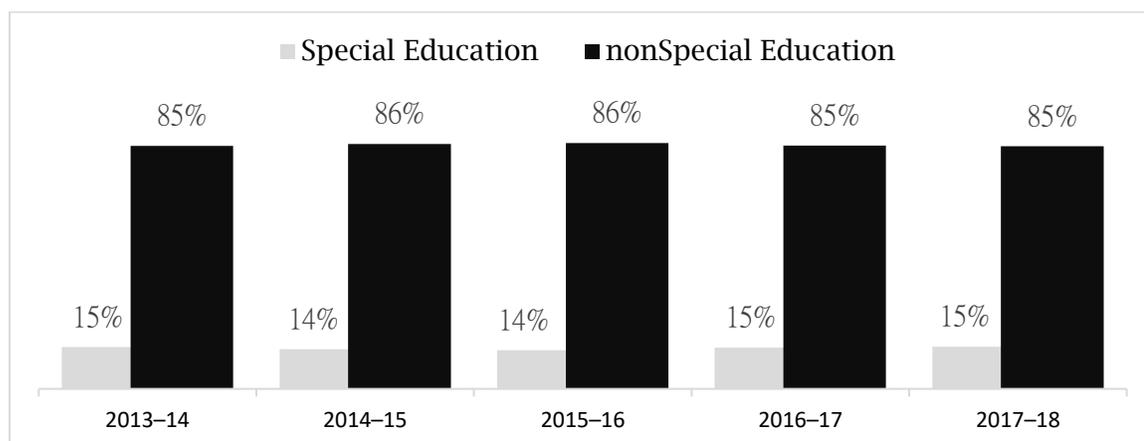


Figure 16. DAEP Placement by Disability Status — Region 4.

**Socio-Economic Status.** As shown in Figure 17 demonstrates, within TX, just over three-quarters of the students placed in DAEP (77% - 79%) were students identified as economically disadvantaged. Conversely, students who were not economically disadvantaged represented between 21% and 23% of those placed into DAEP during the 5-year period of this study.

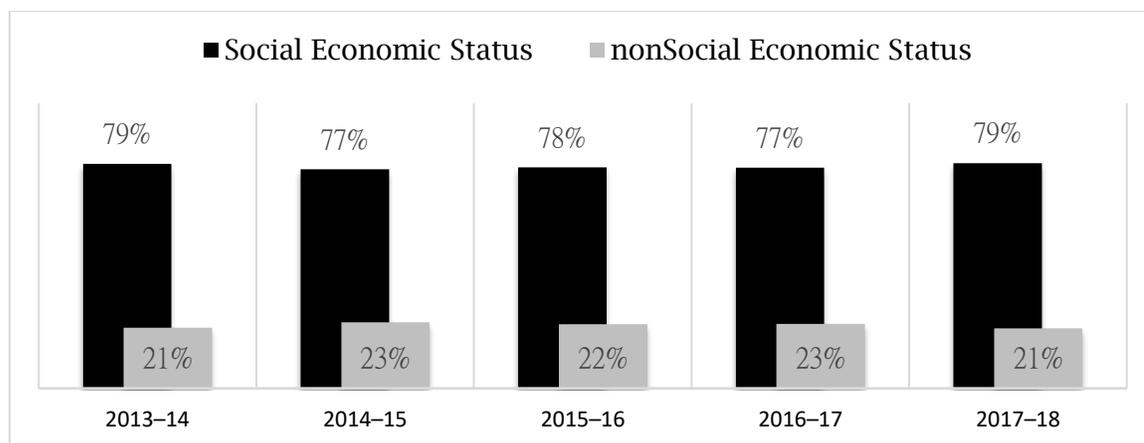


Figure 17. Percent of DAEP Placement by Socio-Economic Status — Texas.

Figure 18 demonstrates that similar to the entire state of TX data, within Region 4, approximately three-quarters of the students placed in DAEP (74% - 79%) over this 5-year period were students identified as economically disadvantage. Conversely, students who were not economically dis-advantaged represented between 21% and 26% of those placed into DAEP during the 5-year period of this study.

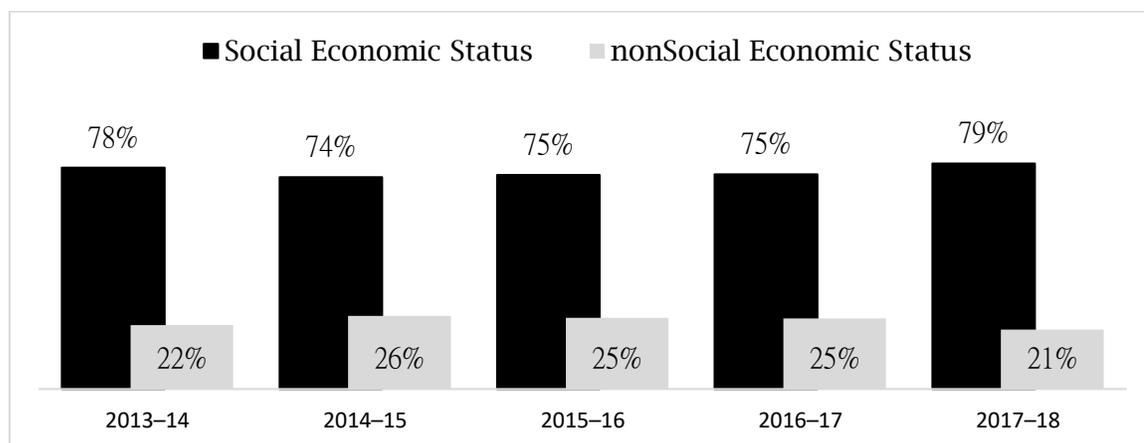


Figure 18. Percent of DAEP Placement by Socio-Economic Status — Region 4.

## RQ2: Mandatory and Discretionary DAEP Placements

**Texas.** Figure 19 shows a trend over the 5-year period of DAEP placement rates for mandatory and discretionary referrals within TX. As shown, mandatory referral rates increased, and discretionary referral rates decreased over the period. Mandatory referral rates increased from 40% in 2013 – 2014 to 47% in 2017 – 2018 overall increase of 7% for the period. Discretionary referral rates from 60% in 2013 – 2014 to 53% in 2017 – 2018 overall decrease of 7% for the period.

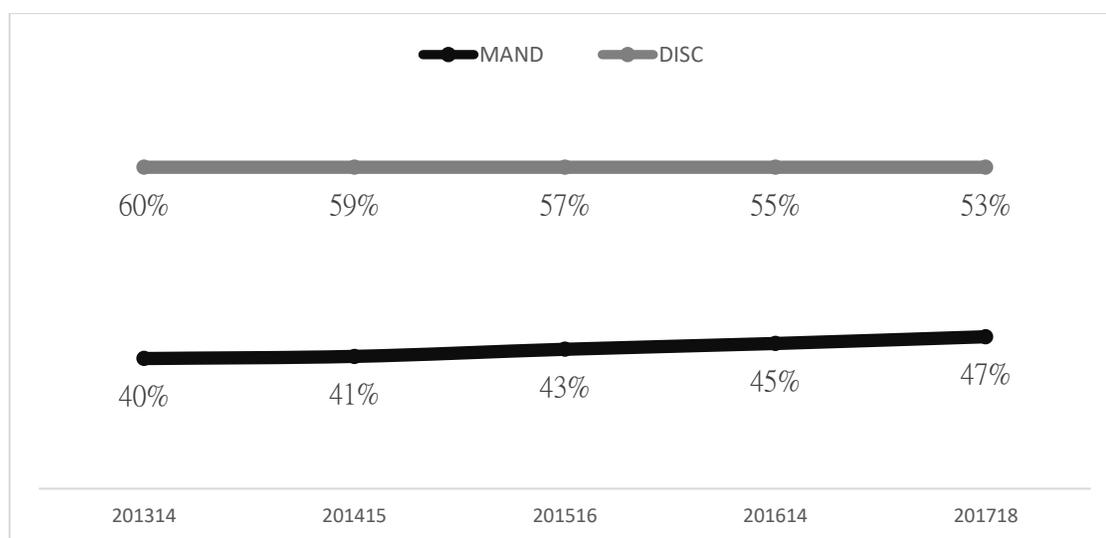


Figure 19. *TEXAS—5 Year Trend Mandatory/Discretionary DAEP Placement.*

**Region 4.** Figure 20 shows a trend over the 5-year period of DAEP placement rates for mandatory and discretionary referrals in Region 4. As shown mandatory referral rates increased, and discretionary referral rates decreased over the period. Mandatory referral rates increased from 45% in 2013 – 2014 to 53% in 2017 – 2018 overall increase of eight percentage points for the period. Discretionary referral rates from 55% in 2013 – 2014 to 47% in 2017 – 2018 overall decrease of eight percentage points for the period.

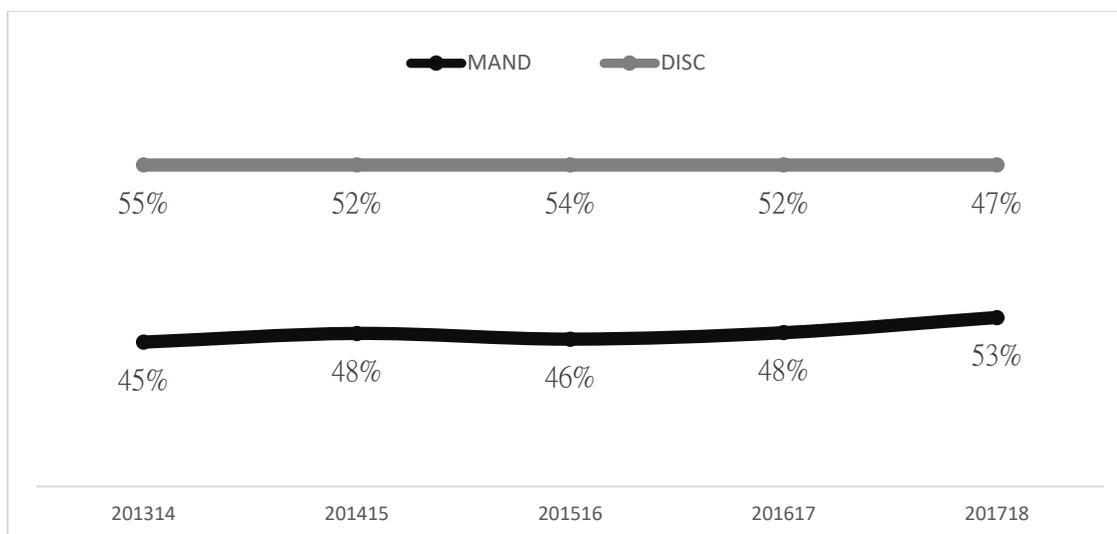


Figure 20. Region 4—5 Year Trend Mandatory/Discretionary DAEP Placement.

**Race/Ethnicity.** Figure 21 shows a trend over the 5-year period of DAEP placement rates for mandatory referrals by race/ethnicity within TX. The data indicate the total percentage of all DAEP placements for a given subgroup that were mandatory referrals. Overall, just over one-third of DAEP placements for African American students were mandatory referrals. Meanwhile, for Hispanic and White students, mandatory placements accounted for close to one-half of all DAEP placements. As shown, mandatory referral rates for African Americans increased from 30% to 38% showing an overall increase of eight percentage points. Hispanic rates increased from 46% to 52% demonstrated an overall increase of six percentage points and White students had an increase in rates from 40% to 46% showing an overall increase of six percentage points.

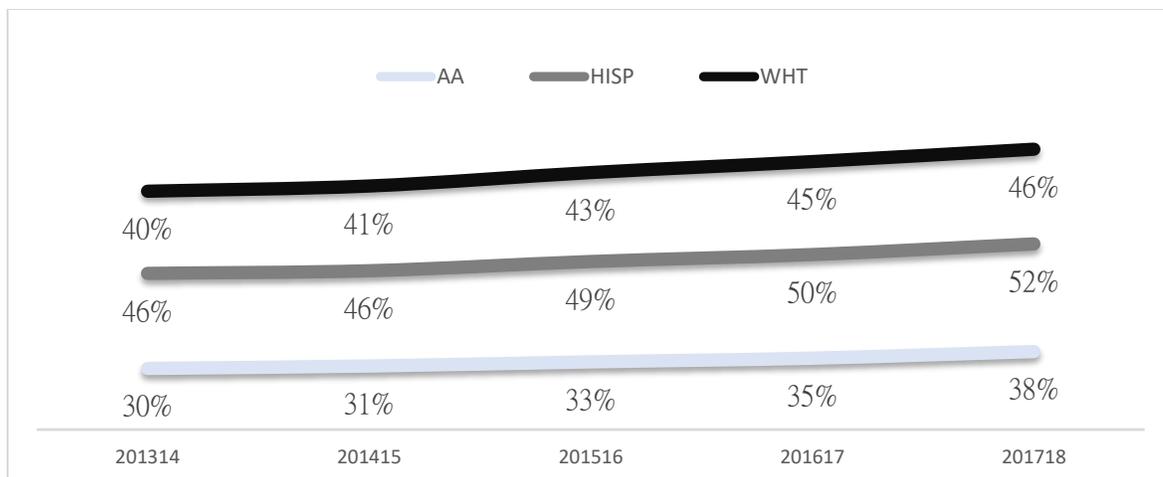


Figure 21. Texas—5 Year Trend Mandatory DAEP Placement by Race/Ethnicity.

Figure 22 shows a trend over the 5-year period of DAEP placement rates for discretionary referrals by race/ethnicity within TX. Nearly two-thirds of DAEP placements were discretionary in nature for African American students. As shown discretionary referral rates for African Americans decreased from 60% to 54% showing an overall decrease of 6 percent Hispanic rates decreased from 54% to 48% showing an overall decrease of 6 percent and White students had a decrease from 70% to 62% showing an overall decrease of 8 percent.

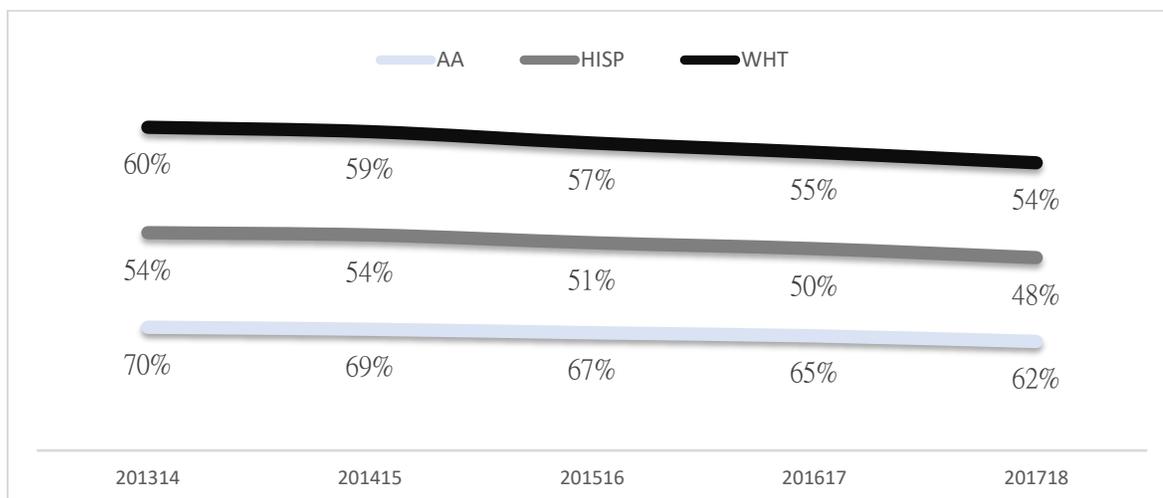


Figure 22. Texas—5 Year Trend Discretionary DAEP Placement by Race/Ethnicity.

Figure 23 shows a trend over the 5-year period of DAEP placement rates for

mandatory referrals by race/ethnicity within Region 4. Similar to TX data, African American students had lower rates of mandatory placements in comparison to White and Hispanic students. As shown mandatory referral rates for African Americans increased from 36% to 44% showing an overall increase of 8 percent. Hispanic rates increased from 50% to 58% showing an overall increase of 8 percent and White students had an increase in rates from 50% to 53% showing an overall increase of 3 percent.

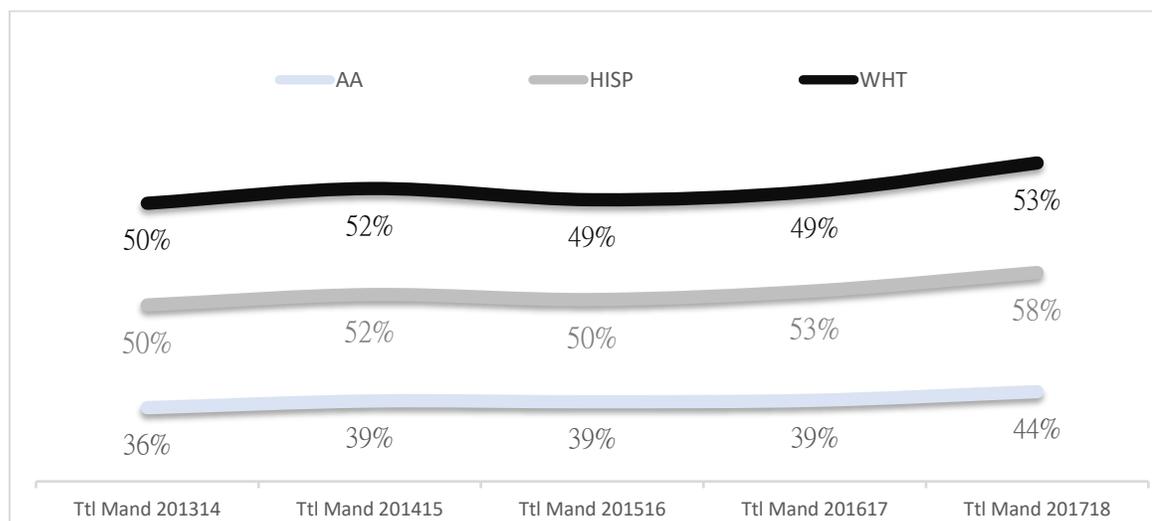


Figure 23. Region 4 - 5 Year Trend Mandatory DAEP Placement by Race/Ethnicity.

Figure 24 shows a trend over the 5-year period of DAEP placement rates for discretionary referrals by race/ethnicity within Region 4. Discretionary DAEP placements for Hispanic and White students was near 50%, with rates for African American students generally 10 to 14 percent higher. As shown discretionary referral rates for African Americans decreased from 64% to 56% showing an overall decrease of 8 percent. Hispanic rates decreased from 50% to 42% showing an overall decline of 7 percent and White students had a decrease from 50% to 47% showing an overall decrease of 3 percent.

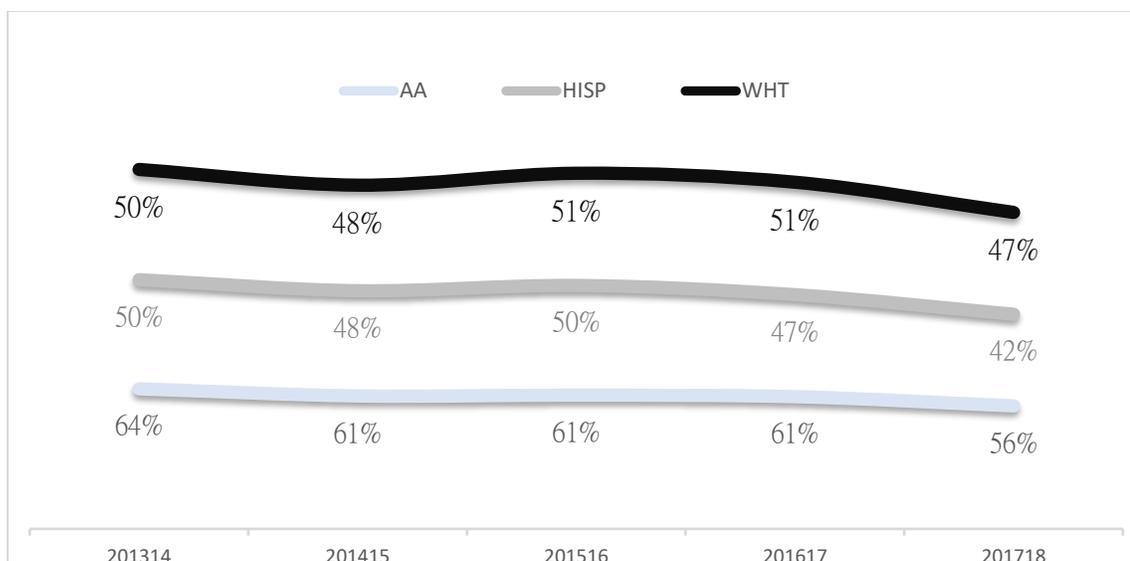


Figure 24. Region 4 - 5 Year Trend Discretionary DAEP Placement by Race/Ethnicity.

**Students with Disabilities.** Figure 25 shows a trend over the 5-year period of DAEP placement rates for mandatory and discretionary referrals by student with disabilities within TX. Clearly, mandatory referral rates for SWD increased from 39% to 46% equaling a 7 percent increase for the period. As shown, mandatory placement rates for those without disabilities decreased from 41 percent to 48 percent equaling a 7 percent over the period.

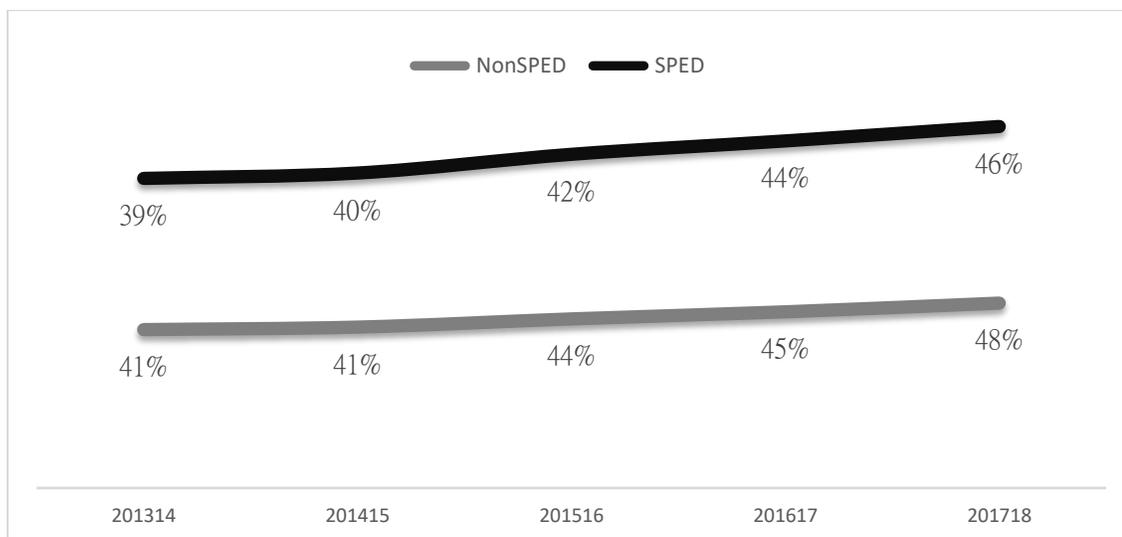


Figure 25. Texas—5 Year Trend Mandatory DAEP Placement by Students with Disabilities.

Figure 26 demonstrates discretionary referral rates decreased over the period

beginning with 61% in 2013 and ending with 54% in 2018, equaling a 7 percent decrease for SWD. Those without disabilities had a decrease in discretionary referral rates over the period beginning with 59 percent in 2013 – 2014 and ending with 52 percent in 2017 – 2018 showing an overall decrease of 7 percent.

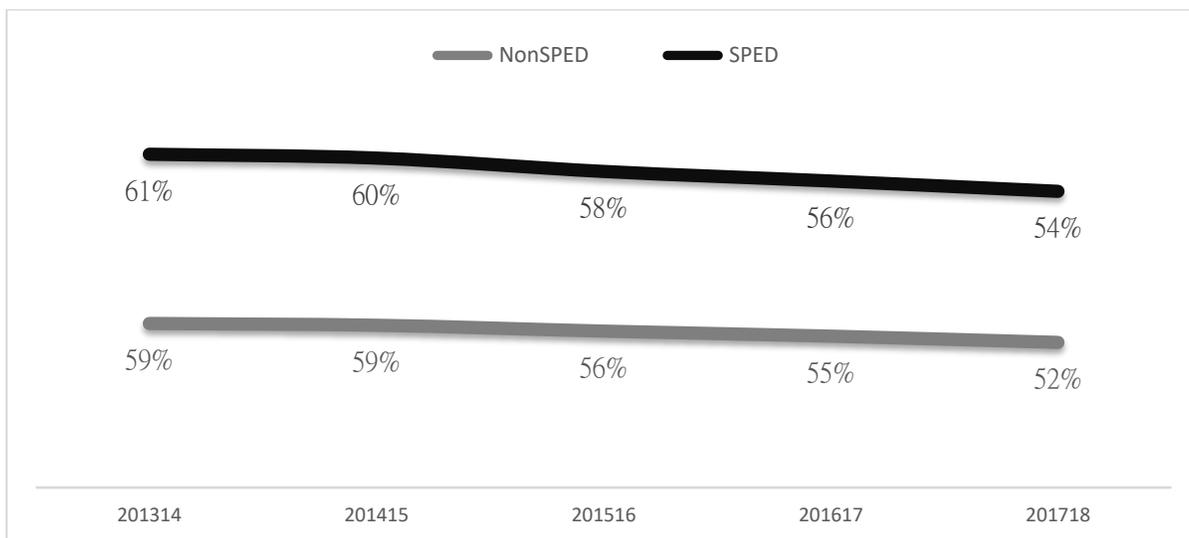


Figure 26. Texas—5 Year Trend Discretionary DAEP Placement by Students with Disabilities.

Figure 27 shows a trend over the 5-year period of DAEP placement rates of mandatory referrals by disability status within Region 4. Overall, for both groups, mandatory referrals represented approximately one-half of all DAEP placements. Mandatory referral rates for SWD increased from 44% to 52% equaling an increase of 6 percent for the period. As shown mandatory referral rates for those without disabilities increased from 45 percent to 53 percent equaling an 8 percent increase over the period.

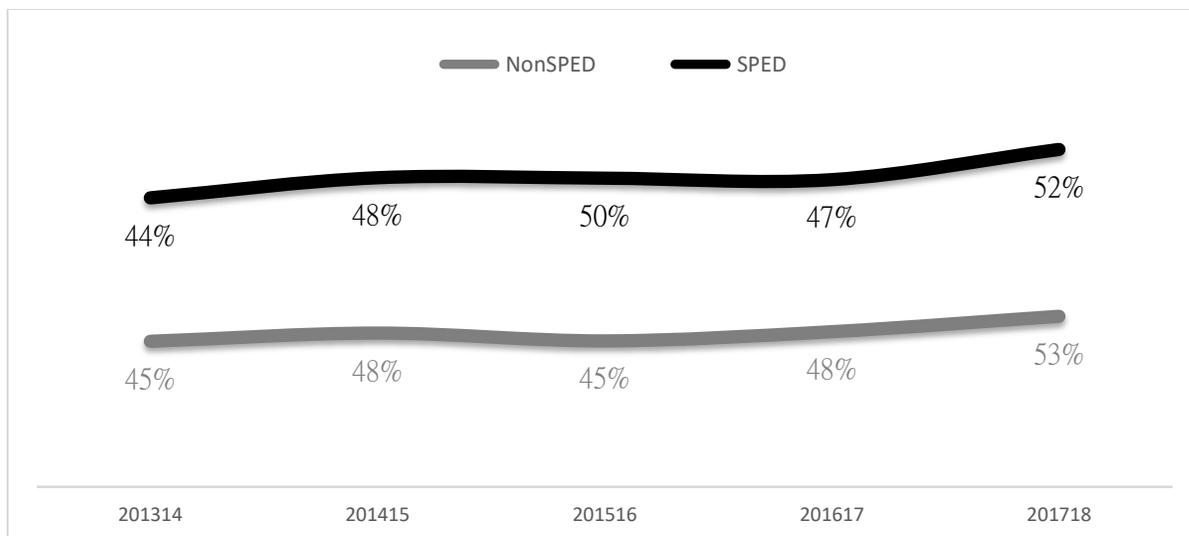


Figure 27. Region 4 - 5 Year Trend Mandatory DAEP Placement by Disability Status.

Figure 28 demonstrates that discretionary referral rates decreased over the period beginning with 56% in 2013 and ending with 48% in 2018 equaling an 8 percent decrease for those SWD. Those without disabilities had a decrease in discretionary referral rates over the period beginning with 55 percent in SY 2013 – 2014 and ending with 47 percent 2017-2018 SY, also equaling an 8 percent decrease.

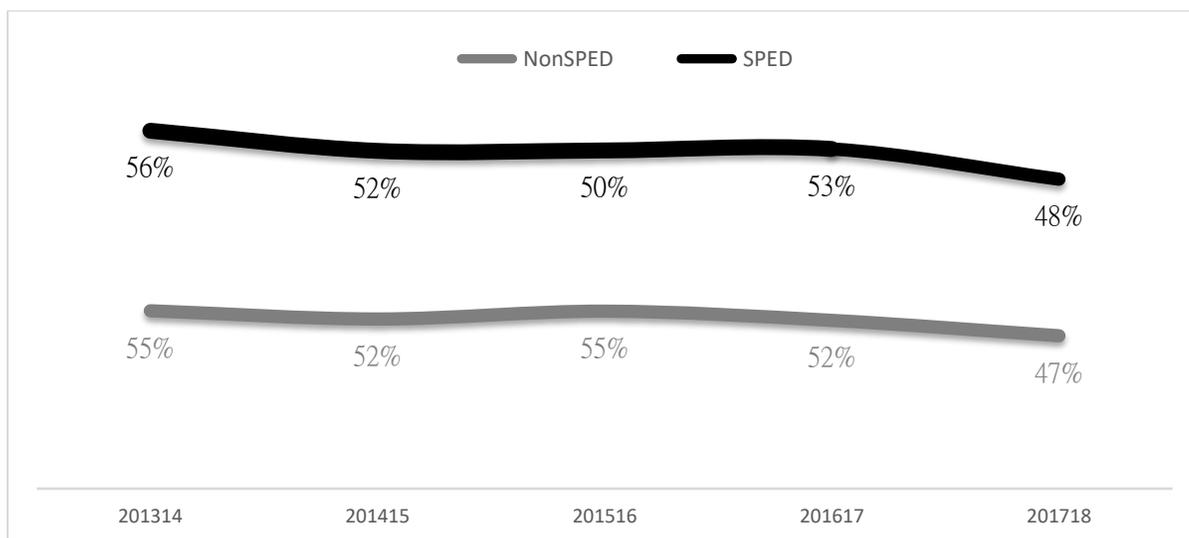


Figure 28. Region 4 - 5 Year Trend Discretionary DAEP Placement by Disability Status.

**Socio-Economic Status.** Figure 29 shows a trend over the 5-year period of DAEP placement rates for mandatory referrals by socio-economic status within TX. Overall,

students from low SES backgrounds had mandatory placement rates lower than those students who were not economically disadvantaged. As demonstrated, mandatory referral rates increased slightly over the 5-year period for those who were economically disadvantaged from 46% to 53% equaling a 7 percent increase over the period. As shown, mandatory referral rates also increased slightly over the 5-year period from 46 percent to 53 percent for those who were non-economically disadvantaged.

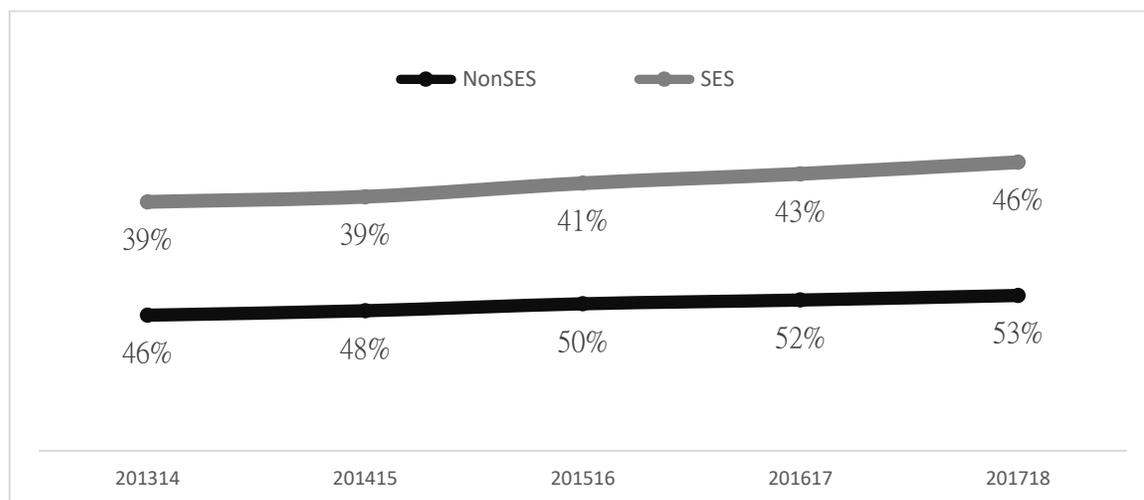


Figure 29. Texas—5 Year Trend Mandatory DAEP Placement Rate by Socio-Economic Status.

Figure 30 shows discretionary referral rates decreased over the 5-year period for those who were economically disadvantaged from 61% to 54% equaling a 7 percent decrease. As shown those who were non-economically disadvantaged discretionary referral rates decreased from 54 percent to 47 percent equaling a 7 percent decrease over the period.

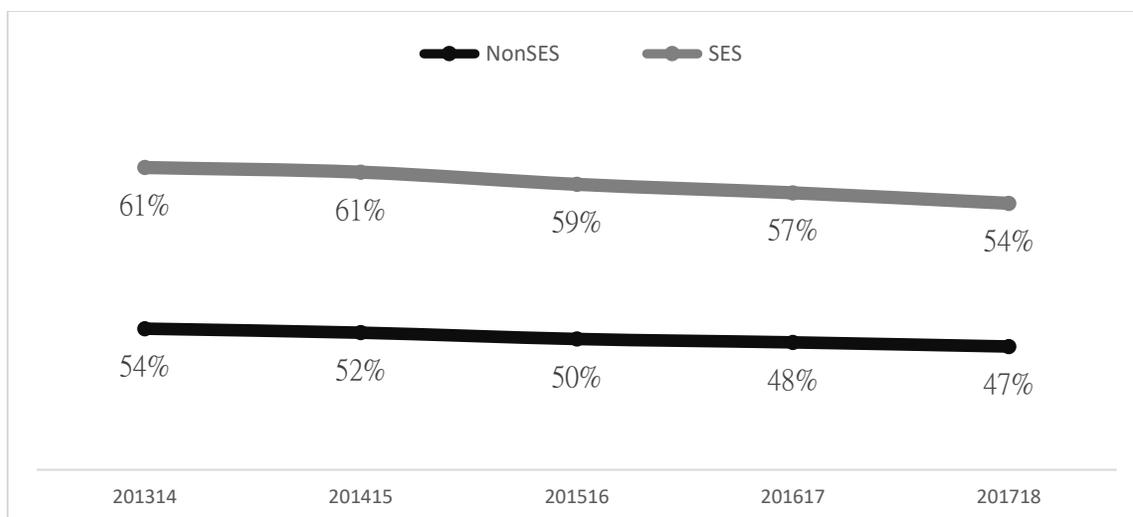


Figure 30. Texas - 5 Year Trend Discretionary DAEP Placement by Socio-Economic Status.

Figure 31 shows a trend over the 5-year period of DAEP placement rates for mandatory referrals by socio-economic status within Region 4. Conversely from TX, students from economically disadvantaged backgrounds consistently had higher percentages of DAEP placements that were mandatory referrals. Overall, mandatory referral rates increased over the 5-year period for those who were economically disadvantaged from 43% to 51% equaling 8 percent increase over the period. As shown mandatory referral rates increased from 53 percent to 58 percent equaling a 5 percent increase for those who were non-economically disadvantaged.

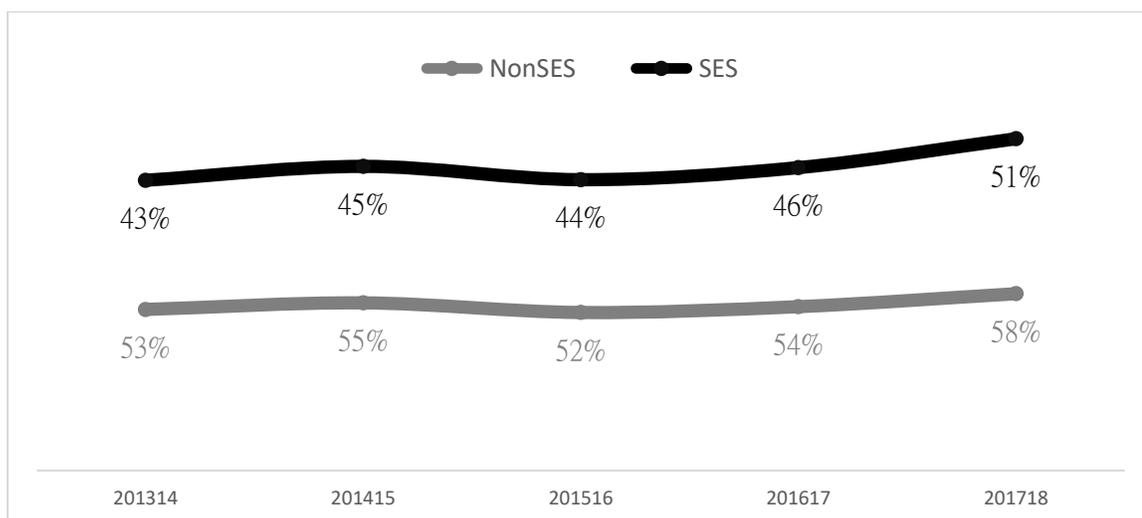


Figure 31. Region 4 - 5 Year Trend Mandatory DAEP Placement by Socio-Economic Status.

Figure 32 shows discretionary referral rates decreased over the 5-year period for those who were economically disadvantaged from 57% to 49% equaling an 8 percent decrease. As shown discretionary referral rates decreased from 47 percent to 42 percent equaling a 5 percent decrease over the period for those who were non-economically disadvantaged.

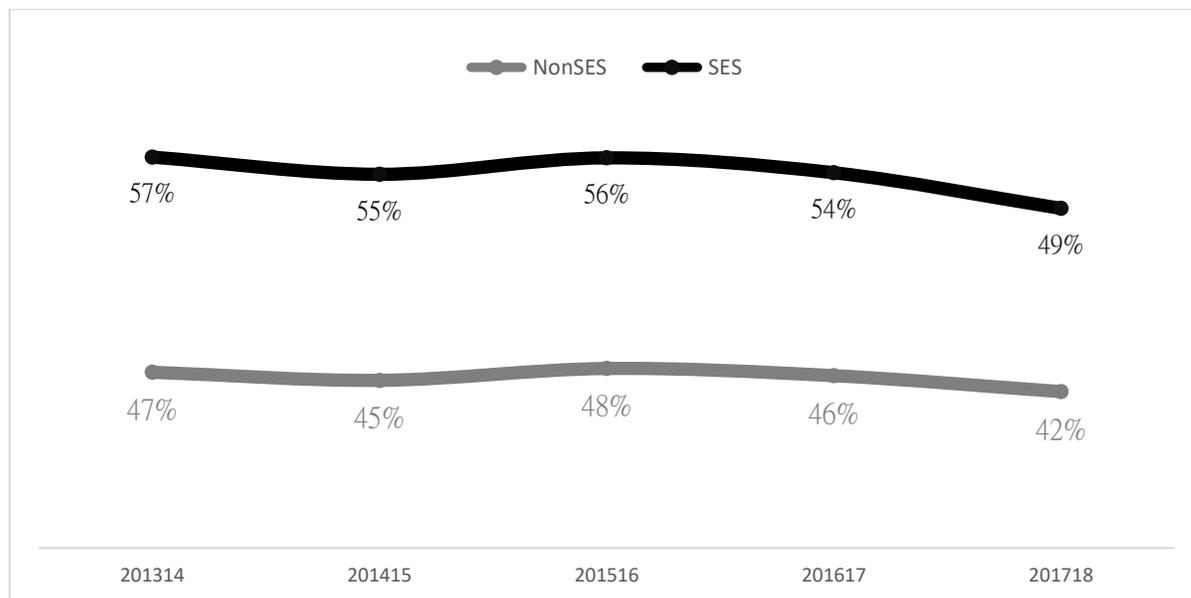


Figure 32. Region 4—5 Year Trend Discretionary DAEP Placement by Socio-Economic Status.

### **RQ3: DAEP Placements by Race/Ethnicity by District**

This question was addressed by analyzing five independent school districts in Region 4 with largest student population for the 2017 – 2018 SY. These districts are Aldine ISD (AISD), Cypress-Fairbanks ISD (CFISD), Fort Bend ISD (FBISD), Houston ISD (HISD), and Katy ISD (KISD). Table 11 provides information relative to the percentage of students in each of these districts identified as African American, Hispanic, and White.

### Demographics of largest 5 ISDs in Region 4.

Table 11

#### *Largest ISD Student Enrollment Region 4*

Independent School District R4	Total % of African American 201718	Total % of Hispanic 201718	Total % of White 201718
Aldine ISD	23	73	2
Cypress-Fairbanks ISD	17	45	26
Fort Bend ISD	28	26	17
Houston ISD	24	62	9
Katy ISD	10	35	37

**DAEP placement by race/ethnicity.** Figure 33 illustrates the rate of DAEP placement by race/ethnicity within Region 4 and in Region 4's 5 largest ISDs. In AISD African American students represented nearly half (42%) of all DAEP placements and accounted for 23% of the student population, while Hispanic students represented more than half (55%) of all DAEP placements and accounted for 73% of the student population, and White students represented less than a percent (<1%) of all DAEP and placements and accounted for only 2% of the student population from 2017 to 2018 in the major suburban school district.

In CFISD African American students represented a third (33%) of all DAEP placements and accounted for 17% of the student population, Hispanic students represented nearly half (48%) of all DAEP placements and nearly half of the student population (45%), and White students represented less than a quarter (13%) of all DAEP placements and while accounting for 26% of the student population from 2017 to 2018 in the major suburban school district.

In FBISD African American students represented more than half (51%) of all

DAEP placements and accounted for 28% of the student population, Hispanic students represented more than a third (35%) of all DAEP placements and accounted for 26% of the student population, and White students represented less than a percent (<1%) of all DAEP placements while accounting for 17% of the student population from 2017 to 2018 in the major suburban school district.

In HISD African American students represented nearly half (42%) of all DAEP placements and accounted for 24% of the student population, Hispanic students represented more than half (51%) of all DAEP placements and accounted for 62% of the student population, and White students represented less than a percent (<1%) of all DAEP placements while accounting for 37% of the student population from 2017 to 2018 in the major urban school district.

In KISD African American students represented a quarter (25%) of all DAEP placements and accounted for 10% of the student population, Hispanic students represented less than half (39%) of all DAEP placements and accounted for 35% of the student population, and White students represented more than a quarter (28%) of all DAEP placements while accounting for 37% of the student population from 2017 to 2018 in the major suburban school district.

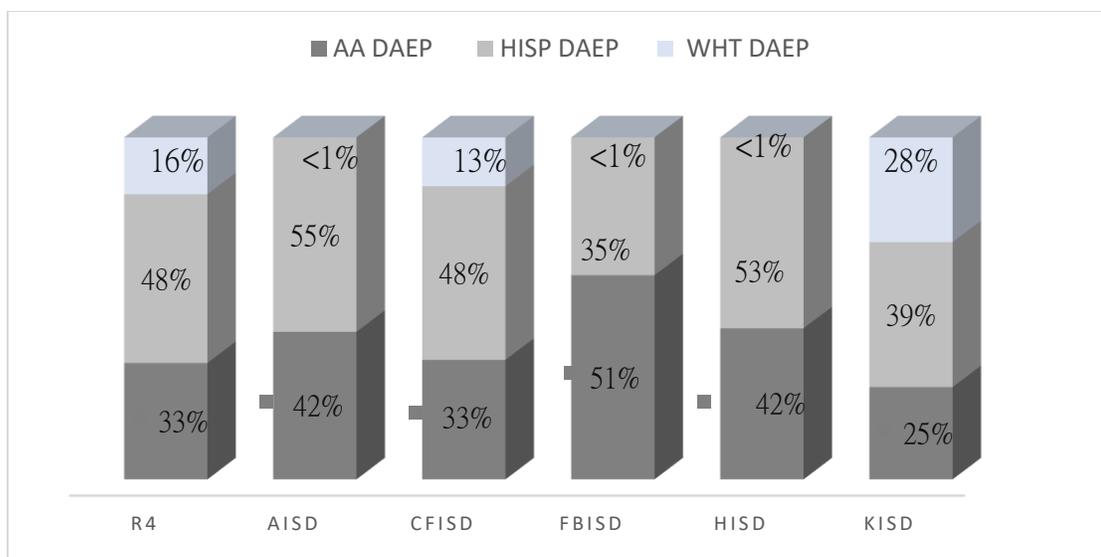


Figure 33. Largest ISDs - Region 4 DAEP Placement by Race/Ethnicity 2017-2018.

**Mandatory vs. discretionary placements by race/ethnicity.** Figure 34 shows within each of the five districts, of all DAEP placements involving African American students, mandatory referrals represented between 32% and 86% of such placements. Discretionary referrals represented between 14% and 68% of such placements in 2017 – 2018.

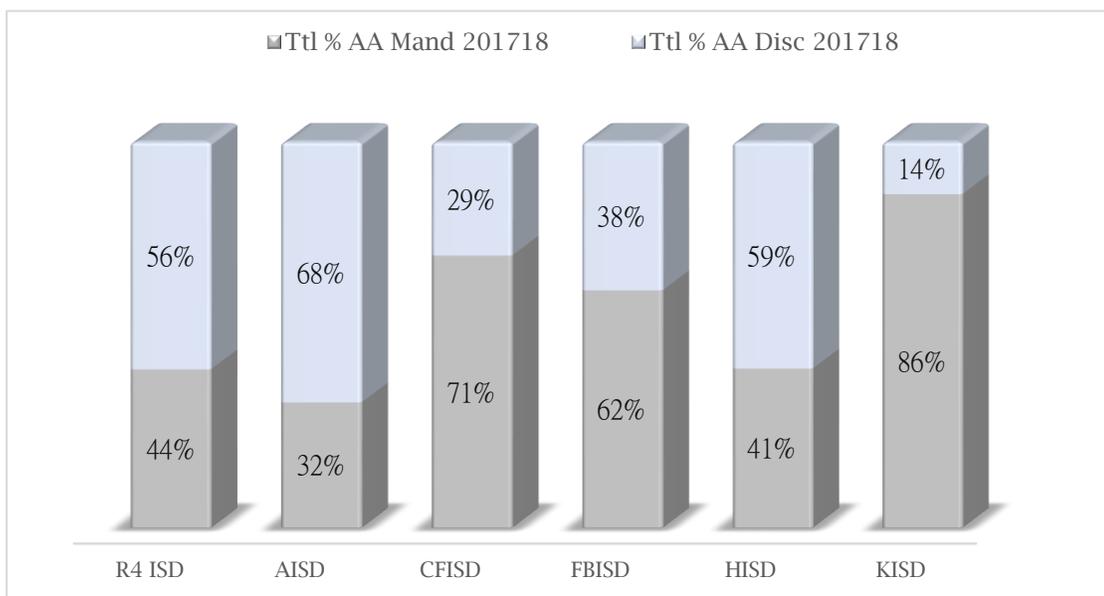


Figure 34. Largest ISDs - Region 4 DAEP Placement for African American Students 2017-2018.

Figure 35 shows across all 5 districts in Region 4, out of all DAEP placements

involving Hispanic students, mandatory referrals represented between 53% and 90% of such placements. Discretionary referrals represented between 10% to 47% of such placements in 2017 – 2018.

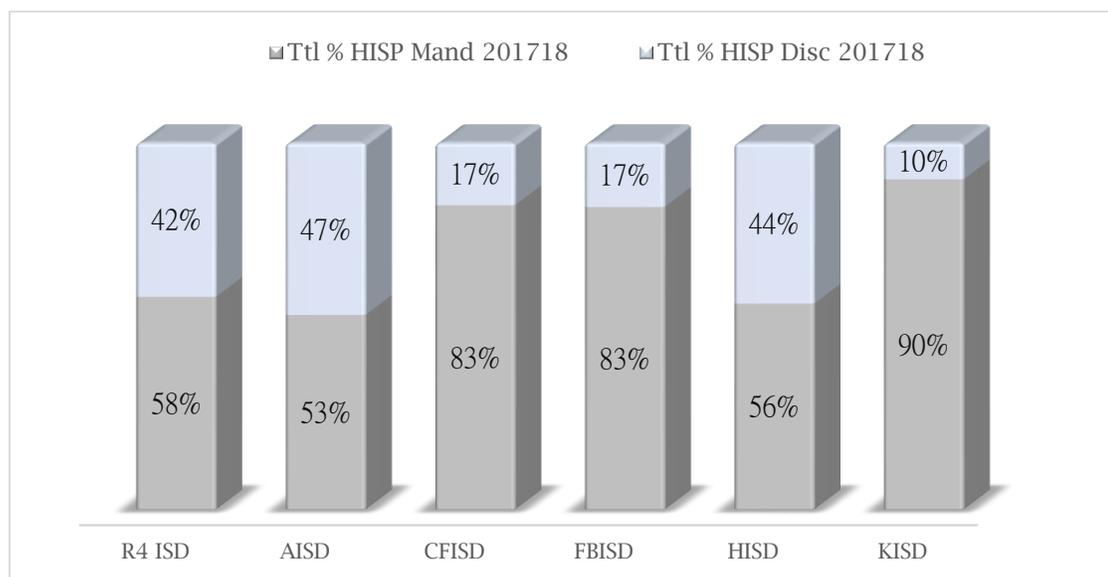


Figure 35. 5 Largest ISDs - Region 4 DAEP Placement for Hispanic Students 2017-2018.

Figure 36 shows for all DAEP placements involving White students, mandatory referrals represented between 77% and 85% of such placements. Discretionary referrals represented between 15% to 23% of such placements in 2017–2018.

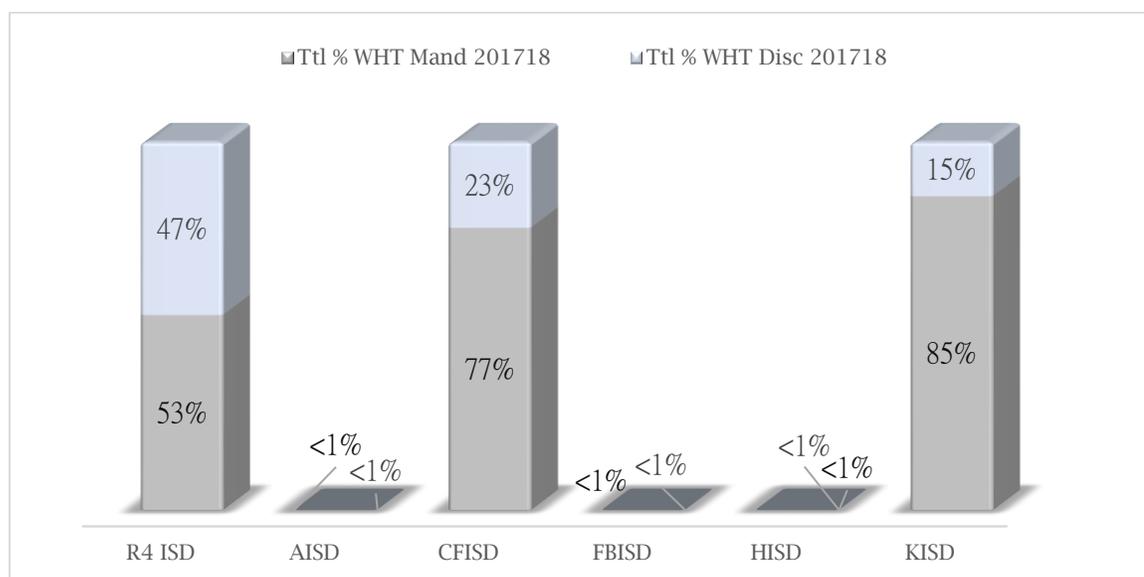


Figure 36. Largest ISDs—Region 4 DAEP Placement for White Students 2017–2018

## **Chapter V**

### **Discussion**

The purpose of this study was to examine the rates and trends of DAEP placements for African Americans, Hispanics, students with disabilities, and those from lower socio-economic status in Texas and Texas Education Agency Region 4 over a 5-year period.

Exclusionary discipline is a disciplinary action that removes a student from his/her regular classroom setting or home campus, temporarily or permanently excluding the student from his or her learning environment, constitutes exclusionary discipline. DAEP placement is a form of exclusionary discipline used as a consequence for specific disciplinary actions or criminal offenses that offer students an opportunity to continue their education. One of the stipulations for operating a DAEP is that it is only offered for disciplinary reasons (discretionary or mandatory) and must include a behavioral management component (self-discipline).

#### **Interpretation of the Results RQ1:**

In this investigation, differences were present among subgroups of students placed in DAEPs in Texas and in Region 4, as compared to what would be expected given their percentage in the student population. For instance, of the overall student population in Texas, African Americans accounted for 13% and White students accounted for between 28% to 29% during this 5-year period. However, White students represented approximately 20% of all DAEP placements and African Americans represented nearly one-quarter, suggesting disproportionate representation.

In Region 4, African Americans had even higher rates of DAEP placements than

expected. The overall student population for African Americans was 19%, though they accounted for roughly one-third (33-36%) of all DAEP placements. Meanwhile, White students had an overall student population of 28% to 29% but represented only 15% to 17% of all student DAEP placements. In sum, these data strongly suggest that African American students were overrepresented in DAEP placements both within the state and the region over the period of this study.

An explanation of overrepresentation for African American students may include, but are not limited to cultural mismatch, implicit bias, negative school and classroom expectations (Gregory et al., 2011). African American students deviate from the cultural norms of behavior by talking and laughing loud, making excessive noise, and questioning authority which are behaviors seen as threatening and combative. Subjective interpretations of behavior by teachers and administrators result in an imposed sanction for students of color (Martin, Sharp-Grier, Smith, 2016). Perhaps, some behaviors (e.g., defiance, disruptive behavior, and offensive use of language) are seen as threatening the teacher's authority and the use of exclusionary discipline is the only recourse (Fenning & Rose, 2007).

Although accounting for less than 10% of the student population in both TX and in Region 4, SWD represented 17% of all DAEP placements in TX and (14% to 15%) of all DAEP placements in Region 4. The examination revealed that SWD were overrepresented in Texas and in Region 4 over the period of this study. Under, the GFSA if a SWD student concealed a weapon or drugs at school or caused serious bodily injury to another person while at school, on school premises or at a school sponsored event the SWD can be placed in a DAEP environment up to 45 days while being protected under

the law (IDEA, 2004). Overrepresentation for SWD could be related to classification identification (emotional disturbance, mild mental retardation, moderate mental retardation, learning disabilities, and speech and language). African American SWD spent more time in a restrictive environment than their peers (Skiba et al., 2006).

Students from low SES backgrounds represented up to 79% of all DAEP placements within TX and Region 4. However, low SES students represented between 59% and 60% of the student population within TX and Region 4 across this time period. A plausible explanation for this seemingly overrepresentation is that students in poverty or those who are economically disadvantaged face a combination of negative academic, social, and racial barriers that include perceptions of those in poverty, teacher interpretation of cultural norms, negative school climate, and subjective discipline referrals that lead to higher rates of suspension and expulsions (Children's Defense Fund, 1975; Hanover Research 2015; Skiba, Michael, Nardo, & Peterson, 2002).

Children who live in or whose parents are from poverty, are pigeonholed by those with "poverty" discipline belief who believe those from poverty have behaviors that will not allow them to be successful because of the lack of self-governance (Fergus, 2019). The "poverty" discipline belief is not about race, it simply justifies disciplinary referrals, lack of achievement, and disproportionality of enrollment into gifted, advance placement, and honors courses, and exclusionary discipline for disobedience, disorderly, or disrespectful conduct of those from lower socio-economic status (Fergus, 2019). A plausible explanation would be that African American students exposed to extreme poverty and have been diagnosed as a SWD will more likely to need more specialized support in the classroom to counter negative behaviors (Skiba et al., 2006).

Researchers have given many reasons as to why overrepresentation in exclusionary discipline still continues to exist, one of the main reasons given is the enactment of zero tolerance policies (Cortez & Cortez; 2009, Reyes, 2006; Tajalli & Garba, 2014). According to Simpson (2014), the growing use of zero tolerance policies is that schools are excluding more and more children from their campus. Research has contributed a degree of disproportionality in exclusionary discipline to teacher and staff biases toward race/ethnicity, disability, and socio-economic status as a major causative factor (Children's Defense Fund, 1975) more recent studies have contributed to this same reasoning (Cregor & Hewitt, 2011; Fenning & Rose, 2007; Losen, 2011; Losen & Skiba, 2010; Skiba & Knesting, 2001; Tajalli & Garba, 2014).

In previous investigations by Cortez & Cortez (2009), Fenning & Rose (2007), Reyes (2006), Skiba (2000), and Tajalli & Garba (2014), minorities were more subjected to disproportionality in school discipline after receiving harsh penalties for nonviolent offenses making them vulnerable to negative outcomes, such as low academic achievement and school dropout. Another common reason for overrepresentation given by researchers is the existence of racial or implicit biases for behaviors alleged to be argumentative and disrespectful or stereotyping based on student presentation and style seen as negative (Gregory et al., 2011; Martin et al., 2016; Simson, 2014). Lastly, another reason given for disproportionality in school discipline is the misconception that greater danger and threat emanate from African American student behavior whereas decisionmakers are likely to consider these behaviors in an ambiguous situation worthy of exclusionary discipline (Simpson, 2014).

Table 12

*Texas – Incidents/Occurrences - Are Schools Safe 2017-2018?*

	Number	Percent
Violated Local Code Of Conduct	1,176,469	95.62
Controlled Substance/Drugs	22,956	1.87
Tobacco	9,786	0.80
Assault-Non district Employee	5,519	0.45
Terroristic Threat	3,521	0.29
Alcohol Violation	3,276	0.27
Assault-District Employee	1,980	0.16
Conduct Punishable As A Felony	1,230	0.10
Public Lewdness/Indct Exposure	1,156	0.09
Title 5 Felony - Off Campus	1,140	0.09
Criminal Mischief	765	0.06
Felony Controlled Subs Violation	657	0.05
Non-Title 5 Felony-Off Campus	429	0.03
Offense Relatg To Prohb Weapon	272	0.02
Firearm Or Handgun Violation	203	0.02
School-Related Gang Violence	191	0.02
Unlawful Carry Of An Illegal Knife	190	0.02
Aggravated. Assault-Non district Employee	184	0.015
Sexual Assault-Non district Employee	103	0.008
Indecency With A Child	97	0.008
Arson	87	0.007
Aggravated Assault-District Employee	76	0.006
Unlawful Carrying Of A Club	18	0.001
Total	1,220,519	100

**Note:** Table created from data retrieved online from Texas Education Agency.

Based on federal and state mandates, districts adopted policies that were established in accordance with laws and regulations concerning school safety. Since the implementation of zero tolerance policies, are schools safe? Do students feel safe at school? Research has demonstrated and continues to monitor the disproportional impact that zero tolerance policies have on African American students through the use of exclusionary discipline (Gregory et al., 2010; Rudd, 2014; Tefera, et al., 2017). The GFSA is concerned with offenses that fall under the category of violence, firearms, weapons other than firearms, alcohol, drugs, and tobacco. The GFSA mandates up to 1 year of expulsion for firearms or weapons. The perception of safe schools is not the same for everyone, a student may feel save at school just because others are around, some may

be really terrified at school because they were threatened by another student on the bus; African Americans and White students have different perceptions of a safe school climate. A study conducted, showed that African Americans had a negative perception of a positive school climate and did not feel safe at school. Basically, African American students perceived school rules as unfair and inconsistent (Skiba et al., (2011). Table 12 represents incidents of occurrences that school officials must respond to.

### **Interpretation of the Results RQ2:**

In this investigation a trend analysis was conducted over the 5-year period to investigate mandatory versus discretionary DAEP referral placements in Texas and in Region 4. The analyses were conducted by race/ethnicity, disability, and socio-economic status. The analyses revealed that mandatory placements increased for all subgroups, and discretionary placement decreased for all subgroups. However, the trend analysis for African American and White students continue to remain “A topic of controversy”. White students continue to have higher rates of *mandatory* placements than African American students and African American students continue to have higher rates of *discretionary* placements than White students. Overall, African American students appear to be placed more often in DAEPs based on discretionary placements in comparison to state and R4 averages for discretionary placements in this study.

Early research by Cortez and Cortez (2009) and Reyes (2006) compared to more recent research conducted by Tajalli and Garba (2014), show discretionary referrals continue to be the preferred method for DAEP placements for African Americans. Based on the results of this study, it appears as if little to no change has occurred in the punitive distribution of discretionary referrals in exclusionary discipline consequences. Prior

research show, African American students with or without disabilities remained the largest group subject to exclusionary discipline (Smith, 2015).

If African American students display unfitting behaviors in the learning environment that are more likely to cause a discipline response, then why do we have overrepresentation? Stigmatization and implicit bias in school discipline are influences in exclusionary discipline and causes racial disproportionality (Simpson, 2014).

Behaviors of African American students fall under the category of defiance, insubordination, or aggression. To administrators, these behaviors may be deemed worthy of punitive discipline (Simpson, 2014). Fenning and Rose, (2007), indicated the need for professional development as it relates to awareness of racism and educator interpretation of unfitting classroom behaviors of students of color. The hypothesis that African American students engage in more mandatory offenses and are more aggressive than their peers has yet to be proven (Tajalli & Garba, 2014, Skiba et al., 2014).

Research shows that White students commit offenses that are more observable and objective such as smoking or vandalism, whereas African American students commit offenses that are more subjective such as disrespect and excessive noise these discipline infractions would most likely cause for a DAEP discretionary placement (Skiba et al., 2014).

Methods have been used to prove this theory; however, there are no results that clearly show African American students engaging in more punishable behaviors than any other student group that would warrant being overrepresented in exclusionary discipline (Skiba et al., 2014) yet consistently, discretionary referrals rates were higher for African American students in Texas and within Region 4 during the period of this study. There is

evidence that illustrates a relationship between poverty and school discipline, however, even after taking poverty into account, racial disparities still exist (Tefera et al., 2017).

### **Interpretation of the Results RQ3:**

In this investigation, differences were present among subgroups of students placed in DAEPs within Region 4's five largest ISDs in comparison to what would be expected given the student population in these districts and in Region 4 overall. African American students had higher DAEP placements and in several of the ISDs then of all DAEP placements regionally. For instance, African Americans were overrepresented in AISD with 42% of all DAEP placements in the district, though they make up only 23% of the student population in the district. Also, in CFISD African American students represented 33% of all DAEP placements in the districts, double the percentage they represent (17%) in the district. Even though White students represented a larger proportion of student population (26%) than African American students, they represented only 13% of DAEP placements.

These scenarios were repeated for the remaining districts with the exception of KISD; though African Americans did not have higher DAEP placements than in the region as a whole, they were still overrepresented in the district. African Americans accounted for 10% of the student population in KISD and represented 25% of all DAEP placements in the district. Meanwhile, White students represented 37% of the student population in KISD, however, they only accounted for 28% of all DAEP placements districtwide. African American students were overrepresented in DAEP placement all 5 of the ISDs. The student code of conduct seems to be what administrators use to drive discretionary decision making for nonviolent offenses. Discretionary referrals are

subjective and provide district administrators with an option (Booker & Mitchell, 2011, Cortez & Cortez, 2009; Fabelo et al., 2011; Reyes, 2006; Tajalli & Garba 2014).

Do zero tolerance policies provide schools with discretionary decision-making power through the use of the student code of conduct? Is discretionary power written in the language of the policies? According to Texas Association of School Boards, (2019), school officials “may” subject a student to a disciplinary action regardless of whether law enforcement seek criminal consequences for the same misconduct. These offenses are mostly connected to GFSA, for weapons, possession, arson, aggravated assault, murder, kidnapping and criminal mischief that are listed in the student code of conduct as mandatory offenses. Nonetheless, criminal consequences of a particular act or incident may impact a school district’s discipline for example, students who engage in conduct punishable by a felony on 300 feet of school property or while attending a school related activity is subject to mandatory placement in DAEP. School officials are permitted, but not required, to remove a students for mandatory DAEP misconduct if even if school officials did not learn of the conduct for more than one year after the conduct occurred.

The ISDs student code of conduct appears to be written using discretionary language such as, “a student may be placed.....” “suspension or optional removal to DAEP may.....” or “misconduct may result in.....” Increases and decreases in DAEP placements may be due to legislature policy changes that eliminated district police officers from writing Class C misdemeanor tickets, eliminated failure to attend school as a criminal offense, HB 692 eliminated the use of exclusionary discipline for students experiencing homelessness or foster care, and students younger than 10 cannot received DAEP placement unless the infraction is expellable. Further, offenses perceived as

threatening committed by African American boys are not considered threatening when committed by other ethnic groups. African American boys are labeled as having pathological and criminal behaviors, however, African American families, are resolved to move out of underfunded schools with unqualified or uncertified teachers to predominantly white schools only to have their children placed in remedial courses causing achievement to suffer (Martin et al., 2016).

### **Implication of Findings**

Archival data from TEA was analyzed and indicated disproportional placement rates into DAEP existed for African Americans, SWD, and students of low SES. Overall, DAEP percentages show that African Americans, SWD, and low SES were overrepresented in students assigned to DAEP in comparison to their representation in the student population within TX and Region 4. African American students also had higher percentages of discretionary referrals and lower percentages of mandatory referrals in comparison to the overall rates of mandatory vs. discretionary in TX and Region 4 data. Within the 5 districts it appears that across all, African Americans were overrepresented in DAEP placements, Whites students were underrepresented, and Hispanic students DAEP placements were in line with the student population of Hispanic students.

The findings of this study show that African Americans, SWD, and SES, were overrepresented in DAEP placement over the five-year period of this study. The study was interested in placement rates and trends for mandatory and discretionary referrals in Texas, and in Region 4 for subgroups of students. Public schools are mandated to provide a quality education, regardless of one's socioeconomic status, that is aligned to the state's standards. Public schools are required to improve the achievement of

disadvantaged students, including minorities, those with disabilities, those in poverty, and those with limited English language skills (Every Student Succeeds Act of 2015, No. 114-95 § 114 Stat. 1177 (2015-2016)).

**Achievement GAP.** Disparities in school discipline may contribute to lower academic achievement for minorities (Losen, 2011; Losen & Skiba, 2010; Reyes, 2006; Tajalli & Garba, 2014; Waller & Waller, 2014). In general, the findings of this study are consistent with other findings that suggest high rates of exclusionary discipline contribute to disproportionality for certain student populations (Cregor & Hewitt, 2011; Morris & Perry, 2016; Reyes, 2006; Skiba et al., 2006; Skiba et al., 2011; Smith, 2015; Tajalli & Garba, 2014; Texas Appleseed, 2016; Waller & Waller, 2014). Are the learning outcomes being met for students placed in DAEP? Or are these placements widening both the discipline and achievement gap? DAEP students scored 29% lower than the overall rate for students statewide on the 2017 STAAR reading test (46% vs. 75%) and 33% lower on the 2017 STAAR mathematics test (45% vs. 78%). The 2017 STAAR passing rates in reading and mathematics were higher for White students assigned to DAEP than for African American and Hispanic students assigned to DAEP. Also, Whites students assigned to DAEP showed higher passing rates on the STAAR end-of-course exam for English I, English II, and Algebra I than African American and Hispanic students assigned to DAEP (Comprehensive Biannual, 2018). It is crucial that we continue to aim for academic achievement during DAEP placement

**Drop-Out Rate.** The comprehensive 2016-2017 dropout rate for students in 7<sup>th</sup> through 12<sup>th</sup> grades assigned to DAEPs was 4.5% compared to the 1.4% drop out rate

statewide. African American and Hispanic students had higher dropout rates than White students, of these assigned to DAEP and statewide (Comprehensive Biannual, 2018).

### **Limitations**

For the purpose of this study only Texas public schools DAEP student enrollment data were analyzed from 2013-2014 to 2017-2018; no prior trend data was available to look for long-term trends. Data was only from Texas and therefore, exclusionary discipline practices cannot be interpreted in other states. Further, given the time period specified, this study cannot address trends in exclusionary discipline prior to 2013-14 school year.

Archival data were retrieved from Texas Education Agency online database and TEA system's personnel assigned to the public information request. Data analyses were limited to certain student populations enrolled in a DAEP as a consequence for a committed violation. This study was restricted to one segment of exclusionary discipline, DAEP placement as a discipline consequence. The study was limited because no specific data was reviewed to determine reasons for DAEP placement, particularly in cases of discretionary referrals. Also, no individual student level data was available to determine the impact of DAEP placement on important outcomes (i.e. achievement on STARR, return to home campus success, and graduation). The study did not attempt to determine cause and effect of DAEP consequences but relied heavily on prior research to make general assumptions about the results during the period of the study.

### **Conclusions and Recommendations**

Results provide evidence of disproportionate representation of specific subgroups of students based on race/ethnicity, disability status, and SES, within the sample of

students referred for DAEP. The results point towards a need to explore the rationale regarding student referrals to DAEP, including discretionary placements for African American students. These results point to a critical need to understand the negative impact DAEP placements can have on important student outcomes such as achievement, graduation, state testing scores, and the social phenomenon of the school to prison pipeline. Additional research on exclusionary discipline beyond TX is warranted to better understand this complex issue.

Ultimately, the recommendations from this study are that we must continue to use comprehensive approaches to maintain safe and orderly learning environments. We must continue the work of reducing exclusionary discipline as a first response to a discipline infraction for all students, regardless of race/ethnicity, disability, or socio-economic status by use of equitable remedies. To advance in equity and equality in school discipline, we must work toward changing our discipline practices, policies, and procedures making them adequate in ensuring a chance for an equal education opportunity for all (Fenning & Rose, 2007; Rudd, 2014,). The findings of this study and others, makes it very clear that intentional systematic approaches are needed to combat disproportionality in exclusionary discipline for African Americans, SWD, and those of lower socio-economic status. We cannot ignore the discipline gap if we want to close the achievement gap (Skiba 2000).

Future studies are warranted to examine exclusionary discipline across states, while exclusionary discipline is a complex area and the need to reduce DAEP placement for all students must be considered. These future studies should collect data on reasons for discretionary referrals, achievement, and surveys should be conducted and/or seek

input from administrators or other school personnel perceptions, beliefs, and practices. DAEP/exclusionary discipline; studies should explicitly investigate individual student outcomes related to placements in DAEP.

## Chapter VI

### Action Plan

#### Introduction

Key findings from the study revealed overrepresentation in DAEP placement existed for African Americans, SWD, and SES students in TX and within Region 4 over the period of this study. When analyzing mandatory and discretionary DAEP placements, data showed an increase in mandatory placements, and a decrease in DAEP discretionary placements within the state and Region 4, however, African American students were still overrepresented in discretionary referrals. In Region 4's 5 largest ISDs, overrepresentation existed for African American students. Research confirms that eliminating the need to use exclusionary discipline as the first recourse in responding to discipline issues will decrease discipline disparities (Losen, 2011; McIntosh, et. al., 2018). One of the recommendations of this study is that teachers, administrators, districts leaders, and stockholders advance in equity and equality in school discipline, we must work toward changing our discipline practices, policies, and procedures making them adequate in ensuring a chance for an equal education opportunity for all (Fenning & Rose, 2007; Rudd, 2014).

#### Materials

**Content.** As a result, the findings of this study can be disseminated in a variety of ways to support closing the discipline and achievement gaps. One way is to present the results of the study in a problem solving/informational one on one meeting or to a group. The second way is to conduct workshops in the form of professional development and in family and community awareness. I have designed two program concepts, the first

one is titled A Socially Behavior Conscious Classroom (ASBCC). The concept of this course is intended to engage a group of participants (current or incoming teachers) in exercises and activities that will provide techniques and strategies for creating A Socially Behavior Conscious Classroom (ASBCC). The activities and discussions are designed to improve one's classroom management style by using techniques that create a behavior conscious classroom for the student and teacher. ASBCC is intentionally managed in a manner that teachers and students are consciously aware of their own behaviors and take responsibility for their role as a participant in the learning environment. ASBCC is intended to create trusting relationships and foster student independence. The goal of this concept is that teachers and students track their conscious behavior. Figure 13 shows one of the main components for teachers, the ASBCC 5 Step Reflective Analysis Tool. The

The second concept is A Socially Conscious Family & Community (ASCFC), this workshop is intended to engage family and community with information and dialogue. As well as tips and strategies for supporting education. The workshops include activities followed by reflective exercises. Anchor For Life Youth Services, a nonprofit organization on the horizon in Ohio and Texas advocating justice and equality for troubled youth will be the liaison for implementing the family and community awareness program. The awareness programs will bridge the gap between research and community awareness of social phenomenon, particularly the School-to-Prison Pipeline.

### **Format**

**Staff development.** The goal of this professional development would be providing teachers with tools and resources to create classroom environments that reflect equity and equality. Texas Education Agency requires teachers to complete continuing

professional education hours. This professional development will address effective classroom management skills (practice, policy, and procedures) as it relates to this study. Research shows teachers who participate in high-level problem-solving strategies geared toward resolving discipline issues at the classroom level issue low referrals (Gregory et al, 2016). independence. The content delivery for this workshop is in the form of modules and participants will be using a guided workbook.



Figure 37. Concept - ASBCC 5 Step Reflective Analysis Tool.

Table 13

*5 Step Analysis Tool*

Analyze ACTIONS	Reflective ACTIONS
Retell the STORY	Retell the story using your own words.
Remember (thoughts, feelings, & behaviors)	What were you thinking/feeling/doing at the time?
Responses (input/output)	How did you respond/What type of response was received
Re-EVALUATE	What could have been done/What was negative/positive? Examine the details of the story
Required Action	What will you do the next time this occurs? From your understanding, why did the situation happen?

**School board meetings.** This format is a great way to share the results of this study. A fundamental role of the school board is to work with communities to improve student achievement. The primary reason for this presentation would be to raise awareness of the issue of overrepresentation for African Americans, SWD, and those of lower socio-economic status and introduce the concept of A Socially Behavior Conscious Classroom (ASBCC) professional development. The goal would be to encourage board members to support the use of alternative methods to suspension and expulsion and to spearhead the ASBCC concept as a project.

**Community informational workshops.** The format for sharing the results of this study would be in the form of a community workshops through the nonprofit agency, Anchor For Life Youth Services (OH and TX). Theme Title: A Socially Conscious Family & Community - the objective of this workshop is to help families to become more involved and aware of the importance of academic and discipline success for kids. Research show that family and community involvement can improve student outcomes (Sheldon & Epstein, 2002). The workshop would address building positive relationships with teachers and school community and informing families of some of the positive approaches being used in classrooms, such as PBIS, Restorative practices, and hopefully, A Socially Behavior Conscious Classroom (ASBCC).

**National and state conferences.** The format for sharing the results of this study would be in the form of a presentation. Presentations at national and state conferences provide a platform for professional learning and opportunities for educator network. This is an opportunity to share the research and as well as receive some feedback from peers and to introduce the concept of A Socially Behavior Conscious Classroom (ASBCC)

professional development and network.

**State representative meetings.** The results of this study deserve much attention, first of many will be to schedule a meeting with State Representative, Shelia Jackson Lee and other state representatives, the format for sharing the results of this study would be in the form of a presentation. The expected outcome is to get support and bring attention to problem of disproportionality in exclusionary discipline among minorities in TX public schools. Researchers believe, the negative outcome of exclusionary discipline put students directly on the path to the School to Prison Pipeline (Cregor & Hewitt, 2011; Fenning & Rose, 2007; Lynn, 2010; Texas Appleseed, 2016; Wald & Losen, 2003; Tuzzolo & Hewitt, 2006). Policy makers can provide funding to non-profit organizations for projects.

**Policy briefs.** The format for sharing the results of this study can be in the form of a policy brief. The results from this study can be published on websites that provide access to those conducting research or those looking for professional development.

### **Delivery**

**Audience.** Depending on the platform delivery the audience could potentially be parents, community, school board members, administrators, and teachers.

**Informational design.** Presenting the results of this study in a PowerPoint presentation to persuade the audience of the great need to close the discipline and achievement gaps.

**Workshop design.** In linking theory to practice the design of this instruction will rely on the Andragogy approach where adults will be involved in the planning, delivery, and evaluation of their learning and the Transformative learning theory based on its three

parts, cognitive perspective where participants will be driven to think about how they think about the current issues surrounding closing the gaps, beyond rationale which involves the process of thinking, reflecting, questioning, and examining one's belief of exclusionary discipline, and social change where participants become aware and make the decision for change.

### **Assessment and Evaluation Tool**

Evaluating the effectiveness of this professional development will be collected using Likert scale responses.

**Formative.** Table 14 shows the program evaluation form used to evaluate the professional development. This form will also be available online.

Table 14

#### *Program Evaluation Form*

	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Relevant
Select the most appropriate response	5	4	3	2	1
Was the information helpful?	X				
Was the presentation easy to understand?	X				
Can the content provided be put to use immediately?		X			
Activities and discussions relevant for today's learning environment?	X				
Did the session on research & data provide a better understanding of exclusionary discipline?	X				
Did you find the reflection segment helpful?		X			

**Summative.** Online participants' survey will be used to assess learning. This could pose a problem if participants did not complete the survey, in to alleviate this

potential problem. Participants will not receive certificate of participation until the survey is completed.

### **Potential Barriers**

The success of launching any new program is dependent upon anticipating barriers to its implementation. It is important to create strategies to avoid such burdensome obstacles that tend hold up or prevent launching on time. The following (see Table 15) are barriers that have been identified as possible obstacles and solutions have been provided for each.

Table 15

#### *Solutions & Strategies to Barriers*

Potential Barriers	Solution & Strategies
Not having a launch date	Utilize a team to brainstorm with and/or communicate with someone who has the experience and/or knowledge of project implementation; create a time frame of when things should be done in order to meet the implementation deadline. Always communicate change without regard to how small it may seem.
Not having a plan or following the plan	Develop a plan and stick to it – see the beginning and the end of the project; but be able to move the vision if there is a critical need for change.
Do not be a one man team	Solicit help from those that are interested in the work; offer a fee for services rendered or negotiate with them to volunteer. Ensure they receive recognition for their efforts. Make sure all participating on the project are aware of the vision and on one accord.
No budget	The success of any project depends on the resources available. Create a budget based on project needs; review daily and revise when necessary. Always communicate change without regard to how small it may seem. Lack of resources can hinder a project.
No identified vendors	Identify vendors needed to get the project done such as printing needs, website design, social media assistance, etc. Ask family, friends, and colleagues for references. Ensure cost is within the budget. Ask vendors for quotes and give deadline to respond.
Lack of time management & planning	Time management and planning are essential to the implementation of any project, keep good notes and plan according to keep moving toward the launch date. Meet regularly with team and utilizing applicable technology.

**Conclusion**

Exclusionary discipline is a concern for many, the results of this research will be trifold, one informing advocacy groups, policy makers, and researchers of the need for support and continuous improvement in policies, procedures, and practices in finding ways to positively impact academic achievement through closing the discipline gap. Secondly, the professional development will help educational practitioners become conscious in their classroom management techniques to find alternatives to exclusionary discipline as the first response. Third, families and communities have an opportunity to understand the importance of their involvement in family, community, and school relationships that positively impact student achievement.

## References

- Advancement Project, Education Law Center–PA, Fair Test, The Forum for Education and Democracy, Juvenile Law Center, & NAACP Legal Defense and Educational Fund. (2011). *Federal policy, ESEA reauthorization, and the school-to-prison pipeline*. Washington, DC: Advancement Project.
- Annie E. Casey Foundation. *2017 Kids count data book* (2017).  
<https://www.aecf.org/resources/2017-kids-count-data-book/>
- Annie E. Casey Foundation. *2019 Kids count data book*. (2019).  
<https://www.aecf.org/resources/2019-kids-count-data-book/>.
- Agudelo Acevedo, F. I. (2016). *Beyond race: a quantitative study of the discipline gap among predominantly Black high schools in Chicago* (Doctoral dissertation). Retrieved from: <https://search-proquest-com.ezproxy.lib.uh.edu/results/78D03D45C2364BEFPQ/1?accountid=7107>
- Allen, J. P., Philliber, S., Herrling, S., & Kuperminc, G. P. (1997). Preventing teen pregnancy and academic failure: Experimental Evaluation of a Developmentally Based Approach. *Child Development*, 68(4), 729. doi:10.2307/1132122
- Allman, K. L., & Slate, J. R. (2011). School discipline in public education: A brief review of current practices. *International Journal of Educational Leadership Preparation*, 6(2), 1–8. Retrieved from <https://files.eric.ed.gov/fulltext/EJ973838.pdf>
- American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and

recommendations. *The American Psychologist*, 64(9), 852–862. doi:  
10.1037/0003-066x.63.9.852

- Blad, E. (2015). Discipline practices erect detours for special-needs students. *Education Week* 34(33), 12–13. Retrieved from  
<https://www.edweek.org/ew/articles/2015/06/04/discipline-practices-erect-detours-for-special-needs-students.html>.
- Bayh, B. (1975). *Our nation's schools — report card: "A" in school violence and vandalism: Preliminary report of the Subcommittee to Investigate Juvenile Delinquency, based on investigations, 1971–1975*. Washington: U.S. Government Printing Office.
- Bear, G. G. (2010). *Discipline: Effective School Practices*. National Association of School Psychologists, 1–4. Retrieved from [http://apps.nasponline.org/resources-and-publications/books-and-products/samples/HCHS3\\_Samples/S4H18\\_Discipline.pdf](http://apps.nasponline.org/resources-and-publications/books-and-products/samples/HCHS3_Samples/S4H18_Discipline.pdf)
- Board of Education, Norwich Township, Franklin County, Ohio. (1883). *Rules*. Retrieved from [Appendix\\_StudentTeacherRules1883.pdf](#)
- Bohanon, H., Fenning, P., Carney, K. L., Minnis-Kim, M., Anderson-Harris, S., Moroz, K., Pigott, T. (2006). School-wide application of positive behavior support in an urban high school: A case study. *Journal of Positive Behavior Interventions*, 127–140.
- Bottiani, J. H., Bradshaw, C. P., & Mendelson, T. (2017). A multilevel examination of racial disparities in high school discipline: Black and White adolescents'

perceived equity, school belonging and adjustment problems. *Journal of Educational Psychology*, 109(4), 532–545. doi: 10.1037/edu0000155

Booker, K., & Mitchell, A. (2011). Patterns in recidivism and discretionary placement in disciplinary alternative education: The impact of gender, ethnicity, age, and special education status. *Education and Treatment of Children*, 34(2), 193–208. doi: 10.1353/etc.2011.0016

Bradshaw, C., Koth, C., Thornton, L., & Leaf, P. (2009). Altering school climate through School-wide Positive Behavioral Interventions and Supports: Findings from a group-randomized effectiveness trial. *Prevention Science*, 10(100), 100–115. doi:10.1007/s11121-008-0114-9

Bridgner, D. R. Discipline by Teachers in Loco Parentis, 6 Clev.-Marshall L. Rev. 313 (1957). <https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=3665&context=clevstrev>.

Brock, M., Kriger, N., & Miró R. (2017). *School safety policies and programs administered by the U.S. Federal Government: 1990–2016*. Washington, DC: Federal Research Division, Library of Congress. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/251517.pdf>

Children's Defense Fund. (1975). *School suspensions: Are they helping children?* Cambridge, MA: Washington Research Project.

Children's Defense Fund. (2007). *America's cradle to prison pipeline*. Washington, DC: Author.

- Children's Defense Fund. (2009). *Cradle to Prison Pipeline Campaign*. Washington, D.C.: Author. Retrieved from <http://www.childrensdefense.org/child-research-datapublications/data/cradle-prison-pipeline-summary-report.pdf>
- Commissioner's Rules Concerning School Safety and Discipline. Tex. Admin. Code, §103.1203 (2018), (Texas Education Agency, Health and Safety). 35 TexReg 7061.
- Cregor, M. & Hewitt, D. (2011), Dismantling the school-to-prison pipeline: A survey from the field. *Poverty & Race*, 20(1), 5–7.
- Cortez, A., & Cortez, J. D. (2009). *Disciplinary alternative education programs in Texas—009 update*. San Antonio, TX: Intercultural Development Research Association.
- Darensbourg, A., Perez, E., & Blake, J. (2010). Overrepresentation of African American males in exclusionary discipline: The role of school-based mental health professionals in dismantling the school to prison pipeline. *Journal of African American Males in Education*, 1(3), 196–211
- Dong, B., & Krohn, M. D. (2019). Sent home versus being arrested: The relative influence of school and police intervention on drug use. *Justice Quarterly*, 2019, 1–27. doi:10.1080/07418825.2018.1561924
- Egalite, A., Kisida, B. (2015). The benefits of minority teachers in the classroom. Retrieved from RealClear Education: [https://www.realcleareducation.com/articles/2015/03/06/minority\\_teachers\\_in\\_the\\_classroom\\_1167.html](https://www.realcleareducation.com/articles/2015/03/06/minority_teachers_in_the_classroom_1167.html)

- Egalite, A. J., Kisida, B., & Winters, M. A. (2015). Representation in the classroom: The effect of own-race teachers on student achievement. *Economics of Education Review, 45*, 44–52. doi: 10.1016/j.econedurev.2015.01.007
- Every Student Succeeds Act of 2015, No. 114-95 § 114 Stat. 1112. (2015-2016).
- Every Student Succeeds Act of 2015, No. 114-95 § 114 Stat. 1177 (2015-2016).
- Every Student Succeeds Act of 2015, No. 114-95 § 114 Stat. 1111 (2015-2016).
- Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P., III., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Retrieved from [https://knowledgecenter.csg.org/kc/system/files/Breaking\\_School\\_Rules.pdf](https://knowledgecenter.csg.org/kc/system/files/Breaking_School_Rules.pdf)
- Farrell, D. (2018). Partnership for Drug-Free Kids responds to 2018 Monitoring the Future Study [Blog]. Retrieved from <https://drugfree.org/newsroom/news-item/partnership-for-drug-free-kids-responds-to-2018-monitoring-the-future-study/>
- Fenning, P., & Rose, J. (2007). Overrepresentation of African-American students in exclusionary discipline: The role of policy. *Urban Education, 42*(6), 536–559.
- Fenning, P., Wilczynski, J., & Parraga, M. (2000). A comparative analysis of existing secondary school discipline policies: Implications for improving practice and school safety. Challenges of urban education. *Sociological perspectives for the next century*, 175-194.
- Fergus, E. (2019). Confronting our beliefs about poverty and discipline. *Phi*
- Freeman, C. J. (n.d.). A discussion on recidivism rates for a juvenile boot camp. *Florida Department of Law Enforcement*, 1–9. Retrieved from

<https://www.fdle.state.fl.us/FCJEI/Programs/SLP/Documents/Full-Text/Freeman-Chris-paper.aspx>.

- Gall, M. D., Gall, J. P., & Borg, W. R. (2015). *Applying educational research: How to read, do, and use research to solve problems of practice*. Boston: Pearson.
- Gershoff, E. T., & Font, S. A. (2016). Corporal punishment in U.S. public schools: Prevalence, disparities in use, and status in state and federal policy. *Social Policy Report*, 30(1), 1–26. doi:10.1002/j.2379-3988.2016.tb00086.x
- Green, A. L., Nese, R. N. T., McIntosh, K., Nishioka, V., Eliason, B., & Canizal Delabra, A. (2015). *Key elements of policies to address disproportionality within SWPBIS: A guide for district and school teams*. OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports [Weblog]. Retrieved from [https://assets-global.website-files.com/5d3725188825e071f1670246/5d719a961dc2d425535626dd\\_pbis%20disproportionality%20policy%20guidebook%202016-7-24.pdf](https://assets-global.website-files.com/5d3725188825e071f1670246/5d719a961dc2d425535626dd_pbis%20disproportionality%20policy%20guidebook%202016-7-24.pdf)
- Gregory, A., Hafen, C. A., Ruzek, E., Mikami, A. Y., Allen, J. P., & Pianta, R. C. (2016). Closing the racial discipline gap in classrooms by changing teacher practice. *School Psychology Review*, 45(2), 171–191. doi: 10.17105/SPR45-2.171-191
- Gregory, A., & Mosely, P. M. (2004). The Discipline Gap: Teachers' Views on the Over-Representation of African American Students in the Discipline System. *Equity & Excellence in Education*, 37(1), 18–30.
- Gregory, A., Skiba, R. J., & Mediratta, K. (2017). Eliminating disparities in school discipline: A framework for intervention. *Review of Research in Education*, 41(1), 253–278. Retrieved from doi: 10.3102/0091732X17690499

- Gregory, A., Skiba, R. J., & Noguera P. A. (2010). The achievement gap and the discipline gap: two sides of the same coin? *Educational Research, 39*, 59–68.
- Gregory, A., & Weinstein, R. S. (2008). The discipline gap and African Americans: Defiance or cooperation in the high school classroom. *Journal of School Psychology, 46*(4), 455–475.
- Hanover Research. (2015). *Impact of poverty on student outcomes*. Arlington, VA.: Author. Retrieved from <https://www.gssaweb.org/wp-content/uploads/2015/04/Impact-of-Poverty-on-Student-Outcomes-1.pdf>
- Harris, P.W., Lockwood, B., & Mengers, L. (2009). Defining and Measuring Recidivism. *A CJCA White Paper*, 1–49. Retrieved from <https://www.doc.ks.gov/juvenile-services/committee/documentation/6-2017/CJCA/view>
- Heitzeg, N. A. (2009). Education or incarceration: Zero tolerance policies and the school to prison pipeline. *Forum on Public Policy online, 2009*(2), 1–21.
- Hirschfield, P. J., & Celinska, K. (2011). Beyond Fear: Sociological Perspectives on the Criminalization of School Discipline. *Sociology Compass, 5*, 1–12.  
doi:10.1111/j.1751-9020.2010.00342.x
- Horner, R., Sugai, G., Smolkowski, K., Eber, L., Nakasato, J., Todd, A., & Esperanza, J. (2009). A randomized, wait-list controlled effectiveness trial assessing school-wide positive behavior support in elementary schools. *Journal of Positive Behavior Interventions, 11*(3), 133–144.
- Hosley, N. S. (2003). *Survey and analysis of alternative education programs*. Harrisburg: Center for Rural Pennsylvania. Retrieved from <https://files.eric.ed.gov/fulltext/ED478724.pdf>

- Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004).
- Ingersoll, R. M. & May, H. (2011). *Recruitment, retention and the minority teacher shortage* (Report No. 69). Philadelphia, PA: The Consortium for Policy Research in Education.
- Jones, C., Caravaca, L., Cizek, S., Horner, R. H., & Vincent, C. G. (2006). Culturally Responsive Schoolwide Positive Behavior Support. A Case Study in One School With a High Proportion of Native American Students. *Multiple Voices for Ethnically Diverse Exceptional Learners*, 9, 108–119.
- Katsiyannis, A., & Williams, B. (1998). A National Survey of State Initiatives on Alternative Education. *Remedial and Special Education*, 19(5), 276–284.
- Kirby, S. N., Berends, M., & Naftel, S (1999). Supply and demand of minority teachers in Texas: Problems and prospects. *Educational Evaluation and Policy Analysis*, 27(1), 47–66.
- King, R., & Elderbroom, B. (2014). Improving Recidivism as a Performance Measure. *Urban Institute*, 1-13. Retrieved from [https://www.bja.gov/Publications/UI\\_ImprovingRecidivism.pdf](https://www.bja.gov/Publications/UI_ImprovingRecidivism.pdf)
- Kiser, L. J., Nurse, W., Lucksted, A., & Collins, K. S. (2008). Understanding the impact of trauma on family life from the viewpoint of female caregivers living in urban poverty. *Traumatology*, 14(3), 77-90.
- Kleiner, B., Porch, R., and Farris, E. (2002). *Public alternative schools and programs for students at risk of education failure: 2000–01* (NCES 2002-004). Washington, DC: National Center for Education Statistics.

- Krezmien, M., & Leone, P. (2006). Suspension, race, and disability: Analysis of statewide practices and reporting. *Journal of Emotional and Behavioral Disorders, 14*, 217-226.
- Ladson-Billings, Gloria; Tate, William F., IV (1995), Toward a critical race theory. *Teachers College Record, 97*, 47-68.
- Lally, D. (1982). Administrators' perceptions of the effectiveness of discipline codes in New Jersey high schools. *Dissertation Abstracts International, 44*(1).
- Legal Center for Foster Care (2014). School Discipline and Youth In Foster Care. <file:///C:/Users/e050240/Downloads/School%20Discipline%20Issue%20Brief%20FINAL%20FINAL.pdf>
- Lee, T., Cornell, D., Gregory, A., & Fan, X. (2011). High suspension schools and dropout rates for Black and White students. *Education and Treatment of Children, 34*, 167–192. doi:10.1353/etc.2011.0014
- Lee, J. O., Hill, K. G., & Hawkins, J. D. (2012). The role of educational aspirations and expectations in the discontinuity of intergenerational low-income status. *Social Work Research, 36*(2), 141-151. <http://dx.doi.org/10.1093/swr/svs025>
- Legislative Budget Board. (2016). Transitioning students from a disciplinary alternative education program to regular campus. Retrieved from [http://www.lbb.state.tx.us/Documents/Publications/Issue\\_Briefs/3091\\_Transitioning\\_Students\\_from.pdf](http://www.lbb.state.tx.us/Documents/Publications/Issue_Briefs/3091_Transitioning_Students_from.pdf)
- Levin, M. (2006). Schooling a new class of criminals? Better disciplinary alternatives for Texas students. *Texas Public Policy Foundation*. Retrieved from

<https://files.texaspolicy.com/uploads/2018/08/16091944/2006-03-PP-DAEP-ml.pdf>

Lohmann, R. C. (2016) The effects of substance-related school suspensions

Retrieved from <https://www.rehabs.com/pro-talk-articles/the-effects-of-substance-related-school-suspensions/>

Losen, D. J. (2011). *Discipline policies, successful schools, and racial justice*. Boulder,

CO: National Education Policy Center. Retrieved from <http://nepc.colorado.edu/publication/discipline-policies>

Losen, D. J., & Skiba, R. (2010). *Suspended education: Urban middle schools in crisis*.

Retrieved from the University of California Los Angeles, Civil Rights Project website at: <http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspendededucation-urban-middle-schools-in-crisis>.

Losen, D. J., & Martinez, T. E. (2013). *Out of school and off track: The overuse of suspensions in American middle and high schools*. Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project of UCLA.

Losen, D. J., Hodson, C., & Martinez, T. E. (2015). *Disturbing inequities: Exploring the relationship of discipline disparities for students with disabilities by race with gender with school outcomes*. In D. J. Losen (Ed.), *Closing the school discipline gap: Equitable remedies for excessive exclusion*. New York: Teachers College Press.

Losen, D. J., Hodson, C., Keith II, M. A., Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* Los Angeles: The Center for Civil Rights Remedies.

- Losen, D. J., Keith II, M. A., Hodson, C., Martinez, E., & Belway, S. (2015). Closing the school discipline gap in California: Signs of progress. Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project.
- Losen, D. J., Keith II, M. A., Hodson, C., Belway, S., & Martinez, E. (2016) Charter schools, civil rights and school discipline. Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project.
- Lynn, R. (2009). Race differences in school exclusions and anti-social behavior. *Mankind Quarterly*, 50(1), 95–105. Retrieved from <http://0-search.proquest.com.library.uark.edu/docview/222513226?accountid=8361>.
- Joint - Dear Colleague Letter. (2018, December 21). Retrieved from <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>
- May, S., Ard, W., III., Todd, A. W., Horner, R. H., Glasgow, A., & Sugai, G. (2003). Schoolwide Information System [Computer software]. Eugene, OR: Educational and Community Supports. Retrieved from [www.swis.org](http://www.swis.org).
- Martin, J. L., Sharp-Grier, M., & Smith, J. B. (2016). Alternate Realities: Racially Disparate Discipline in Classrooms and Schools and its Effects on Black and Brown Students. *Leadership and Research in Education: The Journal of the Ohio Council of Professors of Educational Administration (OCPEA)*, 3(1), 1–31.
- McCarthy, J. D., & Hoge, D. R. (1987). Social construction of school punishment. *Social Forces*, 65, 1101–1120.
- McIntosh, K., Chard, D., Boland, J., & Horner, R. H. (2006). Demonstration of combined efforts in school-wide academic and behavioral systems and incidence of reading

- and behavior challenges in early elementary grades. *Journal of Positive Behavior Interventions*, 8, 146-154. doi:10.1177/10983007060080030301.
- McIntosh, K., Ellwood, K., McCall, L., & Girvan, E. J. (2018). Using Discipline Data to Enhance Equity in School Discipline. *Intervention in School and Clinic*, 53(3), 146-152. doi:10.1177/1053451217702130.
- McIntosh, K., Girvan, E.J., Horner, R. H., Smolkowski, K., & Sugai, G. (2014). Recommendations for addressing discipline disproportionality in education. OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports.
- Moles, O. C. (1989). *Strategies To Reduce Student Misbehavior*. Office of Educational Research and Improvement, 1-174. Retrieved from <https://files.eric.ed.gov/fulltext/ED311608.pdf>
- Morris, E. W., & Perry, B. L. (2016). The punishment gap: School suspension and racial disparities in achievement. *Social Problems*, 63(1), 68–86. doi:10.1093/socpro/spv026.
- National Education Association of the United States & National Association of School Psychologists. (2007). *Truth in labeling: Disproportionality in special education*. Washington, D.C.: Author.
- National Institute of Education. (1978). *Violent schools—safe schools: The safe school study report to the Congress*. Washington, DC: Superintendent of Documents.
- National School Resource Network. (1980). *Resource handbook on discipline codes*. Cambridge, MA: Oelgeschlager, Gun and Hahn.

- National Institute of Justice (2014, June). Recidivism retrieved from <https://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx#desistance>.
- Nishioka, V. (with Shigeoka, S., & Lolich, E.). (2017). *School discipline data indicators: A guide for districts and schools* (REL 2017–240). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Northwest. Retrieved from <http://ies.ed.gov/ncee/edlabs>.
- No Child Left Behind Act (NCLB) (2001). No Child Left Behind Act (NCLB) of 2001. PL 107-110, 20 U.S.C. § 6301 et seq. (2001).
- Noguera, P.A. (1995). Preventing and producing violence: A critical analysis of responses to school violence. *Harvard Educational Review*, 65, 189-212.
- Noltemeyer, A., & Fenning, P. (2012). *School discipline. School psychology and social justice: Conceptual foundations and tools for practice*. New York, NY: Routledge Publishers.
- Noltemeyer, A.L. & Mcloughlin, C. S. (2010). Exclusionary discipline: Changes in disproportionality over time. *International Journal of Special Education*, 25(1), 59-70. Retrieved from <https://files.eric.ed.gov/fulltext/EJ890566.pdf>
- Okonofua, J. A., & Eberhardt, J. L. (2015). Two strikes. *Psychological Science*, 26(5), 617–624. doi: 10.1177/0956797615570365.
- Payne, R. K. (2005). *A Framework for Understanding Poverty* (4th ed.). Highlands, TX: aha! Process, Inc.

- Peterson, R. L., & Skiba, R. (2001). Creating School Climates That Prevent School Violence. *The Social Studies*, 92(4), 167-175.
- Raudenbush, S.W., & Bryk, A.S. (2001). Hierarchical linear models: Applications and data analysis methods. Sage: Thousand Oaks, CA.
- Reyes, A. H. (2001). Alternative education: The criminalization of student behavior. *Fordham Urban Law Journal*, 29(2), 539–559.
- Reyes, A. H. (2006). *Discipline, Achievement, and Race: Is zero tolerance the answer?* Lanham, MD: Rowman and Littlefield Education.
- Rohner, R. P., Kean, K. J., & Coumoyer, D. E. (1991). Effects of corporal punishment, perceived caretaker warmth, and cultural beliefs on the psychological adjustment of children in St. Kitts, West Indies. *Journal of Marriage and the Family*, 53, 681-693.
- Rudd, T. (2014). *Racial disproportionality in school discipline: Implicit bias is heavily implicated*. Columbus, OH: Kirwin Institute for the Study of Race and Ethnicity.
- Rueda, R., & Stillman, J. (2012). The 21st century teacher: *Journal of Teacher Education*, 63(4), 245-253. doi:10.1177/0022487112446511
- Rumberger, R. S., & Losen, D. J. (2016). The high cost of harsh discipline and its disparate impact. Retrieved from [https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/the-high-cost-of-harsh-discipline-and-its-disparate-impact/UCLA\\_HighCost\\_6-2\\_948.pdf](https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/the-high-cost-of-harsh-discipline-and-its-disparate-impact/UCLA_HighCost_6-2_948.pdf).

- Salkind, N. J. (2008). Cultural deficit model. In the *Encyclopedia of Educational Psychology*. Thousand Oaks, CA: SAGE. Retrieved from <http://dx.doi.org/10.4135/9781412963848.n60>
- Sandomierski, T., Kincaid, D. & Algozzine, B. (2007, June). Response to intervention and Positive behavior support: Brothers from different mothers or sisters from different misters? *Positive Behavioral Interventions and Support Newsletter*, 4 (2), retrieved from [http://www.pbis.org/pbis\\_newsletter/volume\\_4/issue2.aspx](http://www.pbis.org/pbis_newsletter/volume_4/issue2.aspx).
- Sarason, S. B. (1996). *Revisiting "the culture of the school and the problem of change."* New York: Teachers College Press.
- Simson, D. Exclusion, punishment, racism and our schools: A critical race theory perspective on school discipline. 61 *UCLA L. Rev.* 508 (1957).
- Skiba, R. J. (2000). *Zero tolerance, zero evidence: An analysis of school disciplinary practice (Policy Research Report)*. Indiana: Indiana Education Policy Center.
- Skiba, R. J. (2015). Interventions to address racial/ethnic disparities in school discipline: Can systems reform be race-neutral? In R. Bangs & L. E. Davis (Eds.), *Race and social problems* (pp. 107–124). New York: Springer.
- Skiba, R. J., Arredondo, M. I., & Williams, N. T. (2014). More than a metaphor: The contribution of exclusionary discipline to a school to prison pipeline. *Equity & Excellence in Education*, 47, 546-564. doi:10.1080/10665684.2014
- Skiba, R. J., & Knesting, K. (2001). Zero tolerance, zero evidence: An analysis of school disciplinary practices. *New Directions for Youth Development*, 2001(92), 17–43.

- Skiba, R. J., Michael, R. S., Nardo, A. C. & Peterson, R. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review, 34*, 317–342.
- Skiba, R. J., Michael, R. S., Nardo, A. C. & Peterson, R. (2000, June). The color of discipline: Sources of racial and gender disproportionality in school punishment. Retrieved from the Indiana University, Safe and Responsive Schools website: <http://www.indiana.edu/~safeschl/cod.pdf/minor.html>
- Skiba, R. J., Horner, R. H.; Chung, C., Rausch, M. K., May, S. L., & Tobin, T. (2011). Race is not neutral: A national investigation of African American and Latino disproportionality in school discipline. *School Psychology Review, 40*(1), 85–107.
- Skiba, R., & Rausch, M. K. (2006). Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In C. M. Evertson & C. S. Weinstein (Eds.), *Handbook of classroom management: Research, practice, and contemporary issues* (pp. 1063-1092). Mahwah, NJ: Lawrence Erlbaum
- Skiba, R., Shure, L., Williams, N. (2011). What Do We Know about Racial and Ethnic Disproportionality in School Suspension and Expulsion?. Atlantic Philanthropies
- Skiba, R. J., & Williams, N. T. (2014). Skiba, R. J., & Williams, N. T. (2014, March). Are Black kids worse? *Myths and facts about racial differences in behavior: A summary of the literature*. Retrieved from [https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african\\_american\\_differential\\_behavior\\_031214.pdf](https://indrc.indiana.edu/tools-resources/pdf-disciplineseries/african_american_differential_behavior_031214.pdf)
- Skiba, R. (2019, March 16). Reducing racial disparities in school discipline—Dr. Russell Skiba [Video]. Retrieved from <https://www.youtube.com/watch?v=V5D8YspHfro>

- Smith, M. (2015). A generation at risk: The ties between zero tolerance policies and the school-to-prison pipeline. *McNair Scholars Research Journal*, 8, 125-141
- Spaulding, S. A., Irvin, L. K., Horner, R. H., May, S. L., Emeldi, M., Tobin, T. J. Sugai, G. (2009). School-wide social behavioral climate, student problem behavior, and related administrative decisions: Empirical patterns from 1,510 schools nationwide. *Journal of Positive Behavior Interventions*, 12, 69-85.
- Sugai, G., & Horner, R. (2007). Evidence base for school-wide positive behavior support. Retrieved from <http://www.pbis.org>.
- Sugai, G., Lewis-Palmer, T., Todd, A. W., & Horner, R. H. (2001). School-wide Evaluation Tool Set (SET). Eugene, OR: University of Oregon, Educational and Community.
- Tajalli, H., & Garba, H. A. (2014). Discipline or prejudice? Overrepresentation of minority students in disciplinary alternative education programs. *The Urban Review*, 46(4), 620–631. doi:10.1007/s11256-014-0274-9
- Tefera, A., Siegel-Hawley, G., & Levy, R. (2017). *Why do racial disparities in school discipline exist? The role of policies, processes, people, and places*. Richmond, VA. Metropolitan Educational Research Consortium.
- Texas Appleseed and Texans Care for Children. (2016). *Dangerous discipline: How Texas schools are relying on law enforcement, courts, and juvenile probation to discipline students*. Retrieved from <http://stories.texasappleseed.org/dangerous-discipline>

- Texas Appleseed. (2019). *2019 New laws related to the school-to-prison pipeline: 86th Legislative Session* Retrieved from <https://www.texasappleseed.org/about-2019-new-laws-school-prison-pipeline>
- Texas Association of School Boards. (2019). *Firearms on school district property*. Retrieved from [https://www.tasb.org/services/legal-services/tasb-school-law-resource/business/documents/firearms\\_on\\_dist\\_property.pdf](https://www.tasb.org/services/legal-services/tasb-school-law-resource/business/documents/firearms_on_dist_property.pdf)
- Texas Education Agency. (2007). *Disciplinary alternative education program practices* Policy Research Report No. 17. Austin: Author. Retrieved from [https://tea.texas.gov/acctres/Spec\\_PRR\\_17\\_2007.pdf](https://tea.texas.gov/acctres/Spec_PRR_17_2007.pdf)
- Texas Education Agency. (2010). *2010 comprehensive annual report on Texas public schools* (Document No. GE11 601 06). Austin, TX: Author. Retrieved from [https://tea.texas.gov/sites/default/files/Comp\\_Annual\\_2010.pdf](https://tea.texas.gov/sites/default/files/Comp_Annual_2010.pdf)
- Texas Education Agency. (2017). *2016 comprehensive biennial report on Texas public schools* (Document No. GE17 601 07). Austin, TX: Author. Retrieved from [https://tea.texas.gov/sites/default/files/comp\\_annual\\_biennial\\_2016.pdf](https://tea.texas.gov/sites/default/files/comp_annual_biennial_2016.pdf)
- Texas Education Agency. (2018). *Enrollment in Texas public schools, 2017–18*. Austin: Author. Retrieved from [https://tea.texas.gov/acctres/enroll\\_2017-18.pdf](https://tea.texas.gov/acctres/enroll_2017-18.pdf)
- Texas Education Agency. (2019). *2018 comprehensive biennial report on Texas public schools* (Document No. GE19 601 07). Austin, TX: Author. Retrieved from [https://tea.texas.gov/sites/default/files/comp\\_annual\\_biennial\\_2018.pdf](https://tea.texas.gov/sites/default/files/comp_annual_biennial_2018.pdf)
- Texas Education Code. (2005). *Education Code 37. Alternative settings for behavior management*. Retrieved from <https://law.justia.com/codes/texas/2005/ed/002.00.000037.00.html>

- Trenda, Angela. (2017). Breaking Free of Generational Poverty: Empowered Single Mothers Who Overcome the Odds. Retrieved from Sophia, the St. Catherine University repository website: [https://sophia.stkate.edu/msw\\_papers/1-45](https://sophia.stkate.edu/msw_papers/1-45).
- Thapa, A., Cohen, J., Guffey, S., & Higgins-D'Alessandro, A. (2013). A review of school climate research. *Review of Educational Research, 83*, 357–385.  
doi:10.3102/0034654313483907
- Thompson, A. M. & Webber, K. C. (2010). Realigning student and teacher perceptions of school rules: A management strategy for students with challenging behaviors' *Children & Schools, 32*(2), 71–79.
- Ttofi, M. M., & Farrington, D. P. (2010). Effectiveness of school-based programs to reduce bullying: A systematic and meta-analytic review. *Journal of Experimental Criminology, 7*, 27–56.
- Tuzzolo, E. T., & Hewitt, D. T. (2006). Rebuilding inequity: The re-emergence of the school-to prison pipeline in New Orleans. *High School Journal, 90*(2), 59–68.
- University of Edinburgh, (2016, November 25). What are equality and diversity?  
Retrieved from <https://www.ed.ac.uk/equality-diversity/about/equality-diversity>.
- U.S. Department of Education. (2010). *Office of Safe and Drug-Free Schools, report on the implementation of the gun-free schools act in the states and outlying areas for school years 2005–06 and 2006–07*, Washington, D.C., 2010. Retrieved from <https://www2.ed.gov/about/reports/annual/gfsa/gfsarp100610.pdf>
- U.S. Department of Education. (2014). *Rethinking school discipline: Remarks of U.S. secretary of education Arne Duncan at the release of the joint DOJ-ED School Discipline Guidance Package*. Retrieved from

<http://www.ed.gov/news/speeches/rethinking-school-discipline>

U.S. Department of Education. (n.d.) *Master list of 2015–2016 CRDC [Civil Rights Data Collection] definitions*. Retrieved from <https://ocrdata.ed.gov/Downloads/Master-List-of-CRDC-Definitions.pdf>

U.S. Department of Education. (2016). *School climate and discipline: Know the data*. Retrieved from <http://www.ed.gov/policy/gen/guid/school-discipline/data/html>

U.S. Department of Education Office of Civil Rights. (2014). 2011-2012 civil rights data collection. (Brief). Washington, D.C.: United States Department of Education.

U.S. Department of Justice. (2015). *Educators gather at the white house to rethink school discipline: U.S. Department of Education announces new tools to help schools rethink discipline*. Retrieved from <https://www.ed.gov/news/press-releases/educators-gather-white-house-rethink-school-discipline>.

Valencia, R. R. (2012). The Evolution of Deficit Thinking. doi:10.4324/9780203046586

Vera Institute of Justice (2014). Cost-benefit analysis and justice policy toolkit. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/cba-justice-policy-toolkit.pdf>.

Vincent, C. G., Randall, C., Cartledge, G., Tobin, T.J. & Swain-Bradway, J. (2011). Toward a conceptual integration of cultural responsiveness and schoolwide positive behavior support. *Journal of Positive Behavior Interventions*, 13(4), 219-229.

Villegas, A. M., Strom, K., & Lucas, T. (2012). Closing the racial/ethnic gap between

students of color and their teachers: An elusive goal. *Equity and Excellence in Education*, 45(2),

Villalobos, J. G., & Bohannon, T. L. (2017). *The Intersection of Juvenile Courts and Exclusionary School*. National Council of Juvenile and Family Court Judges. Retrieved from [https://www.ncjfcj.org/wp-content/uploads/2017/10/NCJFCJ\\_SJP\\_Courts\\_SchoolDiscipline\\_Final.pdf](https://www.ncjfcj.org/wp-content/uploads/2017/10/NCJFCJ_SJP_Courts_SchoolDiscipline_Final.pdf)

Voulgarides, C. K., & Zwerger, N. (n.d.). Identifying the root causes of disproportionality. *NYU Steinhardt*, 1–13. Retrieved from [https://research.steinhardt.nyu.edu/scmsAdmin/media/users/1181/Identifying\\_the\\_Root\\_Causes\\_of\\_Disproportionality.pdf](https://research.steinhardt.nyu.edu/scmsAdmin/media/users/1181/Identifying_the_Root_Causes_of_Disproportionality.pdf)

Wald, J., & Losen, D. J. (2003a). Defining and redirecting a school-to-prison pipeline. In J. Wald & D. Losen (Eds.), *New directions for youth development: Deconstructing the school-to-prison pipeline* (pp. 9–15). San Francisco, CA: Jossey-Bass.

Wald, J. & Losen, D. J. (2003b). Editors' notes. In J. Wald & D. Losen (Eds.), *New directions for youth development: Deconstructing the school-to-prison pipeline* (pp. 1–2). San Francisco, CA: Jossey-Bass.

Waller, S., & Waller, L. (2014). Alternative Disciplinary Placements in Texas. *The Global eLearning Journal*, 3(1). Retrieved from <http://aurak.ac.ae/publications/Alternative-Disciplinary-Placements-in-Texas.pdf>

Walsh, J., Kemerer, F. R., & Maniotis, L. (2014). *The educators guide to Texas school law*. Austin: University of Texas Press.

Walsh, N., & Weber, J. (2008, May). Recidivism of Juvenile Offenders (Publication).

Retrieved May, 2017, from Council of State Governments Justice Center website:

Recidivism of Juvenile Offenders (Publication). (2008, May). Retrieved from

[http://www.cfc.wa.gov/PublicationSentencing/Recidivism/Juvenile\\_Recidivism\\_](http://www.cfc.wa.gov/PublicationSentencing/Recidivism/Juvenile_Recidivism_)

[FY2007.pdf](http://www.cfc.wa.gov/PublicationSentencing/Recidivism/Juvenile_Recidivism_FY2007.pdf).

Warnick, K. Warnick, & A. Laffoon (Ed.s). Educational policy and practice: the Good,

the bad, and the pseudoscience. Volume 1: Educational Theory and Policy. (pp

67-82). New York: Nova Science Publishers, Inc.

Witt, Howard. 2007. "School Discipline Tougher on African American". *Chicago*

*Tribune* September 5.

## Appendix A

### Supplemental Figures

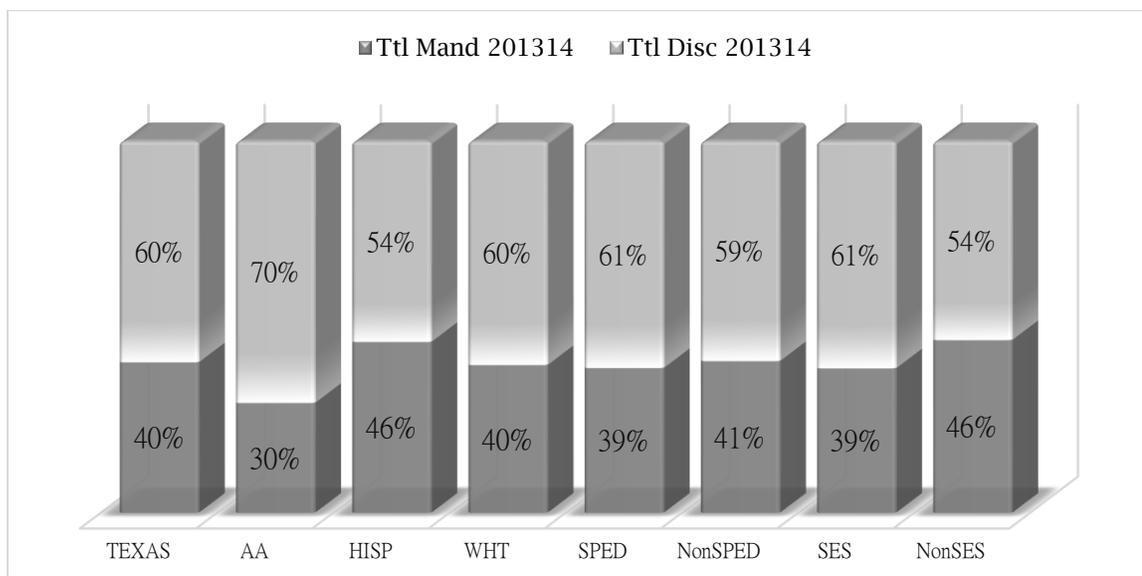


Figure A.1. Texas—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2013–2014.

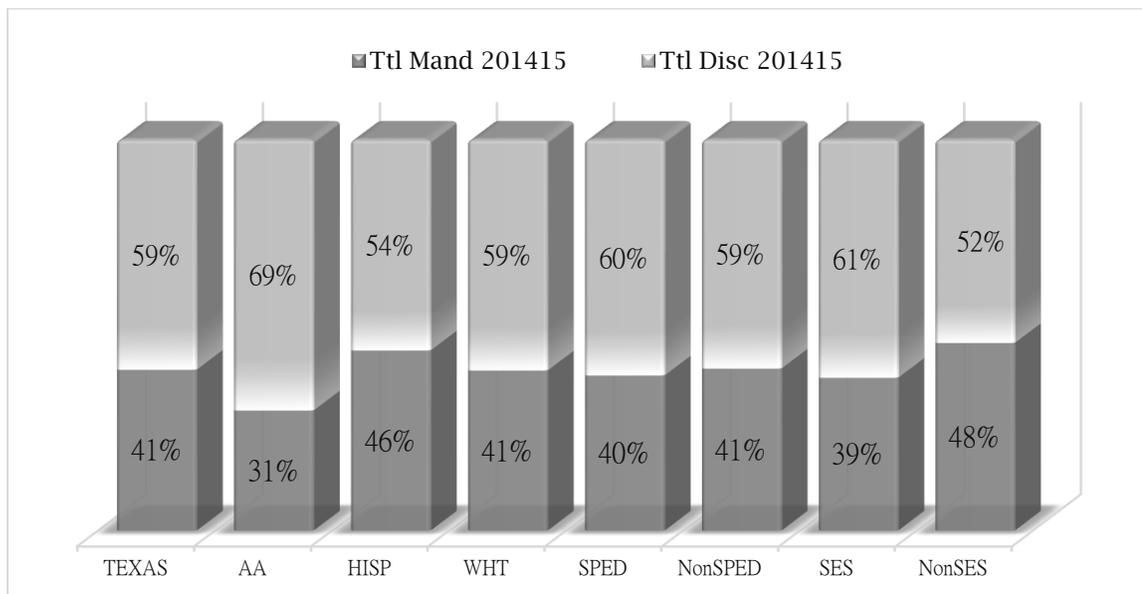


Figure A.2. Texas—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2014–2015.

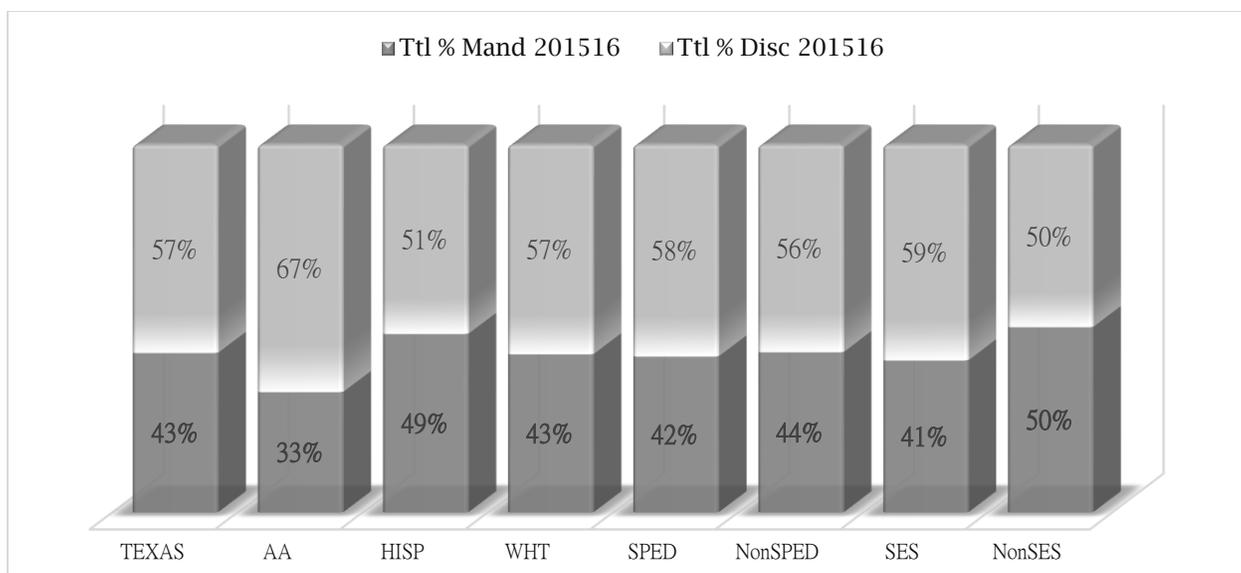


Figure A.3. Texas—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2015–2016.

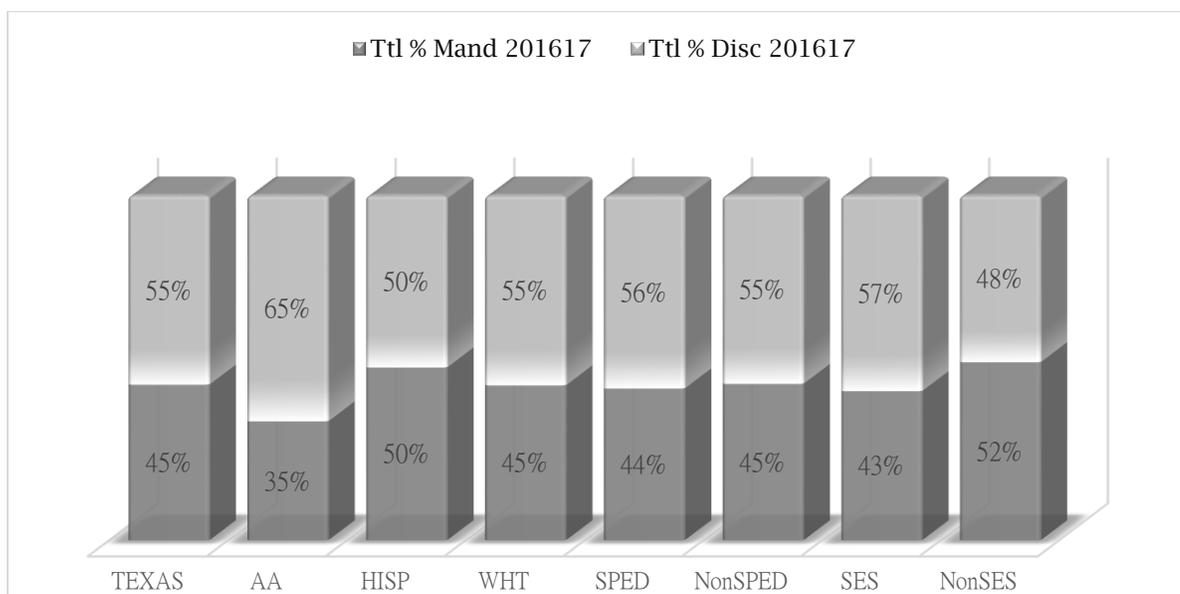


Figure A.4. Texas—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2016–2017.

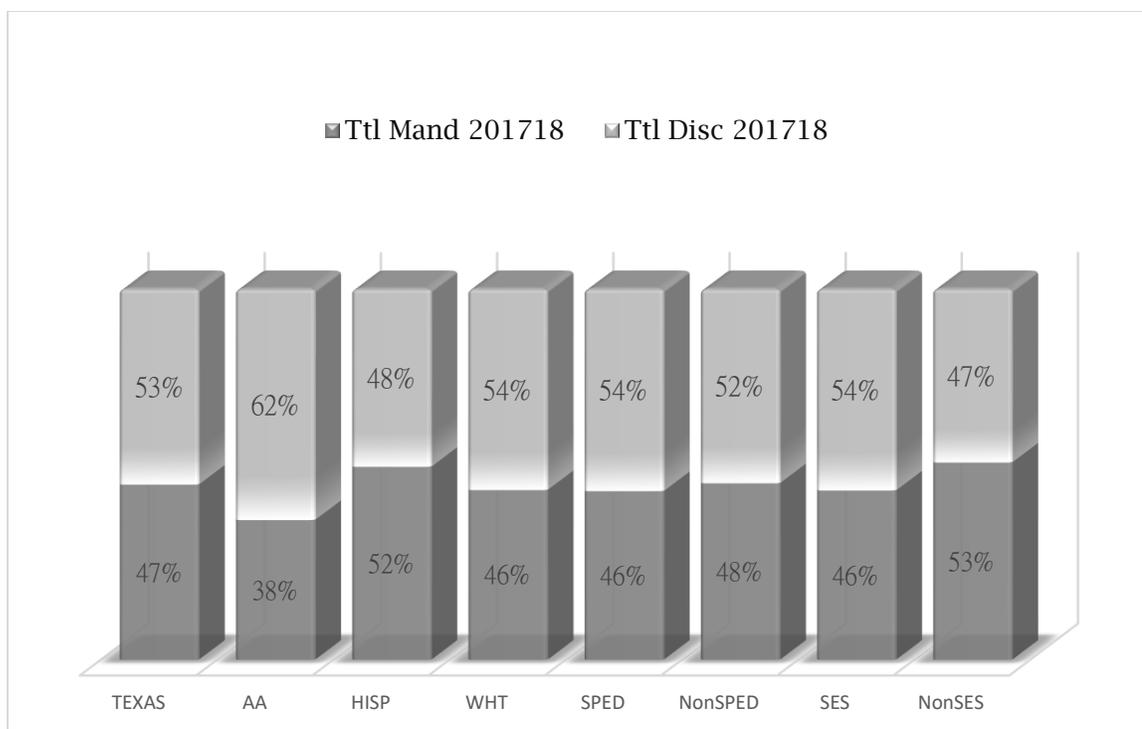


Figure A.5. Texas—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2017–2018.

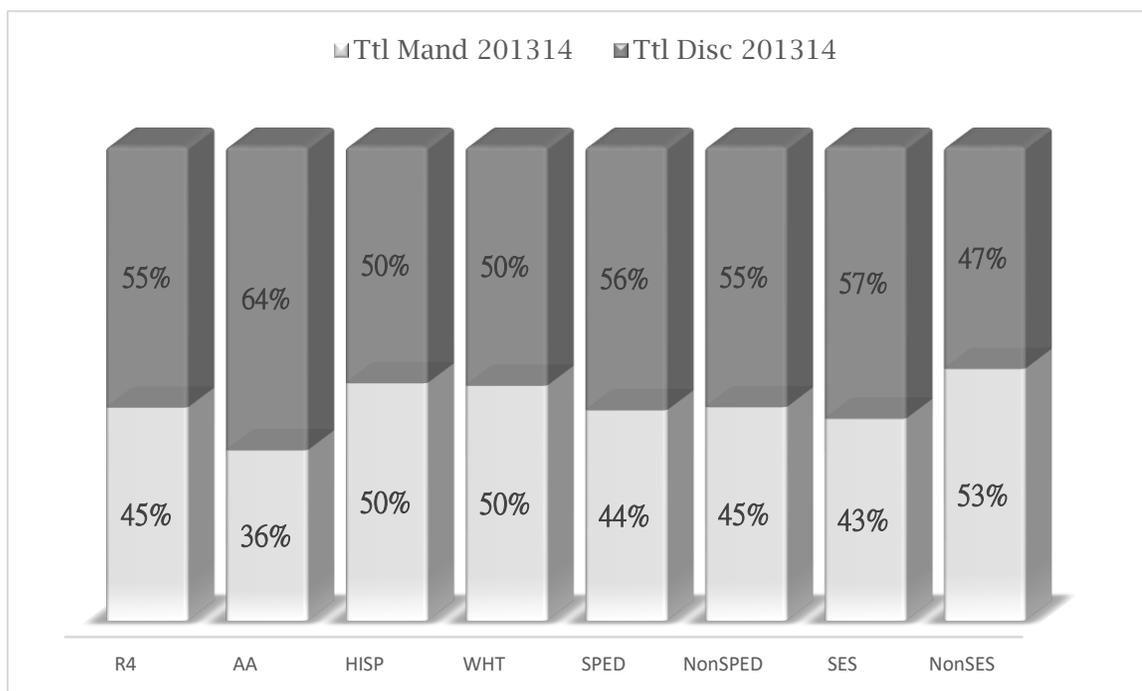


Figure A.6. Region 4—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2013–2014.

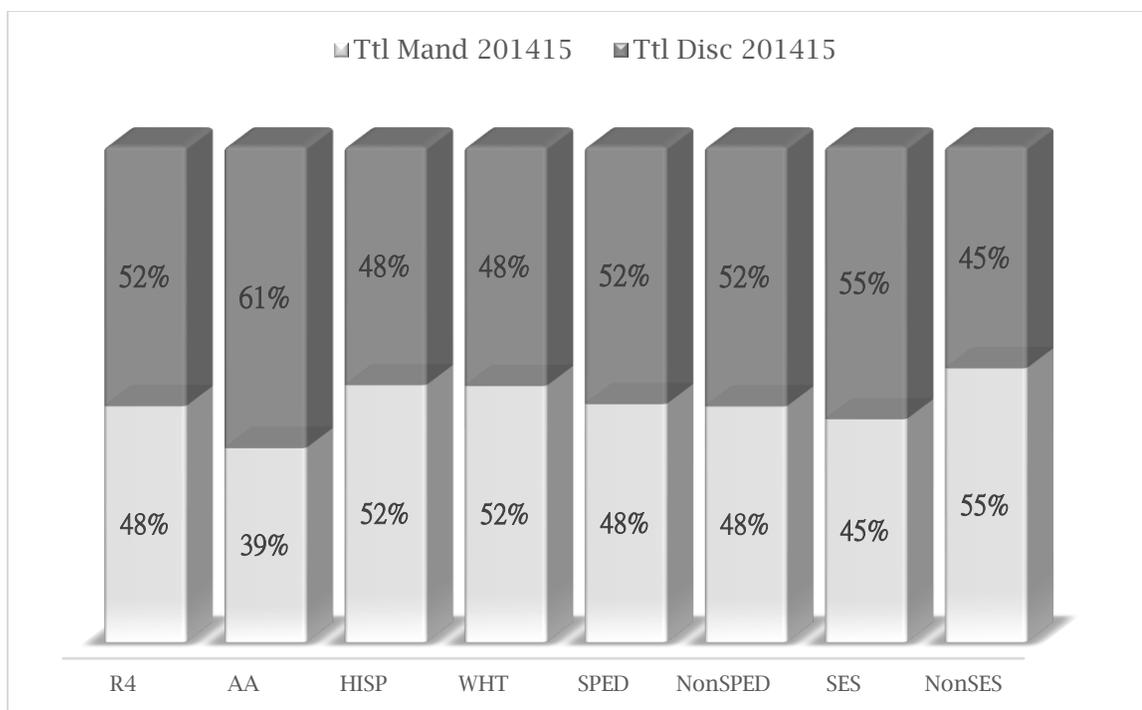


Figure A.7. Region 4—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2014—2015.

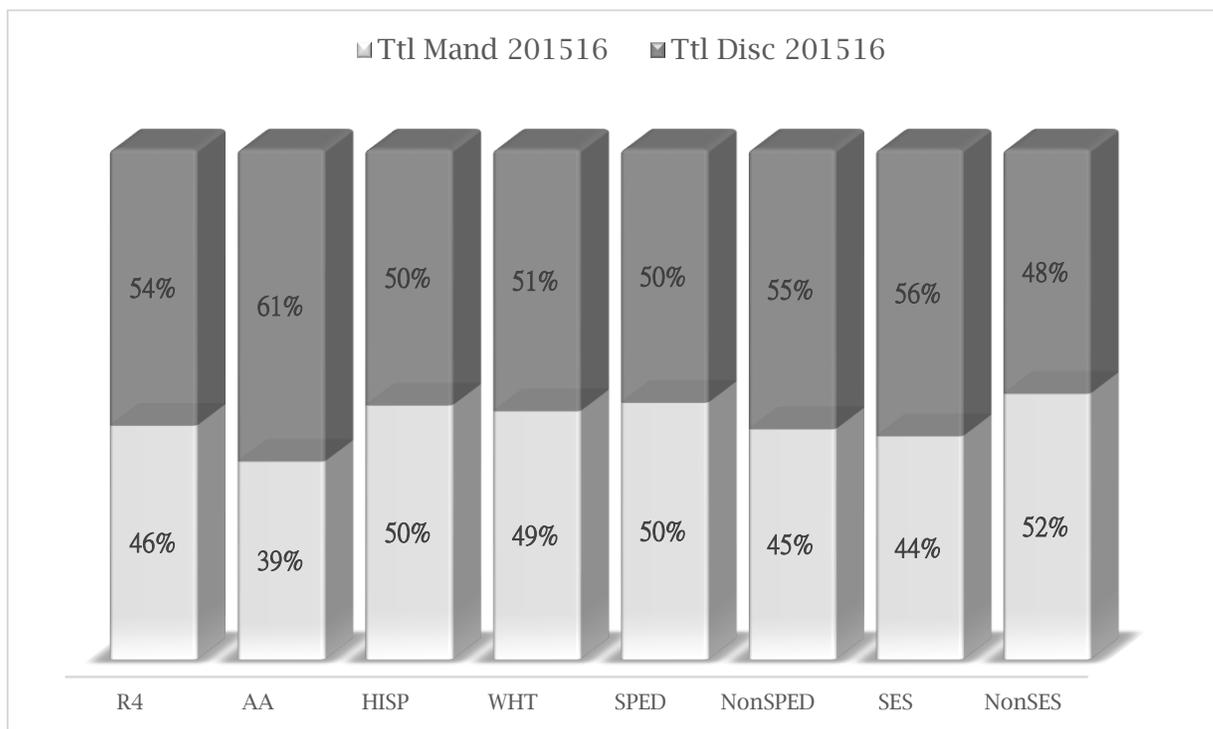


Figure A.8. Region 4—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2015—2016.

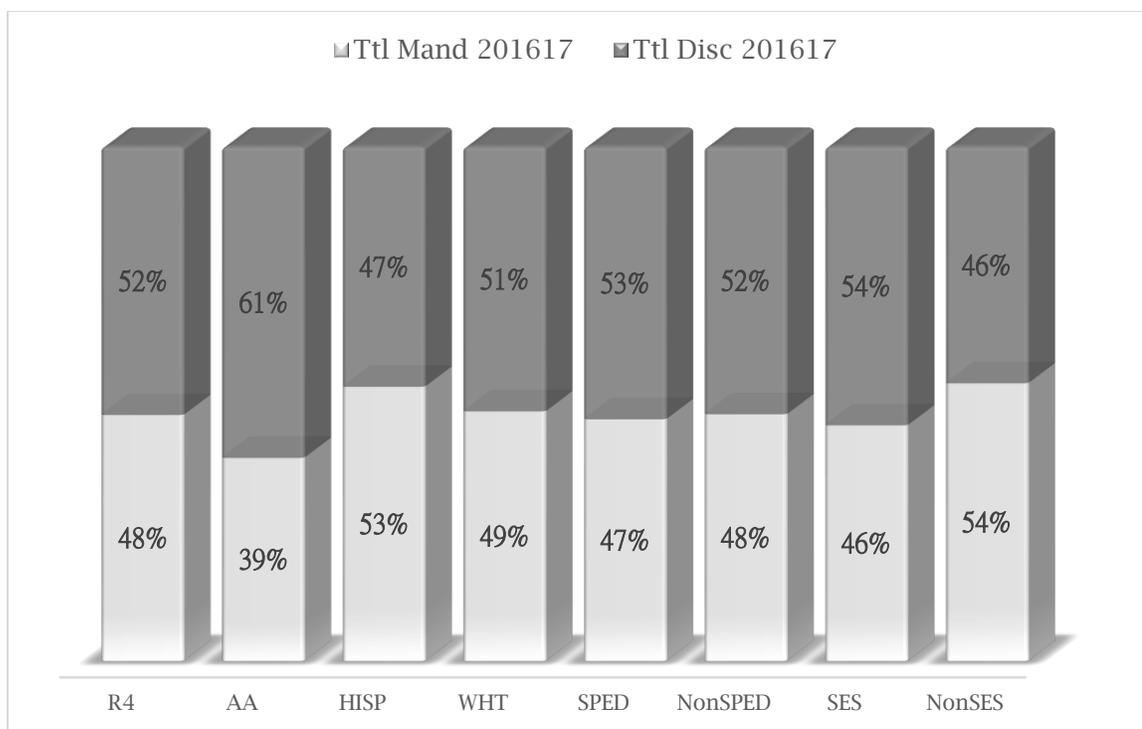


Figure A.9. Region 4—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2015—2016.

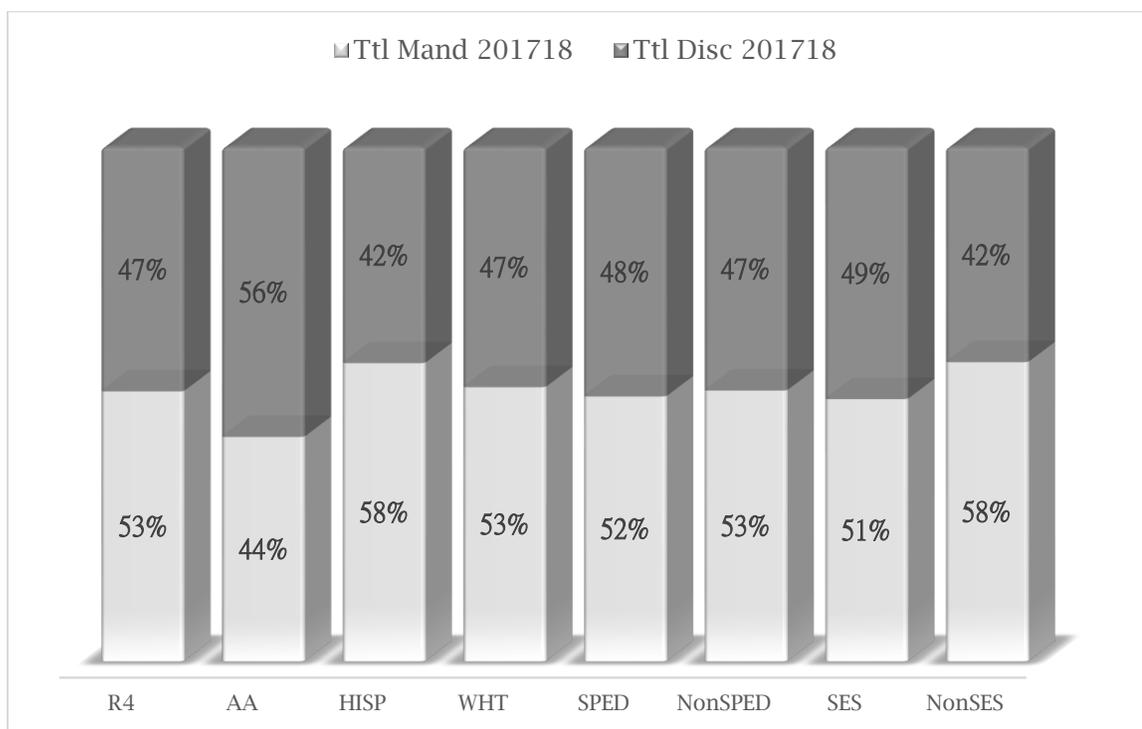


Figure A.10. Region 4—Mandatory/Discretionary DAEP Placement Rate by Race/Ethnicity, SWD, and SES 2017—2018.